

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, NOVEMBER 19, 2024**

MINUTES

Call to Order

The meeting was called to order at 6:01 p.m. by Chairman May.

Roll Call

PRESENT

Chairman Tim May
Vice Chairman David Gilmore
Commissioner Dustin Jensen
Commissioner Brenda Kihl
Commissioner Tony Martinez
Commissioner Bill Nippert

ABSENT

Commissioner Collin Johnson

ALSO PRESENT

Trey Sargent, Town Attorney
John M. Smith, Town Administrator
Chris Chaudoir, Administrative Assistant

Pledge of Allegiance to the U.S. And Texas Flags

Pledge of Allegiance to the U.S. And Texas Flags led by Chairman May.

Invocation

Invocation given by Vice Chairman Gilmore.

Public Comment

Ron Furtick, 1500 Turbeville Road, passed out copies of a letter to members of the Commission and asked for feedback. He believes the Town of Hickory Creek makes a habit of "eating its own young". He has spent 3 decades bringing the town what it wanted per the Comprehensive Plan, a walkable urban village development with lots of parks and green spaces. He has worked hard to accomplish the task, but his work has been rewarded with an assault on his business, threats of lawsuits, weekly fines and a general contempt for him and his business. He has taken the time to write down some of his thoughts on the economic future of the town in a letter directed to Councilman Gibbons in response to a text and wanted to share his thoughts. He encourages discussion and

wants to help if he can, giving his phone number if anyone wished to contact him. He asked for prayers for the Town on Thanksgiving Day because he believes the town needs prayer.

Kenneth Wendel, 123 Oakwood Lane, who lives on the adjacent property east of the Mansion, asked what was happening with the Reserve property. The trees have been removed, and the property is covered in junk and then they have quit again. He heard something about work in February, that the group was out of money and asked if there is a new construction company. He was encouraged by Chairman May to directly contact the town for more information.

Consent Agenda

1. July 30, 2024 Special Meeting Minutes

Motion to accept the minutes as presented made by Vice Chairman Gilmore, Seconded by Commissioner Nippert.

Voting Yea: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Kihl, Commissioner Martinez, Commissioner Nippert. Motion passed unanimously.

Regular Agenda

2. Conduct a public hearing regarding the request for a Special Use Permit from Kimley-Horn and Associates on behalf of Wal-Mart Real Estate Business Trust for the operation of drones for grocery delivery in the required parking lot and discuss, consider and act on the same. The property is located at 1035 Hickory Creek Boulevard and is legally described as Wal-Mart Addition (Lake Dallas ISD), Block A, Lot 1R, Town of Hickory Creek, Denton County, Texas.

Public Hearing opened at 6:12 p.m.

Michael Tsecouras, 128 Shadow Creek Lane, wished to discuss his concerns about the drones. He read the information provided and, as a seasoned robotics engineer and designer and professional audio engineer, is concerned about the noise. They moved here for the quiet and drones are not quiet. There is also no information about the size of the drone, no-fly zones, noise level specifications or limits, flight patterns, hours of operation and what happens if there is an accident.

Ron Furtick, 1500 Turbeville, stated he had not thought about the issues raised by Mr. Tsecouras and thought they were good points. He is the next-door neighbor and, while he does care about noise, he also cares about the future. Drone deliveries will happen and will be a big deal in the future. This is the start of something, and he guesses Walmart is here because they are the sole provider of money to the city and have a fair amount of leverage. He does support it although he had not thought of the issues raised and his tenants may not be as happy as he would want them to be with drones overhead all day.

Lauren Tsecouras, 128 Shadow Creek Lane, stated her family moved to Hickory Creek to get the best of both worlds, away from the city with a country feel. One of the comments was that Walmart wanted the SUP approved so that people could stay at home. They love getting outside and walking to Walmart or Town Hall. She is concerned about security and whether people will try to break into the storage area to steal the drones. She is deaf and wears hearing aids and is concerned about what the pitch from drones will be like with the hearing aids. She is also concerned about packages being dropped on houses, cars, into the streets, having to go out to get them from the street, things like that from a safety reason. She does not want to be in a high-tech area and is not in favor.

Kevin Lindsay, 104 Magnolia Lane, has concerns about the location of the Nest. Unlike the other locations launching drones, the residences along Ronald Reagan are very close to where the landing pads are located. He wants to know if the pad could be moved further to the east since he is not convinced it needs to be next to the Walmart pick-up area. The school is zoned as a C-1 and he wants to know if there will be a no-fly zone over the school. He also stated the North Richland Hills location has a 1-year pilot program and wondered if this location would also have that.

Ivan Jaime, Director of Government Affairs for Walmart, 16503 Natchitoches Rd, San Antonio, introduced the new store manager Tammy Strada and Ian Hernandez, a member of the local leadership team. He also announced Walmart will also be getting a remodel new year. The pandemic changed customer shopping habits and customers are expecting to get their items shipped to them in a quicker time than previously. Many also want a smaller roadway footprint. Drones can deliver in about 30 minutes. Wing is the company providing the services. The 12-month pilot program involves 12 test sites in the DFW area with diverse needs before being launched nationally.

Bernice Espinosa, Kimley-Horne, went over the layout for the Nest and its placement. They would like to place it near the pick-up area because that is where the orders will be accessed. It is also not placed in front of the store, in high traffic areas or in easements or fire lanes. 31 parking places will be used to create the Nest, bringing the parking ratio to below the 4.0 target.

Catherine Lovett, Wing Aviation, 2801 Live Oak Street Dallas, went over the set-up of the pads for the 18 drones. She also went over the specifications for the drones and the operation. The drones will not always use the same flight path for each individual flight. Operating hours are currently 10 am to 6 pm during daylight savings time. Drones are not equipped with lights and have an approximate 6-mile flight radius. They do not fly over bodies of water, schools or wildlife parks and are federally regulated by the FAA. The Flight Operations Center is in Coppell where Pilots in Command, with Part 107 certification from the FAA, oversee the drones and air space. The drones always stay below 400 feet with a typical cruising altitude of 150 to 200 feet at 65 miles per hour. The drones have avoid and detect software and can

communicate with other aircraft in the area. There have been no accidents to date. When the drone arrives at the location it hovers about 20 feet in the air, never touching the ground, and a tether deploys to deliver the package. The customer can see where the delivery will come in through an app where the location of the drop may also be selected. If, for example, a dog is in the yard and tugs on the tether, the drone will remain airborne, and the tether will detach after the third tug. The customer will get an alert about the issue through their app. From store to door the goal is 30 minutes.

Public Hearing closed at 6:44 p.m.

Commissioner Jensen stated he went to the Lewisville site for the demonstration and asked Wing to talk about privacy issues, camera technology and decibel levels. Ms. Lovett talked about the drones having optical lens on the bottom used for navigation but do not have live feeds. The pilots can only see the air space, similar to a Doppler radar. She has contacted operations about decibel levels and will have that information for council. The drone is rated to carry 2.3 pounds at this time. They are not looking to replace curbside delivery at this time, the drones are mainly for small groceries and medications where the customer does not want to make a run to the store. Delivery numbers differ by day but typically run 30 - 40 a day with Sundays having the highest volume. Late weekday afternoons are also popular. If the weight limit is exceeded, multiple drones may be used with staggered flight times and routes. There are no confirmed plans to increase the size of the Walmart drones at this time. Each store has a catalog of 100s of items available for delivery. Glass containers and flammable goods are not available. There have not been any crashes or mechanical issues, and the drones may land if a no-fly zone is suddenly issued due to other aircraft in the area. Information about the program will be given out through community events and mailers prior to roll out and in-store activations afterwards. They will also have meetings with HOAs if needed. This is a very new service and will currently only be available at 12 DFW stores of the 6000 nationwide. Walmart employees will pick the items and hand them off to the Wing ground operations crew.

Commissioner Kihl confirmed that the drones are only able to fly during daylight hours per the FAA. The drones lift off and immediately go to the 150 - 200 foot flight height and only descend to 20 feet minimum height when they reach the delivery address provided. Commissioner Kihl also asked if the Nest location could be moved to another location in the parking lot as the proposed site is the closest to residential areas and the school. Mr. Jaime responded it was a possibility, but the location chosen was the most convenient for the pick-up area and cross walks and does not require having to run the items across the store. The same employees who pull items for pick-up will pull for the drone deliveries. They are considering the employee safety and traffic patterns. The Frisco store with the Nest in the middle of the parking lot was the first location and they have learned from it. The FAA will not allow the drones to fly over the school and Commissioner Kihl expressed her concern that would force the drones

to fly over the residential area. Commissioner Jensen suggested churches should be added to the no-fly list.

Vice Chairman Gilmore asked how close together the take-offs occurred. Ms. Lovett responded the frequency would depend on the volume of orders, weather and the day of the week. They are staggered and will not all be taking off at once. The drones cannot fly in lightning, thunder and extreme conditions. They can fly in rain and winter conditions although operations would pause in high winds, below zero, and severe weather. Typically ground operations are paused in any conditions that would also ground operations at DFW Airport.

Chairman May asked if TxDOT had any restrictions over the roadways they operate. Ms. Lovett responded flights were controlled by the FAA, but the company did stay in touch with TxDOT as part of operations. The FAA height limit is 400-500 feet, and the drones do not fly above 200 feet. The flight ops team will determine the area eligible for delivery after approval of the Special use Permit. They will be connecting with other cities that are in the flight area. Tax dollars will stay with the point of sale in Hickory Creek. The larger drones are not available to Walmart at this time and, for a larger size to be used, there would have to be a new site plan to accommodate them.

Commissioner Kihl questioned what exactly they were considering as part of the Special Use Permit. Mr. Smith and Mr. Sargent explained the approval process and Mr. Jaime clarified it was for a 12-month trial period. Chairman May and Ms. Chaudoir discussed the previous Special Use Permit issued for the garden material area in the parking lot from the 2000s.

Motion to recommend acceptance as presented made by Vice Chairman Gilmore, Seconded by Commissioner Jensen.

Voting Yea: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Kihl, Commissioner Martinez, Commissioner Nippert. Motion passed unanimously.

Adjournment

Motion to adjourn made by Commissioner Jensen, Seconded by Commissioner Martinez.

Voting Yea: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Kihl, Commissioner Martinez, Commissioner Nippert. Motion passed unanimously.

Meeting was adjourned at 7:26 p.m.

Approved:

Attest:

Tim May, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek