

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, FEBRUARY 15, 2022**

MINUTES

Call to Order

Meeting was call to order at 6:00 p.m. by Chairman Hawkes.

Roll Call

PRESENT

Commissioner Dustin Jensen
Commissioner Rodney Barton
Commissioner Jaycee Holston
Chairman Bryant Hawkes
Commissioner Don Rowell
Vice-Chairman Tim May
Commissioner David Gilmore

ALSO PRESENT

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

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

Pledge to the U.S. and Texas flags led by Chairman Hawkes.

Invocation

Invocation given by Commissioner Gilmore.

Public Comment

No Public Comment.

Consent Agenda

1. January 18, 2022 Minutes

Motion to approve the minutes made by Commissioner Barton, Seconded by Commissioner Jensen.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, and Commissioner Gilmore.

Voting Abstaining: Vice-Chairman May. Motion passed.

Regular Agenda

2. Discuss, consider and act on a recommendation for a Final Plat of The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Laura Canada Lewis and Neda Hosseiny were present representing the owner. Ms. Lewis gave a presentation while reminding the Commission that they had seen the project before. The buildings have not changed but the bike path has moved. The residents on Saratoga in Steeplechase North had given a lot of pushback on the location due to the large trees in the area and their wish for the path to not be directly behind their homes. After meeting with the town that day, it was decided to leave the existing western buffer in its natural state and move the bike path to the eastern side between the Olana and the upcoming town home development. Ten feet will be dedicated to the town for the path bordered by the masonry wall.

Mr. Smith discussed the advantages to moving the path including the topography, trees, citizen concerns, the location of the path connection, and future cooperation from the owners of the gas well and water tower to use portions of their property for recreation.

Vice-Chairman May asked for clarification on the location along the eastern border. Mr. Smith explained it would connect to the existing sidewalk on Turbeville and there was an existing fence opening at the northern end. Ms. Lewis stated, per the PD, they would be constructing the sidewalk on their property with an electrical conduit.

After discussion, Mr. Sargent stated there was no need to do any PD amendments since the items discussed were already allowed uses.

Vice-Chairman May asked about the open comments on Halff's February 4th letter. Ms. Hosseiny stated the majority of the comments were addressed with the exception of the driveway offset and backup of the traffic analysis. They should be able to provide that memo in the next few days. Commissioner May asked about #8, floodplain easement. Ms. Hosseiny said the easement was shown on the new plat submission and they would be continuing to study it. They will be going through the proper permitting process for the floodplain. Mr. Smith said Mr. Williams at Halff had seen the responses and his main concern was the Harbor Lane offset. Vice-Chairman May commented on the encroachment on the floodplain and asked if there was any mitigation on it. Ms. Hosseiny stated they would be applying to FEMA for that. The fire department comments have been addressed as shown on the Site Development Plan. There will be a grasscrete fire lane by the hotel which is also reflected on the Site Plan.

After confirming it is a preliminary plat, Commissioner Barton moved to recommend approval, Seconded by Commissioner Gilmore.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, Vice-Chairman May, Commissioner Gilmore. Motion passed unanimously.

3. Discuss, consider and act on a recommendation for a Site and Landscape Plan for The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Commissioner Barton stated he had studied the Tree Survey and asked for the bottom line on the trees. Ms. Hosseiny reminded the commission that the tree survey only showed trees in the areas being disturbed. They will be working with the landscape architect to save as many trees as possible and to meet both the mitigation and street tree requirements along Turbeville Road. The look of the property is imperative. Ms. Lewis added that the area for the future hotel currently has no trees and the one tree she wanted to save was taken down by the beaver. There will be some tree loss on the northwestern side for the villas and along the eastern side for the design district. They are trying to develop in the open areas to cut down on the mitigation.

Vice-Chairman May had questions relating to page LP-101; the Turbeville frontage and the parking lot. He was concerned about the canopy tree ordinance requirement. The street tree requirements have been met, but there are no islands in the parking lot along Turbeville. He asked about the parking requirements and the possibility of adding islands to meet the one tree per every 15 parking space requirement. Ms. Hosseiny said they could look at it. Vice-Chairman May asked if they were proposing contributing to the tree fund. Ms. Hosseiny stated that the trees in the southeast corner of the property were not being disturbed and were not reflected on the survey. They will try to mitigate in the same areas that are disturbed. Ms. Lewis added that there were a number of trees now being saved due to the movement of the trail that were not yet reflected on the tree survey. They will be bringing new numbers to the Council, but the numbers the Commission was seeing were the worst case scenario. A few trees in the northeast corner and along the wall will need to be removed, but the number was far smaller than along the west side. Vice-Chairman May stated he did not see an irrigation plan. The existing irrigation system will be modified to cover the area and the plan will be ready for Council.

Vice-Chairman May asked Mr. Sargent if the commission could recommend approval of the plans without having seen the changes to the tree plan or would it be considered an incomplete submittal. Mr. Sargent said their recommendation should be based on what is before them and council may have more information. If the commission denies recommending approval a supermajority would be needed to pass at Council.

Commissioner Holston asked Vice-Chairman May exactly what he was missing in the submittal. Vice-Chairman May said it was the completeness of the submittal; the Commission's duty was to give their best recommendation to Council which they could not do with an incomplete submittal.

Ms. Lewis reminded the commission that the changes to the tree survey would be in favor of the town.

Motion made by Vice-Chairman May to recommend denial of the application as an incomplete submittal. Seconded by Commissioner Barton.

Chairman Hawkes asked when council would hear the submittal and determined that within the approximately three week time span changes could be made. He feels it is a good project and they have worked with the town to make it fit in with the town goals. Commissioner Jensen asked, if there had been no changes that night to the tree survey, would it have been considered for approval. Commissioner Gilmore reminded them that they had approved the plat. Commissioner Holston asked if this issue was a deal breaker when the applicant had been more than willing to work with the town. She asked if it would come back to them or go to council if denied. Mr. Smith said it would come back to them. Commissioner Holston clarified that the issue was trees and irrigation. Vice-Chairman May stated it was, but they were talking about a project that was 1-2 years away from construction. Ms. Lewis stated they were actually planning on submitting for construction after approval, and any needed changes would be made prior to council. Mr. Smith stated the irrigation plan should be reviewed as part of the submittal, but the tree mitigation was in the town's favor. He would not like to see the project stalled.

Ayes: Commissioner Barton, and Vice-Chairman May.

Nayes: Commissioner Holston, Commissioner Rowell, Chairman Hawkes, Commissioner Jensen and Commissioner Gilmore. Motion failed.

Motion made by Commissioner Gilmore to recommend approval of the project as submitted with the requirement that the applicant will submit an irrigation plan and updated tree mitigation prior to council, Seconded by Commissioner Jensen.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, and Commissioner Gilmore.

Voting Nay: Vice-Chairman May. Motion passed.

4. Discuss, consider and act on a recommendation for a Final Plat of Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas. The lots are located on Northfield Drive.

Kenny Powell, Advantage Landmark Investments, and Hanna Haber, McAdams Engineering Group presented for the project.

Commissioner Barton confirmed the comments have been addressed.

Vice-Chairman May asked if the town required a Homeowners Association filing for maintaining the open space or if there was no requirement for an HOA. Ms Chaudoir stated the Townhouse zoning ordinance required the green space, but did not say how it was to be maintained and an HOA is not required anywhere in the ordinance. As such, the owner would be responsible for caring for green or common spaces. Commissioner Gilmore confirmed that the developer would be the property owner.

Vice-Chairman May stated the submittal did not show some of the protected trees on the site on the Existing Conditions page. Mr. Powell stated the two trees specified would be removed. Vice-Chairman May confirmed the open area would be irrigated.

Motion to recommend approval made by Commissioner Barton, Seconded by Commissioner Rowell.

Vice-Chairman May asked for an amendment to the motion to update the existing trees.

Motion amended to recommend approval of the final plat with the condition that updates to the existing trees be made by Commissioner Barton. Seconded by Commissioner Rowell.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, and Commissioner Gilmore.

Voting Nay: Vice-Chairman May. Motion passes.

5. Discuss, consider and act on a recommendation for a Site and Landscape Plan for Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas. The lots are located on Northfield Drive.

Vice-Chairman May stated, because the 2 large cluster Hackberry trees were being removed, some other tree mitigation may be required. Mr Powell agreed. Vice-Chairman May said the detail in the lower left corner of the page showed a wall but he was unclear on where it would go. Mr Powell explained it was considered for the eastern side of the property where the daycare is located. He would prefer not to have it if it was not required, but he would err on the side of caution. Ms. Chaudoir explained that there was a requirement for screening between commercial and residential properties. The daycare has been in existence for years and currently has a chain link fence on the property line. Vice-Chairman May requested the wall be appropriately labeled as well as the 2 protected trees being removed.

Vice-Chairman May moved to recommend denial of the Site and Landscape Plan based on an incomplete submittal with missing items being completion of requirements for tree mitigation, irrigation plan, and the labeling of the masonry wall. Motion failed for lack of second.

Motion made by Commissioner Gilmore to recommend approval to council with the addition of tree mitigation requirements completion, an irrigation plan, and the labeling of the masonry wall, Seconded by Commissioner Barton.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, and Commissioner Gilmore.

Voting Nay: Vice-Chairman May. Motion passes.

Mr. Powell stated the trees being removed were shown on the Landscape Plan, but the commission stated the mitigation was not shown.

6. Conduct a Public Hearing regarding a request from David Palmer on behalf of the Weitzman Group to change the zoning description from C-1 Commercial to Planned Development on an 11.890 acre tract of land in the J.W. Simmons Survey, Abstract No. A1163A in the Town of Hickory Creek, Denton County Texas, and being legally described as part of the following tracts: Tract 34A, Tract 34C, Tract 35A (pt), and Tract 35A (2) and consider and act on a

recommendation on the same. The property is located between the 1000 block of Hickory Creek Boulevard and the 8300 block of Stemmons Freeway.

Public Hearing opened at 7:21 p.m.

David Palmer, Weitzman Group, gave a presentation detailing the project. The Group bought the property approximately 15 years ago. The Kwik Industries buildings were in existence and Weitzman developed the Bank of America building, and the building containing Starbucks. With staff, they looked at several different ways to develop the property and possibly secure a big box store. The Weitzman Group finally decided to develop the commercial lot along Hickory Creek Boulevard which they plan to continue ownership of. There will be probably 2-3 commercial buildings as demand requires. The Weitzman Group owns and manages millions of square feet of commercial property in the four major Texas markets. They have been involved in several mixed use developments, showing examples for some. They have worked with JPI on several projects.

Miller Sylvan, JPI, gave a presentation on the company, this project and other comparable projects. They have been in existence for over 30 years and are based in Dallas. They only do high end multi-family development. They are fully integrated and have built more than 350 communities nationwide. They command the highest rents in the areas where they are located. This project will be higher end. Typical resident income will be about \$111,000 with an average age of 34. The renters will typically be those choosing to rent, residents in their last apartment before buying and those who are empty nesters downsizing from single family homes. The apartment buildings are planned to be 4 stories with airconditioned carpeted corridors like a hotel and approximately 20% of the units will have private tuck under garages. The brownstones will have 2 car tuck under garages. There are 2 landscaped courtyards. The detention area will be an amenity area for the residents and the retail customers. The amenity center will have about 8 - 10 thousand square feet. The 2 story brownstones will frame the road as it curves around with sidewalks on the street & to the front doors with private yards on the ground level. The architecture of the multi-family and commercial properties will compliment each other. The multi-family will generate about \$5,800 in taxes per year to the town. The stabilized value of the property will be \$95 million dollars and the taxable value about \$80 million generating approximately \$230,000 per year more than it does today.

Chairman Hawkes asked about the number of proposed residents. There will be 276 units and 20 brownstones. The unit mix is typically 65% one bedroom, 30% two bedroom and 5% three bedrooms. Most of the demographic will be young professional couples.

Commissioner Holston asked about the entrances and if you would required to U-turn at the Hickory Creek Boulevard traffic light to enter. There are 2 entrances from Hickory Creek Boulevard, 1 from FM 2181 and the entrance on the service road.

Mr. Palmer discussed the easement road and stated the site was designed so that, if the owner of the land to the south ever decided to sell, it could be incorporated, possibly with some townhouses.

Public Hearing closed at 7:42 p.m.

Commissioner Rowell asked if there were tax incentives for the project. No and the graphic in the presentation only shows the town's portion without the county and school taxes.

Commissioner Barton asked if the open space and the retention pond were the same or separate green areas: the green spaces include the open area and detention ponds as well as the parking lot islands and yards.

Typical rent will be \$1700 to \$1800 with some 3 bedrooms in the \$2500+ range and some 1 bedrooms at \$1300 to \$1400. Brownstones will have 1200 to 1400 square feet and be approximately \$2800.

Mr. Sylvan talked about the northern ponds being detention and the one on the east being a retention pond.

Commissioner Holston expressed concern that the surface streets were getting overloaded. Mr Smith gave some history based on the 2008 Comprehensive Plan and Vision Committee which included input from Mr. Smith, Chairman Hawkes and Commissioner Barton. At that time it was determined that the area south of Swisher and west of I-35 was the best choice for a mixed use development due to its location. The town has been wanting to develop the site as commercial for years without success. Mixed Use would be the best strategic use for the area. Traffic would push to the freeway or Swisher. Hickory Creek Boulevard can serve the proposed retail, service or restaurant. 80% of the town's current retail is the Hickory Creek Boulevard area.

Mr. Palmer stated he was also around during the development of the 2008 Comprehensive Plan and feels this development meets what was intended.

Commissioner Holston asked what type of retail was being targeted for the commercial area. Mr Palmer said he feels the area is underserved by restaurants. Other uses may be drycleaners and other necessary services. Mr. Smith said the wish list for the town council has included a big box store for the generation of sales tax. The big box would have also generated more traffic. The lots remained C-1 for years waiting for development. This development will not generate as much income, but will allow residents and customers to walk to different stores. The push is to get as much green space as possible and there are already 2 additional retention ponds on the property.

Vice-Chairman May confirmed that notifications had been sent and asked for any responses. Mr. Smith stated he had received one phone call from the owner to the south. Vice-Chairman May stated he had not seen the signs for rezoning on the property. Ms. Chaudoir and Mr. Smith listed the locations of the signs and Commissioner Holston confirmed that she had seen them.

Vice-Chairman May stated the submission was not complete because it did not include final elevations and commitments to building sizes, floorplans and materials. Traffic will need to be studied. There are concerns about the amenitization of the retention and detention ponds.

The proposal includes 25-30 units per acre when the densest population currently in the multi-family zoning is 16 per area, or double the amount usually zoned. That would greatly impact the traffic but the proposed revenues would be realized. Ms Chaudoir confirmed that notification was sent to the school district upon request. Vice-Chairman May questioned how the school district would handle the development. There is a demand for the use in the marketplace, but there is no indication of where the demand is localized: Dallas, DFW, Lake Cities or just Hickory Creek. He feels a mixed use is warranted in the area but is not sure the density is what was envisioned.

Commissioner Rowell remembered similar concerns when the Mansions were proposed and asked how much of an impact was realized. Mr. Smith stated LDISD is currently doing open enrollment for outside students. Commissioner Gilmore felt at the envisioned rent levels, the number of added students would be minimal, but the tax revenue to the school district would be significant. Vice-Chairman May agreed the revenue would go to the M&O, but not to the facilities so a bond issue impacting Hickory Creek is still possible.

Commissioner Gilmore asked if the buildings marked in yellow were 4 story and is that definite or would 3 story be considered to address the density issue. Mr. Sylvan stated they would remain 4 story, elevator served buildings. Commissioner Gilmore confirmed the building height as probably 50 feet and asked if the fire department could handle that height. Mr. Smith responded that Lake Cities Fire had a 75 foot ladder truck and was requesting a 100 foot ladder truck for the development. Corinth was having along the freeway. Commissioner Rowell confirmed there would be fire suppression in the units. Vice-Chairman May stated the building height limit per the ordinance was 35 feet so the building height was still 30-40% taller than usually allowed. Other developments have made concessions for variances, but there are none seen here.

Chairman Hawkes gave some background stating, in the 2008 Plan, he, Mr. Smith and Commissioner Barton were thinking they wanted a C-1 developed area which the property owners would all take part in. At this point they may need to realize that dream is not going to happen and get a new dream. He understands Vice-Chairman May's concerns, but feels it is a good proposition. He asked Mr. Sargent how to insure some of elements envisioned in the original detail would still come to fruition. Mr. Sargent stated they would need to include any restrictions for uses and architectural design in the recommendation. Mr. Smith stated this PD listed justifications for changes needing to be made rather than listing uses and features. This is a totally different concept than seen before. \$50,000 has been offered for tree mitigation, but it has not been decided where the trees would go. The heavily treed area on the property had been inhabited by the homeless who were cleared out approximately two years earlier.

Chairman Hawkes discussed with Mr. Sargent and Mr. Smith different options for actions on the application. General discussion has held about what the Commission would like to see.

Mr. Palmer stated the development was designed based on the economics involved, and the design was based on the area. He is not sure how much more specific they can get on the design until they get further into the project.

Chairman Hawkes asked if Exhibit C could be incorporated in the requirements. Mr. Sargent stated it would be up to the Building Department to determine if there was enough detail in the Exhibit to issue a permit based on it. Ms. Chaudoir reminded the Commission that, even if the zoning was passed, the project would still have to come back to the Commission for Site and Landscape prior to a permit being issued. Commissioner Holston asked if there is any benefit to slowing the process in any way. Vice-Chairman May responded he was not trying to slow development, but was trying to ensure that the development remains under the town's control. He did not feel the applicant would take advantage, but wanted to make sure the Building Department had the necessary guidelines as the building permits come in. If the PD ordinance does not have that specificity then the town has lost the ability to administer the Comp Plan as envisioned and assist staff in permitting.

Mr. Palmer said it was a very detailed concept such as had been presented in other cities and he did not see how they could get much more detailed at this stage of the project without spending a great deal of money. The plan has gone through several variations with staff and satisfies the ordinances. Commissioner Rowell asked how many of Weitzman's similar projects have been sold. Mr. Palmer stated 2 of the 72 projects in the DFW. Vice-Chairman May assured Mr. Palmer he was not trying to stall the project, but that this was a zoning change that would be with the town long term, and they needed to be very careful with their decision. He does not feel they have enough information. Commissioner Holston stated she was not sure if the detailed information being asked for was needed because she does not feel the applicant is going to come in and put up a subpar development. Vice-Chairman May agreed, but reminded the Commission of the apartment complex they had looked at previously that got their zoning approval and promptly sold the project. The Commission then had to look at a new zoning proposal from a new developer. He feels a commitment is needed in the form of an ordinance in place detailing how on the property is developed.

Chairman Hawkes asked Mr. Sargent for the available options which were listed.

Mr. Palmer stated he did not know how much more they could provide and what direction to go. Mr. Smith said his understanding was the Commission is looking for a separate list in the PD that includes items like masonry requirements.

Mr. Palmer asked to table the item until the next meeting. They are not at the design stage yet, but he will get with his partners although he is not sure how much more information can be provided. A traffic study was not required or done. They will expand the PD to include materials and as many other concerns as possible.

Motion made by Commissioner Barton to table items 6, 7 and 8 to the next meeting on the applicant's request, Seconded by Vice-Chairman May.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, Vice-Chairman May, and Commissioner Gilmore. Motion passed unanimously.

7. Discuss, consider and act on a recommendation for a preliminary plat of Jefferson Hickory Creek Lots 1 and 2, 13.6211 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas.

Tabled until next meeting at applicant's request.

8. Discuss, consider and act on a recommendation for a site and landscape plan for Jefferson Hickory Creek Lots 1 and 2, 13.6211 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek , Denton County Texas.

Tabled until next meeting at applicant's request.

9. Conduct a Public Hearing regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14 Zoning, Article VII SF-1 Residential, Article VIII SF-2 Residential, Article IX SF-3 Residential, Article X TH-1 Townhouse District, and Article XII.5 GMH Garth Addition Mobile Home Single-Family Residential to add a requirement for impervious surface coverage and consider and act on a recommendation for the same.

Public Hearing opened at 8:43 p.m. and, with no one wishing to speak, closed at 8:43 p.m.

The Commission held a general discussion regarding percentages, lot sizes and shapes, vehicle sizes, and other criteria. A consensus of 40% front yard coverage was reached.

Motion to recommend approval with forty percent (40%) maximum coverage made by Vice-Chairman May, Seconded by Commissioner Barton.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, Vice-Chairman May, and Commissioner Gilmore. Motion passed unanimously.

Adjournment

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

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, Vice-Chairman May, and Commissioner Gilmore. Motion passed unanimously.

Meeting adjourned at 9:06 p.m.

Approved:

Attest:

Bryant Hawkes, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek