

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, MARCH 16, 2021**

MINUTES

In response to the coronavirus pandemic, effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and member of the public be physically present at a meeting location.

Call to Order

Meeting called to order at 6:00 pm. by Chairman Barton.

Roll Call

PRESENT

Commissioner Dustin Jensen
Chairman Rodney Barton
Commissioner Jaycee Holston, joined at 6:28
Vice Chairman Bryant Hawkes
Commissioner Don Rowell
Commissioner Tim May
Commissioner David Gilmore

ALSO PRESENT

Trey Sargent, Town Attorney, left at 6:54
Paul Kenney, Council Liaison, joined at 6:40
John Smith, Town Administrator
Kristi Rogers, Town Secretary
Chris Chaudoir, Administrative Assistant, left 6:55, returned 7:15

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

Pledge of Allegiance to the U.S. and Texas Flags led by Chairman Barton.

Invocation

Invocation given by Commissioner Gilmore.

Public Comment

No Public Comment

Consent Agenda

1. January 19, 2021 Meeting Minutes
2. February 25, 2021 Meeting Minutes

Motion to accept the minutes as presented made by Commissioner May, Seconded by Vice Chairman Hawkes.

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

Regular Agenda

3. Discuss, consider and act on a recommendation for a minor replat of Country Oaks Estates Addition, Block A, Lots 6A, 6C and 6D, being 5.01 acres out of the S. Linthicum Survey, Abstract #1600 in the Town of Hickory Creek, Denton County, Texas. The property is located in the 200 block of Noble Oak Court.

Randy Wahl, 1688 Turbeville Road, stated he is trying to add 2 lots, but the town's engineer thinks they need to be fronting on a public roadway. His previous plat was set up to the ordinance when it allowed lots to front onto a private drive with the possibility of platting one more time. He only adds lots when there is a buyer for the property, which he now has. Lot 6C is sold to another owner on Noble Oak Court and someone else is interested in building in the future on 6D. He was not aware until he first brought the plat in that the ordinance had changed. He spoke to his attorney, the town's attorney, the Halff engineers, David Burkett at Halff and everyone he talked to thinks he is "grandfathered". He believes he is "grandfathered" and David at Halff told him, if he worked with the town administratively, they could make it happen since his driveway had already been established as an access easement. The town attorney told his attorney the town could approve anything they wanted, and he would like some consideration from the board. He is not trying to do high density like the other applicant doing 93 homes on 33 acres with small lots that will probably get approved. He is trying to do 2 lots on 5 acres and save the trees and animals. The easements are private. The guy behind him has a 10-foot easement for all utilities but Halff says private easements must be 15 feet and only serve one utility if possible. Noble Oak Court's whole easement is only 10 feet wide and has Oncor, Atmos, and Charter without problem. Another comment was that Lot 6D did not have an 80-foot width. He disagrees because he changed that lot so that it has 25-foot building line the whole 114 feet and 38 feet. Halff assumes the house will face one way but it will face the other and is not a large house. It is only 25 feet wide at the front and will run down the north side of the property and be L shaped along the creek.

Commissioner Jensen asked if there would be fire hydrants or fire suppression back there. Mr. Wahl responded that Halff said he was over 500 feet from a fire hydrant, but David Rodriguez with Lake Cities Fire said that was because he had a forty-foot building line when only 6 was required. He moved the building line up to 10 feet to make it within 500 feet of a fire hydrant. If they put in a home back there they will need to put in a proper driveway, which David Rodriguez says does not have to be paved as his drive is not paved. Fire trucks have had no problems accessing his property.

Jack Sprague, 104 Ellard Drive, stated he is a long time resident and wants to bring up 2 points. First, he is not fond of the dense pack the city is going for. When they bought their 5 acres, they thought they would be in the middle of a community of large lots, but he does think the city is developing quite nicely. Mr Wahl has been managing his property along guidelines he appreciates. He has not had problems with the neighbors. He believes the city was aware of the possibility of additional lots at the end of the Court being developed when they originally authorized the plat, and they make sense. He is not sure of Mr Wahl's goal other than to satisfy 2 more customers and keep his house for himself for a while longer, but he does support what he is trying to do and would like the city to find a way to make it work rather put roadblocks in the way.

Lee Williams, Halff & Associates, clarified that the Engineering Design Manual does call for 15-foot easements, but he did note that smaller private easements were allowable if the utilities had no problem with them. SF-3 Zoning does require an 80-foot width at the building line. He did assume, based on the way the access comes down and without a site plan, that the house would face east. Without a dedicated road it is difficult to determine the front of the property and, the way he was looking at it, it had a 65-foot width. For the road frontage, Halff is reviewing the plat to ensure conformity with the ordinance, and the ordinance was pretty black and white, in his view, that a street frontage is required with the exception of a requested Planned Development District approved by the PnZ and Council.

Chairman Barton asked if the Fire Department had commented on the plat. Ms. Chaudoir responded the letter from Fire Marshall Rodriguez was in the packet and summarized the concerns included. Mr. Sargent stated, to his recollection, much of the reasoning for the 30-foot frontage requirement adoption was to allow public safety equipment access to properties.

Commissioner May asked if lot 6C, at 0.34 acres, was the smallest lot in the subdivision. Ms. Chaudoir supplied the areas of the original 12 lots and lot 6C is consistent. Commissioner May expressed his view that, to move forward, the plat would need to be presented as a variance since there are so many noncompliant ordinances associated.

Mr. Wahl stated the lots are bigger than any others currently being developed. The ordinance was changed, and the city can change the ordinance again to make him "grandfathered". He was approved for an entry way and is now not being allowed to use it. He also spoke to Ms. Chaudoir for months about a variance, but it was decided a variance could not be filed with the Board of Adjustments. Mr. Sargent stated, if seeking a variance from the zoning or subdivision ordinance, some sort of variance request needs to be filed. When filing a plat, the Planning and Zoning Commission reviews it for compliance with the ordinances to make their recommendation.

Chairman Barton stated he has had a longstanding problem with properties with "pothandle" driveways or when there are nonstandard street fronting houses. There are currently 4 houses opening into Mr. Wahl's driveway and he wishes to add 2 more. The 2 new houses in the back will not front on the road and have standard access. Currently the paved road is barely wide enough for a car, definitely not a standard 24-foot drive and larger lot size does not make it easier.

Phyllis Hilliard, 108 Noble Oak Court, said there is no issue going in or out of Randy's drive and she does not see an issue with adding 2 more homes. He has a huge driveway with a huge entrance. She does not want a lot of traffic on the cul-de-sac because of her grandchildren but Mr. Wahl knows what he is doing.

Mr. Wahl stated some of the restaurants have easements that work. If a restaurant has a driveway easement why should he not be allowed to use his established easement? Three of the homes off his driveway have access to Noble Oak but, as a courtesy and to allow parking on Noble Oak, he allowed them to have approaches off his driveway. They were not required to use his drive, but it was a courtesy.

Commissioner Rowell asked if the road easement would be paved or use the existing gravel. Mr. Wahl said it would be paved concrete to 6C; up to 15 feet wide, 7 inches thick, 5000 PSI, better than Turbeville Road. Lot 6D could be required to be paved but David Rodriguez with the Fire Department says it is not required. There is a 36-foot wide path to 6D.

Motion to recommend approval of the basic concept of the plat as presented made by Commissioner Hawkes, Seconded by Commissioner Gilmore.

Voting Yea: Commissioner Hawkes, Commissioner Gilmore

Voting Nay: Commissioner Jensen, Chairman Barton, Commissioner Holston, Commissioner Rowell, Commissioner May. Motion denied.

Motion to recommend denial of the plat as presented made by Commissioner May, Seconded by Commissioner Holston.

Voting Yea: Commissioner Jensen, Chairman Barton, Commissioner Holston, Commissioner Rowell, Commissioner May

Voting Nay: Vice Chairman Hawkes, Commissioner Gilmore. Motion carries.

4. Discuss, consider and act on a recommendation for a final plat of Lennon Creek Addition, being a 28.456 acre tract located in the M.E.P. & P.R.R. Company Survey, Abstract No. 915 and H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The Property is located in the 3700 block of Parkridge Drive.

Kristin Worthington, land development manager for TriPointe Homes, said they have been working with Halff and LCMUA and are ready to go forward with their plat.

Commissioner May stated most emergency response entities do not like street names with pronouns and asked that the street names be reconsidered for their sake and asked if the town had an ordinance covering the naming of streets. Ms. Chaudoir confirmed that the town does not have a street naming protocol.

Commissioner Hawkes asked if Lot 1X would be a park or playground. Ms. Worthington said it was an HOA lot assisting in drainage and would have park features. She also said they would reconsider the La Verna street name.

Motion to recommend approval as submitted made by Commissioner Gilmore, Seconded by Vice Chairman Hawkes.

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

5. Discuss, consider and act on a recommendation for a final plat for Sycamore Cove Addition, being 32.43 acres in the John Maloney Survey, Abstract No. 819, Town of Hickory Creek, Denton County, Texas. The property is located in the 1200 block of Sycamore Bend Road south of Maynard Road.

Ms. Chaudoir stated that the developers will be changing the name of Prickly Pear Lane to Kyle's Landing Drive. Rob Myers, Kimley-Horne, said the updated plat would be submitted prior to Council.

Commissioner Gilmore stated his opinion that there seemed to be a number of smaller lots on the plat at 55 feet wide but they were deeper than the 60 foot lots on the Lennon Creek plat. Mr. Myers said the 97 lots on site do conform to the preliminary plat previously approved. Chairman Barton confirmed the PD zoning.

Motion to recommend plat approval as presented made by Commissioner May, Seconded by Vice Chairman Hawkes

Voting Yea: Commissioner Jensen, Chairman Barton, Vice Chairman Hawkes, Commissioner Rowell, Commissioner May, Commissioner Gilmore.

Voting Abstaining: Commissioner Holston. Motion carries.

6. Conduct a public hearing regarding a request from Studio 2547 on behalf of Shirley Mae Goldfield, Richard Goldfield, Brian Goldfield and Susan Goldfield to designate the zoning as PD Planned Development on a 24.31 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in the Denton County, Texas, and being part of a called 36.253 acre tract of land described as "Tract 1" and part of a called 3.2515 acre tract of land described as "Tract 2" in Executor's Deed to Richard Goldfield, Brian Goldfield and Susan Goldfield, recorded in Instrument Number 2019-36351 of the Official Public Records of Denton County, Texas and consider and act on a recommendation for the same. The property is located in the 3400 block of FM 2181.

Public Hearing opened at 7:01 p.m.

Matthew Peterson, Studio 2547, gave a presentation of the project. It will encompass 3 and 4 story buildings including 500 units, 958 parking spaces with garages and carports, an amenity center with pool, exercise room, mail room and work areas or residents, a dog park, open space, and a portion of the hike and bike trails. Units will include efficiency 1 bedrooms up to 3 bedrooms. It will be 100% gated with high security. The targeted tenant population is millennials and expected to include no more than 30 children.

Public Hearing closed 7:07 p.m.

Commissioner Jensen asked about building heights and shielding from the neighboring properties. Mr. Peterson stated the wooded area on the west side was remaining. On the east side they had more than the required buffer area and would adding landscaping and shielding. The parking lot and carports also provide buffer, and the building is approximately 100 feet from the property line. On the south the buildings have been reconfigured to lessen frontage to the Olana.

Commissioner Holston asked how the public accessed the public dog park. Mr. Smith explained that access was from the hike and bike trail with parking at the Parkridge end. The apartment complex itself is accessed from FM 2181. The developers have worked with the town to provide buffering from the neighbors and to keep as many trees as possible. The acreage at the north end is slated for commercial development.

Commissioner Rowell asked if the town was aware of possible uses on the commercial property. Mr. Smith responded the property owners had it for sale. In response to a question from Chairman Barton, he explained the property to the northeast is in ETJ and included an insurance office, veterinary and doctors' offices. The gates for the apartment property would be at the entrance to the complex not on Swisher. Mr. Peterson said there would also be pedestrian gates and the car gates on the eastern side would be behind the circle in front of the amenity center. Mr. Smith stated the developers had been working with the town to meet

our goals including the building of the dog park which the town will take over after installation.

Commissioner May confirmed the property had been annexed. He also asked about the perimeter fence and its construction in compliance with the ordinance. Mr. Peterson stated the northern fence would definitely be masonry adjacent to the commercial area, but the southern border backs to the trail so they will probably want something more transparent for aesthetics and safety. It will be gated and treed. Mr. Smith reported the Olana had just completed a masonry wall on the opposite side of the trail. Commissioner May asked how the buildings will work with the topography. Mr. Peterson went through the various buildings stating their stories and placement.

Motion to recommend approval of the proposed zoning made by Vice Chairman Hawkes, Seconded by Commissioner Holston.

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

7. Discuss, consider and act on a recommendation for a preliminary plat of Hickory Creek Multi-family, Lot 1 and Lot 2, Block 1: being 24.344 acres in the H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located in the 3400 block of FM 2181.

Motion made to recommend approval as presented by Vice Chairman Hawkes, Seconded by Commissioner Holston.

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

8. 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 XIII: C-1 Commercial District; Section 3 (2), Building Regulations to alter the opacity requirement within the district and consider and act on a recommendation for the same.

Public Hearing called to order at 7:32. Public Hearing closed at 7:33 with no speakers.

Ms. Chaudoir explained the changes to the ordinance.

Motion to recommend approval made by Vice Chairman Hawkes, Seconded by Commissioner Gilmore.

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

Adjournment

Motion to adjourn made by Commissioner Holston, Seconded by Vice Chairman Hawkes. Voting Yea: Commissioner Jensen, Chairman Barton, Commissioner Holston, Vice Chairman Hawkes, Commissioner Rowell, Commissioner May, Commissioner Gilmore. Motion passed unanimously.

Meeting adjourned at 7:34 p.m.

Approved:

Attest:

Rodney Barton, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek