

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, OCTOBER 19, 2021**

MINUTES

Call to Order

Meeting called to order at 6:01 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
Paul Kenney, Council Liaison
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 Hawkes.

Invocation

Invocation given by Commissioner Gilmore.

Public Comment

No Public Comment

Consent Agenda

1. August 17, 2021 Meeting Minutes

Motion made by Commissioner Barton to accept the minutes as presented,
Seconded by Commissioner Gilmore.

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

Regular Agenda

2. Conduct a public hearing regarding a request from Kenny Powell on behalf of Vantage Landmark Investments to change the zoning designation from C-1 Commercial District to TH-1 Townhouse District on a tract of land legally described as Ventana Addition Phase II, Lot 5, .49 Acres, Town of Hickory Creek, Denton County, Texas and consider and act on a recommendation for the same. The property is located in the 0 block of Northfield Road.

Public Hearing opened at 6:06 p.m.

Commissioner Gilmore said he had found Northfield referred to as Drive, Circle and Road and asked what the proper designation was. Ms. Chaudoir said she would research the plats and make sure Council had the proper designation.

Kenny Powell, Vantage Landmark Investments, developer and owner of the property, made himself available to answer questions. Commissioner Holston asked if the units will be for sale to individuals or if would they be rentals. Mr. Powell explained the units would be for sale and, in answer to Commissioner Gilmore's question, there are 2 buildings containing 4 units total. The buildings will be very similar in appearance, finish, and size to the homes in the neighboring area. They are looking for continuity in the area.

Commissioner Rowell confirmed the units be deeded individually. Commissioner Gilmore asked about responsibility for maintenance of the common area. Mr. Powell stated the organization would provide the maintenance not the individual owners. The individual owners would pay HOA dues to cover exterior maintenance, lawn care, etc. In response to Commissioner Gilmore's question, Mr. Powell and Ms. Chaudoir explained that the Mansions are adjacent to the rear of the property in addition to an additional open space on the property behind the individual townhouse's rear yard.

Robert Day, 100 Forestview Road, stated his property was the adjacent on the west side and he is concerned his privacy will be taken away if the townhomes are 2-storey and the trees along the fence line are removed. Mr. Powell commented that there will be no windows on the second floor facing his property and there is a proposed 7-foot side yard. They will have to determine later if the trees along the fence will have to be removed. Mr. Day stated the trees are 10" to 14" diameter older trees. Mr. Powell and Mr. Day discussed the proposed layout of the homes. Mr. Powell stated the homes were approximately 1900 square feet conditioned space with a 2-car garage and had a projected sale value of \$330,000 and up. The roofline height is less than 30 feet. Mr. Day asked if there had been any interest in the property as a commercial site. Mr. Powell said there had not but that was not their intention for the property as they intend the town homes to be a transition from the existing single family to commercial. Mr. Day asked if he knew

the average square footage of the adjacent houses then estimated 2700 to 2800 square feet, making the townhomes a smaller property. Mr. Powell responded that the front elevation would not look like a typical duplex with a clear delineation between the units. The buildings will be approximately 3800 to 3900 square feet and have approximately 75% masonry on the exterior. Mr. Day stated he is concerned about devaluation of his property but realizes Hickory Creek does have limited space although there is other commercial property to service road. He is also concerned about the removal of the tree line and how it exposes the diminished value of his home. He wishes the square footage was larger but realizes space is probably maxed out due to the open space requirement. He and Mr. Powell discussed the parking area and front yard area setback. Mr. Day asked if owners would have the right to place a window on the side of the house facing his property. Mr. Powell explained that the owner would possess the space inside the walls, but the exterior would be owned by the HOA. Mr. Day wanted to know if that would be a town ordinance.

Commissioner Holston stated she heard Mr. Day's negativity toward the project and asked if he would prefer that a commercial property or regular house was there or if it was just the townhomes he was against. Mr. Day stated he would rather have commercial, as it would probably be developed with parking against his fence and the building backed off of it by 45 feet. He reiterated that privacy and devaluation were his concerns. He likes the setback from his property but is concerned about upstairs windows unless there is a restriction.

Public Hearing closed at 6:26 p.m.

Vice-Chairman May asked Mr. Powell to explain why the commission and council should consider the zoning change from C-1 to TH-1. Mr. Powell stated he knew that people tended to not like change, but they did try to find something that would be harmonious with the existing neighborhood. But change was going to happen, and they understand there are concerns. The townhomes will be harmonious with the existing neighborhood and the price point is in line with the neighborhood.

Vice-Chairman May expressed that the town's Comprehensive Plan designated the area as C-1 from that tract to the east and north. Vice-Chairman May discussed the advantages of the sales tax vs property tax, density in the area and transitional or mixed-use zoning. He asked Mr. Powell to explain why this would be the best use for the property. Mr. Powell responded that he drives by new and existing commercial construction every day that does not have tenants. Developers have taken a concept that fits the zoning and plan and just plunked it down, but that does not always make it successful. There is not a lot of sales tax on empty building and, going forward, he sees less need for retail as we know it. He has built mixed use with commercial downstairs and residential upstairs and had the upper units full, but empty units downstairs. Developers want a building that will "live" not languish. These townhomes could be a transition on to something else and he hopes

to be able to work with the town in the future. Vice-Chairman May asked if a PD zoning had been considered. Mr. Powell stated it was a consideration, but felt it was not useful on a lot that size. Chairman Hawkes stated his first thought for the property had been 2 approximately 4000 square foot office condos that look like custom homes. Mr. Powell said they had thought about it and if the lot had been larger there would have been more options.

Commissioner Gilmore asked for more information on the term "luxury townhomes". Mr. Powell explained that the townhouses were larger than the typical 1200 to 1400 square foot product with an open concept, upgraded appliances and finishes, and upscale stone and brick facia. HOA fees will most likely be in the \$200 range to begin, but they will have to project the future maintenance expenses. Residents will maintain the interior.

Commissioner Barton stated he did not see the property ever developing as commercial until, perhaps, the property across the street develops or the daycare expands.

Vice-Chairman May asked if there was any flexibility in the site plan, i.e., putting the 35-foot middle common area next to the single family. Ms. Chaudoir stated the ordinance only allowed a 100-foot structure without a separation.

Motion made by Commissioner Barton to recommend approval of the zoning change to town council, Seconded by Commissioner Gilmore.

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

Voting Nay: Vice-Chairman May. Motion passes.

Adjournment

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

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

Meeting adjourned at 6:53 p.m.

Approved:

Attest:

Bryant Hawkes, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek