

**SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
TUESDAY, JULY 22, 2025**

**MINUTES**

**Call to Order**

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

**Roll Call**

PRESENT

Chairman Tim May

Vice Chairman David Gilmore

Commissioner Brenda Kihl

Commissioner Collin Johnson - in at 6:03 p.m.

Commissioner Tony Martinez

ABSENT

Commissioner Dustin Jensen

Commissioner Bill Nippert

ALSO PRESENT

Alex Crowley, Town Attorney

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.

**Items of Community Interest**

No items of Community Interest

**Public Comment**

No Public Comment

**Consent Agenda**

1. April 22, 2025 Meeting Minutes

Motion to approve the minutes made by Vice Chairman Gilmore, Seconded by Commissioner Kihl.

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

**Regular Agenda**

2. Discuss, consider and act on the appointment of a Chairperson and Vice-Chairperson.

Vote to reappoint Chairman May and Vice-Chairman Gilmore.

Motion to accept the vote made by Commissioner Johnson, Seconded by Commissioner Martinez.

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

3. Conduct a public hearing and discuss, consider and act on a recommendation for a request by Victory Hickory Creek Development to amend the current PD (Planned Development) zoning designation for the property legally described by deed of record in Document Number 2024-109434 of the Official Records of Denton County, Texas, a 10.22-acre tract located in the M.E.P. and P.R.R. Co. Survey Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3000 block of FM 2181.

Public Hearing called to order at 6:11 by Chairman May.

Denine Taylor, 142 Lennon Drive, was anxiously awaiting the development for the convenience, good food and good retail. So far, she is getting the impression the building, with the height increase, is less appealing. She is for restaurant, and retail but is unhappy with drive throughs backing up to homes. The current retail has been nicely tucked in with other commercial properties in town and not placed next to a new residential neighborhood. It would be nice if the neighbors were taken into consideration earlier in the process. Drive through restaurant speakers can be very obnoxious and she feels sorry for the people who will living next to them. There is also an empty lot in the neighborhood and hopes there will be steps taken to mitigate noise. She is also concerned the empty lot will become a playground for teenagers and other people loitering. Her concerns are the height of the building, which it looks like cannot be changed, the driveways of multiple restaurants backed up against people's backyards when they are having gatherings, and the empty lot. It is an eyesore outside her front door, and she would like to see efforts to make it as beautiful as possible.

Mark Johns, 123 Lennon Drive, is opposed to the more liberal zoning of a C-2 although there have been some attempts made to mitigate it. He took drone pictures but did not realize they need to be presented beforehand. He has spoken to staff 20 times in the last 6 weeks, but the weeds are over the fence. They are already violating the current zoning because he climbed to the top of the 15 feet of fill dirt being stored from the other site and it is the highest point in Hickory Creek. In the current zoning there is no allowance for the storage of dirt. Someone at the city said they are going to use the dirt to balance the site. He has been on construction his whole life and has knowledge. By the time of the Council meeting, he will have an engineer come out and give a count of how much dirt is there. In the area of the site, between I-35 and the proposed site, there is a Kwik Kar, Firestone, Valvoline, Walmart and Discount Tire. They are asking to go to C-2 which allows tire services, oil and

lube changes, sales and automotive diagnostics, general maintenance and repair such as brake repair and replacement. He and his wife moved in knowing the area was zoned C-1, which they could live with, having mitigated with a line of trees across the rear of their lot. The sound of the equipment in the proposed uses is distinctive and we do not need to give more zoning for that. In his opinion, the item needs to be tabled until the grass has been mown and the dirt removed.

Bobby Mendoza, Victory Real Estate Group, property owner, apologized for the landscaping and weeds. The lot will be cleaned the next morning. There are 15000 cubic yards of dirt on site which will be used to balance the other lots. Once Lot 9 is heard at Council, they will be able to start moving it and any extra will be removed. The zoning is not being changed but an oil change user and a brake shop user are looking to come in. They will be putting in an 8-foot screening wall as required by ordinance, to help mitigate the noise and view issues. They are going to be putting in larger trees, several of them along the rear property line to help with noise mitigation. The parking change is to allow for more restaurants. Restaurants were one of the town's wants including sit down locations. The 2 auto uses and a beverage drive through are being planned now as well as the retail buildings.

Drew Donosky, Clay Moore Engineering, stated patios and pedestrian connectivity are the wants he has been hearing at the recent meetings. There is no way to increase the depth of the property and patios do not count as landscape. The higher end restaurants will not consider a site without a patio. On lot 3 there was a trade on the landscape to decrease the percentage and allow more landscaping on other lots to accommodate the patios. With this amendment that would no longer be needed. Each lot would have to meet the landscape requirement individually. In the base code you need to park by tenant but, with a mixed use, the businesses may not have the same operating hours or needs. Several other cities have adopted a 1 per 250 square foot ratio. The construction crew is planning to move from lot 3 to lot 9 and use the additional dirt.

Scott Leavelle, 142 Lennon Drive, stated he is the building inspector for the town and the City of Grapevine. He is concerned about the landscape plan. He has not seen one and wondered if one was available. A lot of the patios face the back of the property, and the developer could put additional trees on the rear to block the views. When entering Lennon Creek, the property 3rd on the left is a large open area with an open view. He would like to see trees there to block that view. He would be against the changes to the zoning and would like to see more restaurants, retail, and more trees. There is plenty of automotive in the area and this is not a good area for the use, which would not fit the situation.

Mr. Donosky stated the way the landscape ordinance is written, it only provides for green space not what is in it, they are proposing a 3% reduction in the overall landscape space but will add 4" caliper trees rather than the 3" required and a 15% increase in the number of trees.

Public Hearing closed at 6:38 p.m.

Chairman May went over the history of the annexation and zoning for the tract. Vice-Chairman Gilmore asked why the changes requested were not part of the original zoning application. Mr. Mendoza replied they had bought the site without looking for tenants first. The building currently under construction was being built on spec and will, hopefully have a Certificate of Occupancy in 5 months. Usually, the development would take 3-5 years. The corner lot is to be a convenience store, but they have had no interest to date. Uses in everything between lots 3 and 8 is currently speculative. Now they know who is interested. If they had come in the previous year, they would probably have asked for a much broader zoning, which would not have been approved. They have faced the bays in the automotive uses away from the road and the houses. They do not know what will happen in the future and may have to come back if another non permitted use is interested. They are getting interest from restaurants but need to be able to park them. Other developments and cities are accepting the 1 space to 250 square foot parking ratio, and they are willing to over landscape the rear of the property.

Commissioner Kihl stated, because of the lack of a landscaping plan, it was difficult to determine the effect for neighboring homeowners. Mr. Mendoza replied the overall landscape plan was not available, but each individual lot would come before the Commission and Council for review. If the standards are not met on a lot, it would not be approved. He confirmed 12% would allow for landscaping in the front and rear of the lots and an additional 15% of trees would be planted. The additional trees could be concentrated along the rear next to the neighborhood. Commissioner Kihl asked if proposed restaurants with patio spaces would be happy to have the patio overlooking an automotive shop. Mr. Donosky replied the restaurants would not be patronized if there is not enough parking. They will be strategic with the placement and orientation of the patios. Mr. Mendoza added lot 9 was envisioned with a sit-down restaurant on the western facing end cap placing it next to the proposed automotive uses on lot 8. Depending on the outcome of the zoning amendment, they are hoping to add a 500 to 600 square foot patio on the west end at lot 9 and the lot 8 use would add screening shrubbery on either side with any bays facing to the west.

Vice-Chairman Gilmore asked why additional trees could not be added now without the amendments. It was explained that, although trees could be added now, landscape architects design based on the ordinance requirements. The larger and additional trees are a tradeoff for the reduced landscaping percentage.

Chairman May stated the discrepancy in the acreage between the ordinance and the site plan needs to be reconciled. He questioned if the reduced 12% landscaping coverage was reflected in the presented landscaping plans. Mr. Donosky stated the current submission showed the original requirements on lots 3 & 9 but the other lots are concept. There will be a revised landscape plan with the additional trees for lot 3 if the ordinance passes. Each lot would comply with the approved ordinance across the development. Chairman May conformed the changes included 10 lots instead of 9 with the division of lot 2, reducing open space from 15% to 12%, increasing tree caliper from 3" to 4", adding an additional 15% to the 10 trees per acre minimum, allowing automotive uses on 2 lots, and changing the parking ratio from 1:200 square feet to 1:250 square feet in the multi-tenant buildings. Mr. Mendoza explained the reduction on the number of parking spaces would allow for the addition of

patio space and the automotive uses could be made lot specific to lots 2A and Lot 8. Chairman questioned if the original preliminary plat should be resubmitted to reflect the proposed 10 lots versus the original 9 lots. The developer is planning to subdivide lot 2 into lots 2a and 2b but the overall area will not change. The change is based on tenant interest in a smaller lot for their use.

Chairman May reviewed the neighbor concerns and the developer's responses. Mr. Mendoza listed the tenants currently under contract and the ones under consideration.

Motion made by Vice Chairman Gilmore to recommend approval of the amendment with the restriction that lots 2a and 8 only were allowable automotive uses and with additional screening landscaping along the rear wall, Seconded by Commissioner Martinez.

Commissioners held additional discussion about the specifics of the development plan.

Voting Yea: Vice Chairman Gilmore, Commissioner Kihl, Commissioner Martinez  
Voting Nay: Commissioner Johnson. Motion carried.

**Adjournment**

Motion to adjourn made by Commissioner Johnson, Seconded by Vice Chairman Gilmore. Voting Yea: Vice Chairman Gilmore, Commissioner Kihl, Commissioner Johnson, Commissioner Martinez. Motion passed unanimously.

Meeting adjourned at 7:33 p.m.

Approved:

Attest:

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Tim May, Chairman  
Planning and Zoning Commission

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Chris Chaudoir, Administrative Assistant  
Town of Hickory Creek