

**SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, DECEMBER 12, 2023**

MINUTES

Call to Order

Meeting called to order at 6:00 p.m. by Chairman May.

Roll Call

PRESENT

Chairman Tim May
Vice Chairman David Gilmore
Commissioner Dustin Jensen
Commissioner Rodney Barton
Commissioner Collin Johnson

ABSENT

Commissioner Bryant Hawkes
Commissioner Brenda Kihl

ALSO PRESENT

Trey Sargent, Town Attorney
Randy Gibbons, Council Liaison
John Smith, Town Manager
Chris Chaudoir, Administrative Assistant

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

Pledges to U.S. Flag & Texas Flag led by Chairman May.

Invocation

Invocation given by Vice Chairman Gilmore.

Public Comment

No Public Comment

Consent Agenda

1. September 19, 2023 Meeting Minutes

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

Voting Yea: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Barton, Commissioner Johnson. Motion passed unanimously.

Regular Agenda

2. Discuss, consider and act on a recommendation for a Preliminary Plat of the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181.

John Smith, Town Manager, went over current zoning, trees and fire comments for the complete project. The only outstanding comments are a few on drainage that should be easily resolved by the engineers.

Bryan Burger, Burger Engineering, civil engineer for Chick-fil-A, made himself available to answer questions. They are proposing a 6000 square foot dine in and drive-through restaurant with 128 parking spaces and approximately 45 stacking spaces for the drive-through.

Motion to recommend approval of preliminary plat made by Commissioner Barton, Seconded by Commissioner Jensen.

Voting Yea: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Barton, Commissioner Johnson. Motion passed unanimously.

3. Discuss, consider and act on a recommendation for a Site and Landscape Plan for the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181.

Vice Chairman Gilmore asked about the location of the entrance to the property. Mr. Burger explained the 2 entrances giving access would be from the driveway currently being installed for the apartment complex as TXDot will not allow any additional curb cuts from FM 2181. The building faces west towards that access. The new store is approximately double the size of the current store. Chairman May asked if there was a reason for the building being overparked, 60 required versus approximately 104 available. Mr. Burger explained the company felt the number needed for a normal site up to 6000 square feet is about 75 and an additional 15 to 20 would be used per shift by employees since there is no offsite parking area. The parking area still allows about 25% pervious surface.

Motion to recommend approval of the site and landscape as presented made by Vice Chairman Gilmore, Seconded by Commissioner Barton.

Voting Yea: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Barton, Commissioner Johnson. Motion passed unanimously.

4. Discuss, consider and act on a recommendation for a Final Plat of the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181.

Motion to recommend approval as presented made by Commissioner Jensen, Seconded by Commissioner Johnson.

Voting Yea: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Barton, Commissioner Johnson. Motion passed unanimously.

5. Conduct a Public Hearing on a request from Value Hospitality on behalf of the Nguyen Family Revocable trust for a zoning change from PBD - Professional Building District and C-1 Commercial to PD - Planned Development on the properties legally described as A0284A Cobb, Tract 67(pt), 0.7924 acres, Old DCAD Tract #2, A0284A Cobb, Tract 68, 0.5 acres, E K Presley Block A Lot 1, and E K Presley Block A Lot 2(pt) and discuss, consider and act on a recommendation for the same. The properties are located at the north corner of Oak Drive and the southbound I-35E service road.

John Smith, Town Manager, reminded the Commission that only the zoning is being discussed at this meeting and gave an overview of the current zoning. The fire lane width, mentioned by the Fire Marshall as being too small, has been addressed on the new Concept Plan received December 12th and an update made to the Agenda Information Sheet. TXDot has an Access Denial Line on the service road side of the property. If the project moves forward that would have to be addressed with TXDot for approval of additional access points. The building height has also been lowered to less than 50 feet total.

Parit Patel, Value Hospitality, gave an overview of the company and its operations for the past 20 years. They often develop the first hotel in many cities. They have had no issues with hotels developed in similar area in Wylie. The traffic counts in the area would not support the types of businesses named in a Professional Building District zoning. The low traffic numbers would not support a business use, but a new hotel would add about 15 - 20 new employees, raise additional property tax (approximately \$100,000 annually) and hotel occupancy taxes of approximately \$150,000 per year for the town. They have been in contact with TXDot who has not given them a reason why a variance would not be granted for the Access Denial Line at the service road. As to parking, experience shows a meeting room is used in the day or afternoon hours while parking for the hotel is more towards evening or overnight. They do not believe additional parking is needed for the meeting room.

Public Hearing opened at 6:28 p.m.

Barbara Brown, 4 Hillview Court, is the Vice President of the Shore Haven Home Owners Association. The HOA is unequivocally against the zoning change. Shore Haven probably pays more in property taxes than any other neighborhood and the change would cause a major drop in property values. They are a peaceful bedroom community but would be sharing an entrance with a hotel driveway with 24/7 traffic. It would turn their community into a magnet for vagrants, crime, and a possible trafficking location. Someone was murdered in another low end hotel parking lot a mile away and she is requesting protection for the integrity of Shore Haven. Hotels can go to Denton or Lewisville.

Jeff Anderson, 1 Shorehaven Lane, said he has experienced people stopping on his street to do drugs, engage in sexual activities, get to the lake, abandon cars, throw drugs out into the neighborhood, relieve themselves in the yard, and it will get worse. If the hotel goes forward, there will be more problems including, pollution, light, noise, congestion, traffic, drugs, and

violent crime; more problems all around. The only positive are the taxes, but those will be eaten up with the decrease in values for Shore Haven. There are no benefits to Hickory Creek as it relates to Shore Haven. Mr. Patel suggested doctors and lawyers offices would not be interested in the area due to the low traffic numbers, but doctors and lawyers rely on advertising or word of mouth for business, not driving by and looking at a sign. This is bad for Hickory Creek and devastating for Shore Haven.

H. Nemat, 25 Shorehaven, thinks changing the zoning would be a mistake. If you place a hotel on the north side of Oak, in less than a year there would be another on the south side of the street. Trucks would not be able to park in the parking lot but would be parking on the neighboring streets. Country Lane would be the best place to park a truck overnight, requiring making large U-turns over the yards. There is also a safety issue. When the guests at the hotel jogged, there are no security fencing in Shorehaven. Strangers could jog by, looking into homes and backyards, creating a lot of safety issues, and increasing calls to the police. The Commissioners should leave a legacy to be proud of and not approve the zoning change.

Chad Pearson, 18 Shorehaven Lane, approved of the recent development in Hickory Creek, but urged the Commission to vote no on the zoning change. It would not be good for Hilton's bottom line but is good for the community. An economy hotel in Hickory Creek would devalue the property and increase the risk to the safety of the residents and their children. Renting rooms for a week brings in a seedy clientele and is not needed in Hickory Creek. Look at the Economy Inn in Denton or the Budget Inn in Lewisville. As an industry, Hiltons bring in employment and revenue, but not at the bottom rung of Hilton's 18 products. This is Hilton's Economy Inn and will bring in drug dealers, pimps, prostitutes, illegal immigrants, sex offenders and sex traffickers. Sex offenders do not have to register if they stay in a hotel. Illegal immigrants are often housed at economy, extended stay hotels, packed in like sardines. They want to put in the very bottom rung of the Hilton line in Hickory Creek, number 18 of 18. Hickory Creek does not need the revenue from a seedy economy hotel and urged the commission to vote no on the zoning change.

Marla Yorston, 6 Shorehaven Lane, lives in the first house, right at the corner. A 4-story hotel will look into her yard and windows constantly. She frequently uses her pool and yard for entertaining her 6 grandchildren. Even if the HOA would allow a privacy fence, it would not help with a 4-story hotel. The light coming from it in the evening could be seen through her bedroom windows in the back corner of her house. People stay in this type of hotel because they cannot rent houses or apartments due to the need to register somewhere or having records. The demographics of hotel occupants do not match demographics of Hickory Creek. She does not understand the need for a hotel with the proximity to Denton and Lewisville who have numerous hotels. Traffic from the hotel will be all she sees, with people looking out the windows while her grandchildren play in the pool. She urges that the zoning change does not take place.

Gary Dallas, 4 Shorehaven Lane, lives directly behind the proposed location. He and his wife moved to Hickory Creek after looking at 75 properties. They chose Shore Haven because it is a unique place to live and is a very quiet, family oriented community. The families in Shore Haven have invested large amounts into their properties of labor, money

and emotions. This zoning would negatively effect the serenity, safety and property values and he urges denial of the application.

Lynn Bender, 1 Hillview Court, stated she worked in the hospitality business for her entire career including for the parent companies of TGIFridays, Radisson Hotels, and Seven Seas Cruise Lines. She was also Head of HR for the largest division in the US, the West Division, and has seen it all. She does not want to beleaguer points already made about the traffic and human trafficking, but she has a 14 year old who competes in fishing tournaments. Currently she feels safe letting him fish on the lake's coves practicing for his next competition but will not feel comfortable if the hotel goes forward. They bought in that neighborhood so he would have a chance to get outdoors. She would no longer allow his friends to come over because she would not feel it was safe. She urges the commission to consider the kids knowing the stats are real. That type of traffic is dangerous and should not be rezoned.

Susan Schoemehl, 282 Texoma Drive, lives in the next closest neighborhood. She is definitely against and does not see any positives. The amount of revenue is trivial and would be offset by hiring more officers. She is concerned about the same things as the Shore Haven residents: safety, property values, littering. She does not feel it fits in with the concept as she has known it for the last 20 years and urges a no vote.

Jan Bowman, 718 Main Street, has lived in Hickory Creek for 22 years and opposes the change in zoning proposed. The Comprehensive Plan proposed only shows a hotel at the Mansion and she is concerned there is already a plat for this project. There are enough hotels in the surrounding area and she does not believe in the benefits from the taxes generated. The town is growing quickly enough and is getting lots of property taxes. The residents want to keep Hickory Creek as a tree area, a hidden gem in the DFW area. She is also concerned about things starting to get away from the Comprehensive Plan.

John Walker, 127 Oakwood Lane, has concerns about the development, safety, and the comments from Shore Haven citizens. The town has spent time and money creating a Comprehensive Plan to provide direction for the town on development. This area falls under the Corridor Commercial designation and the use proposed does not meet that definition's guidelines. He asks that the Comprehensive Plan be honored and the proposed plan be rejected.

David Markward, 7 Hillview Court, agrees with his neighbors and is strongly against the zoning change. He says No to the project. There is no benefit and any revenue brought in will go back out to the police. Some cities have special departments that only handle the problems caused by this type of hotel. He loves the community; it is beautiful so we should not go backward. A lot of cities he has researched do not allow a 4-story hotel to abut a residential neighborhood. It is a 24/7 operation with lighting issues for the neighbors and crime. Say no.

Ron Luce, 3 Hillview Court, strongly urges the commission to vote against the rezoning. The tax revenue is not worth it as not all money is noble. Work has been done for years to make Hickory Creek a beautiful place. Many people have used their life savings to move to

a peaceful place. The potential drop in property values with this kind of clientele feels really disrespectful to the people who saved and planned to live here. He urges the commission to think about what kind of money the town would be getting and the statement sent to those who have moved here.

Scott Figart, 199 Country Lane, wishes to speak as a resident and personally. As a resident he supports local businesses, master planning, development and balance. Hickory Creek is in that balance as a bedroom community with a lot of pride in the area. There is a limited amount of commercial real estate left to develop which needs to be protected. When looking at residential entrances, commercial zoning gets tricky. The current zoning is the right balance of zoning at a residential entrance. The Professional Building zoning supports businesses open for standard business hours, about 8 hours a day, in contrast to a 24 hours revolving business with a hotel. He is not in favor of changing to a Planned Development and feels the current zoning should remain. On a personal level, he is concerned that there is an ingress/egress onto his personal property, commonly known as Oak Drive. He is not in favor of his personal property being used without further discussion or communications. He urges Planning and Zoning to vote no.

Collin Avilla, 240 Waterview Court, resides in the neighborhood directly behind Shore Haven. She is against this for various reasons. The number one reason is that her family picked Hickory Creek to be their home because of how safe, family oriented and community based it was. They moved in 2020 and have loved every day. The property values of anyone within eyesight of a hotel will go down. It is a 24 hour business which will make it difficult for anyone with small children to make sure they have all the curtains, blinds and black out windows available to fight the bright light. Now kids, golfcarts and teenagers feel like they are safe in the neighborhoods and surrounding areas. The biggest reason she feels it is a bad idea is a lot of the comments were based on this being a low budget hotel but, even if it was a 5 star hotel with a Michelin star restaurant inside, it will still bring the same kind of traffic, people from unknown backgrounds wandering around the backyards. It is really close to the lake and Corps properties which allows anyone public access. If the zoning is changed, a bell will be rung that cannot be unring. They could change it to a different or bigger, taller hotel and all the problems identified as small will get bigger and it will only get worse. She strongly urges not allowing the zoning change.

Public Hearing closed at 7:06 p.m.

Mr. Patel, Value Hospitality, thanked everyone for their comments and acknowledged they heard the concerns about safety. He reiterated they had recently developed the first hotel in Wylie, recently named one of the safest towns in the nation and it was close to a neighborhood. It is up to the operators to control who is being brought in and what is going on. Security is a big thing and a lot of hotels hire security to supplement and prevent any wrong doings. Unfortunately, everything cannot be controlled, and some activities are going on currently. Best efforts can only be put forward.

Vice Chairman Gilmore asked the town if any conversations had been conducted with law enforcement concerning a hotel in this location. John Smith, Town Manager, stated there had not been a discussion yet since zoning was the only thing being discussed. Law

enforcement was involved in the Comprehensive Plan development, but hotels were not a concern at that time.

Chairman May discussed the Comprehensive Plan development process and its vision. A hotel is a high intensity use and is being proposed next to a low intensity use without a buffer between. A buffer or some type of transitional zoning is usually warranted to insulate the uses. He agrees with the staff recommendation. There are other concerns, but they are not currently under discussion. There is usually a give and take in a Planned Development without a straight zoning and he does not see one here.

Commissioner Jensen shared that he lived in a community in Lake Dallas before a hotel was built. It was a great community but, after the hotel was built, property values plummeted and the houses backing to the hotel were foreclosed as they could not sell. He was unable to sell his house for several years for the amount owed.

Vice Chairman confirmed with staff that the revisions received did not change their recommendation. Commissioner Barton stated he was reluctant to start changing the Comprehensive Plan. Chairman May stated he was not in favor of this land use in this location.

Motion to recommend denial to Council made by Commissioner Johnson, Seconded by Commissioner Jensen.

Voting Yea: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Barton, Commissioner Johnson. Motion passed unanimously.

Adjournment

Meeting adjourned at 7:19 p.m.

Approved:

Attest:

Tim May, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek