

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, JUNE 18, 2024**

MINUTES

Call to Order

Meeting was called to order at 6:02 p.m. by Chairman May.

Roll Call

PRESENT

Chairman Tim May
Vice Chairman David Gilmore
Commissioner Dustin Jensen
Commissioner Brenda Kihl
Commissioner Tony Martinez

ABSENT

Commissioner Collin Johnson
Commissioner Bill Nippert

ALSO PRESENT

Trey Sargent, Town Attorney
Chris Gordon, Council Liaison
John Smith, Town Manager
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.

Public Comment

No Public Comment.

Consent Agenda

1. December 12, 2023 Special Meeting Minutes

Motion to approve as presented made by Commissioner Jensen, Seconded by Vice Chairman Gilmore.

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

Regular Agenda

2. Discuss, consider and act on the appointment of a Commission Chairman and Vice Chairman.

Tim May elected as Chairman and David Gilmore Vice Chairman.

Motion to accept the results made by Commissioner Kihl, Seconded by Commissioner Martinez.

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

3. Discuss, consider and act on a recommendation for a final replat of Lots 1-R-1 and 1-R-2, Block 1 of Double G Plaza being a replat of Lot 1-R, Block 1 of Double G Plaza: being 2.258 acres in the H. Swisher Survey A-1220 in the ETJ of the Town of Hickory Creek, Denton County, Texas. The property is located at 3572 FM 2181.

Jerry Blazewicz, co-owner of BMT properties, stated they wished to separate a single property into two separate lots. In response to Commissioner Kihl's question about property access he explained current access to the rear property was through the front lot. The new plat will give a 30 foot roadway access to FM 2181.

Chairman May asked questions about possible future annexation and zoning setbacks. Mr. Smith and Ms. Chaudoir explained that, per the Ordinances, the town only has platting authority in the ETJ at this time. If ever annexed, the property retains the existing conditions.

Commissioner Gordon asked why the plat had been withdrawn previously. Ms. Chaudoir explained the lack of the 30 foot access to the rear of the property required by Denton County. Mr. Smith went over the deed and property history. Vice Chairman Gilmore inquired about the acreage change and Mr. Blazewicz responded the addition of the 30 ft easement from the deed search had increased the acreage to just over 2 acres thus meeting another Denton County requirement for minimum 1 acre lots.

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

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

4. Discuss, consider and act on a recommendation for a revision to the site and landscape plan for 3550 FM 2181: being Lot 2, Block A of the Lakesound Addition, 2.3575 acres out of the H.H Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas.

Ms. Chaudoir explained the reasons for the parking lot changes to accommodate a sign and Mr. Smith went over the elimination of the masonry wall and addition of a 230 foot wrought iron fence on the eastern side between the drive-through and the future sidewalk.

Brian Burger, Burger Engineering, in response to questioning, explained the sign would occupy a previously intended parking space but would be configured as a landscape island. The sign will be 20 feet tall. He also explained that problems with the various easements and setbacks for sign placement.

Mr. Sargent stated the elimination of the required masonry wall between the site and the complex behind was allowable by Council acceptance. Mr. Smith and Mr. Burger discussed

the history of the ordinance and how the layout will appear. They also discussed the history of the 20 foot sign on the property.

Motion to recommend approval of the site and landscape plan as presented made by Commissioner Jensen, Seconded by Commissioner Kihl.

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

5. Conduct a Public Hearing regarding a request from AWS Boats LLC on behalf of Paul Bosco Jr .for a Special Use Permit for sales and service of automobiles and watercraft in the 700 block of Lake Dallas Drive and consider and act on a recommendation for the same. The legal description of the property is A0284A Cobb, Tr 56, A0284A Cobb, Tr 55, 58, and A0284A Cobb, Tr 57(pt), Town of Hickory Creek, Denton County, Texas.

Public Hearing opened at 6:45. With no one wishing to speak, Public Hearing closed at 6:46.

Ms. Chaudoir, Mr. Smith and the Commission discussed the scope and history of project. No applicant representative present.

Motion to recommend approval made by Vice Chairman Gilmore. Motion died for lack of a second. Pursuant to Hickory Creek Code of Ordinances, Section 1.07.036, the Commission recommends denial.

6. Discuss, consider and act on a recommendation for a replat of Lot 1A, Block A, TLC Subdivision and Lot 4, Block A, Chili's Rave Addition into Lot 1A-1 and 1A-2, Block A, TLC Subdivision, being 1.636 acres in the J.W. Simmons Survey, Abstract Number 1163, Town of Hickory Creek, Denton County, Texas. The property is located at 1221 Turbeville Road.

Ms. Chaudoir and Mr. Smith gave an overview of the project.

Rick Moore, Rick Moore Construction, explained the intention is to build an 8 foot wall around 4 existing parking spaces for an enclosure for the smoker and equipment and to enclose an additional 2 spaces for firewood storage. This will remove the firewood piled on the eastern side of the property from public view and prevent theft. The 12 spaces included with the replat are already paved and will result in the addition of 6 total parking spaces.

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

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

7. Conduct a Public Hearing to consider a request by Hard Sun V, Inc. to change the zoning designation from PD (Planned Development) and C-1 (Commercial) to PD (Planned Development) for the property legally described as TLC Subdivision Block A, Lot 1A-1, approximately a 1.048 acre tract of land in the corporate limits of the Town of Hickory Creek, Denton County, Texas and discuss, consider and act on a recommendation for the same. The property is located at 1221 Turbeville Road.

Public Hearing opened at 7:08.

Rick Moore, Rick Moore Construction, stated the addition of the extra parking is a bonus for the property.

Public Hearing closed at 7:09.

Ms. Chaudoir and Mr. Smith gave an overview of the project.

Motion to recommend approval as presented made by Vice Chairman Gilmore, Seconded by Commissioner Martinez.

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

8. Discuss, consider and act on a recommendation for a site plan for Lot 1A-1, Block A, TLC Subdivision, being 1.048 acres in the J.W. Simmons Survey, Abstract number 1163, Town of Hickory Creek, Denton County Texas. The property is located at 1221 Turbeville Road.

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

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

9. Conduct a public hearing regarding an ordinance of the Town of Hickory Creek, Texas, implementing certain revisions to the Town's zoning ordinance identified, considered, and contained within the Town's Comprehensive Plan update 2023 by amending the Town Code of Ordinances, Chapter 14 Zoning, Article 14.02 – Zoning Ordinance; Exhibit A Zoning Ordinance; Article I – Title; Article II – Purpose; Article III – Definitions; Article IV – Classification of Districts; Article V – Automobile Wrecking Yard; Article VI – Refuse and Waste Requirements; Article VII – SF-1 Residential District; Article VIII– SF-2 Residential District; Article IX – SF-3 Residential District; Article X – TH-1 Townhouse District; Article XI – SF-5ac Residential District; Article XII MF-1 - Apartment District; Article XII.5 - GMH Garth Addition Mobile Home Single-Family Residential; Article XIII - C-1 Commercial District; Article XIV - C-2 Commercial District; Article XV - LI-1 Industrial District; Article XVI - U-1 Utility District; Article XVII - PD Planned Development District; Article XVIII - Modular Home District; Article XIX - MHP Mobile Home Park District;; Article XX - CL Club District; Article XXI PB-1 - Professional Building District; Article XXII - Special Area and Use Regulations; Article XXII.1 - MU-1 Mixed Use Suburban District; Article XXII.2 - MU-1 Mixed Use Regional District; Article XXIII - Nonconforming Uses and Structures; Article XXIV - Vehicle Parking Regulations; Article XXV - Signs and Occasional Sales; Article XXVI - Creation of Building Site; Article XXVII - Site Plan Approval; Article XXVIII - Construction Requirements; Article XXIX - Office of Building Official-Engineer; Article XXX - Certificate of Occupancy and Compliance; Article XXXI – Hickory Creek Applications and Fee Schedules; Article XXXII – Board of Adjustments; Article XXXIII – Planning and Zoning; Article XXXIV – Amendments; Article XXV – Penalty and Violations; Article XXXVI – Validity; Article XXXVII – Effective Date and Emergency Declared; and Article XXXVIII – Home Occupation Regulations and discuss, consider and act on a recommendation for the same.

Public Hearing opened 7:17 p.m.

Nancy True, 12 Tanglewood Circle, wished to have more interpretation on the proposed changes.

Ms. Chaudoir, Mr. Smith and Mr. Sargent discussed the purpose and intent behind the changes.

Motion made by Vice Chairman Gilmore to continue the Public Hearing until the July 16th Planning and Zoning meeting , Seconded by Commissioner Kihl.

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

Adjournment

Motion to adjourn made by Vice Chairman Gilmore, Seconded by Commissioner Kihl.

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

Meeting adjourned at 7:28 p.m.

Approved:

Attest:

Tim May, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek