

**SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
TUESDAY, MARCH 22, 2022**

**MINUTES**

**Call to Order**

Meeting called to order at 6:05 p.m. by Chairman Hawkes.

**Roll Call**

PRESENT

Commissioner Dustin Jensen  
Commissioner Rodney Barton  
Commissioner Jaycee Holston in at 6:45 p.m.  
Chairman Bryant Hawkes  
Commissioner Don Rowell  
Vice-Chairman Tim May  
Commissioner David Gilmore in at 6:08 p.m.

ALSO PRESENT

Trey Sargent, Town Attorney  
Lee Williams, Halff and Associates  
Randy Gibbons, Town 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 Vice-Chairman May.

**Public Comment**

No Public Comment

**Consent Agenda**

1. February 15, 2022 Minutes

Motion made by Vice-Chairman May to approve the minutes, Seconded by Commissioner Barton.

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

### **Regular Agenda**

2. Discuss, consider and act on a request from David Palmer on behalf of the Weitzman Group to change the zoning description from C-1 Commercial to Planned Development on an 11.890 acre tract of land in the J.W. Simmons Survey, Abstract No. A1163A in the Town of Hickory Creek, Denton County Texas, and being legally described as part of the following tracts: Tract 34A, Tract 34C, Tract 35A (pt), and Tract 35A (2) . The property is located between the 1000 block of Hickory Creek Boulevard and the 8300 block of Stemmons Freeway.

Brian Grant, JPI, gave a presentation addressing some of the concerns raised at the February meeting including school district impact, open space, architectural materials and renderings, changes in the PD standards, etc.

Chairman Hawkes asked if there are any renderings of the commercial space. David Palmer, Weitzman Group, stated it would be complementary to the other buildings including the space currently housing the Starbucks on FM 2181. The commercial space zoning is not changing. As to the masonry wall separating the areas, they are promoting cross use for the property without a wall.

Vice-Chairman May asked about the ratio of school children. They are projecting 10% of the units will be occupied by children with 1 child per unit or approximately 10 - 14 children based on other local complexes. Vice-Chairman May pointed out some discrepancies in the acreages on the submitted paperwork that needed correction. He also expressed concern about tree clear cutting and mitigation, the looseness of the definition of masonry, number of parking places, density, building height, traffic congestion, approximately 90% impervious surface, and access to the site. Planned Developments usually have concessions on both sides, but this seems to favor the developer. The needed infrastructure is not in place. The only landscaping is a greenbelt outside the perimeter fence, basically a dog park in a detention pond, and 350 trees with sodding. No amenities.

When questioned, Commissioner Barton expressed his opinion that the project was too dense, too tall and did not have enough open space, all of which were things the people of Hickory Creek had shown an interest in maintaining.

Commissioner Jenson stated he was concerned about water pressure and water volume in the community. The commissioners held a discussion about the water requirements, fire suppression and whose responsibility it would be for the infrastructure.

Chairman Hawkes asked Ms. Chaudoir if she had the information from the most recent traffic study. She did not but reminded the commission that Mr. Williams from Halff was present if they had questions. The commission discussed traffic counts and patterns in the area. Chairman Hawkes asked if a Traffic Impact Study would be needed. Mr. Williams discussed the criteria needed for a TIA and expressed his opinion that, based on the numbers supplied, the traffic generated would not trigger the need for a TIA.

The commissioner held a discussion regarding parking on the property. 74 parking stalls are outside the perimeter fence, located on a private access road, so residents are being parked on the property but not behind the fence. Commissioner Rowell discussed what the traffic counts would be like if the property was developed as commercial rather than an apartment complex. Vice-Chairman May talked about the future when the residents of the complex are asking the town to resolve their parking issues. Mr. Grant stated that the town's ordinance was outdated and the ratio they proposed was used across the metroplex.

Commissioner Holston stated that growth is coming and cannot be stopped. What has worked in other areas needs to be considered since the future cannot be anticipated. Parking is getting to be a problem everywhere. Vice-Chairman May agreed that growth is coming, but what he has been talking about is the ordinance versus what is being requested and opined that they are controlling the growth instead of the town. He also discussed the proposed masonry and the types of products that could be used. Ms. Chaudoir reminded the commission that the language for masonry used in the PD was what was in the town's ordinance already.

Commissioner Holston and Vice-Chairman May discussed the looseness of the language in the proposed PD versus the current challenges to building on the developer's part. Commissioner Gilmore asked what Vice-Chairman May was looking for that was not in the PD ordinance. Vice-Chairman May expressed that he saw Planned Development as a give and take and he has not seen what the town was receiving. He feels the PD, as presented, is too loose and needs more definitions. He does not see how the town will administer the proposed ordinance as written in the long term. Mr. Grant stated he thought they were giving the town what was asked for in the new PD standards presented tonight and asked what else was needed. Vice-Chairman May stated the Commission was not there to set the standards, that was the applicant's job, but to determine whether the proposal met the town's standards.

Mr. Palmer stated he respectfully disagreed with Vice-Chairman May and the ordinance is not too loosely written. They have included a detailed plan and adopted town standards straight from the ordinances. There seems to be a back and forth on the access road, but it is not a public street. At the town's guidance, they are allowing it to be used as such, although they are required to maintain it. The multi-family density is needed, but if it does not work they will move on. This apartment complex is a first class product.

Commissioner Gilmore asked about the road and why access to it was not restricted if it is private. Ms. Chaudoir explained it is a fire and utility access easement. The long term members discussed that the access road and its requirements were complicated including the parking stalls along it that help the Starbucks building and Kwik Industries building meet the parking requirements. The current proposal has gated roads coming off the easement while leaving it open to the public. Commissioner Gilmore asked why some of the parking spaces were outside the fence. Mr. Grant explained some were parking for the carriage homes and the amenities center and some for guest or tenant parking. Garages that are not part of the carriage homes will be rented individually.

Chairman Hawkes and Vice-Chairman May detailed the list of items discussed as trees, traffic and congestion, people density, open spaces, parking, access road, building heights, masonry requirements, and 88% impervious surface.

Motion to recommend denial of Item 2 as presented made by Vice-Chairman May, Seconded by Commissioner Barton.

Voting Yea: Commissioner Rowell, Commissioner Barton, Vice-Chairman May.

Voting Nay: Commissioner Holston, Commissioner Jenson, Commissioner Gilmore, Chairman Hawkes. Motion failed.

Motion to recommend approval of Item 2 as presented made by Commissioner Jenson, Seconded by Commissioner Gilmore.

Voting Yea: Commissioner Holston, Commissioner Jenson, Commissioner Gilmore.

Voting Nay: Commissioner Rowell, Commissioner Barton, Vice-Chairman May, Chairman Hawkes. Motion failed.

Item 2 recommended to council for denial due to the failure to secure a majority vote pursuant to Hickory Creek Code of Ordinances, Chapter 1, Section 1.07.036.

3. Discuss, consider and act on a recommendation for a preliminary plat of Jefferson Hickory Creek Lots 1 and 2, 13.6211 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek , Denton County Texas.

The commission held a general discussion with Mr. Sargent and Mr. Williams on the platting of the property and how to proceed based on the motion for Item 2.

On advice of the town attorney, motion made by Commissioner Barton to recommend approval of the plat, Seconded by Commissioner Gilmore.

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

Voting Nay: Vice-Chairman May. Motion passed.

**Adjournment**

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

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

Meeting adjourned at 7:27 p.m.

Approved:

Attest:

---

Bryant Hawkes, Chairman  
Planning and Zoning Commission

---

Chris Chaudoir, Administrative Assistant  
Town of Hickory Creek