



**NOTICE OF
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, NOVEMBER 19, 2024, 6:00 PM**

AGENDA

Call to Order

Roll Call

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

Invocation

Public Comment

This item allows the public an opportunity to address the Planning and Zoning Commission. To comply with the provisions of the Open Meetings Act, the commission cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the commission. Comments will be limited to three minutes. Open Forum is for information only. No charges and/or complaints will be heard against any elected official, board member, the Town, or employee of the Town that are prohibited by law.

Consent Agenda

Items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the Planning and Zoning Commission.

1. July 30, 2024 Special Meeting Minutes

Regular Agenda


2. Conduct a public hearing regarding the request for a Special Use Permit from Kimley-Horn and Associates on behalf of Wal-Mart Real Estate Business Trust for the operation of drones for grocery delivery in the required parking lot and discuss, consider and act on the same. The property is located at 1035 Hickory Creek Boulevard and is legally described as Wal-Mart Addition (Lake Dallas ISD), Block A, Lot 1R, Town of Hickory Creek, Denton County, Texas.

Adjournment

The Planning and Zoning Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact Town Hall at 940-497-2528 or by fax 940-497-3531 so that appropriate arrangements can be made.

I, Chris Chaudoir, do hereby certify, that this meeting notice was posted on the bulletin board at Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas on November 12, 2024 at 4:00 p.m..



Chris Chaudoir
Town of Hickory Creek

**SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, JULY 30, 2024**

MINUTES

Call to Order

The meeting was 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 Brenda Kihl
Commissioner Tony Martinez
Commissioner Bill Nippert

ABSENT

Commissioner Collin Johnson

ALSO PRESENT

Trey Sargent, Town Attorney
Chris Gordon, Council Liaison
John Smith, Town Administrator
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 Chairman May.

Public Comment

No Public Comment.

Consent Agenda

1. July 16, 2024 Meeting Minutes

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

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

Regular Agenda

2. Discuss, consider and act on a recommendation for a Site Plan for 800 Point Vista Road, being 5.13 acres of land situated in the Cornelius Town Center Addition, Block A, Lot 1, Town of Hickory Creek, Denton County, Texas.

Cynthia Mathey, 117 Arabian, President of Founders Academy PTO, explained the purpose and history of the request for the shade structure.

Samantha Baylog, 2208 Woods Edge Court, Corinth, PTO Treasurer, went over the details of the structure's construction.

Chairman May questioned the use of the fire lane as a stacking lane. Ms. Chaudoir stated the Fire Marshall reviewed the project and raised no concerns.

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

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

3. Discuss, consider and act on a recommendation for a Preliminary Plat for the Lennon II Addition, Lots 1 - 9, Block A, being 10.22 acres of land situated 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 3100 block of FM 2181.

Mr. Smith went over the history of the property and Ms. Chaudoir stated the zoning was established in the 2020 Lennon Family Planned Development Ordinance.

Brad Devault, Victory Group, explained Lot 3 was larger than the other lots because that is the location of first shopping center to be built and was designed for that type of building and its intended use, approximately 50% restaurant, 50% retail.

Drew Donosky, ClayMoore Engineering, discussed the 3 access points along Fm 2181 and the existing easements and utility lines installed on the property. Submittal has been made to TxDOT to move some of the access points and a Traffic Impact Analysis is currently being conducted. Mr. Devault is negotiating with the property owner to the east for an access easement to align with the existing median opening.

Concern was expressed about cross-access easements not being shown. Mr. Donosky explained the Preliminary Plat would not dedicate any easements, being more of a master plan. Currently, easement dedications are being concentrated around lots 2, 3 and 4 where first construction will be to prevent the other lots from having any additional restrictions other than the existing utility and drainage easements. Chairman May asked if the cross-access easements should be shown on the Preliminary Plat so that they are established for future development even if the land changes ownership. Mr. Donosky stated they could easily be added with a conditional approval. Mr. Sargent and Mr. Smith agreed that it would be preferable to show the cross-access to prevent access issues in the future. Mr. Devault

stated they would like the flexibility to move the easement and fire lanes around buildings as needed but he understood the concern. Mr. Sargent stated having the cross access indicated across the frontage to show intent made sense, but it could be moved on subsequent lot approvals. Upon questioning, Mr. Devault indicated there is interest in the other lots, but nothing is confirmed at this time.

Motion to recommend approval with the addition of a cross-access easement across all 9 lots made by Commissioner Jensen, Seconded by Commissioner Nippert.

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

4. Discuss, consider and act on a recommendation for a Site and Landscape Plan for the Lennon II Addition, Lot 3, Block A, being 2.123 acres of land situated 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 3100 block of FM 2181.

Drew Donosky, ClayMoore Engineering, stated lot 3 did not meet the landscape requirement but the intention is the full site would fulfill the requirements on build out. There will be an 8-foot masonry wall between the site and the subdivision. Only the wall behind lot 3 will be completed at this time to allow access to the other lots for parking lot construction and to prevent damage to the wall, but the wall will match across the site at build out.

The front and rear fire lanes are shown on lot 4 and across to Parkridge. A Development Plan will be created covering the cross-access easement, the rear wall and any structural and color standards for a cohesive development. The current site plan shows one building which could possibly accommodate up to 8 tenants including 2 restaurants with drive-throughs.

Chairman May discussed the landscape percentage shortfall, not wishing to set a precedent for the other lots. Discussions were held about the reasons and possible solutions. 10 to 15 percent of the entire 10-acre tract have existing large drainage easements that could be heavily planted. Lot 3 has every parking space possible to meet the requirements for the building's prospective users and everything else is landscape. Lot 1 will probably be over landscaped due to its shape and drainage easements. Extra landscaping could also be added to the east. Upon buildout, a shortage of landscaping is not anticipated as an additional 2500 square feet could be found somewhere else. Victory Group has Master Planned the development with specific potential users and their needs and criteria in mind, necessitating the different lot sizes. The applicant expressed that they were willing to go ahead and dedicate a landscape easement by separate instrument now with the current project if that was a condition of approval.

Mr. Sargent recommended the item either be approved without conditions or with a request that the applicant present landscape dedication alternatives before the Council meeting Monday. Mr. Devault said he would discuss the easement dedication with the company.

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

Commissioner Jensen suggested an amendment to the motion requiring the submission of a dedicated landscape easement of no less than 2500 square feet in the aggregate. The amendment to the motion was accepted by Vice Chairman Gilmore and Commissioner Nippert.

Voting Yea on the amended motion: Vice Chairman Gilmore, Commissioner Jensen, Commissioner Kihl, Commissioner Martinez, Commissioner Nippert. Motion passed unanimously.

5. Discuss, consider and act on a recommendation for a Final Plat for the Lennon II Addition, Lot 3, Block A, being 2.123 acres of land situated 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 3100 block of FM 2181.

Mr. Donosky stated the front fire, access, drainage and utility easement extending onto lot 4 is shown on the Final Plat but it does not extend further as to not encumber the other lots during site planning and construction. Only the concrete shown will be poured at this time. There is an existing dedicated easement shown across the rear of the tract, filed in 2021 and providing cross-access to all 9 lots, which may negate the need for a cross-access easement on the Preliminary Plat.

Chairman May expressed concern about the easements on lot 3 crossing the property lines onto the adjacent lots and potential future issues in platting those lots. Mr. Donosky stated the easements will be filed prior to plat filing. Mr. Sargent stated it is not a reason to permissively deny the plat.

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

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

Meeting adjourned at 7:15 p.m.

Approved:

Attest:

Tim May, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek

Please attach a copy of the deed to the property. If you are currently purchasing the property, please include a copy of the contract for the purchase of the property. Also include a copy of any and all restrictive covenants pertaining to any property to be developed or rezoned.

Appeals and Zoning Changes

What is the proposed use?

The proposed use is for a SUP to be below the minimum city parking ratio. We are removing 31 parking stalls for
installation of the Wing nest .

Why do you believe that the approval of the request would be in harmony with the character of the neighborhood?

The approval of request would facilitate citizens of the neighborhood to place orders through the Walmart App and have quick
grocery deliveries directly to their doors in a timely manner. The approval to be under parked would allow more citizens to stay home.

Why do you believe that the approval of this request would not be detrimental to the property or persons in the neighborhood?

The request for a parking SUP would not be detrimental as the site will only be reduced by 31 parking spots near where the
existing pickup location, which is not prime parking for walmart customers.

Why do you believe that there is a need in this area for the uses that would be allowed under this proposed zoning change?

The cities in the DFW are eager to have drone grocery delivery and with the approval of Hickory Creek Parking SUP
this can be made a reality for consumers.

Lien holder:

Is the property burdened by a lien of any nature? Yes No

If so, describe the lien and give the name and address of lien holder and secure their consent to the requested zoning change with their signature.


Other:

Approximate cost of work involved? \$50,000

Include a schematic drawing of the site.

To the Applicant:

I, Juan Moreira, understand the above requirements and have read them thoroughly and my statements are true and correct.


Applicant

10/11/2424
Date

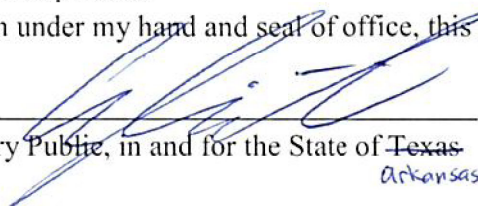
Lien holders (if any)

STATE OF TEXAS:

COUNTY OF DENTON:

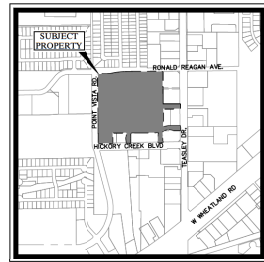
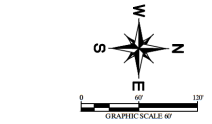
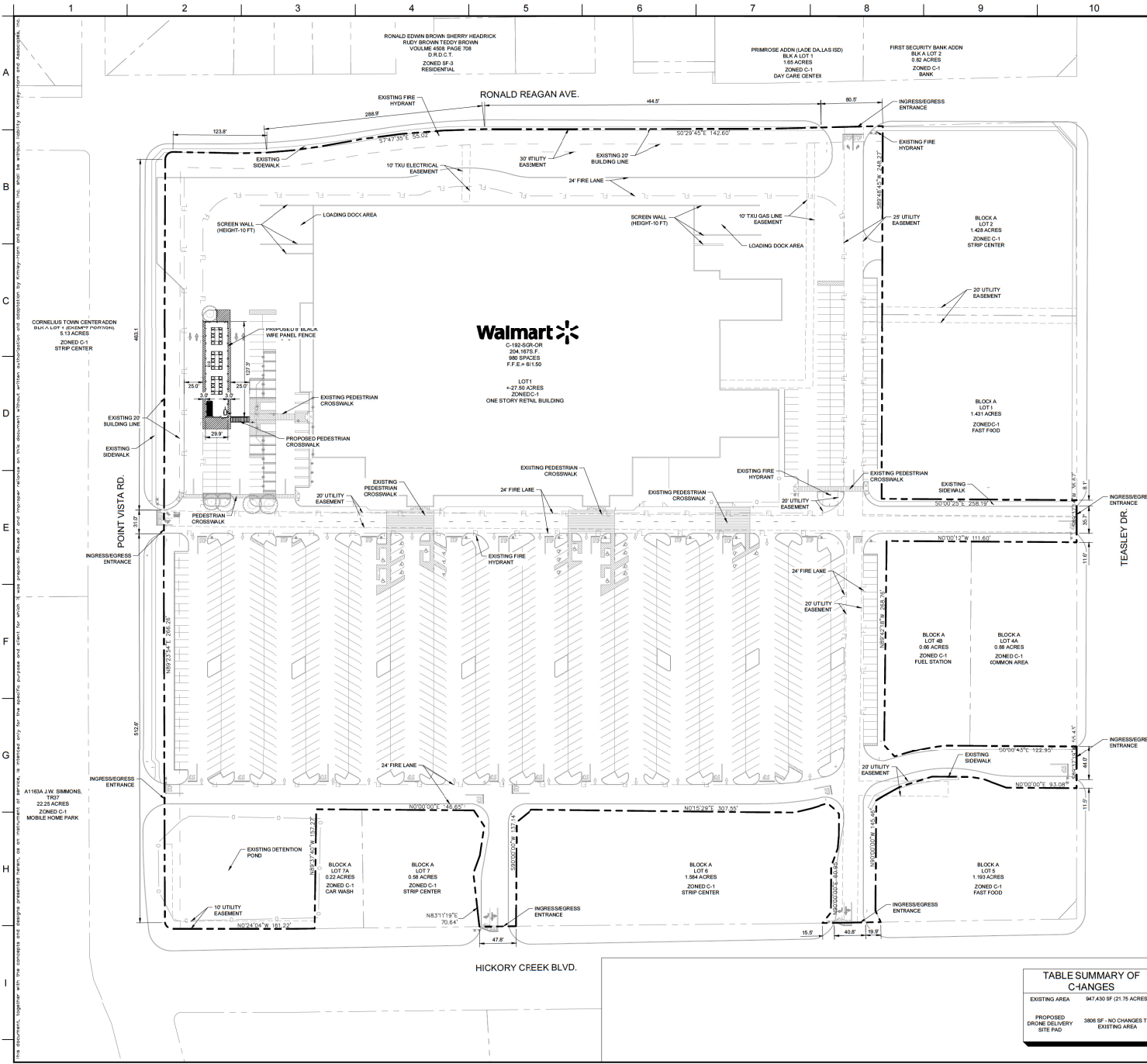
Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mat Philpott, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this 11th day of October, 2024


Notary Public, in and for the State of ~~Texas~~
Arkansas

09/12/2028
My Commission Expires On:

AMY B. CORRITORI
BENTON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires September 12, 2028
Commission No. 12705393



VICINITY MAP
N.T.S.

LEGEND

---	PROPERTY BOUNDARY
- - -	PROPOSED SAWTOOTH LINE
FL	PROPOSED FIRE LANE
①	PROPOSED PARKING COUNT
②	PROPOSED ACCESSIBLE PARKING SPACE
③	PROPOSED BARRIER FREE RAMP
④	PROPOSED SANITARY SEWER MANHOLE
⑤	PROPOSED CURB INLET
⑥	PROPOSED FIRE HYDRANT
⑦	PROPOSED POWER POLE
⑧	EXISTING SANITARY SEWER MANHOLE
⑨	EXISTING FIRE HYDRANT
⑩	EXISTING LIGHT POLE

SITE DATA TABLE

SITE	
AREA	847,430 S.F. = 21.75 ACRES
TOTAL BUILDING AREA	234,167 S.F.
EXISTING ZONING	
LOT 1	COMMERCIAL
BUILDING SETBACKS (CR)	
FRONT YARD	NA
SIDE YARD	20'
REAR YARD	20'
STORIES	
MAX ALLOWED (CR)	2.5
PROPOSED	1
PARKING	
TOTAL PARKING PROVIDED	980
TOTAL PARKING REQUIRED	1,021
TOTAL HANDICAP PARKING	24
LOADING SPACES PROVIDED	4
LOADING SPACES REQUIRED	NA
LOT COVERAGE	
PERCENTAGE OF LOT AREA COVERED BY ROOF, FLOOR, OR OTHER STRUCTURE	
PROPOSED	32%
IMPERVIOUS COVERAGE	
PERCENTAGE OF LOT AREA COVERED BY ROOF AND CONCRETE	
PROPOSED	66% (821,238 S.F.)

TABLE SUMMARY OF CHANGES

EXISTING AREA	947,430 SF (21.75 ACRES)
PROPOSED DRONE DELIVERY SITE PAD	3806 SF - NO CHANGES TO EXISTING AREA

DRONE DELIVERY SITE PLAN
 WAL-MART ADDN (LAKE DALLAS ISD)
 BLK A LOT 1R
 21.75 ACRES
 PREPARED: OCTOBER 11, 2024

OWNER/APPLICANT:
 WAL-MART REAL ESTATE BUSINESS TRUST
 2001 S.E. 10TH STREET
 BENTONVILLE, ARKANSAS 72711-0550

ENGINEER:
 KIMLEY-HORN AND ASSOC.
 10101 REUNION PLACE
 SUITE 400
 SAN ANTONIO, TX 78216
 PH: # 210-460-0343
 CONTACT: JUAN VORERA

Kimley»Horn
 8000 W. BRIDGE BLVD. SUITE 400
 10101 REUNION PL., SUITE 400, SAN ANTONIO, TX, 78216
 WWW.KIMLEY-HORN.COM
 TEXAS REGISTERED ENGINEERING FIRM F-298

SITE PLAN

SCALE: AS SHOWN
 DESIGNED BY: [Signature]
 DRAWN BY: [Signature]
 R.C. CHECKED BY: [Signature]
 P.M. REVISIONS

DATE: 10/11/24
 PROJECT NO.: 24033300
 SHEET NUMBER: EX