



**NOTICE OF
SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, SEPTEMBER 13, 2022, 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.](#) August 16, 2022 Meeting Minutes

Regular Agenda

- [2.](#) Conduct a public hearing continued from August 16, 2022 to hear public opinion on a request from Reserve at Hickory Creek, LLC to designate the zoning as PD (Planned Development) on an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Denton County, Texas, conveyed to Reserve at Hickory Creek LLC, according to the document filed of record in Document Number 2021-133395 Deed Records Denton County, Texas, Town of Hickory Creek, Denton County, Texas and consider and act on a recommendation for the same. The property is located at 1745 Turbeville Road.
- [3.](#) Discuss, consider and act on a recommendation for a preliminary plat of Reserve at Hickory Creek, being an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1745 Turbeville Road.

4. Conduct a public hearing regarding a request from LG Hickory Creek LLC, to amend the current PD (Planned Development) zoning designation on a 24.344 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Texas, recorded in Document Number 179841 of the Official Public Records of Denton County, Texas and consider and act on a recommendation for the same. The property is located in the 3400 block of FM 2181.
5. Discuss, consider and act on a recommendation for a Final Plat for the Lakesound Addition, Lot 1, Block A in the H. Swisher Survey, Abstract No 1220, Town of Hickory Creek, Denton County Texas. The property is located in the 3400 block of FM 2181.
6. Discuss, consider and act on a recommendation for a Site and Landscape Plan for the Lakesound Addition, Lot 1, Block A in the H. Swisher Survey, Abstract No 1220, Town of Hickory Creek, Denton County Texas. The property is located in the 3400 block of FM 2181.
7. Conduct a public hearing on a request from John Murphy, trustee of the John R Murphy Family Trust, on behalf of Yanlin Qian to change the zoning designation from SF-1 Residential District to SF-3 Residential District on a tract of land legally described as A1075a Ramsey, Tract 43B, 44B, 45C, 7.0 acres in the Town of Hickory Creek, Denton County, Texas and consider and act on a recommendation for the same. The property is located at 125 South Hook Road.
8. Discuss, consider and act on a recommendation for a preliminary and final plat of Garth Addition, Lot 1, Block A: being 2.00 acres of land located in John Ramsey Survey, Abstract No. 1075, the Town of Hickory Creek, Denton County, Texas. The property is located at 207 Garth Lane.

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 September 8, 2022 at 16:15 p.m.



Chris Chaudoir
Town of Hickory Creek

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, AUGUST 16, 2022**

MINUTES

Call to Order

Meeting was called to order at 6:01 p.m. by Vice-Chairman May.

Roll Call

PRESENT

Commissioner Rodney Barton
Commissioner Jaycee Holston
Commissioner Don Rowell
Vice-Chairman Tim May
Commissioner David Gilmore

ABSENT

Commissioner Dustin Jensen
Chairman Bryant Hawkes

ALSO PRESENT

Dorwin Sargent, Town Attorney
Randy Gibbons, Council Liaison
John Smith, Town Administrator
Chris Chaudoir, Administrative Assistant

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

Pledge of Allegiance to U.S and Texas Flags led by Vice-Chairman May.

Invocation

Invocation given by Commissioner Gilmore.

Public Comment

Ronald Furtick, 1500 Turbeville Road, stated a lot of development is coming to the town and announced his new biotech firm start up he would like to bring in. He declared Hickory Creek needed a Mixed Use zoning that is appropriate. Neither of the Mixed Use zonings currently in town would work. He presented a zoning ordinance that had already been developed and gave a history of it. He stated the only types of development being done at this time were multi-family and industrial as they are the only types of development being financed at this time. He congratulated the Commission on rejecting the recent apartment complex, but warned they would be back. He stated it would be difficult to get a retail base with the current market. He want to show what could be done with the correct zoning and passed out copies of his proposed Mixed Use Zoning ordinance.

Consent Agenda

1. June 21, 2022 Minutes

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

Voting Yea: Commissioner Barton, Commissioner Holston, Commissioner Rowell, Commissioner Gilmore.

Voting Abstaining: Vice-Chairman May. Motion passed.

Regular Agenda

2. Discuss, consider and act on the appointment of Planning and Zoning Commission Chair and Vice-Chair.

After the vote tabulation Tim May was elected Chairman and David Gilmore Vice-Chairman.

Motion made by Commissioner Barton to accept the nominations as tallied, Seconded by Commissioner Rowell.

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

3. Conduct a Public Hearing to hear public opinion on a request from Reserve at Hickory Creek, LLC to designate the zoning as PD (Planned Development) on an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Denton County, Texas, conveyed to Reserve at Hickory Creek LLC, according to the document filed of record in Document Number 2021-133395 Deed Records Denton County, Texas, Town of Hickory Creek, Denton County, Texas and consider and act on the same. The property is located at 1745 Turbeville Road.

Public hearing opened at 6:13 p.m.

Tom Clayton, 135 Oakwood, stated he had been in law enforcement for 30 years and had seen what happens when residents are crammed in apartments rather than spread out. Houses increase property value. Some of the townhomes have a square footage of 1,000 square feet which is the same as a small apartment and people will be on top of each other. He knows it has already been decided, but wished to make some suggestions, such as placing something to divide them from the houses such as a fence or trees. He also discussed the "Broken Window" theory and its effects on property maintenance, value and crime. He would like a stipulation that the townhomes be owned rather than rentals.

Mary Wendel, 123 Oakwood, stated Mr. Clayton had addressed most of her concerns, but wanted to know if all the trees near the drainage ditch would be removed.

John Grosskopf, 131 Oakwood, agrees with the previous speakers and feels the project is progressing too quickly. He wants to know what the hurry is, and the project could do with additional traffic and pedestrian studies as there are already significant traffic issues with the

Enclave. There are thousands of new vehicles and pedestrians on the roadways due to recent projects. He is also concerned about garbage in the ditch and construction debris in his back yard, noise violations, storm water discharges, and debris with no protective measures. He also stated that item 5, page 8 of the ordinance mentioned that the existing fence to the east would be used as a perimeter fence, but only a third of that is fenced and consists of hurricane fence which provides no protection or screening. He would like the eastern fence to match the western.

John Walker, 127 Oakwood Lane, stated most of his concerns had been mentioned. He presented overviews to show the trees being removed. He is also concerned about new traffic in the area. The land is beautiful, in the midst of several very nice neighborhoods and next to the Olana which is about to do an extensive expansion and there is a proposal to put in 240 townhomes as small as 1000 square feet. A determination needs to be made if this is the best investment for the city.

Public hearing continued to next meeting at 6:27 p.m.

Motion made to continue the public hearing to the next meeting made by Commissioner Gilmore, Seconded by Commissioner Holston.

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

4. Discuss, consider and act on a recommendation for a preliminary plat of Reserve at Hickory Creek, being an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1745 Turbeville Road.

The applicant requested the discussion of the preliminary plat be postponed until the next available meeting.

Motion made by Commissioner Gilmore to accept the postponement, Seconded by Commissioner Holston.

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

5. Discuss, consider and act on a recommendation for the preliminary site and landscape plan for the Reserve at Hickory Creek, being an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1745 Turbeville Road.

The applicant requested the discussion of the site and landscape plan be postponed until the next available meeting.

Motion made by Commissioner Gilmore to accept the postponement, Seconded by Commissioner Holston.

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

6. Discuss, consider and act on a recommendation for a final plat for the Lakesound Addition, Lot 1, Block A in the H. Swisher Survey, Abstract No 1220, Town of Hickory Creek, Denton County Texas. The property is located in the 3400 block of FM 2181.

The applicant requested the discussion of the preliminary plat be postponed until the next available meeting.

Motion made by Commissioner Gilmore to accept the postponement, Seconded by Commissioner Holston.

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

7. Discuss, consider and act on a recommendation for a Site and Landscape Plan for the Lakesound Addition, Lot 1, Block A in the H. Swisher Survey, Abstract No 1220, Town of Hickory Creek, Denton County Texas. The property is located in the 3400 block of FM 2181.

The applicant requested the discussion of the site and landscape plans be postponed until the next available meeting.

Motion made by Commissioner Gilmore to accept the postponement, Seconded by Commissioner Holston.

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

Adjournment

Motion to adjourn made by Commissioner Barton, Seconded by Commissioner Holston. Voting Yea: Commissioner Barton, Commissioner Holston, Commissioner Rowell, Vice-Chairman May, Commissioner Gilmore. Motion passed unanimously.

Meeting adjourned at 6:37 p.m.

Approved:

Attest:

Tim May, Vice-Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek

TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2022-09-_____

AN ORDINANCE OF THE TOWN COUNCIL OF HICKORY CREEK, TEXAS, AMENDING AS HERETOFORE AMENDED, ITS COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN BY DESIGNATING CERTAIN TRACTS OF LAND DESCRIBED AS AN APPROXIMATELY 18.8530 GROSS ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; AS PD (PLANNED DEVELOPMENT); PROVIDING THAT SUCH TRACTS OF LAND SHALL BE USED IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE TOWN; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PLANNED DEVELOPMENT ZONING DISTRICT DESIGNATION FOR THE SUBJECT PROPERTY; PROVIDING A PRELIMINARY SITE PLAN; PROVIDING DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Title 7, Chapter 211.003 of the Texas Local Government Code empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the owner/representative of an approximately 18.8530 gross acres of land described on Exhibit "A" attached hereto and incorporated herein (the "Property"), has applied for a zoning designation of PD (Planned Development) District; and

WHEREAS, such application further requested an amendment to the official Zoning District Map of the Town in accordance with the zoning ordinance of the Town; and

WHEREAS, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of the Town, and after considering the information submitted at that public hearing and all other relevant information and materials, the Planning and Zoning Commission of the Town has forwarded to the Town Council its favorable recommendation regarding the adoption of the amendment to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of this Town, and after considering the information submitted at that public hearing and all other relevant information and materials, including the character of the Property and its suitability for particular uses and development, with a view of encouraging the most appropriate use of the Property, the Town Council made a finding that the rezoning approved hereby accomplishes such objectives; and

WHEREAS, the Town Council has determined that there is a necessity and need for the change in zoning and that the proposed change is consistent with the Comprehensive Land Use Plan of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety, and welfare.

SECTION 3
REZONING

The zoning ordinance of the Town of Hickory Creek, Texas, the same being the Town's Comprehensive Zoning Ordinance, as it exists on the date of the adoption of this Ordinance (the "Comprehensive Zoning Ordinance") is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, definitions, phrases, and words are not amended but are hereby ratified and affirmed:

- A. The zoning of the Property hereby designates PD (Planned Development) District for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the Town. Requirements of this Ordinance are more specifically described and set forth in Exhibits "B" and "C", which are attached hereto and incorporated herein for all purposes and shall apply to the "PD" Planned Development unless otherwise specified in such Exhibits.
- B. The development standards for this Planned Development are attached hereto as Exhibit "B" and are incorporated herein as if copied in their entirety. Such development standards shall be adhered to in carrying out the development of the Property in accordance with this Ordinance and shall individually and collectively constitute conditions precedent to the granting of any Certificate of Occupancy and building permit for all structures within this Planned Development.

- C. A conceptual site plan for the Property is attached hereto as Exhibit "C" and incorporated herein as if copied in its entirety.

SECTION 4 **APPLICABLE REGULATIONS**

Except as otherwise provided in this Ordinance, the Property shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town, including, but not limited to, the Town's subdivision ordinance, building codes, requirements concerning preliminary and comprehensive site plans, landscape plans, and tree preservation. It shall be unlawful for any person, firm, or corporation to make sure of said premises in some manner other than as outlined by this Ordinance.

SECTION 5 **ZONING MAP**

The Town Secretary is hereby directed to mark and indicate on the official Zoning District Map of the Town the zoning change herein made.

SECTION 6 **CUMULATIVE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 7 **SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8 **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9
PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 10
PUBLICATION

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 11
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty, and Effective Date of this Ordinance in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 12
EFFECTIVE DATE

This ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek,
Texas, this 15th day of September, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent III, Town Attorney
Town of Hickory Creek, Texas

Exhibit A
Legal Description

BEING a tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Denton County, Texas, conveyed to Reserve at Hickory Creek LLC, according to the document filed of record in Document Number 2021-133395 Deed Records Denton County, Texas (D.R.D.C.T.) said tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the north line of Turbeville Road for the southeast corner of that tract of land conveyed to KSW Holdings Hickory Creek, LP. according to the document filed of record in Document Number 2018-111193 (D.R.D.C.T.) same being the common southwest corner of this tract;

THENCE with the east line of said KSW Holdings tract, same being common with the west line of this tract the following five (5) courses and distances:

North 0°52'13" West, a distance of 820.00 feet;

North 89°07'47" East, a distance of 10.00 feet;

North 0°52'13" West, a distance of 10.00 feet;

South 89°07'47" West, a distance of 10.00 feet;

North 0°52'13" West, a distance of 432.47 feet to a 1/2" iron rod found in the south line of that tract of land conveyed to Shirley Mae Goldfield & Alan Harvey Goldfield according to the document filed of record in Document Number 2013-575.60 (D.R.D.C.T.), for the northeast corner of the above-mentioned KSW Holdings tract, same being the northwest corner of this tract;

THENCE North 89°49'53" East, with the south line of said Goldfield tract, same being common with the north line of this tract, a distance of 653.80 feet to the northwest corner of Enclave of Hickory Creek, an addition to the Town of Hickory Creek according to the plat filed of record in Document Number 2013-198 Plat Records Denton County, Texas and being the common northeast corner of this tract;

THENCE South 0°47'22" East, with the west line of said Enclave of Hickory Creek, same being common with the east line of this tract, a distance of 1256.06 feet to an "X" cut in concrete, set at the base of a wall, in the north line of the above-mentioned Turbeville Road for the southeast corner of this tract;

THENCE with said north line the following three (3) courses and distances:

South 89°50'23" West, a distance of 200.96 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a corner of this tract;

South 89°06'11" West, a distance of 416.26 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a corner of this tract;

South 87°58'34" West, a distance of 34.78 feet to the **POINT OF BEGINNING** and containing 821,237 square feet or 18.8530 acres of land.

Exhibit B
DEVELOPMENT STANDARDS

Planned Development District (“PD”) for all uses in “TH-1” Townhouse District (the “Ordinance”) with exceptions and conditions as noted below. The Development Standards shall cover the property as detailed in the legal description attached as Exhibit A and depicted in Exhibit C hereto (the “Concept Plan”)

1. Area, unit, building, and lot regulations shall be modified to allow for the following:
 - a. Maximum unit count shall not exceed 245 residential lots. No additional density requirements shall apply.
 - b. Each residential unit shall be platted lot.
 - c. No minimum front, side, or rear yard setback.
 - d. No minimum side yard setback adjacent to the street.
 - e. Minimum lot width is 20 feet.
 - f. Minimum lot depth is 50 feet.
 - g. Minimum lot area is 1,000 square feet.
 - h. No maximum lot coverage requirement.
 - i. Minimum square footage for each unit shall be 1,000 square feet.
 - j. Minimum separation between building shall be 10 feet, measured from wall to wall.
 - k. Fire rated walls are required.
 - l. Individual units shall be sprinkled for fire suppression with annual inspections required.
 - m. Maximum number of continuously attached units shall not exceed eight (8).
 - n. Maximum of 3 stories, no additional height restrictions.
 - o. Three story residential units shall be positioned in the interior of the development.
 - p. Proposed building shall be setback a minimum of 20’ from exterior boundary of the development.
 - q. All building elevations shall be 100% masonry.
 - r. All single family attached will have rear entry garage access from a dedicated public street or alley.
2. All streets, alleys, and on-street parking shall be public and not privately owned and maintained and shall be a minimum of six (6”) inches thick of concrete using 4000-psi reinforced concrete.
 - a. Residential Street: Twenty-Six-foot (26’) pavement, measured from back of curb to back of curb, in variable width right-of-way (ROW) with Five-foot (5’) Utility Easement. ROW line will be minimum one and one-half (1.5’) feet behind the back of curb.
 - b. Mews Alley: Twenty-Four-foot (24’) pavement, with no curbs, within thirty-foot (30’) right-of way.
 - c. Alley: Sixteen-foot (16’) pavement, with no curbs, within eighteen-foot (18’) right-of-way with five-foot (5’) Utility Easement.
 - d. All curbs shall be mountable by design.
 - e. Speed limit within the development shall not exceed 20 mph.
3. Any parks and/open space requirements shall be fully satisfied by the green space and amenities depicted on the Concept Plan.

4. Parking Requirements shall only consist of the following:
 - a. Minimum 2-car garage per unit located a minimum of three (3') from dedicated public street or alley right-of-way be provided for each dwelling unit.
 - b. Minimum 0.5 parking spaces per unit for guest parking, no maximum.
5. The developer of the Property shall install a minimum eight (8') foot board on board wood fence along the west property lines with development. The existing fence along the east, north and south property lines shall be utilized with the development and satisfy the screening requirement. No additional screening requirements shall apply.
6. Fencing for all other residential lots shall be eight feet (8'), board on board, pre stained spruce or better fence with steel posted mounted on the inside so as not to be visible from street. All lots adjacent to any greenbelt, area, open space, or park shall require a standard height of five feet (5') ornamental metal fencing. Gates in residential fencing to public spaces shall be prohibited.
7. For single-family lots, and prior to any occupancy of the dwelling, a minimum of one (1) tree with a minimum caliper of three (3'') inches, measured at a point six (6') feet above ground level shall be required for all lots and shall be located within the front of the lot, or nearby common area. Trees may be ornamental or shade tree.
8. The developer of the Property shall create a homeowners' association to maintain the common areas, open spaces, landscaping, screening, and other commonly owned facilities. The developer is responsible for drafting the HOA documents pertaining to the HOA's responsibilities to maintain these areas and include notification to homeowners within the Property. Prior to approval of the Final Plat, a document establishing the HOA shall be submitted to the Town for review and approved by the Town for conformance with all requirements and other applicable ordinances.
9. Exhibit C (Concept Plan) is attached to depict the general location and size of lots. Until final platting of the Property, flexibility to change the layout of Exhibit C shall be allowed assuming the other terms herein are met. If a discrepancy arises between the TH-1 standards and this PD, then the Concept Plan shall supersede.
10. The Property shall comply with all other Subdivision Requirements as outlined in the Code of Ordinances of the Town of Hickory Creek.
11. Zoning and primary platting reviews and Town approvals for this development shall occur simultaneously. Early grading shall also be allowed by the Town following the Town's initial review of the grading and drainage plans.
12. The Reserve at Hickory Creek development shall be subject to a tree inventory, tree preservation, and tree mitigation requirements of the Town of Hickory Creek.

Exhibit C

Conceptual Site Plan



Exhibit C - Concept Plan

Reserve at Hickory Creek

Hickory Creek, Texas
March 2022



433 North Odessa Drive, Suite 105
Culver, TX 79009
409.681.2200
State of: www.fegreth.com, 1.822.655.6555



September 8, 2022
AVO 37638.200

Ms. Chris Chaudoir
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, TX 75065

**RE: The Reserve at Hickory Creek – Preliminary Plat
4th Review**

Dear Ms. Chaudoir:

Halff Associates received a request from the Town of Hickory Creek to review a Preliminary Plat application for The Reserve at Hickory Creek on August 3, 2022. The surveyor/engineer is Kimley-Horn and Associates, Inc. The owner/applicant is Market Space Capital.

2nd Review Submittal Received: August 11, 2022
3rd Review Submittal Received: August 15, 2022
4th Review Submittal Received: September 6, 2022

Halff has reviewed the Preliminary Plat and offers the following comments. Please note the Preliminary Drainage Study is under review by separate letter, and acceptance of the Preliminary Plat should be contingent upon acceptance of the Preliminary Drainage Study.

Refer to the markup for all comments.

Preliminary Plat

1. Please note the proposed detention ponds will require a Stormwater Facilities Maintenance Agreement (to also include the retaining walls). This will not be executed until acceptance of Construction Plans.
2nd Review: Applicant has acknowledged.
2. Include dimension, description and recording information for ROW and easements adjacent to the property being developed.
2nd Review: Addressed.
3. Please show the limits of the 100-year floodplain and floodway as defined by FEMA.
2nd Review: No FEMA floodplain within or adjacent to property.
4. A floodplain easement will be required to encompass the fully developed 100-year water surface elevation plus one foot of freeboard or 10 feet of horizontal distance, whichever is greater.
2nd Review: Applicant has acknowledged and will include in final plat and construction plans. The boundary of the floodplain easement will be determined as part of the ongoing drainage study.
5. The planned detention ponds will require an emergency spillway encompassed by a drainage easement that directs overflow either to the stream or to ROW.
2nd Review: Applicant has acknowledged and will include in final plat and construction plans.
6. The location and width of sidewalks are required. Sidewalks are required to connect each lot to a public sidewalk within ROW or easement. Sidewalk easements must cover the sidewalk plus 2 feet each side.

2nd Review: Applicant will include sidewalk easements in the final plat after the location of sidewalks is determined in the construction plans. A note was added to the preliminary plat to require sidewalks to each residential lot.

7. Include gross acreage for all non-residential lots, acreage for residential use, acreage of streets, parks and other non-residential uses.

2nd Review: Not addressed. Sheet 1 has a note referring to a Lot Table on Sheet 2, which I assume contains this information. However, there is no Lot Table on the plat Sheet 2 submitted.

3rd Review: Not addressed. Lot table included but needs lines and summation of the acreage for the different uses.

4th Review: Addressed.

8. Property ownership and recording information is missing for all adjacent properties.

2nd Review: Addressed.

9. Correct the approval block to be per Town ordinance.

2nd Review: Addressed.

10. Use "X" lot nomenclature. For instance, instead of "OSAD-01, Block L," use Lot "6X, Block L."

2nd Review: Addressed.

11. Describe the lots and blocks contained in this plat in the Title Block (Lots 1-5, 1X, Block L, etc.)

2nd Review: Addressed.

12. Update the notes to reflect information for this plat.

2nd Review: Addressed.

13. Include note about building setback lines not being shown because there is no minimum setback in the Planned Development zoning.

2nd Review: Not addressed.

3rd Review: Addressed.

14. Identify and dimension all proposed easements.

2nd Review: Not addressed.

3rd Review: Addressed.

15. Drainage easements for detention ponds should encompass the pond plus 10' around the perimeter.

2nd Review: Acknowledged. Applicant has shown drainage easements covering the full X lots containing detention ponds. Required boundary will be determined by ongoing drainage study and will be adjusted if necessary for final plat.

16. Turbeville Road ROW is missing dimension and recording information.

2nd Review: Addressed.

17. Please make dimensions of streets clearer. Check all dimensions for accuracy and consistency. Clearly show 27 feet to back-of-curb to back-of-curb and 13 feet to front-of-curb each side of the centerline.

2nd Review: Not addressed. It looks as though they point to the same location and thus the two dimensions don't add up to the overall dimension. Please move these to point to curb locations or otherwise make this clearer.

3rd Review: Not addressed. Dimensions are wrong in some locations; dimensions don't match typical sections. Please check and correct all dimensioning to match the typical sections approved by the Planned Development zoning.

4th Review: Not fully addressed. Some dimensions still not correct and matching typical sections. See markup.

18. Proposed ROW should be minimum 1.5 feet behind back of curb throughout. Some corner clips are within 1.5 feet.

2nd Review: Addressed.

19. Alleys require minimum 18-foot ROW. Show the ROW on each side and dimension.

2nd Review: Not addressed. ROW line not shown on west side of alley and 5-foot utility easement required by PD standards not shown.

- 3rd Review: Addressed.
20. What is the plan for the alley at the 10-foot square leave out from the property on the west boundary? The plan currently shows the pavement edge going across the property line.
2nd Review: Not addressed.
3rd Review: Not fully addressed. It appears the intent may be for the owner of "Tract 2" to dedicate 2.5 feet of ROW. The note needs to be clearer if that's the intent. If there is an agreement with the adjacent property owner to dedicate the ROW, provide documentation.
4th Review: Addressed.
21. Show a radius at the alley intersections.
2nd Review: Not addressed. Showing ROW with radius but pavement is not.
3rd Review: Addressed.
22. Minimum guest parking required by PD is met (0.5 spaces per dwelling x 230 dwellings = 115 required. 116 provided). Check requirements for handicap accessible parking spaces and provide accordingly if required. Notwithstanding TDLR requirements, provide at least one van-accessible space in each of the parking space banks on either side of the detention pond on Street H and Street G.
2nd Review: Not addressed.
3rd Review: Addressed. Addition of 2 ADA spaces on east side resulted in one less space but will still meet the minimum required by PD. Update the number of spaces on the eastern side of the pond to 21.
4th Review: Addressed
23. Correct the typical sections on Sheet 2:
a. Labels show Section A-A, B-B, and C-C. These are not shown on the plan view. Change titles to reflect Street, Mews Alley, and Alley.
b. Correct the proposed ROW and add dimensioning to clearly show lanes and ROW for the street typical section.
c. Correct the alley pavement width to 16 feet.
2nd Review: Addressed.
24. Streets must be named in Preliminary Plat per Town Subdivision Ordinance.
3rd Review: Names added but applicant needs to consult with Town staff on names. It's not clear where Summer Sky and Summer Shore Loop begin and end. Summer Shore Loop needs to be split into two north-south streets and Summer Sky needs to run from Golden Field to the Service Road. Mews alleys must have "Mews" on the end of the name to identify it as such for emergency services. The Service Roads and Alley A need names.
4th Review: Addressed except Mews alleys on northern end. See markup.
25. Please identify the gray boxes in the legend or remove if inadvertent.
3rd Review: Addressed.
26. No Lot Table on Sheet 2 as noted in the second note.
3rd Review: Addressed.
27. Please update the date of preparation.
3rd Review: Addressed.
28. Dimension lines for lot depths missing throughout.
29. It's hard to determine if the solid line along the rear of lots in Blocks A and B are lot lines or easement lines. Please clarify.

Site Plan

1. Describe the lots and blocks contained in this plat in the Title Block (Lots 1-5, 1X, Block L, etc.)
2nd Review: Addressed.
2. Identify and dimension all easements.

- 2nd Review: Addressed.
3. Show sidewalks with crosswalk locations.
2nd Review: Sidewalks shown, though details will need to be refined in construction plans. Signs cannot be placed in curb ramps; all curb ramps must have a receiving ramp on the opposite side of the street; need midblock crosswalks to connect sidewalks on each side of Streets H and G. This is not a full review of the sidewalk layout, but are some of the main items noted on a cursory review of the layout.
3rd Review: Mostly addressed. Midblock crossings are not shown as requested.
- 4th Review: Addressed.
4. Include building locations, sizes, and dimensions. Can use a typical drawing to show typical building sizes on various proposed lots.
2nd Review: Not addressed.
3rd Review: Not addressed.
4th Review: Partially addressed. Engineer's response indicates no information is available at this time. Applicant included typical floor plans and elevations with the submittal.
5. Include Site Data Summary Table:
- a. Zoning
 - b. Proposed Use
 - c. Building Area
 - d. Building Height
 - e. Area of impervious surface
 - f. Total required and provided parking (per PD and/or ordinance), including required and provided ADA parking
 - g. Number of dwelling units
- 2nd Review: Not addressed.
3rd Review: Addressed, but need to list the required and provided spaces rather than refer to PD and ordinance. See markup.
4th Review: Addressed.
6. Update notes for this site plan.
2nd Review: Addressed.
7. Include all line types. ROW is missing from the Legend.
2nd Review: Partially addressed. ROW line type added, though there are other symbols and shading not identified, such as sidewalk and signs.
3rd Review: Addressed.
8. Dimension the distance to nearest street for both proposed street connections.
2nd Review: Not addressed.
3rd Review: Not addressed.
4th Review: Not addressed.
9. If FEMA floodplain is located within the site, show the boundary.
2nd Review: Addressed. No FEMA floodplain on this site plan.
10. Include land use, zoning, subdivision name, recording info, and ownership of adjacent properties.
2nd Review: Not addressed.
3rd Review: Partially addressed. Land use and zoning of adjacent properties not included.
4th Review: Addressed.
11. In the Fencing and Lot Notes, modify the fifth note regarding rear-yard fencing requirements to meet the standards set by the PD, namely that the wood fencing must be pre-stained spruce or better with steel posts mounted on the inside so as not to be visible from the street. In the sixth note, include a sentence stating that gates in residential fencing to public spaces shall be prohibited.
2nd Review: Not addressed.

3rd Review: Not addressed.

4th Review: Addressed.

12. How is the ditch along the eastern boundary accessed today and how does it get maintained? There is a stone wall on north and south end that blocks all access to the lot except through this property. Once a fence is placed on the eastern boundary there will be no physical access to the ditch.
4th Review: Addressed. Note added to indicate property to be maintained by others. Drainage study will need to show that stormwater is not being blocked by construction of the new fence along the boundary line.
30. There is an existing sidewalk along Turbeville. Please show sidewalk as existing and show proposed connections.

Landscape Plan

1. Show and label fences, screening walls, etc.
2nd Review: Not addressed.
3rd Review: Addressed, but check the callout for the fence on the western and eastern boundaries. The fencing notes say the western fence is proposed and eastern fence existing. The callouts show the opposite. The callout on the western fence is an existing wood fence and the existing fence is not wood.
4th Review: Addressed.
2. Show floodplain, drainage ways, and/or creeks, if any.
2nd Review: Addressed.
3. Correct the scale.
2nd Review: Addressed.
4. Tree survey including existing and preserved trees' location, size, and species not included with this submittal.
2nd Review: Not addressed.
3rd Review: Addressed.
5. Proposed plant materials and landscaping materials not included with this submittal.
2nd Review: Not addressed.
3rd Review: Addressed.
6. Please include a note to indicate the type and placement of irrigation system.
2nd Review: Not addressed.
3rd Review: Addressed.
7. Show or note that for single-family lots, and prior to any occupancy of the dwelling, a minimum of one (1) tree with a minimum caliper of three (3) inches, measured at a point six (6) feet above ground level shall be required for all lots and shall be located within the front of the lot, or nearby common area. Trees may be ornamental or shade tree.
2nd Review: Not addressed.
3rd Review: Not addressed.
4th Review: Addressed.
8. The proposed fence is shown outside the property boundary. Is that correct?
4th Review: Addressed.



Ms. Chris Chaudoir
Town of Hickory Creek
September 8, 2022
Page 6

Sincerely,

HALFF ASSOCIATES, INC.

TBPELS Engineering Firm No. 312

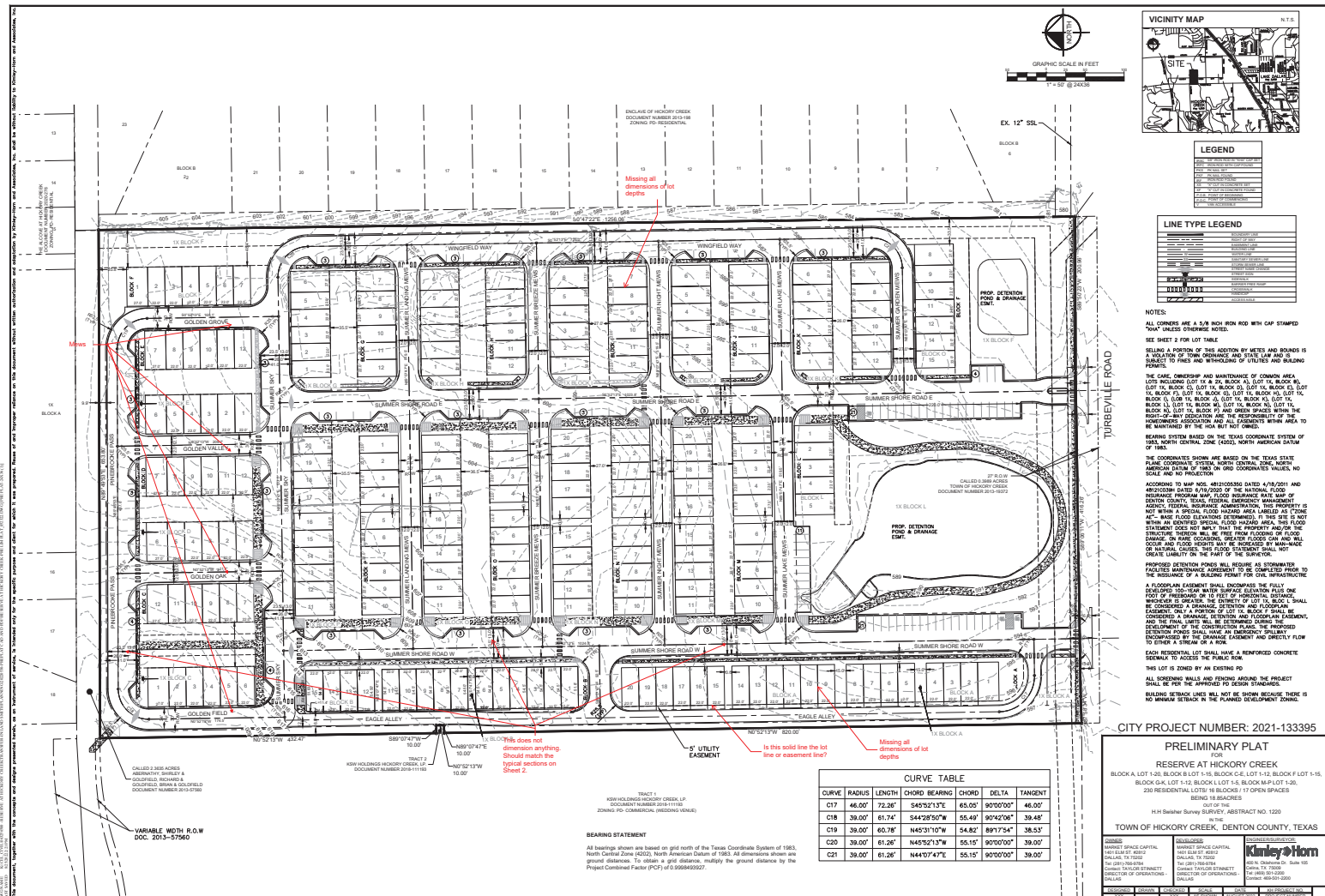
A handwritten signature in blue ink, appearing to read "Lee Williams", is written over the printed name.

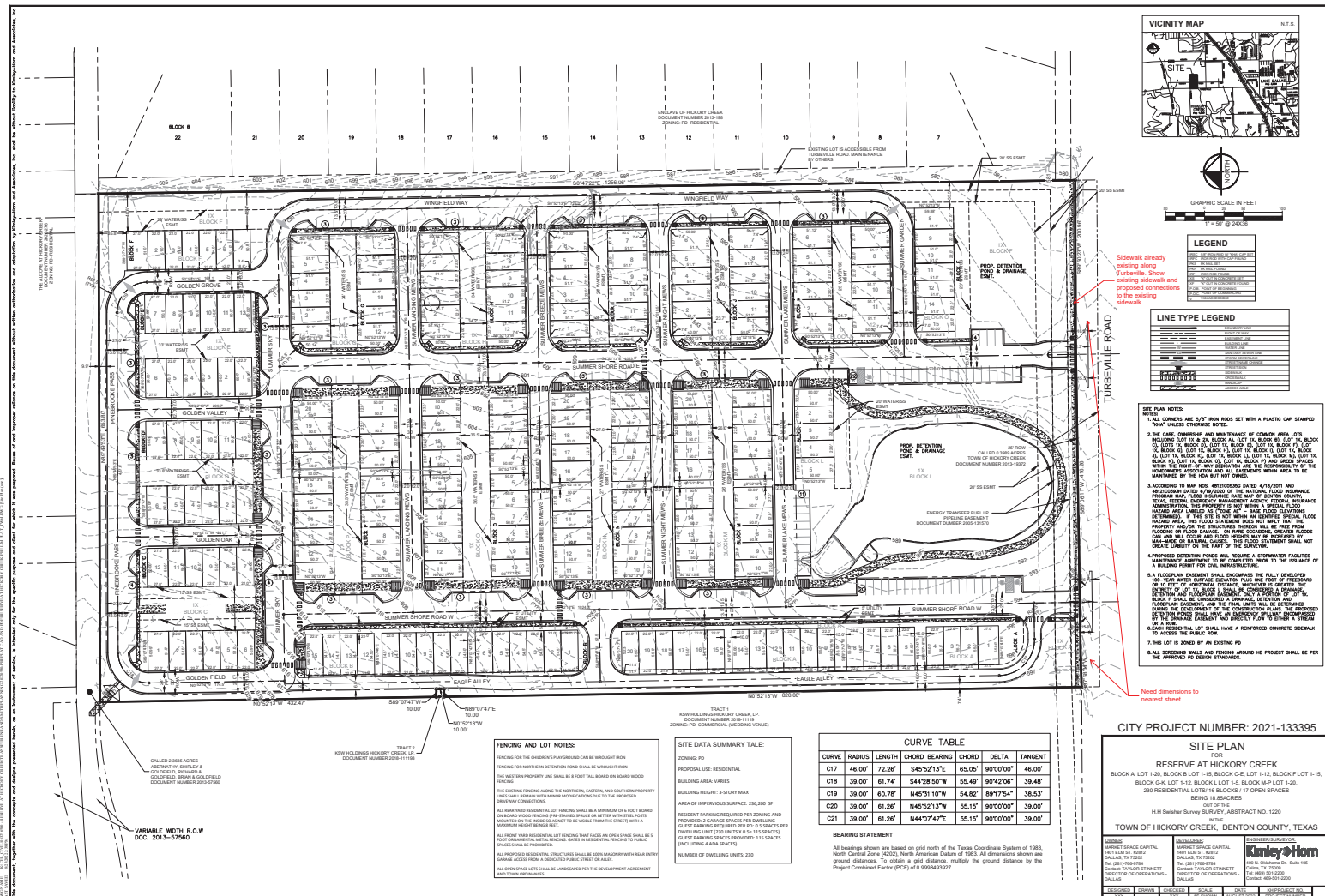
Lee Williams, PE

Consulting Engineer for the Town of Hickory Creek

C: Kristi Rogers – Town Secretary
John Smith – Town Administrator

Attachments: Preliminary Plat Markup
Site Plan Markup





TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2022-0915__

AN ORDINANCE OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING ORDINANCE 2021-08-882, ITS COMPREHENSIVE ZONING ORDINANCE CONCERNING THE PLANNED DEVELOPMENT ZONING ON A CERTAIN TRACT OF LAND DESCRIBED AS 24.31 ACRES LOCATED IN THE H.H. SWISHER SURVEY, ABSTRACT NO. 1220 IN DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN, TO AMEND THE PLANNED DEVELOPMENT (PD) ZONING DISTRICT APPLICABLE TO THE PROPERTY; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING A CONCEPT PLAN; PROVIDING DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner/representative of a tract of land (the “Land”), described as a 24.31 acre tract of land located in the H.H. Swisher Survey, Abstract No. 1220 in Denton County, Texas and being more specifically described in Exhibit “A” attached hereto and incorporated herein, has applied to amend the standards of the PD (Planned Development) zoning currently applicable to the Land; and

WHEREAS, all legal notices, requirements and conditions having been complied with, the case to amend the Planned Development zoning came before the Planning and Zoning Commission; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the Town has forwarded to the Town Council its recommendation regarding the adoption of the amendment to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before Town Council at which the Town Council considered, among other things, the character of the land and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the Town, and does hereby find that the amendment of the Planned Development zoning approved hereby accomplishes such objectives; and

WHEREAS, the Town Council has determined that there is a necessity and need for the change in zoning and that the proposed change is consistent with the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

SECTION 3
AMENDMENT

Ordinance 2021-08-882, which is a zoning ordinance of the Town of Hickory Creek, Texas, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed:

- A. Exhibit C to 2021-08-882 is hereby replaced with the Exhibit C attached hereto, and incorporated herein for all purposes.

SECTION 4
APPLICABLE REGULATIONS

In all respects the Land shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town including but not limited to the Town's subdivision ordinance, building codes, requirements concerning preliminary and final site plans, and landscape plans. It shall be unlawful for any person, firm, or corporation to make use of said premises in some manner other than as outlined by this Ordinance.

SECTION 5
NO VESTED INTEREST

No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development District or in any other specific regulations contained herein. Any provision of this Ordinance may be repealed by the Town Council

SECTION 6 **CUMULATIVE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 7 **SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8 **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9 **PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 10 **PUBLICATION**

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 11
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 12
EFFECTIVE DATE.

This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 15th day of September, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

Exhibit A
Legal Description

BEING a 24.31 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in the Denton County, Texas, and being part of a called 36.253 acre tract of land described as "Tract 1" and part of a called 3.2515 acre tract of land described as "Tract 2" in Executor's Deed to Richard Goldfield, Brian Goldfield and Susan Goldfield, recorded in Instrument Number 2019-36351 of the Official Public Records of Denton County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at the southwest corner of a called 0.7892 acre tract of land described in deed to State of Texas, recorded in Instrument Number 2010-103394, O.P.R.D.C.T., on the west line of said 36.253 acre tract, the east line of a called 30 acre tract of land described in deed to Lennon II Family Limited Partnership, recorded in County Clerk's Number 96-0042656, O.P.R.D.C.T. and on the south right-of-way line of Swisher Road (also known as F.M. 2181, variable width right-of-way), from which a found "TXDOT" monument bears South degrees 53 minutes 18 seconds East, a distance of 0.39 of a foot;

THENCE South 01 degree 44 minutes 29 seconds East, with the west line of said 36.253 acre tract and the east line of said 30 acre tract, a distance of 482.07 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE over and across said 36.253 acre tract, the following bearings and distances:

South 89 degrees 23 minutes 35 seconds East, departing the west line of said 36.253 acre tract and the east line of said 30 acre tract, a distance of 365.86 feet to a 1/2-inch set iron rod with cap for corner;

North 00 degree 22 minutes 12 seconds West, a distance of 174.85 feet to a 1/2-inch set iron rod with cap for corner;

North 89 degrees 23 minutes 35 seconds East, a distance of 962.95 feet to a 1/2-inch set iron rod with cap for corner on the east line of said 36.253 acre tract and the west line of the remainder of a called 14.45 acre tract of land described in deed to W.J. Atkins, recorded in Volume 608, Page 564, of the Deed Records of Denton County, Texas (D.R.D.C.T.);

THENCE South 00 degree 26 minutes 06 seconds East, with the east line of said 36.253 acre tract, a distance of 531.24 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 01 degree 15 minutes 44 seconds East, with the east line of said 36.253 acre tract, a distance of 199.72 feet to a 1/2-inch found iron rod with cap stamped "COLEMAN" for an "ell" corner of said 36.253 acre tract and the northeast corner of a called 1.209 acre tract of land described in deed to Lake Cities Municipal Utility Authority, recorded in Instrument Number 2015-120360, O.P.R.D.C.T.;

THENCE South 89 degrees 48 minutes 42 seconds West, with the south line of said 36.253 acre tract and the north line of said 1.209 acre tract, a distance of 239.94 feet to a set "X" cut for an "ell" corner of said 36.253 acre tract and the northwest corner of said 1.209 acre tract;

THENCE over and across said 36.253 acre tract, the following bearings and distances:

North 00 degree 11 minutes 18 seconds West, a distance of 184.61 feet to a 1/2-inch set iron rod with cap for corner;

North 90 degrees 00 minutes 00 seconds West, a distance of 250.00 feet to a 1/2-inch set iron rod with cap for corner;

South 00 degree 11 minutes 18 seconds East, passing at a distance of 426.85 feet to the south line of said 36.253 acre tract and the north line of said 3.2515 acre tract, and continuing over and across said 3.2515 acre tract, a distance of 486.85 feet to a 1/2-inch set iron rod with cap for corner on the south line of said 3.2515 acre tract and the north line of a called 38.8755 acre tract of land described in deed to KSW Holding Hickory Creek, LP, recorded in Instrument Number 2018-111193, O.P.R.D.C.T.;

THENCE with the south line of said 3.2515 acre tract and the north line of said 38.8755 acre tract, the following bearings and distances:

South 89 degrees 49 minutes 08 seconds West, a distance of 309.94 feet to a 1/2-inch found iron rod with cap stamped "RPLS 1890" for the point of curvature of a tangent circular curve to the right, having a radius of 460.00 feet whose chord bears North 71 degrees 50 minutes 16 seconds West, a distance of 289.53 feet;

Westerly, with said curve, through a central angle of 36 degrees 41 minutes 11 seconds, an arc distance of 294.54 feet to a 1/2-inch set iron rod with cap for the point of reverse curvature of a tangent circular curve to the left, having a radius of 400.00 feet whose chord bears North 72 degrees 27 minutes 49 seconds West, a distance of 260.05 feet;

Westerly, with said curve, through a central angle of 37 degrees 56 minutes 18 seconds, an arc distance of 264.86 feet to a 1/2-inch found iron rod with cap for corner;

South 88 degrees 34 minutes 02 seconds West, a distance of 1.31 feet to a 1/2-inch set iron rod with cap for the northwest corner of said 38.8755 acre tract and the northeast corner of Lot 8, Block F of Steeplechase North Addition Phase 1, an addition to the Town of Hickory Creek, Denton County, Texas, recorded in Instrument Number 2013-91, O.P.R.D.C.T.;

THENCE North 00 degrees 00 minutes 27 seconds West, departing the south line of said 3.2515 acre tract and over and across said 3.2515 acre tract, a distance of 30.00 feet to a found monument for the southeast corner of a called 3.086 acre tract of land described in deed to Town of Hickory Creek, recorded in Instrument Number 2018-39882, O.P.R.D.C.T.;

THENCE North 00 degrees 30 minutes 58 seconds West, with west line of said 3.2515 acre tract and the east line of said 3.086 acre tract, passing at a distance of 30.01 feet to the common southwest corner of said 36.253 acre tract and an "ell" corner of said 3.2515 acre tract, and continuing with the west line of said 36.253 acre tract and the east line of said 3.086 acre tract, passing at a distance of 100.01 feet to the northeast corner of said 3.086 acre tract and on the east line of a called 10 acre tract of land described in deed to Lennon II Family Limited Partnership, recorded in County Clerk's File Number 96-0042657, O.P.R.D.C.T., and continuing with the west line of said 36.253 acre tract and the east line of said 10 acre tract, for a total distance of 322.31 feet to a 1/2-inch set iron rod with cap for the northeast corner of said 10 acre tract and the southeast corner of a called 30 acre tract of land described in deed to Lennon II Family Limited Partnership, recorded in County Clerk's File Number 96-0042656, O.P.R.D.C.T.;

THENCE North 01 degree 44 minutes 29 seconds West, with west line of said 36.253 acre tract and the east line of said 30 acre tract, a distance of 325.26 feet to the POINT OF BEGINNING AND CONTAINING 24.31 acres (1,059,040 square feet) of land, more or less.

Exhibit C
Planned Development Standards

1. The base zoning applicable to the Property shall be MF-1 Apartment District. All the development and use standards applicable to that designation shall apply to the Property, unless specifically altered herein.
2. Each multifamily building over 3 stories must be serviced by an elevator.
3. Parking improvements shall be provided at the rate 1 parking space per bedroom.
4. All buildings constructed on the Property must not exceed 4 stories.
5. Entry to the Property shall be gated.
6. A perimeter fence must be installed around the portion of the Property upon which a building is constructed. Fences bordering non- residential properties must meet the town's sight barrier fence requirements for a C 2 district. Fences bordering residential, open space or any other uses, must meet 3.06.005 of the Town's Code of Ordinances, except the only allowed material shall be metal fencing.
7. A ten (10) foot interior landscape buffer is required along all boundary lines. In the event ten (10) feet adjacent to any boundary line remains undisturbed by development, this requirement shall not apply.
8. All disturbed, unpaved areas shall be fully sodded or covered with landscaping materials, such as ground cover. For clarity, this provision shall exclude natural areas undisturbed by development on the Property.
9. All planted landscape areas shall be irrigated by a fully automated irrigation system.
10. Garbage collection area shall be fully screened by solid masonry screening with a minimum of six (6) feet in height and designed with a gate constructed of durable material. A single location for garbage collection shall be permitted so long as the Property is served by a valet trash service.
11. Building facades shall be constructed of the following materials with a minimum of 80% coverage: stone (including manufactured veneers), brick, brick veneer, cementitious products, architectural metal panels or other similar building materials. No vinyl siding shall be used. Masonry is defined as brick, pre-cast concrete, stone, stucco (must be at 1/2 inch, fiber reinforced stucco, over paper backed, metal lathe, with scratch coat and finish coat (2 coat system; example: Fastwall by LaHabra)), cementitious siding, or waterproof masonry painted concrete blocks.
12. The following shall be prohibited within the Project:
 - a. Open storage, with the exception of architecturally-treated covered storage for outdoor sporting equipment (e.g., kayaks and canoes); and
 - b. Parking of boats, campers, trailers, and other recreational vehicles, except and unless these are within enclosed garages.
13. The project will have no more than 450 units and the following minimum bedroom unit densities shall apply to all multifamily buildings constructed on the Property:

- a. 60%-70% single bedroom units
 - b. 25%-35% two bedroom units
 - c. 5%-10% three bedroom units
14. All multifamily structures will be a minimum of 300' from the existing well head and tanks.
15. Notification will be made in the form of writing to each apartment that the adjacent oil and gas property has inherent risk associated with its operations, including fire and explosion, potential nuisance from ongoing operations including dust, and noise.
16. Developer will install an 8' wood fence around the pas site border.
17. Developer agrees to construct an 8' hike and bike trail from the eastern boundary to the western boundary of the property with customary signage and adequate lighting to allow the trails safe use at night.
18. Area along the trail will be donated to the town for dog park.
19. In recognition of the Town waiving the tree mitigation requirements for the project, the Developer agrees to pay a \$10,000.00 tree mitigation fee to the Town prior to the issuance of the building permit.
20. The front yard building line setback shall be a minimum of 10 feet. Side and rear yard building line setbacks shall be a minimum 30 feet. All building line setbacks shall be measured from the property boundary, and the required landscape buffer defined in these standards may overlap the required building line setbacks.



September 7, 2022
AVO 37638.200

Ms. Chris Chaudoir
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, TX 75065

**RE: Lakesound – Final Plat
2nd Review**

Dear Ms. Chaudoir:

Halff Associates received a request to review a Final Plat and Site Plan submittal for Lakesound (Lot 1, Block A – Hickory Creek Heights) on July 19, 2022. The engineer/surveyor is Spiars Engineering, Inc. The owner/developer is Leon Capital.

2nd Review Submittal Received: September 7, 2022

Halff has reviewed the Final Plat and Site Plan and offers the following comments.

General

1. Review of the drainage study is ongoing, and comments are provided by separate letter. The last submittal was received June 6, 2022 and comments returned June 20, 2022. Final Plat approval should be contingent upon acceptance of the drainage study.
2nd Review: Applicant has acknowledged.

Final Plat

1. Update the Location Map to show street names.
2nd Review: Addressed.
2. Lennon Creek subdivision adjacent to this plat on the west has been platted. Please update to show lots and easements associated with that plat.
2nd Review: Addressed.
3. Adjacent lots should be shown with dashed lines. Check throughout.
2nd Review: Addressed.
4. Please show known easements on adjacent properties. For instance, the floodplain and drainage easement northwest of this property is not shown.
2nd Review: Addressed. Applicant states all known easements have been added.
5. Specify the ultimate 100-year water surface elevation in the floodplain and indicate the minimum floor elevation.
2nd Review: Addressed.
6. If the 60-foot cross access easement north of the property has been recorded, update the document number. If it has not been recorded yet, be sure to update before finalizing.
2nd Review: Addressed.
7. Per Chapter 14, Article XII, Section 3(4) of Town Ordinances, the building setback shall be measured from the edge of the usable land for development. Please update the building setback line on the western end to be 30 feet from the edge of the floodplain easement.

2nd Review: Addressed. Upon further review and discussion with Town staff, it is my opinion the setback line should be measured from the western boundary line. The shape of the floodplain easement leaves some usable land between the boundary line and easement.

8. The 30-foot building setback on the southern boundary should be set 30 feet from the right-of-way line established in the ROW dedication to the Town.

2nd Review: Addressed. Applicant has removed the ROW dedication from this plat and will make that dedication once all public and private improvements have been made and accepted. Easements by separate instrument have been added.

9. Include dimensions, bearings, and curve data for ROW dedication.

2nd Review: Addressed. ROW dedication removed for clarity. See number 8 above.

10. Between lines L2 and L24 of the floodplain easement (along curve BC2) dimension the line to define the easement.

2nd Review: Addressed.

11. Line BL1 is very difficult to decipher since it is so short. Please include an inset to enlarge this area.

2nd Review: Addressed.

12. The Site Plan shows the hike and bike trail extending north of the proposed ROW dedication to cross the floodplain easement with a bridge. Place a sidewalk easement encompassing the trail plus two feet for maintenance.

2nd Review: Addressed.

13. The Final Plat shows many proposed easements as "by separate instrument." It is preferable to include easements in the Final Plat rather than by separate instrument. What guarantees these necessary easements by separate instruments are prepared and filed? Before filing the Final Plat, it should be required to file all separate instruments noted on the plat and include recording information. Or, before filing the Final Plat, it should be amended to include the easements noted.

Site Plan

Sheet 1

1. Dimension distance between proposed driveways.

2nd Review: Addressed.

2. The western driveway is gated at the property line and the gate is 400 feet from the road. How do vehicles turn around if they mistakenly drive down to the gate or cannot enter?

2nd Review: Addressed. Driveway stub-out added which would allow turnaround opportunity.

3. The label for Site Plan Sheet 1 is missing.

2nd Review: Addressed.

4. Show a sidewalk easement for the hike and bike trail located outside proposed ROW. (See comment on Final Plat.)

2nd Review: Addressed.

5. If the 30-foot building setback is moved to the edge of the usable land for development (boundary of the floodplain easement), the southwest corner of Building 7 will be within the setback.

2nd Review: Addressed. See number 7 in Final Plat review comments.

6. Consider using a table format for the required and provided parking spaces to show side-by-side the required spaces for standard and ADA spaces and the proposed number of each being provided. Also indicate the total number of units to correlate the required parking spaces with the indicated spaces per unit.

2nd Review: Not addressed. A table will more clearly indicate the requirements and what is being provided. See example below. Keep the information about awning and garage parking, but clearly show how you are providing the required parking.

	Required	Provided
--	----------	----------

Total Number of Parking Spaces (Incl. ADA)	645 (1 space per bedroom x 645 bedrooms)	645
ADA Spaces	X number of spaces per X number of total spaces	9

7. Planned Development Standards set parking requirement at one space per bedroom. Include in a table the count of units with number of bedrooms to show the requirement is being met.
 2nd Review: Not addressed. The information provided does not indicate the number of bedrooms, therefore there is no way to establish that the number of spaces provided meets the requirements of the PD. Also, the table shows two different number of "Required Parking" spaces (1 space per unit and 1.73 spaces per unit). Please show the number of spaces required by the PD (1 space per bedroom), the number of bedrooms proposed (e.g. 125 1-bedroom units, 200 2-bedroom units, 48 3-bedroom units), the subsequent parking spaces required, and the parking provided to meet that requirement.
8. Planned Development Standards require a 10-foot landscape buffer around the perimeter. The fire lane in the northeast corner is encroaching on the buffer. Check throughout.
 2nd Review: Addressed.
9. Include the preparation date of the site plan in the title block.
 2nd Review: Addressed.

Sheet 2

10. Dimension all drive lanes and show traffic flow arrows (all sheets).
 2nd Review: Addressed.
11. Provide overall dimensions of buildings and dimension between buildings (all sheets).
 2nd Review: Addressed.
12. Include a legend (all sheets).
 2nd Review: Addressed.
13. Correct the Matchline Sheet label. Should be Sheet 2.
 2nd Review: Addressed.

Sheet 3

14. Building 4 and the Leasing Center building are within the 30-foot building setback.
 2nd Review: Addressed. Setback changed. See comments on Final Plat.

Sheet 5

15. Move the title block to the lower right corner.

Landscape Plan

1. Include a legend to identify landscape and planting materials.
 2nd Review: Addressed.
2. Include a note about the type and placement of an irrigation system. Plans for the irrigation system can be submitted with Construction Plans.
 2nd Review: Addressed.
3. Perimeter fence must be placed at least one foot from the property line. Check throughout. The fence appears to be on mostly on the property line.
 2nd Review: Addressed.
4. The fire lane in the northeast corner is encroaching in the required 10-foot landscape buffer.
 2nd Review: Addressed.



Ms. Chris Chaudoir
Town of Hickory Creek
September 7, 2022
Page 4

Sincerely,

HALFF ASSOCIATES, INC.

TBPELS Engineering Firm No. 312

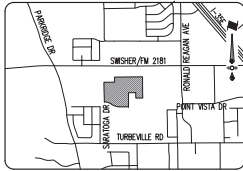
A handwritten signature in blue ink, appearing to read "Lee Williams", is written over a faint, light blue circular background.

Lee Williams, PE

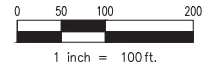
Consulting Engineer for the Town of Hickory Creek

C: Kristi Rogers – Town Secretary
John Smith – Town Administrator
Jeffrey McSpedden – Public Works Director

Enclosure: Site Plan markup



SWISHER ROAD / F.M. 2181 (VARIABLE WIDTH RIGHT-OF-WAY)



SYMBOL LEGEND

	CONCRETE PAVEMENT
	FIRELANE
	FIRE HYDRANT
	FENCE
	WALL
	TRANSFORMER

Site Data Summary Table

SYNOPSIS		LOT 1, BLOCK A
Zoning	Planned Development	
Land Use	Multi-Family	
Lot Area	24,344 Ac. (1,060,413 Sq. Ft.)	
Building 1 Footprint	17,744 Sq. Ft.	
Building 1 Gross SF	58,484 Sq. Ft.	
Building 2 Footprint	17,609 Sq. Ft.	
Building 2 Gross SF	58,561 Sq. Ft.	
Building 3 Footprint	23,364 Sq. Ft.	
Building 3 Gross SF	84,913 Sq. Ft.	
Building 4 Footprint	18,698 Sq. Ft.	
Building 4 Gross SF	55,691 Sq. Ft.	
Building 5 Footprint	22,262 Sq. Ft.	
Building 5 Gross SF	64,248 Sq. Ft.	
Building 6 Footprint	23,520 Sq. Ft.	
Building 6 Gross SF	70,022 Sq. Ft.	
Building 7 Footprint	19,790 Sq. Ft.	
Building 7 Gross SF	59,261 Sq. Ft.	
Building 8 Footprint	14,361 Sq. Ft.	
Building 8 Gross SF	42,772 Sq. Ft.	
Building 9 Footprint	7,487 Sq. Ft.	
Building 9 Gross SF	7,487 Sq. Ft.	
Total Building Footprint	164,835 Sq. Ft.	
Total Gross Building SF	501,439 Sq. Ft.	
Buildings 1-8 Height (3-Story)	46'-6" max	
Clubhouse Height (1-Story)	21'-6"	
Lot Coverage	15.54%	
Floor Area Ratio	47.29:1	
PARKING		
Required Parking:	1 Spaces Per Unit	
Required Parking:	1.73 Spaces Per Unit	
Number of Units	373 Units	
Standard Parking Provided	414 Spaces +9 ADA Spaces	
Awning Covered Parking Provided	113 Spaces +2 ADA Spaces	
Garage Parking Provided	105 Spaces +2 ADA Spaces	
Accessible Parking Provided	13 ADA Spaces	
Total Parking Provided	645 Spaces (Incl. 9 HC)	

OVERALL SITE PLAN LAKESOUND

Lot 1, Block A - Hickory Creek Heights
BEING 24.344 ACRES
H.H. SWISHER SURVEY,
ABSTRACT NO. 1200
TOWN OF HICKORY CREEK
DENTON COUNTY, TEXAS

OWNER / APPLICANT
Leon Capital Group
3500 Maple Ave., Ste. 1600,
Dallas, TX 75219
Telephone: 214-908-9745
Contact: Scott Lyday

ENGINEER / SURVEYOR
Sparks Engineering, Inc.
TBPE No. F-2121
3575 Lone Star Cir, Unit 434
Fort Worth, TX 76177
Telephone: (972) 422-0077
Contact: Jordan Huneycutt, PE

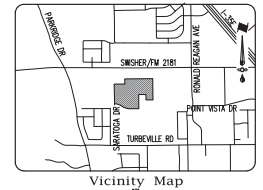
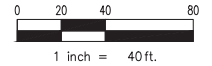
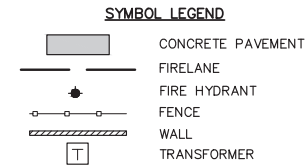
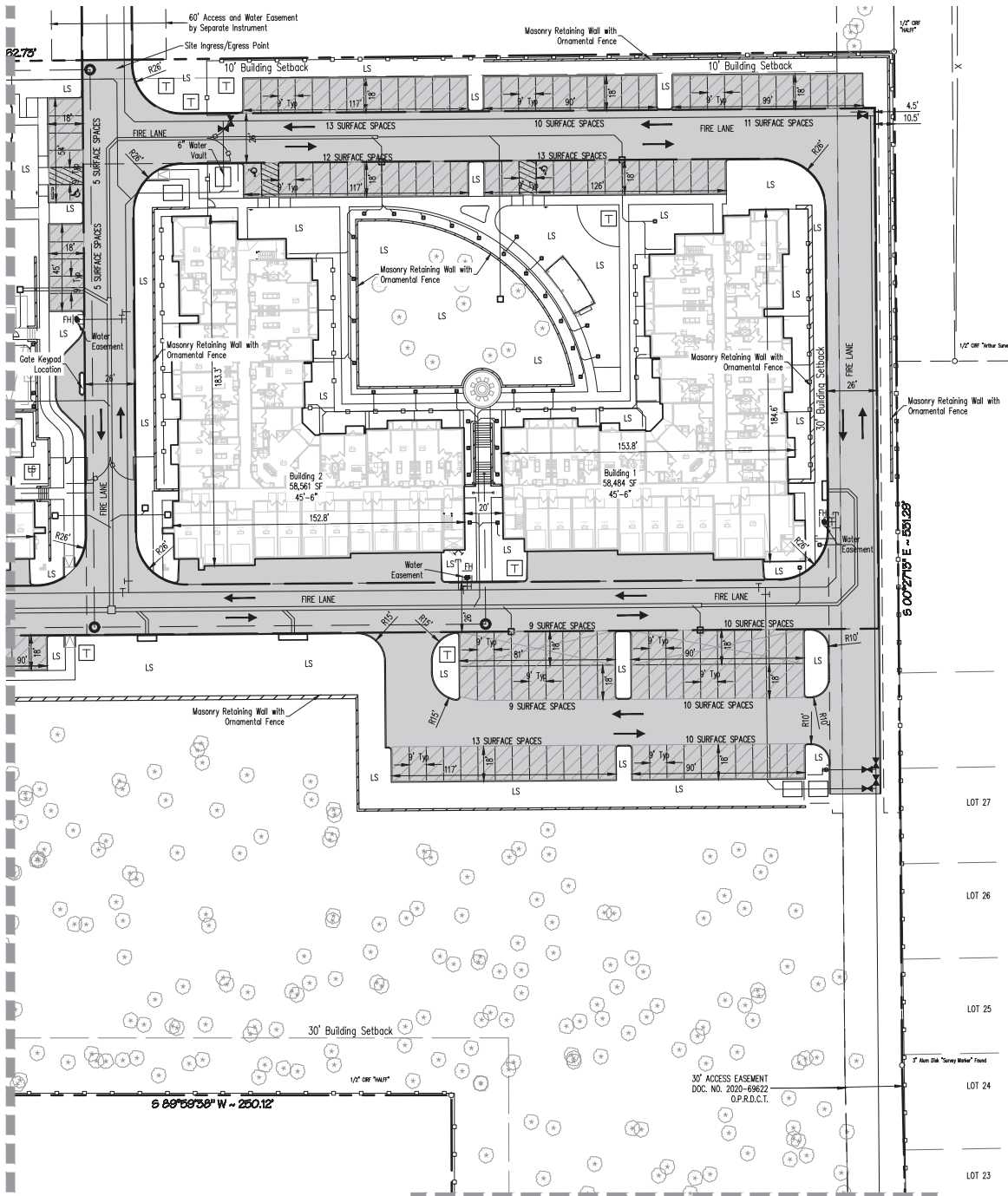
September 2022

Sheet 2 of 5

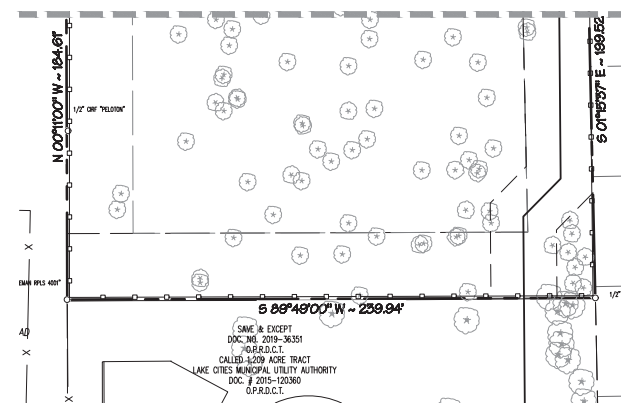
Notes:

- Handicap Parking Is Provided In Accordance w/ ADA Standards.
- Site Plan Is For Informational Purposes Only. It Is Not A Construction Document.
- All dimensions Are To Face Of Curb.

MATCHLINE SHT. 3



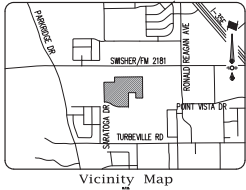
MATCHLINE THIS SHT.



SITE PLAN
LAKE SOUND
 Lot 1, Block A - Hickory Creek Heights
 BEING 24.344 ACRES
 H.H. SWISHER SURVEY,
 ABSTRACT NO. 1200
 TOWN OF HICKORY CREEK
 DENTON COUNTY, TEXAS

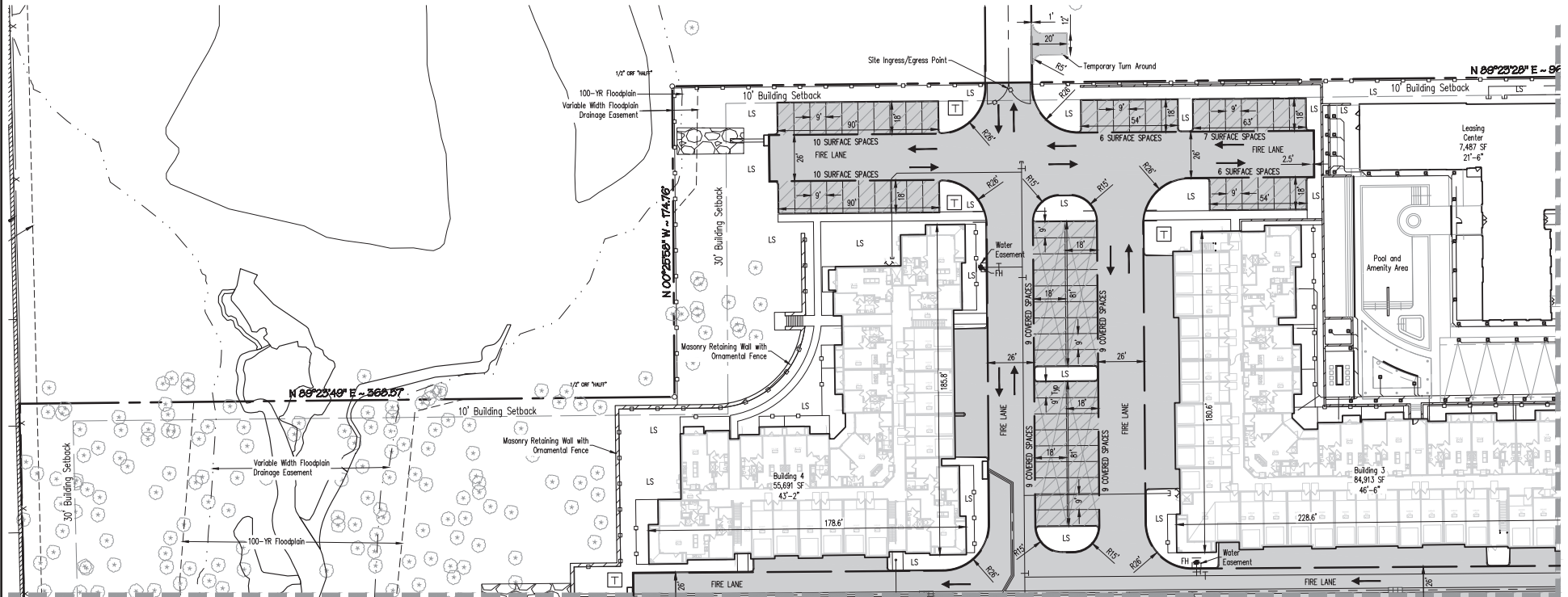
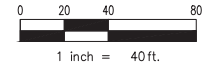
OWNER / APPLICANT
 Leon Capital Group
 3500 Maple Ave., Ste. 1600,
 Dallas, TX 75219
 Telephone: 214-908-9745
 Contact: Scott Lyday

ENGINEER / SURVEYOR
 Spiars Engineering, Inc.
 TBPE No. F-2121
 3575 Lone Star Cir, Unit 434
 Fort Worth, TX 76177
 Telephone: (972) 422-0077
 Contact: Jordan Huneycutt, PE



SYMBOL LEGEND

- CONCRETE PAVEMENT
- FIRELANE
- FIRE HYDRANT
- FENCE
- WALL
- TRANSFORMER



MATCHLINE SHT. 4

MATCHLINE SHT. 2

SITE PLAN LAKESOUND

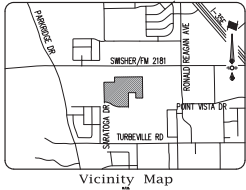
Lot 1, Block A - Hickory Creek Heights
BEING 24.344 ACRES
H.H. SWISHER SURVEY,
ABSTRACT NO. 1200
TOWN OF HICKORY CREEK
DENTON COUNTY, TEXAS

OWNER / APPLICANT
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3500 Maple Ave., Ste. 1600,
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September 2022

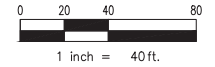
Sheet 3 of 5



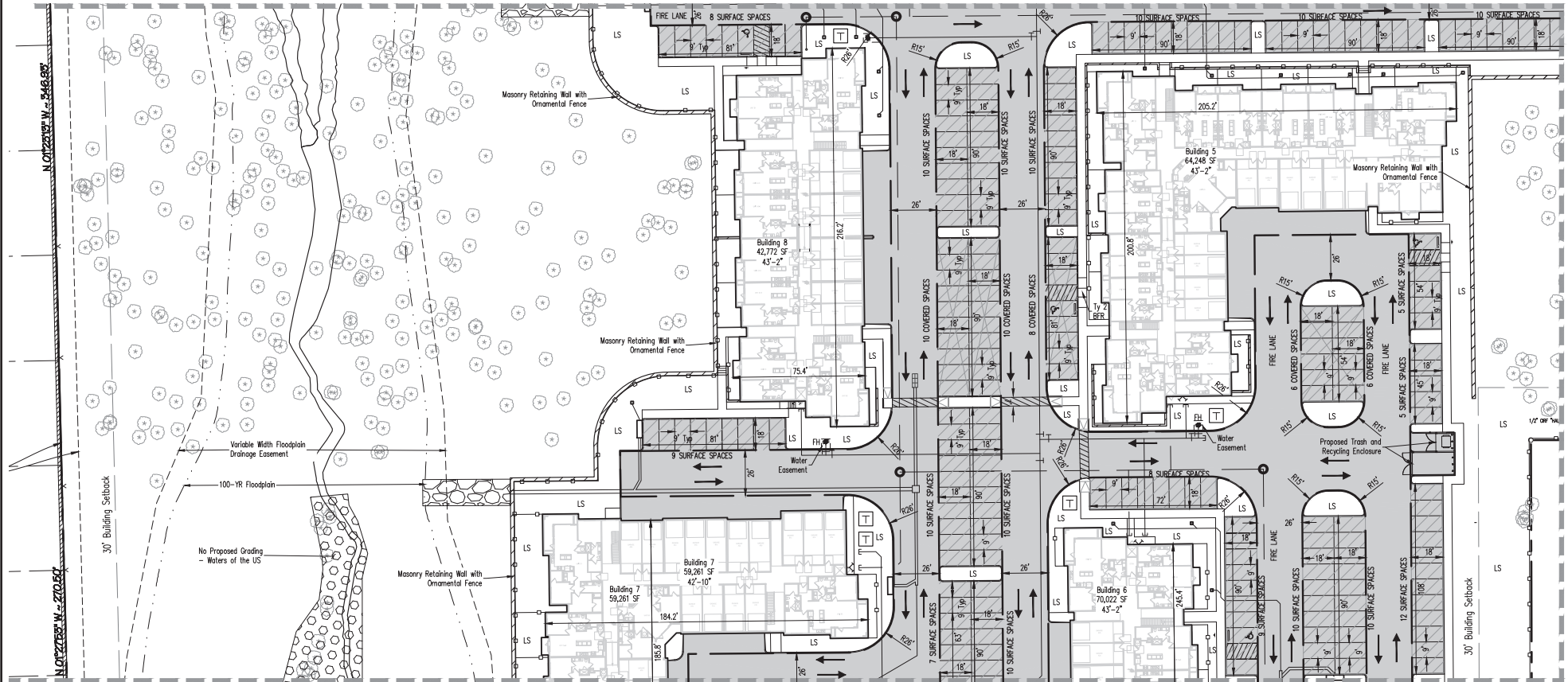
Vicinity Map

SYMBOL LEGEND

- CONCRETE PAVEMENT
- FIRELANE
- FIRE HYDRANT
- FENCE
- WALL
- TRANSFORMER



MATCHLINE SHT. 3



MATCHLINE SHT. 5

SITE PLAN LAKESOUND

Lot 1, Block A - Hickory Creek Heights
BEING 24.344 ACRES
H.H. SWISHER SURVEY,
ABSTRACT NO. 1200
TOWN OF HICKORY CREEK
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September 2022

Sheet 4 of 5

TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2022-09-_____

AN ORDINANCE OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING AS HERETOFORE AMENDED, ITS COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN BY AMENDING AN EXISTING DESIGNATION ON CERTAIN TRACTS OF LAND DESCRIBED AS AN APPROXIMATELY 7.22 ACRES BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN FROM ITS CURRENT ZONING OF SF-1 RESIDENTIAL DISTRICT TO SF-3 RESIDENTIAL DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE TOWN; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE SF-3 RESIDENTIAL ZONING DISTRICT DESIGNATION FOR THE SUBJECT PROPERTY; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR REZONING; PROVIDING FOR APPLICABLE REGULATIONS; PROVIDING FOR ZONING MAP; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Title 7, Chapter 211.003 of the Texas Local Government Code empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the owner/representative of a 7.22 acres of land described on Exhibit "A" attached hereto and incorporated herein (the "Property"), has applied for a zoning change from its current zoning of SF-1 Residential District to SF-3 Residential District; and

WHEREAS, such application further requested an amendment to the official Zoning District Map of the Town in accordance with the zoning ordinance of the Town; and

WHEREAS, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of the Town, and after considering the information submitted at that public hearing and all other relevant information and materials, the Planning and Zoning Commission of the Town has forwarded to the Town Council its favorable recommendation regarding the adoption of the amendment to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of this Town, and after considering the information submitted at that public hearing and all other relevant information and materials, including the character of the Property and its suitability for particular uses and development, with a view of encouraging the most appropriate use of the Property, the Town Council made a finding that the rezoning approved hereby accomplishes such objectives; and

WHEREAS, the Town Council has determined that there is a necessity and need for the change in zoning and that the proposed change is consistent with the Comprehensive Land Use Plan of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety, and welfare.

SECTION 3
REZONING

The zoning ordinance of the Town of Hickory Creek, Texas, the same being the Town's Comprehensive Zoning Ordinance, as it exists on the date of the adoption of this Ordinance (the "Comprehensive Zoning Ordinance") is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, definitions, phrases, and words are not amended but are hereby ratified and affirmed:

The zoning of the Property is hereby changed from its current zoning of SF-1 Residential District to SF-3 Residential District for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the Town.

SECTION 4 **APPLICABLE REGULATIONS**

Except as otherwise provided in this Ordinance, the Property shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town, including, but not limited to, the Town's subdivision ordinance, building codes, requirements concerning preliminary and comprehensive site plans, landscape plans, and tree preservation. It shall be unlawful for any person, firm, or corporation to make sure of said premises in some manner other than as outlined by this Ordinance.

SECTION 5 **ZONING MAP**

The Town Secretary is hereby directed to mark and indicate on the official Zoning District Map of the Town the zoning change herein made.

SECTION 6 **CUMULATIVE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 7 **SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8 **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9
PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 10
PUBLICATION

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 11
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty, and Effective Date of this Ordinance in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 12
EFFECTIVE DATE

This ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 15th day of September, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

EXHIBIT A – PROPERTY DESCRIPTION

Being all that certain tract of land situated in the J. Ramsey Survey, Abstract Number 1075, Town of Hickory Creek, Denton County, Texas and being all of a called Tract 2 described in the deed of Bessie Bernice Richey Allen as recorded in Document Number 2006-84519, Real Property Records of said County: the subject tract being more particularly described as follows:

Beginning at a capped iron rod stamped “4561” for the Southeast corner of Lot 4-A, of Lots 1-A through 4-A, Block A of Hook-Main Addition, an addition to said Town, according to the Amending plat thereof recorded in Cabinet X, Page 406, Plat Records of said County, being in the West line of a tract of land described in the deed to the Town of Hickory Creek, Texas, as recorded in Document Number 2008-13158, of said Real Property records, and being in the Northeast corner of said Tract 2;

Thence South 00 degrees 03 minutes 15 seconds West with said common line along and near a fence a distance of 389.99 feet to a capped iron rod stamped “4561” found for the Southeast corner of said Tract 2 and the Northeast corner of Tract 3 of said Document Number 2006-84519;

Thence North 89 degrees 56 minutes 59 seconds West with said common line a distance of 805.69 feet to a mag nail set in the middle of Hook Street for the Northwest corner of said Tract 3 and the Southwest corner of said Tract 2;

Thence North 00 degrees 05 minutes 09 seconds West with the West line thereof and with said Street to a distance of 389.90 feet to a mag nail set for the Northwest corner of said Tract 2;

Thence South 89 degrees 57 minutes 22 seconds East with the North line thereof passing a capped iron rod stamped “4561” for the Southwest corner of Lot 1-A of said addition at 29.94 feet, and continuing with said common line a total distance of 806.64 feet to the **Place of Beginning** and enclosing 7.22 acres of land more or less.



September 8, 2022
AVO 37638.200

Ms. Chris Chaudoir
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, TX 75065

**RE: Garth Addition – Preliminary and Final Plat
1st Review**

Dear Ms. Chaudoir:

Halff Associates received a request from the Town of Hickory Creek to review applications for a Preliminary Plat and Final Plat for Garth Addition, Lot 1, Block A on August 17, 2022. The surveyor is Eagle Surveying, LLC. The owner is Melissa J. Stone and Denver J. Stone.

Halff has reviewed the Preliminary and Final Plats and offers the following comments.

Preliminary and Final Plat

1. The title block and dedication statement refer to Lot 1, but it is labeled Lot 2 on the plat.
2. Please verify the boundary of the US Corps of Engineers flowage easement. Typically, it follows the 537-foot contour line and is not a straight line.
3. Please include building line setbacks as required by zoning ordinance.

Sincerely,

HALFF ASSOCIATES, INC.

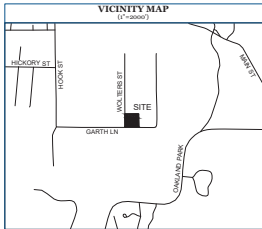
TBPELS Engineering Firm No. 312

A handwritten signature in blue ink, appearing to read "Lee Williams", is written over a faint, larger signature.

Lee Williams, PE
Consulting Engineer for the Town of Hickory Creek

C: Kristi Rogers – Town Secretary
John Smith – Town Administrator

Attachments: Plat markup



- GENERAL NOTES**
- 1.) The purpose of this plat is to create one lot of record from an unplatted tract of land.
- 2.) This property is located in "Zone AE" and "Shaded Zone X" according to the F.E.M.A. Flood Insurance Rate Map dated April 16, 2011 as shown on Map Number 4812102550.
- 3.) The grid coordinates shown on this plat are based on GPS observations utilizing the AITens RTK Network, North American Datum of 1983 (Adjustment Realization 2011).
- 4.) Setting a portion of this addition by meeks and bounds is a violation of Town Ordinance and State Law, and is subject to fines and/or withholding of utilities and building permits.
- 5.) All interior property corners are marked with a 12-inch iron rod with a green plastic cap stamped "TULSIE SURVEYING" unless noted otherwise.
- 6.) The bearings shown on this plat are based on GPS observations utilizing the AITens RTK Network, North American Datum of 1983 (Adjustment Realization 2011).

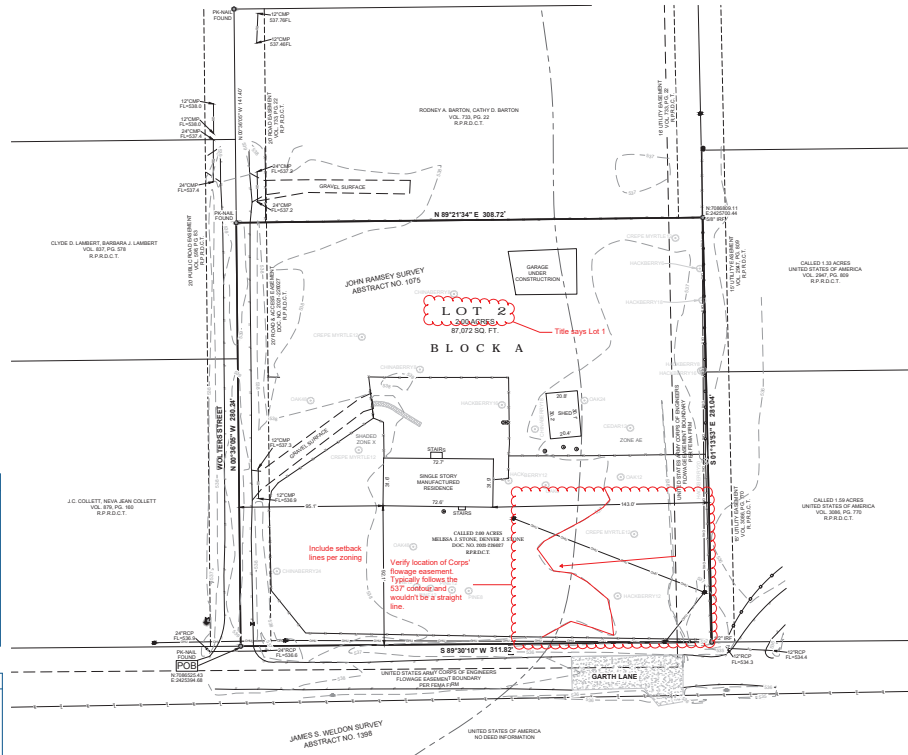
- LEGEND**
- PG = PAGE
VOL = VOLUME
POS = POINT OF BEGINNING
RF = IRON ROD FOUND
DOC. NO. = DOCUMENT NUMBER
O.P.R.C.T. = OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS
SURVEY/ABSTRACT LINE
- Sanitary Clean Out
Rein. Lid
Water Valve
Fire Hydrant
Power Pole
Sign
Propane Tank
- Iron Fence
Wire Fence
Edge of Asphalt
Edge of Gravel
Erick
Concrete

SURVEYOR
Eagle Surveying, LLC
222 S. Elm Street, Suite 200
Denton, TX 76201
(940) 222-3009

OWNER
Melissa J. Stone
Denver J. Stone
160 Cedarhurst Lane
Lewisville, TX 75077

Eagle Surveying, LLC
222 South Elm Street
Suite: 200
Denton, TX 76201
940.222.3009
www.eaglesurveying.com
TX Firm # 10194177

JOB NUMBER
2201.003.02
DATE
03/30/2022
DRAWN BY
TAR



CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF DENTON §

THAT I, MATTHEW RAABE, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Development Ordinance of the Town of Hickory Creek, Texas.

PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

Matthew Raabe, R.P.L.S. # 6402 _____ Date _____

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 MATTHEW RAABE, Registered Professional Land Surveyor, 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 _____ day of _____, 2022.

Notary Public in and for the State of Texas _____

TOWN APPROVAL BLOCK

Recommended for Approval _____

Chairman, Planning & Zoning Commission
Town of Hickory Creek, Texas _____ Date _____

Approved For Preparation of Final Plat _____

Mayor
Town of Hickory Creek, Texas _____ Date _____

**PRELIMINARY PLAT
GARTH ADDITION
LOT 1, BLOCK A**

BEING 2.00 ACRES OF LAND SITUATED IN
JOHN RAMSEY SURVEY, ABSTRACT NO. 1075
THE TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS, MELISSA J. STONE AND DENVER J. STONE are the owners of a 2.00 acre tract of land out of the John Ramsey Survey, Abstract Number 1075, situated in the City of Hickory Creek, Denton County, Texas, being all of a certain 2.00 acre tract conveyed to Melissa J. Stone and Denver J. Stone by General Warranty Deed of record in Document Number 2021-02882 of the Real Property Records of Denton County, Texas, and being more particularly described, as follows:

BEGINNING, at a Pk-well found in the North right-of-way line of Garth Lane, near the center of Withers Street, being the Southeast corner of a tract of land conveyed to J.C. Collett and Neva Jean Collett by deed of record in Volume 879, Page 160 of said Real Property Records, also being the Southeast corner of said 2.00 acre tract;

THENCE, N89°30'10"W, along said Withers Street, being along the West line of said 2.00 acre tract, also being in part along the East line of said Collett tract, and also being in part along the East line of a tract of land conveyed to Clydia D. Lambert and Barbara J. Lambert by deed of record in Volume 857, Page 576 of said Real Property Records, a distance of 250.24 feet to a Pk-well found at the Southwest corner of a tract of land conveyed to Rodney A. Barton and Cathy D. Barton by deed of record in Volume 739, Page 20 of said Real Property Records, being the Northwest corner of said 2.00 acre tract, from which a Pk-well found at the Northwest corner of said Barton tract bears N02°36'05"W, a distance of 141.40 feet;

THENCE, N89°21'34"E, along the South line of said Barton tract, being the common North line of said 2.00 acre tract, a distance of 580.73 feet to a S&P iron rod found in the West line of a certain 1.33 acre tract conveyed to the United States of America by deed of record in Volume 2947, Page 889 of said Real Property Records, being the Southwest corner of said Barton tract, also being the Northwest corner of said 2.00 acre tract;

THENCE, S01°11'53"E, along the East line of said 2.00 acre tract, being in part the West line of said 1.33 acre tract, and also being in part the West line of a certain 1.58 acre tract conveyed to United States of America by deed of record in Volume 1086, Page 779 of said Real Property Records, a distance of 281.04 feet to a 1/2" iron rod found in the North right-of-way line of Garth Lane, being the Southeast corner of said 1.58 acre tract, also being the Southeast corner of said 2.00 acre tract;

THENCE, S89°30'10"W, along the North right-of-way line of Garth Lane, being the common South line of said 2.00 acre tract, a distance of 311.82 feet to the **POINT OF BEGINNING** and containing an area of 2.00 Acres, or (87,872 Square Feet) of land, more or less.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That MELISSA J. STONE AND DENVER J. STONE, do hereby add this plat designating the heretofore described property as **GARTH ADDITION, LOT 1, BLOCK A**, an addition to the Town of Hickory Creek, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and easements above shown. The streets are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. The buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the Town of Hickory Creek. In addition, utility easements may also be used for the medical use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public use and Town of Hickory Creek's use thereof. The Town of Hickory Creek and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way encroach or interfere with the construction, maintenance, or servicing of their respective systems in said easements. The Town of Hickory Creek and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, maintaining, inspecting, repairing, maintaining, installing, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Hickory Creek, Texas.

WITNESSE, my hand, this _____ day of _____, 2022.

OWNER: MELISSA J. STONE AND DENVER J. STONE

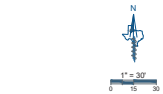
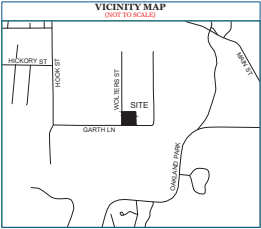
BY: _____ Date _____

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared MELISSA J. STONE, 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 _____ day of _____, 2022.

Notary Public in and for the State of Texas _____



- GENERAL NOTES**
- 1.) The purpose of this plat is to create one lot of record from an unplatted tract of land.
 - 2.) This property is located in "Zone AE" and "Shaded Zone X" according to the F.E.M.A. Flood Insurance Rate Map dated April 18, 2011 as shown on Map Number 48121C0550.
 - 3.) The grid coordinates shown on this plat are based on GPS observations utilizing the AITeMS RTK Network, North American Datum of 1983 (Adjustment Realization 2011).
 - 4.) Setting a portion of this addition by metes and bounds is a violation of Town Ordinance and State Law, and is subject to fines and/or withholding of utilities and building permits.
 - 5.) All interior property corners are marked with a 1/2-inch iron rod with a green plastic cap stamped "EAGLE SURVEYING" unless noted otherwise.
 - 6.) The bearings shown on this plat are based on GPS observations utilizing the AITeMS RTK Network, North American Datum of 1983 (Adjustment Realization 2011).

LEGEND	
PD = PAGE	
VOL = VOLUME	
POB = POINT OF BEGINNING	
IRF = IRON ROD FOUND	
DOC NO. = DOCUMENT NUMBER	
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS	
— SURVEY/ABSTRACT LINE	

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF DENTON §

THAT I, **MATTHEW RAABE**, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Development Ordinance of the Town of Hickory Creek, Texas.

PRELIMINARY
This document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

Matthew Raabe, R.P.L.S. # 6402 _____ Date _____

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 **MATTHEW RAABE**, Registered Professional Land Surveyor, 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 _____ day of _____, 2022.

Notary Public in and for the State of Texas _____

TOWN APPROVAL BLOCK

Recommended for Approval _____ Date _____

Chairman, Planning & Zoning Commission
Town of Hickory Creek, Texas

Approved and Accepted _____ Date _____

Mayor
Town of Hickory Creek, Texas

The undersigned, the town secretary of Town of Hickory Creek, Texas, hereby certifies that the foregoing final plat of the Garth Addition to the Town of Hickory Creek was submitted to the town council on the _____ day of _____, A.D. 20____, and the council, by formal action, then and there accepted the dedication of streets, alleys, paths, easements, public places, and water and sewer lines, as shown and set forth in and upon said plat, and said council further authorized the Mayor to make the acceptance thereof by signing his/her name as hereinafter subscribed.

Town Secretary _____ Date _____
Town of Hickory Creek, Texas

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS, **MELISSA J. STONE AND DENVER J. STONE** are the owners of a 2.00 acre tract of land out of the John Ramsey Survey, Abstract Number 1075, situated in the City of Hickory Creek, Denton County, Texas, being all of a certain 2.00 acre tract conveyed to Melissa J. Stone and Denver J. Stone by General Warranty Deed of record in Document Number 2021-02882 of the Real Property Records of Denton County, Texas, and being more particularly described, as follows:

BEGINNING, at a P.C. found in the North right-of-way line of Garth Lane, near the center of Wilshire Street, being the Southwest corner of a tract of land conveyed to J.C. Collett and Neva Jean Collett by deed of record in Volume 879, Page 160 of said Real Property Records, also being the Southwest corner of said 2.00 acre tract;

THENCE, S89°30'10"W, along said Wilshire Street, being along the West line of said 2.00 acre tract, also being in part along the East line of said Collett tract, and also being in part along the East line of a tract of land conveyed to Cynthia D. Lambert and Barbara J. Lambert by deed of record in Volume 857, Page 576 of said Real Property Records, a distance of 282.24 feet to a P.C. found at the Southwest corner of a tract of land conveyed to Rodney A. Barton and Cathy D. Barton by deed of record in Volume 739, Page 20 of said Real Property Records, being the Northwest corner of said 2.00 acre tract, from which a P.C. found at the Northwest corner of said Barton tract bears N02°36'55"W, a distance of 141.40 feet;

THENCE, N02°37'34"E, along the South line of said Barton tract, being the common North line of said 2.00 acre tract, a distance of 589.73 feet to a S.P. found in the West line of a certain 1.33 acre tract conveyed to the United States of America by deed of record in Volume 2947, Page 889 of said Real Property Records, being the Southwest corner of said Barton tract, also being the Northwest corner of said 2.00 acre tract;

THENCE, S01°13'57"E, along the East line of said 2.00 acre tract, being in part the West line of said 1.33 acre tract, and also being in part the West line of a certain 1.58 acre tract conveyed to United States of America by deed of record in Volume 3086, Page 779 of said Real Property Records, a distance of 281.04 feet to a 1/2" iron rod found in the North right-of-way line of Garth Lane, being the Southwest corner of said 1.58 acre tract, also being the Southwest corner of said 2.00 acre tract;

THENCE, S89°30'10"W, along the North right-of-way line of Garth Lane, being the common South line of said 2.00 acre tract, a distance of 311.82 feet to the **POINT OF BEGINNING** and containing an area of 2.00 Acres, or (87,872 Square Feet) of land, more or less.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, **MELISSA J. STONE AND DENVER J. STONE**, do hereby adopt this plat designating the hereinabove described property as **GARTH ADDITION, LOT 1, BLOCK A**, an addition to the Town of Hickory Creek, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and easements above described. The streets are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat, the buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the Town of Hickory Creek. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public use and Town of Hickory Creek's use thereof. The Town of Hickory Creek and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths when in any way encroaching or interfering with the construction, maintenance, or servicing of their respective systems in said easements. The Town of Hickory Creek and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, repairing, and servicing, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Hickory Creek, Texas.

WITNESSES, my hand, this _____ day of _____, 2022.

OWNER: **MELISSA J. STONE AND DENVER J. STONE**

BY: _____ Date _____

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **MELISSA J. STONE**, 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 _____ day of _____, 2022.

Notary Public in and for the State of Texas _____

FINAL PLAT
GARTH ADDITION
LOT 1, BLOCK A

BEING 2.00 ACRES OF LAND SITUATED IN
JOHN RAMSEY SURVEY, ABSTRACT NO. 1075
THE TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS

JOB NUMBER
2201-003

DATE
03/30/2022

DRAWN BY
TAR

Eagle Surveying, LLC
222 South Elm Street
Suite: 104
Denton, TX 76201
940.222.3009
www.eaglesurveying.com
TX Firm # 10194177