



**NOTICE OF
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, MAY 17, 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. March 22, 2022 Special Meeting Minutes

Regular Agenda

2. Discuss, consider and act on a recommendation for a Final Plat of The Olana at Hickory Creek, Lot 1, Block 1: being 38.5858 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

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 May 12, 2022 at 1:00 p.m.

Chris Chaudoir
Town of Hickory Creek

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

MINUTES

Call to Order

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

Roll Call

PRESENT

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

ALSO PRESENT

Trey Sargent, Town Attorney
Lee Williams, Halff and Associates
Randy Gibbons, Town Council Liaison
Chris Chaudoir, Administrative Assistant

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

Pledge of Allegiance to the U.S. And Texas Flags led by Chairman Hawkes.

Invocation

Invocation given by Vice-Chairman May.

Public Comment

No Public Comment

Consent Agenda

1. February 15, 2022 Minutes

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

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

Regular Agenda

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Voting Nay: Vice-Chairman May. Motion passed.

Adjournment

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

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

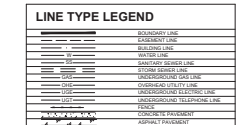
Meeting adjourned at 7:27 p.m.

Approved:

Attest:

Bryant Hawkes, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek



PROPERTY DESCRIPTION:

WHEREAS, KSW HOLDING HICKORY CREEK, LP, is the owner of a tract of land situated in the H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas, and being all of a called 38.8755 acre tract of land described as Tract 1 in General Warranty Deed with Vendor's Lien to KSW Holding Hickory Creek, LP recorded in Instrument No. 2018-111193 of the Public Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with "HALFF" cap found in the north right-of-way line of Turbeville Road (variable width right-of-way), being the southeast corner of Lot 2X, Block F of Steeplechase North Addition, Phase 1 an addition to Denton County, Texas according to the plat recorded in Document No. 2013-931 of the Official Records of Denton County, Texas and the southwest corner of said Tract 1;

THENCE with the east line of said Lot 2X, Block F, North 00°00'43" East, a distance of 1,403.32 feet to a 5/8" iron rod with red "KHA" cap set in the south line of a called 32.515 acre tract of land described as Tract 2 in Executor's Deed to Richard Goldfield, Brian Goldfield and Susan Goldfield recorded in Instrument No. 2019-36351 of said Public Records and being the northeast corner of said Lot 2X, Block F and the beginning of a non-tangent curve to the right, having a central angle of 36°41'31", a radius of 400.00 feet, a chord bearing and distance of South 71°52'26" East, a distance of 251.80 feet;

THENCE with the said south line of the Goldfield tract, the following courses and distances:

In a southeasterly direction, with said non-tangent curve to the right, an arc distance of 256.16 feet to a 5/8" iron rod with "RPLS 1890" cap found for the beginning of a reverse curve to the left, having a central angle of 36°41'11", a radius of 460.00 feet, a chord bearing and distance of South 71°50'18" East, a distance of 266.53 feet;

In a southeasterly direction, with said reverse curve to the right, an arc distance of 294.54 feet to a 5/8" iron rod with red "KHA" cap set for corner;

North 89°49'08" East, a distance of 524.98 feet to a 5/8" iron rod with cap (legible) found for the beginning of a curve to the left, having a central angle of 16°52'25", a radius of 460.00 feet, a chord bearing and distance of North 81°22'55" East, a distance of 134.98 feet;

In a easterly direction, with said curve to the left, an arc distance of 135.47 feet to a 5/8" iron rod with red "KHA" cap set for the beginning of a reverse curve to the right, having a central angle of 16°52'25", a radius of 400.00 feet, a chord bearing and distance of North 81°22'55" East, a distance of 117.37 feet;

In a easterly direction, with said reverse curve to the right, an arc distance of 117.80 feet to a 5/8" iron rod with red "KHA" cap set;

North 89°49'08" East, a distance of 29.82 feet to a 5/8" iron rod with red "KHA" cap set for the northeast corner of said Tract 1 and the northwest corner of a called 19.2345 acre tract of land described in Special Warranty Deed with Vendor's Lien to 1745 Turbeville Rental Property, LLC recorded in Instrument No. 2015-48856 of said Public Records;

THENCE with the east line of said Tract 1 and west line of said called 19.2345 acre tract, South 00°32'14" East, a distance of 1262.63 feet to a 1/2" iron rod with "RPLS 4561" cap found in the said north right-of-way line of Turbeville Road;

THENCE with the said north right-of-way line of Turbeville Road, the following courses and distances:

South 68°14'04" West, a distance of 249.58 feet to a 1/2" iron rod with "HALFF" cap found for corner;

South 01°45'56" East, a distance of 9.69 feet to a 1/2" iron rod with "RPLS 4561" cap found for corner;

South 89°37'59" West, a distance of 406.76 feet to a PK nail found for corner;

North 89°41'10" West, a distance of 225.58 feet to a 1/2" iron rod with "HALFF" cap found for corner;

North 89°08'53" West, a distance of 456.70 feet to the POINT OF BEGINNING and containing 38.8757 acres or 1,693,424 1,693,524 square feet.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, KSW HOLDING HICKORY CREEK, LP., acting by and through their duly authorized agents, do hereby adopt this plat, designating the herein described property as THE OLANA AT HICKORY CREEK, an addition to the Town of Hickory Creek, Denton County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

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

WITNESS, my hand at _____, Texas, this the _____ day of _____, 2021.

BY:

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared _____, 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 therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2021.

Notary Public in and for the State of Texas _____

RECOMMENDED FOR APPROVAL

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

Date _____

APPROVED FOR PREPARATION OF FINAL PLAT

Mayor, Town of Hickory Creek, Texas

Date _____

SURVEYOR'S CERTIFICATE

THAT I, J. Andy Dobbs, do hereby certify that I prepared this plat from an actual survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the Town of Hickory Creek, Texas.

Dated this the _____ day of _____, 20____.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

J. Andy Dobbs
Registered Professional Land Surveyor No. 6198
Kimley-Horn and Associates, Inc.
13455 Noel Road,
Two Galleria Office Tower, Suite 700
Dallas, Texas 75240
(972) 770-1300
andy.dobbs@kimley-horn.com

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

FINAL PLAT
THE OLANA AT HICKORY CREEK
LOT 1, BLOCK 1
38.5858 ACRES

H.H. SWISHER SURVEY, ABSTRACT NO. 1220
TOWN OF HICKORY CREEK,
DENTON COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240		FIRM # 10115500		Tel. No. (972) 770-1300 Fax No. (972) 238-3820	
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
NA	CM	JAD	May 2022	063217800	3 OF 3

OWNER:
KSW HOLDING HICKORY CREEK LP
1851 TURBEVILLE ROAD
HICKORY CREEK, TEXAS 75065
PHONE: 469-664-0120

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES,
INC.
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER,
SUITE 700
DALLAS, TEXAS 75240
CONTACT: J. ANDY DOBBS
PHONE: 972-770-1300

ENGINEER/APPLICANT:
KIMLEY-HORN AND ASSOCIATES, INC.
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER,
SUITE 700
DALLAS, TEXAS 75240
CONTACT: NEDA HOSSEINY, P.E.
PHONE: 972-731-2197

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.



May 12, 2022
AVO 37638.200

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

**RE: The Olana – Final Plat
2nd Review**

Dear Ms. Chaudoir:

Halff Associates received a request from the Town of Hickory Creek to review a Final Plat application for The Olana at Hickory Creek on April 21, 2022. A revised submittal was received May 12. The surveyor and engineer/applicant is Kimley-Horn and Associates, Inc. The owner is KSW Holding Hickory Creek LP.

Halff has reviewed the Final Plat and offers the following comments. Please note the Preliminary Drainage Study and Civil Construction Plans are under review by separate letter and may require minor revisions to the Final Plat.

Final Plat

1. Please note the proposed retention pond will require a Stormwater Facilities Maintenance Agreement (to also include the retaining walls). This will not be executed until acceptance of Construction Plans.
2. Please remove contour lines, buildings, etc. from the final plat.
2nd Review: Addressed.
3. Adjust the minimum Finished Floor Elevation (FFE) to be at least 2 feet above the pond's or creek's fully-developed 100-year water surface elevation, whichever is higher. Refer to drainage study comments.
2nd Review: Addressed. Proposed minimum FFE of 585.5' shown on plat.
4. Please indicate minimum FFE more prominently on the plat and indicate area of higher minimum FFE near the northern end of the pond/creek if necessary.
2nd Review: Addressed. Proposed minimum FFE of 585.5' shown on plat.
5. Add a drainage easement to encompass the pond.
2nd Review: Addressed.
6. Please label FEMA Zone AE and shaded X on the plat.
2nd Review: Addressed.
7. We recommend a 10' building line setback around the pond for maintenance. The site plan shows most of the perimeter has at least a 10' setback, with minimum 6'. Consider adding building line setback to the plat to be 10' where possible and minimum 6' in the area near the villas. This would follow the edge of the proposed sidewalk around the western side of the pond.
2nd Review: Addressed. 6' building setback added to west side of pond.

Site Plan

1. No comments on the Site Plan.

Landscape Plan

1. No comments on the Landscape Plan.

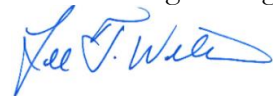
Civil Plans

1. Construction plans provided were used as a reference. Review of the plans will be by separate letter and in conjunction with continued review of the drainage study.

Sincerely,

HALFF ASSOCIATES, INC.

TBPELS Engineering Firm No. 312



Lee T. Williams, PE

Town Engineer for the Town of Hickory Creek

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