



**NOTICE OF
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, OCTOBER 19, 2021, 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 17, 2021 Meeting Minutes

Regular Agenda

2. Conduct a public hearing regarding a request from Kenny Powell on behalf of Vantage Landmark Investments to change the zoning designation from C-1 Commercial District to TH-1 Townhouse District on a tract of land legally described as Ventana Addition Phase II, Lot 5, .49 Acres, Town of Hickory Creek, Denton County, Texas and consider and act on a recommendation for the same. The property is located in the 0 block of Northfield 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 October 15, 2021 at 10:00 a.m..

A handwritten signature in cursive script that reads "C Chaudoir". The signature is written in dark ink and is positioned above a horizontal line.

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 17, 2021**

MINUTES

Call to Order

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

Roll Call

PRESENT

Commissioner Dustin Jensen
Commissioner Rodney Barton
Commissioner Jaycee Holston
Vice Chairman Tim May

ABSENT

Chairman Bryant Hawkes
Commissioner Don Rowell
Commissioner David Gilmore

ALSO PRESENT

Trey Sargent, Town Attorney
John Smith, Town Administrator
Paul Kenney, 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 Vice-Chairman May.

Invocation

Invocation given by Vice-Chairman May.

Public Comment

No Public Comment

Consent Agenda

1. June 15, 2021 Meeting Minutes

Motion to approve the minutes made by Commissioner Jensen, Seconded by Commissioner Holston.

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

Regular Agenda

2. Conduct a public hearing regarding a request from LG Acquisitions, LLC on behalf of Shirley Mae Goldfield, Richard Goldfield, Brian Goldfield and Susan Goldfield to amend the current PD (Planned Development) zoning designation on a 24.31 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in 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 and consider and act on a recommendation for the same. The property is located in the 3400 block of FM 2181.

Public Hearing opened at 6:07 p.m.

Mr. Smith gave a brief overview of the project and its history.

Mike Galindo, Leon Capital Group, gave a presentation detailing the changes to the site plan and the scope of the project.

Carl Starry, Leon Capital Group, discussed some of the reasons for the changes including redesigning the project to better use the topography and trees on the land, and better return for investors. The future rentals shown on the western side are potentially 18 2-story rental townhomes that will require further review to see if they are feasible.

Public Hearing closed at 6:22 p.m.

Vice-Chairman May raised the question of the access to the property. Mr. Galindo said the entry to the right was an existing easement and the two entries shown on the concept plan on the left will be new easement agreements with the landowner that will be recorded on closing.

Commissioner Holston confirmed that the trail would be lighted. Vice-Chairman May stated he preferred the new layout and the way it worked with the topography of the site. He questioned if the trail and dog park would be dedicated to the town through an easement process or separate instrument. Mr. Galindo stated the bottom of the site was already its own parcel and the dedication process would be worked out. Vice-Chairman May asked if the dog park land would be dedicated for development or dedicated fully developed pursuant to #18 on the standards presented. It will be developed prior to dedication. Ms. Chaudoir asked if the smaller dog park was still included inside the complex. Mr. Starry said he would prefer to only include one dog park with better amenities and 1/2 mile of trails within the green space rather than 2 dog parks. Commissioner Holston asked if the Town would be responsible for maintenance of the dog park and Vice-Chairman May added questions about fencing. Mr. Smith stated the Town had discussed

those details with the previous developer, but not with the new group yet. All requirements and precautions will be met with input from the engineers.

Discussions were held regarding the well and requirements from Sage.

Vice-Chairman May asked if the site could be platted with only one point of ingress/egress. Mr. Sargent stated the concept plan was only intended to show uses within the site. The requirements of the Subdivision ordinance will be addressed at platting.

Motion to recommend approval made by Commissioner Barton, Seconded by Commissioner Jensen.

Mr. Smith asked Mr. Sargent if any amendments to the motion were needed regarding items discussed: i.e., development of the dog park and trail amenities. Mr. Sargent said they were not, and those discussions could be brought up at Council.

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

Adjournment

Motion to adjourn made by Commissioner Barton, Seconded by Commissioner Holston. Voting Yea: Commissioner Jensen, Chairman Barton, Commissioner Holston, Vice-Chairman May. 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. 2021_____

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 .49 ACRES BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN FROM ITS CURRENT ZONING OF C-1 COMMERCIAL DISTRICT TO TH-1 TOWNHOUSE 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 TH-1 TOWNHOME 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 .49 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 C-1 Commercial District to TH-1 Townhome 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 C-1 Commercial District to TH-1 Townhome 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 ____ day of October, 2021.

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 all that certain lot, tract, or parcel of land, situated in the J. W. Simmons Survey, Abstract Number 1163, Town of Hickory Creek, Denton County, Texas, and being all of Lot 5, Ventana Addition, Phase II, an addition to the Town of Hickory Creek, according to the plat thereof, recorded in Cabinet S, Page 269, Plat Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar found, stamped "ALLIANCE", at the northwest corner of said Lot 5, being the southwest corner of a certain 60-foot right-of-way (ROW) dedication, as recorded in said plat of Ventana Addition, being in the south line of Northfield Drive, and being in the east line of Lot 17, Glenview, an addition to the Town of Hickory Creek, according to the plat thereof, recorded in Cabinet R, Page 225, Plat Records, Denton County, Texas, from which a 1/2" rebar found at the northeast corner thereof, bears N 00°58'41" W, 122.61 feet;

THENCE N 89°48'38" E, with the north line of said Lot 5, and the south line of Northfield drive, a distance of 156.01 feet to a 1/2" capped rebar set, stamped "MCADAMS";

THENCE northeasterly, with the north line of said Lot 5, and the south line of Northfield drive, with the arc of a curve to the left, having a radius of 280.00 feet, a central angle of 3°17'50", and an arc length of 16.11 feet, whose chord bears N 88°09'42" E, 16.11 feet to a 1/2" capped rebar found, stamped "G&A" at the northeast corner of said Lot 5, same being the northwest corner of Lot 5, of said Ventana Addition, and being in the south line of Northfield drive;

THENCE S 03°28'46" E, with the east line of said Lot 5, and the west line of said Lot 6, a distance of 123.27 feet to a 1/2" rebar found at the southeast corner of said Lot 5, same being the southwest corner of said Lot 6, and being in the north line of Lot 1, Block A, The Mansions at Hickory Creek, an addition to the Town of Hickory Creek, according to the plat thereof, recorded in Document Number 2012-244, Plat Records, Denton County, Texas;

THENCE S 89°48'38" W, with the south line of said Lot 5, and the north line of said Lot 1 a distance of 177.50 feet to a 1/2" rebar found at the southwest corner of said Lot 5, same being the northwest corner of said Lot 1, and being in the east line of Lot 16, of said Glenview Addition;

THENCE N 00°58'41" W, with the west line of said Lot 5, and the east line of said Lot 16, passing the northeast corner thereof, same being the southeast corner of said Lot 17, continuing a total distance of 122.61 feet to the POINT OF BEGINNING and containing approximately 0.492 acres.