



**NOTICE OF  
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065  
TUESDAY, NOVEMBER 15, 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. October 18, 2022 Meeting Minutes

**Regular Agenda**

2. Discuss, consider and act on a recommendation for a preliminary plat for Lake Dallas RV Park No. 2, Lot 1, Block 1: being a 3.545 acre tract of land situated in the Lowery Cobb Survey, Abstract No. 284, Town of Hickory Creek ETJ, Denton County, Texas. The property is located at 135 and 137 Folly Beach.
3. Discuss, consider and act on a recommendation for a final plat for Lake Dallas RV Park No. 2, Lot 1, Block 1: being a 3.545 acre tract of land situated in the Lowery Cobb Survey, Abstract No. 284, Town of Hickory Creek ETJ, Denton County, Texas. The property is located at 135 and 137 Folly Beach.


- [4.](#) Discuss, consider and act on a recommendation for a preliminary plat of the Alpha-Omega Hickory Creek Addition, Lot 1, Block A, 2.895 acres out of the S. McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.
- [5.](#) Conduct a public hearing regarding a request from Shirley Abernathy to designate the zoning as C-1 on a 10.72 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” 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.
- [6.](#) Conduct a public hearing continued from October 18, 2022 regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14 Zoning, Article XXXIV Amendments and Article XXXII Board of Adjustment to modify or add requirements for on-site signage for applications for zoning changes or variances and consider and act on a recommendation for the same.
- [7.](#) Conduct a public hearing on an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter, Article XI SF-5AC Residential District to modify setback requirements for detached garages and consider and act on a recommendation for the same.

### **Adjournment**

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

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

I, Chris Chaudoir, do hereby certify, that this meeting notice was posted on the bulletin board at Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas on November 10, 2022 at 4:00 p.m.



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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, OCTOBER 18, 2022**

**MINUTES**

**Call to Order**

The meeting was called to order at 6:00 p.m. by Chairman May.

**Roll Call**

**PRESENT**

Commissioner Dustin Jensen  
Commissioner Jaycee Holston  
Commissioner Bryant Hawkes  
Chairman Tim May  
Vice-Commissioner David Gilmore

**ABSENT**

Commissioner Rodney Barton  
Commissioner Don Rowell

**ALSO PRESENT**

Trey Sargent, Town Attorney  
Randy Gibbons, Council Liaison  
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 Chairman May.

**Invocation**

Invocation given by Vice-Chairman Gilmore.

**Public Comment**

No Public Comment

**Consent Agenda**

1. September 13, 2022 Special Meeting Minutes

Motion to approve the minutes as amended made by Commissioner Hawkes, Seconded by Commissioner Holston.

Voting Yea: Commissioner Jensen, Commissioner Holston, Commissioner Hawkes, Vice-Commissioner Gilmore. Motion passed unanimously.

## **Regular Agenda**

2. Conduct a public hearing regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14 Zoning, Article XXXIV Amendments and Article XXXII Board of Adjustment to modify or add requirements for on-site signage for applications for zoning changes or variances.

Public Hearing opened at 6:11 p.m.

Chairman May confirmed with Ms. Chaudoir that no comments had been received from the public. Mr. Sargent discussed the requirements for public hearing notices at both the local and state level.

Chairman May questioned if Article XXXIV, item (F) was too lenient by allowing missing signs to be replaced with 2 weeks. After discussion, the next business day was agreed upon with the replacement of the sign being the responsibility of the applicant. Commissioner Holston asked if the applicant could be fined if the sign was not replaced. Mr. Sargent stated it would probably not be a fined offence but would be a violation of the zoning ordinance. It would be noted in the staff report and any consequences could be handled on a case-by-case basis. Ms. Chaudoir and Mr. Sargent discussed adding fees to the Master Fee Schedule for the original and any replacement signs.

In Article XXXII, Mr. Sargent explained the change was an addition to the existing ordinance and the only difference was the size of the Board of Adjustment public hearing signs as they are typically in a residential area. The same change was made for missing sign replacement in item (F).

Motion made by Vice-Commissioner Gilmore to continue the Public Hearing to the next meeting, Seconded by Commissioner Hawkes.

Voting Yea: Commissioner Jensen, Commissioner Holston, Commissioner Hawkes, Vice-Commissioner Gilmore. Motion passed unanimously.

## **Adjournment**

Motion to adjourn made by Commissioner Hawkes, Seconded by Commissioner Jensen. Voting Yea: Commissioner Jensen, Commissioner Holston, Commissioner Hawkes, Vice-Commissioner Gilmore. Motion passed unanimously.

Meeting adjourned at 6:28 p.m.

Approved:

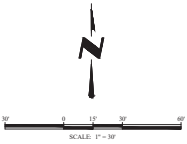
Attest:

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Tim May, Chairman  
Planning and Zoning Commission

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Chris Chaudoir, Administrative Assistant  
Town of Hickory Creek



**SURVEYOR'S NOTES:**

- Bearings and distances are based on Texas State Plane Coordinate System, Texas North Central Zone 4202 North American Datum of 1983 (NAD 83) (U.S. Foot) with a combined scale factor of 1.000150630.
- This property lies within Zone "X" and Zone "A" of the Flood Insurance Rate Map for Denton County, Texas and Incorporated Areas, map no. 4812108556, dated April 18, 2011, via scaled map location and graphic plotting.
- Notice: Selling a portion of this addition by metes and bounds is a violation of City subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
- The purpose of this plat is to create one recorded lot.

**VICINITY MAP  
NOT TO SCALE**



**RECOMMENDED FOR APPROVAL:**

This is to certify that I, Mark N. Peoples, a Registered Professional Land Surveyor of the State of Texas, have prepared the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

Chairman, Planning and Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_  
 Town of Hickory Creek, Texas

Approved and Accepted \_\_\_\_\_  
 Mayor, Town of Hickory Creek, Texas \_\_\_\_\_ Date \_\_\_\_\_

STATE OF TEXAS \$  
 COUNTY OF DENTON \$

This is to certify that I, Mark N. Peoples, a Registered Professional Land Surveyor of the State of Texas, have prepared the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

**PRELIMINARY**  
 THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE VIEWED OR REPLIED UPON AS A FINAL SURVEY DOCUMENT DATED 11/17/2022

Mark N. Peoples, R.P.L.S.  
 No. 6443

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 Mark N. Peoples, 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 purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public in and for the State of Texas

STATE OF TEXAS \$  
 COUNTY OF DENTON \$

WHEREAS a 3.545 acre tract of land situated in the Lowery Cobb Survey, Abstract Number 284, Denton County, Texas, being all of that same tract of land described to BSS Family Properties, LLC by General Warranty Deed as recorded in Document Numbers 2022-36829 and 2022-36844, Deed Records, Denton County, Texas and being more particularly described by metes and bounds as follows (Bearings and Distances are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83) (US Foot) with a combined scale factor of 1.000150630):

BEGINNING at a Corps of Engineers Monument found for the southwest corner of said BSS tract and a north corner of Lot 1, Block 1 of Lake Dallas RV Park, Addition, an addition to the City of Lake Dallas, Denton County, Texas according to the plat thereof recorded in Document Number 2020-3101 Plat Records Denton County, Texas;

THENCE North 17 degrees 19 minutes 03 seconds East, with the west line of said BSS tract, a distance of 227.17 feet to a Corps of Engineers Monument found for corner;

THENCE North 07 degrees 42 minutes 22 seconds East, with a west line of said BSS tract, distance of 90.93 feet to a 5/8-inch rebar found for the northwest corner of said BSS tract, and the southwest corner of that same tract of land described to Linda Ann Clair by Warranty Deed recorded Volume 3256, Page 260 Deed Records, Denton County, Texas;

THENCE North 89 degrees 49 minutes 36 seconds East, with the north line of said BSS tract and the south line of said Clair tract, a distance of 535.00 feet to a "PK" Nail set in asphalt for the northeast corner of said BSS tract and the southeast corner of said Clair tract, said point lying on the approximate centerline of Folly Beach Drive (variable width right-of-way);

THENCE South 22 degrees 24 minutes 42 seconds West, along the approximate center line of said Folly Beach Drive, a distance of 338.74 feet to a "PK" Nail set in asphalt for the southeast corner of said BSS tract;

THENCE South 89 degrees 27 minutes 06 seconds West, departing the approximate centerline of said Folly Beach Drive, passing at a distance of 20.69 feet a 1/2-inch rebar found for the northeast of that same tract of land described to Tom Martin and Gerald N. Collins by Warranty Deed recorded in Document Number 1997-5799 Deed Records, Denton County, Texas, continuing with the south line of said BSS tract and the north line of said Collins tract and with the north line of that same tract of land described as "Tract 1" to Tom Knight Properties, LLC by Warranty Deed recorded in Document Number 2021-6020 Deed Records, Denton County, Texas, passing at a distance of 356.60 feet a 3/8-inch rebar found for the northwest corner of said "Tract 1" and the northeast corner of said Lot 1, and continuing with the north line of said Lot 1 for a total distance of 489.50 feet to the POINT OF BEGINNING and containing 3.545 acres or 154,412 square feet of land, more or less.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS**

THAT BSS Family Properties, LLC, being duly authorized, do hereby adopt this plat designating the herein above described property as **Lake Dallas RV Park No. 2**, an addition to the Town of Hickory Creek, Denton County, Texas and does hereby dedicate to the public use forever, the streets and alleys shown hereon, and do hereby dedicate the easement strips shown on this plat for mutual use and accommodation of the Town of Hickory Creek and all other public utilities desiring to use, or using same. No buildings, fences, trees, shrubs, signs, or other improvements shall be constructed, placed upon, over, or across the easement strips on said plat. The Town of Hickory Creek any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, signs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easement strips, and the Town of Hickory Creek and any public utility shall at all times have the right to ingress and egress to and from and upon said any of said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system with the necessity at any time of procuring the permission of anyone. A blanket easement of five (5) foot radius from the center point of all fire hydrants and a five (5) foot radius from the center point of all other appurtenances (fire hydrant valves, water meters, meter boxes, street lights) is hereby granted to the Town of Hickory Creek for the purpose of constructing, reconstructing, inspecting, maintaining the above named appurtenances.

We do further dedicate, subject to the exceptions and reservations set forth hereinafter, to the public use forever, all public open spaces shown on the face of the plat.

All lots in the subdivision shall be sold and developed subject to the building lines shown on the plat.

Witness, my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Authorized Representative - BSS Family Properties, LLC

Printed Name

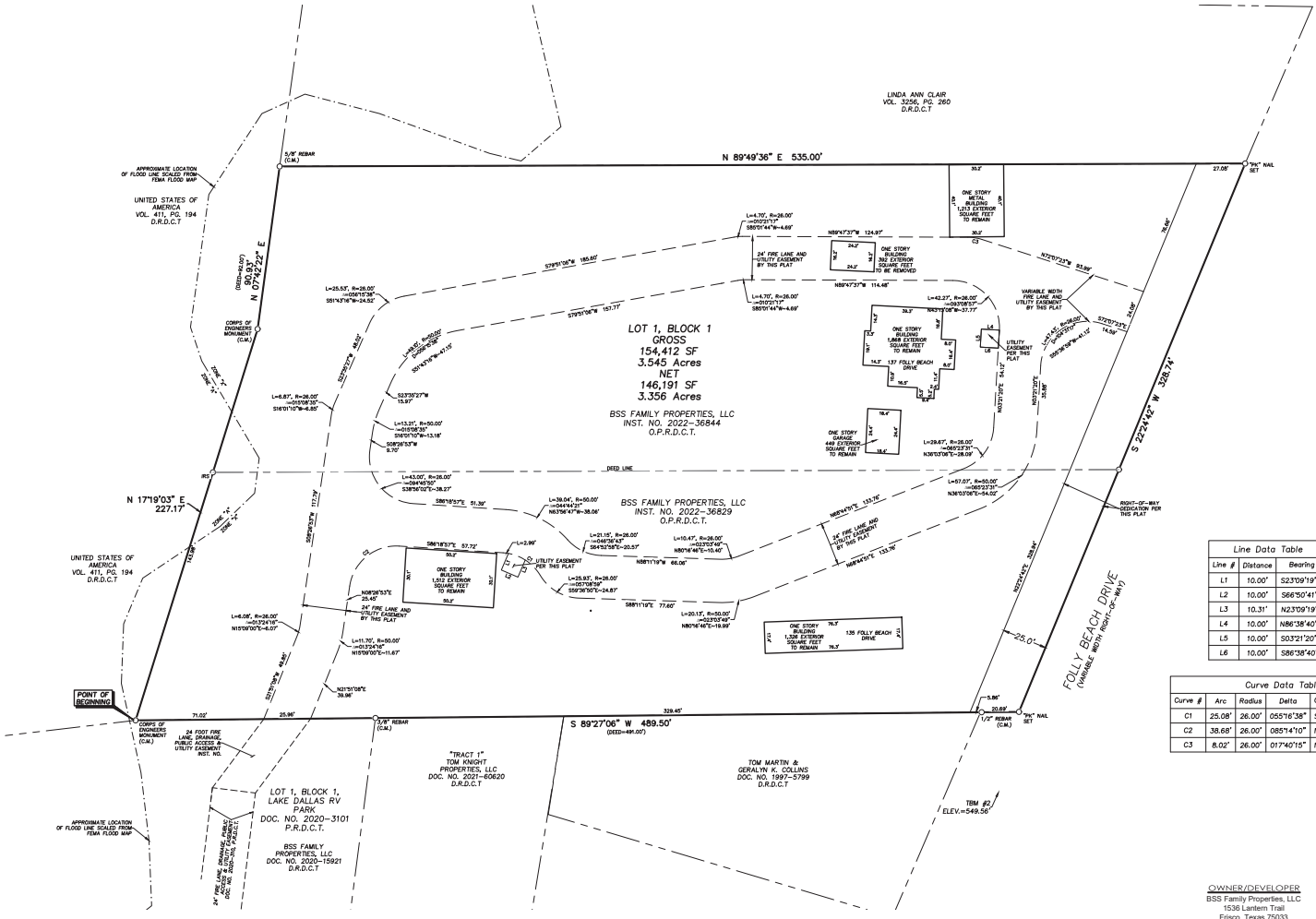
Title / Date

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 \_\_\_\_\_, 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 purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas



Line #	Distance	Bearing
L1	10.00'	S23°09'19"W
L2	10.00'	S66°50'41"E
L3	10.31'	N23°09'19"E
L4	10.00'	N86°38'40"W
L5	10.00'	S03°21'20"W
L6	10.00'	S86°38'40"E

Curve #	Arc	Radius	Delta	Chord Bearing	Chord
C1	25.08'	26.00'	055°16'38"	S58°40'39"E	24.12'
C2	38.68'	26.00'	085°14'10"	N51°03'58"E	35.21'
C3	8.02'	26.00'	017°40'15"	N80°53'30"W	7.99'

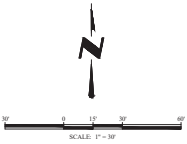


**WINDROSE**  
 LAND SURVEYING | PLATTING  
 1755 LAKEWAY DRIVE, SUITE 2300 | LEWISVILLE, TX 75057 | 214.217.2544  
 FROM REGISTRATION NO. 10174331 | WINDROSESERVICES.COM

DRAWN BY: G.L.C. DATE: 08/11/2022 CHECKED BY: M.P. JOB NO.: D57527  
 Point of Contact:  
 Grayson CeBallas  
 972-370-5871  
 grayson.ceballas@windrosecervices.com  
 Last Revision Date: 11/03/2022

**OWNER/DEVELOPER**  
 BSS Family Properties, LLC  
 1538 Lantier Trail  
 Frisco, Texas 75033

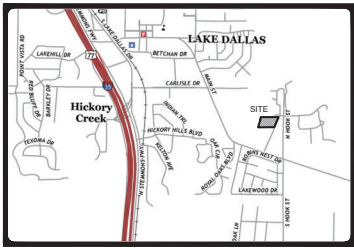
**PRELIMINARY PLAT**  
**LAKE DALLAS RV PARK NO. 2**  
**LOT 1, BLOCK 1**  
 Being a 3.545 Acre Tract of Land  
 Situated in the Lowery Cobb Survey,  
 Abstract Number 284  
 City of Hickory Creek ETJ,  
 Denton County, Texas



**SURVEYOR'S NOTES:**

- Bearings and distances are based on Texas State Plane Coordinate System, Texas North Central Zone 4202 North American Datum of 1983 (NAD 83) (U.S. Foot) with a combined scale factor of 1.000150630.
- This property lies within Zone "X" and Zone "A" of the Flood Insurance Rate Map for Denton County, Texas and Incorporated Areas, map no. 4812103556, dated April 18, 2011, via scaled map location and graphic plotting.
- Notice: Selling a portion of this addition by metes and bounds is a violation of City subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
- The purpose of this plat is to create one recorded lot.

**VICINITY MAP  
NOT TO SCALE**



**RECOMMENDED FOR APPROVAL:**

This is to certify that I, Mark N. Peoples, a Registered Professional Land Surveyor of the State of Texas, have planned the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

Chairman, Planning and Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_  
Town of Hickory Creek, Texas

Approved and Accepted \_\_\_\_\_ Date \_\_\_\_\_  
Mayor, Town of Hickory Creek, Texas

The undersigned, the Town Secretary of Hickory Creek, Texas, hereby certifies that the foregoing Final Plat of The Farm at Heaven on Hook subdivision or addition to the Town of Hickory Creek was submitted to the Town Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the council, by formal action, then and there approved the dedication of streets, alleys, parks, 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 note the acceptance thereof by signing his/her name as herein above subscribed.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Town Secretary, Town of Hickory Creek, Texas.

STATE OF TEXAS \$  
COUNTY OF DENTON \$

**PRELIMINARY**

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE VIEWED OR REPLIED UPON AS A FINAL SURVEY DOCUMENT DATED 11/2/2022

Mark N. Peoples, R.P.L.S.  
No. 6443

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 Mark N. Peoples, 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 purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Witness, my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Authorized Representative - BSS Family Properties, LLC

Printed Name \_\_\_\_\_

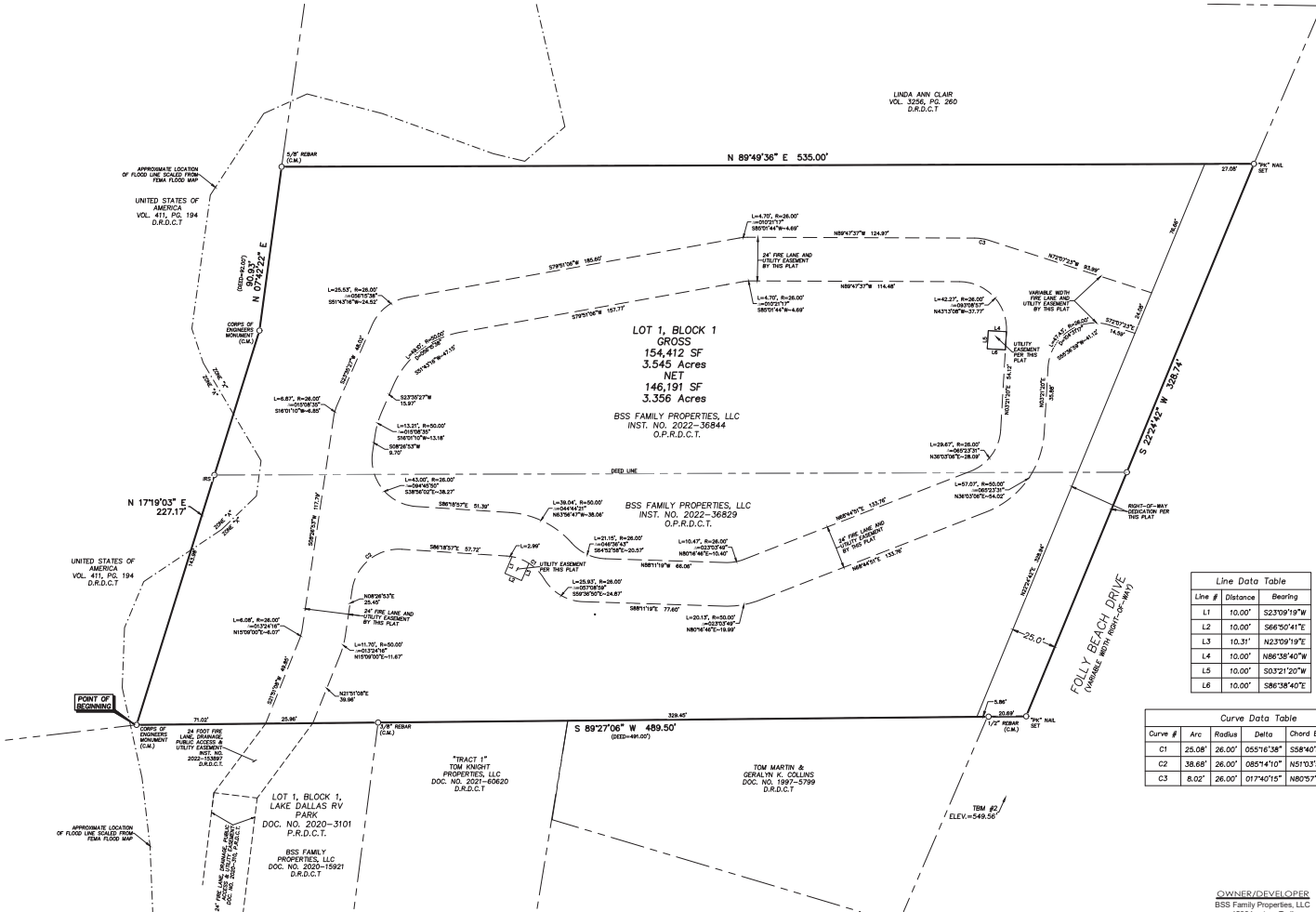
Title / Date \_\_\_\_\_

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 \_\_\_\_\_, 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 purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Notary Public in and for the State of Texas



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**WINDROSE**  
LAND SURVEYING & PLATTING  
1755 LAKEWAY DRIVE, SUITE 2300 | LEWISVILLE, TX 75057 | 214.217.2544  
FIRM REGISTRATION NO. 10174331 | WINDROSESERVICES.COM

DRAWN BY: G.L.C. DATE: 08/11/2022 CHECKED BY: M.P. JOB NO.: D5752

OWNER/DEVELOPER  
BSS Family Properties, LLC  
1538 Lantern Trail  
Frisco, Texas 75033

**FINAL PLAT**  
**LAKE DALLAS RV PARK NO. 2**  
**LOT 1, BLOCK 1**  
Being a 3.545 Acre Tract of Land  
Situated in the Lowery Cobb Survey,  
Abstract Number 284  
City of Hickory Creek ETJ,  
Denton County, Texas



November 7, 2022  
AVO 37638.200

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

**RE: Lake Dallas RV Park No. 2 – Preliminary and Final Plat  
3<sup>rd</sup> Review**

Dear Ms. Chaudoir:

Halff Associates received a request from the Town of Hickory Creek to review an application for a Preliminary and Final Plat for Lake Dallas RV Park No. 2 on September 29, 2022. This property is located in the Town's ETJ. The surveyor is Windrose and owner is BSS Family Properties, LLC.

2<sup>nd</sup> Review Submittal Received: November 2, 2022  
3<sup>rd</sup> Review Submittal Received: November 3, 2022

**Halff has reviewed the Final Plat and offers the following comments. Please note a site plan and drainage study was not provided because the property is located in the Town's ETJ.**

**Preliminary Plat**

1. Please remove the Final Plat approval block.  
2<sup>nd</sup> Review: Addressed.
2. There are several curve and intersection radii along the fire lane that are less than 26 feet. The fire department requires a minimum of 26-foot radii.  
2<sup>nd</sup> Review: Addressed, but please add Line Data and Curve Data tables to define lines and curves not shown in callouts.  
3<sup>rd</sup> Review: Addressed.
3. Where is the connecting fire lane on Lot 1, Block 1 of Lake Dallas RV Park located adjacent to the southwest corner of this lot? The proposed fire lane ends at the property line with no indication of how it connects to another fire lane easement.  
2<sup>nd</sup> Review: Addressed.
4. The eastern property line is located in the center of Folly Beach Drive, putting the street in prescriptive right-of-way (ROW). Please show a ROW dedication of 25 feet from the centerline of the road along the eastern boundary.  
2<sup>nd</sup> Review: Addressed, but please dimension the width of the ROW dedication.  
3<sup>rd</sup> Review: Addressed.
5. If any existing buildings are to remain, please show on the preliminary plat.  
2<sup>nd</sup> Review: Addressed.

**Final Plat**

1. There are several curve and intersection radii along the fire lane that are less than 26 feet. The fire department requires a minimum of 26-foot radii.  
2<sup>nd</sup> Review: Addressed.



Ms. Chris Chaudoir  
Town of Hickory Creek  
November 7, 2022  
Page 2

2. Where is the connecting fire lane on Lot 1, Block 1 of Lake Dallas RV Park located adjacent to the southwest corner of this lot? The proposed fire lane ends at the property line with no indication of how it connects to another fire lane easement.  
*2<sup>nd</sup> Review: Addressed.*
3. The eastern property line is located in the center of Folly Beach Drive, putting the street in prescriptive right-of-way (ROW). Please show a ROW dedication of 25 feet from the centerline of the road along the eastern boundary.  
*2<sup>nd</sup> Review: Addressed, but please dimension the width of the ROW dedication.*  
*3<sup>rd</sup> Review: Addressed.*

Sincerely,

**HALFF ASSOCIATES, INC.**

TBPELS Engineering Firm No. 312

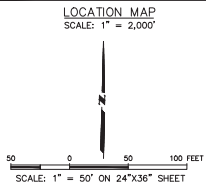
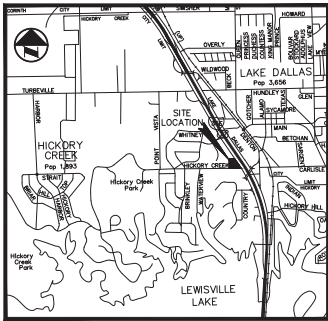
A handwritten signature in blue ink that reads "Lee Williams".

Lee Williams, PE

Consulting Engineer for the Town of Hickory Creek

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





NO.	BEARING	LENGTH
L1	S54°26'56"W	42.34
L2	S54°29'07"W	69.29
L3	N00°01'05"E	58.01
L4	N00°01'05"E	58.53
L5	S54°29'07"W	69.29
L6	S54°30'59"W	42.47
L7	N00°23'47"E	73.57
L8	N00°23'47"E	73.57
L9	S89°36'11"E	81.01
L10	S00°23'49"W	13.02
L11	S89°36'11"E	80.06
L12	S00°23'49"W	66.19

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	89°15'54"	26.00	49.62	S09°27'59"W	26.78
C2	90°00'00"	50.00	78.54	N00°00'00"E	70.71
C3	S4°27'57"	26.00	24.72	S27°19'54"W	23.82
C4	S4°27'57"	50.00	47.52	S27°19'54"W	45.76
C5	90°00'00"	26.00	49.64	N00°00'00"E	36.77
C6	89°51'57"	50.00	78.42	S09°29'11"W	70.63

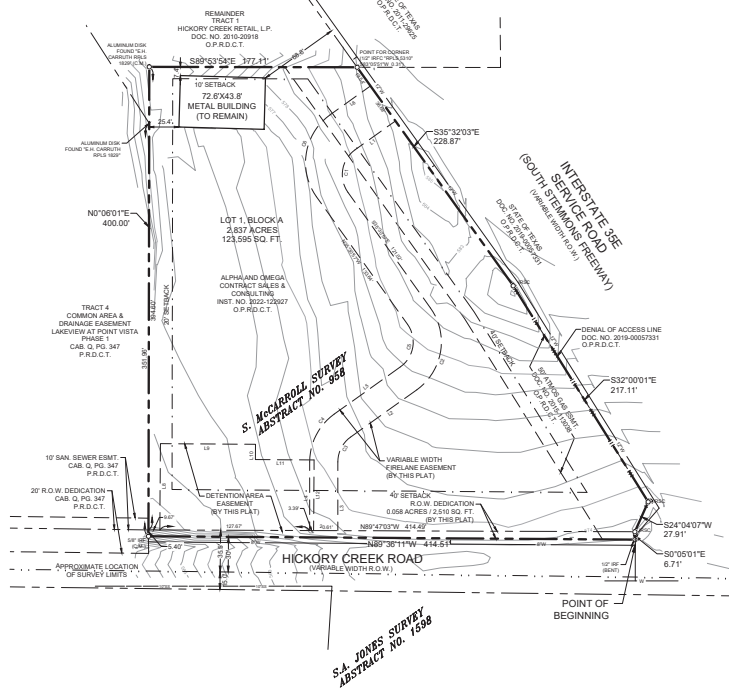
**LEGEND**

IRF IRON ROD FOUND  
 IRSC 1/2" IRON ROD SET W/ YELLOW CAP  
 STAMPED "VOTEX SURVEYING"  
 (C.M.) CONTROLLING MONUMENT  
 CAB. CABINET  
 ESMT. EASEMENT  
 R.O.W. RIGHT-OF-WAY  
 D.C. NO. DOCUMENT NUMBER  
 D.R.D.C.T. DEED RECORDS, DENTON COUNTY, TEXAS  
 P.R.D.C.T. PLAT RECORDS, DENTON COUNTY, TEXAS  
 O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS

**NOTES:**

- The basis of bearings for this survey is The State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment realization 2011.
- The survey abstract lines shown hereon are approximate and are not located on the ground.
- Subject property is shown on the National Flood Insurance Program Flood Insurance Rate Map for Dallas County, Texas and Incorporated Areas, Map No. 48121C0535 G, Community Panel No. 481150 0535 G, effective date: April 18, 2011. All of the subject property is shown to be located in "Zone X" on said map. Relevant zones are defined on said map as follows:

"Zone X" - Other Areas: Areas determined to be outside the 0.2% annual chance floodplain.



**SURVEYOR'S STATEMENT**

I, Candy Hone, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation. The monuments or marks set, or found, are sufficient to enable retracement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**PRELIMINARY**  
 RELEASED 11/10/2022 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Candy Hone, Registered Professional Land Surveyor, No. 5867  
 Votex Surveying Company - Firm No. 10013600 - (469) 333-8831

**STATE OF TEXAS & COUNTY OF DALLAS**

Before me, the undersigned, a Notary Public in and for the County and State on this day personally appeared Candy Hone, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ of \_\_\_\_\_, 2022.

Notary Public, State of Texas

Recommended for Approval

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

Mayor, Town of Hickory Creek, Texas

Approved for Preparation of Final Plat

**OWNER / APPLICANT**  
 ALPHA & OMEGA CS&C INC.  
 CONTACT: JACKIE JOHNSON  
 300 SOUTH GRANT STREET  
 ODESSA, TEXAS 79761  
 PH. 432-276-5885  
 EMAIL: jackiejohnson68@gmail.com

**ENGINEER**  
 BROCKETTE/DAVIS/ORAKE, INC.  
 CONTACT: JIM RILEY  
 4144 N. CENTRAL EXPWY., SUITE 1100  
 DALLAS, TEXAS 75204  
 PH. (469) 824-3647  
 EMAIL: jriley@bdseng.com

**OWNER'S CERTIFICATION**

WHEREAS Alpha and Omega Contract Sales & Consulting, Inc. are the owners of a tract of land situated in the S. McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas; being all of that certain tract of land conveyed to Alpha and Omega Contract Sales & Consulting, Inc. by General Warranty Deed recorded in Document No. 2022-122927, Official Public Records, Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a 1/2-inch iron rod found at the south end of a right-of-way corner clip at the intersection of the north right-of-way line of Hickory Creek Road (a variable width right-of-way) and the west right-of-way line of Interstate 35E (South Stemmons Freeway; a variable width right-of-way), same being the southwest corner of a tract of land conveyed to the State of Texas recorded in Document No. 2019-00057331, Official Public Records, Denton County, Texas;

**THENCE** N 89°36'11" W, with said north right-of-way line of Hickory Creek Road, a distance of 414.51 feet to a 5/8-inch iron rod found at the southwest corner of said L.E. Brown tract;

**THENCE** N 0°06'01" E, departing said north right-of-way line, at a distance of 351.96 feet passing an aluminum disk with cap stamped "E.H. CARRUTH RPLS 1829" found at the easternmost northeast corner of Lakeview at Point Vista, an addition to the Town of Hickory Creek, Texas, according to the plat thereof recorded in Cabinet O, Page 347, Plat Records, Denton County, Texas and the southwest corner of a tract of land conveyed as Tract 1 to Hickory Creek Retail, L.P. by deed recorded in Document No. 2010-20919, Official Public Records, Denton County, Texas, and continuing for a total distance of 400.00 feet to an aluminum disk with cap stamped "E.H. CARRUTH RPLS 1829" found at the northeast corner of said Alpha and Omega tract and an interior ell corner of said Hickory Creek Retail tract;

**THENCE** S 89°53'54" E, with the common line of said Alpha and Omega tract and said Hickory Creek Retail tract, a distance of 177.11 feet to a point for the southwest corner of a tract of land conveyed to the State of Texas recorded in Document No. 2011-29625, Official Public Records, Dallas County, Texas and the northwest corner of first mentioned State of Texas tract; same said west right-of-way line of Interstate 35E; from which a 1/2-inch iron rod with yellow cap stamped "RPLS 5310" bears S 83°05'51" W, a distance of 0.31 feet;

**THENCE** with the west line of the first mentioned State of Texas tract and said west right-of-way line of Interstate 35E, the following courses and distances:

S 35°32'03" E, a distance of 228.87 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set for corner;

S 32°00'01" E, a distance of 217.11 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set at the north corner of said right-of-way corner clip;

**THENCE** with said right-of-way corner clip, the following courses and distances:

S 24°04'07" W, a distance of 27.91 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set for corner;

S 0°05'01" E, a distance of 6.71 feet to the **POINT OF BEGINNING** and containing 126,105 square feet or 2.895 acres of land, more or less.

**OWNER'S DEDICATION**

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That ALPHA AND OMEGA CONTRACT SALES & CONSULTING, INC. do hereby adopt this plat designating the herein above described property as **ALPHA-OMEGA HICKORY CREEK ADDITION**, an addition to the Town of Hickory Creek, Texas, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using the same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way encumber or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easement strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its facilities without the necessity of procuring the permission of anyone.

WITNESS my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

NAME, TITLE

STATE OF TEXAS &  
 COUNTY OF DENTON &

Before me, the undersigned authority, a Notary Public in and for the County and State on this day personally appeared \_\_\_\_\_ known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and consideration therein and in the capacity therein stated.

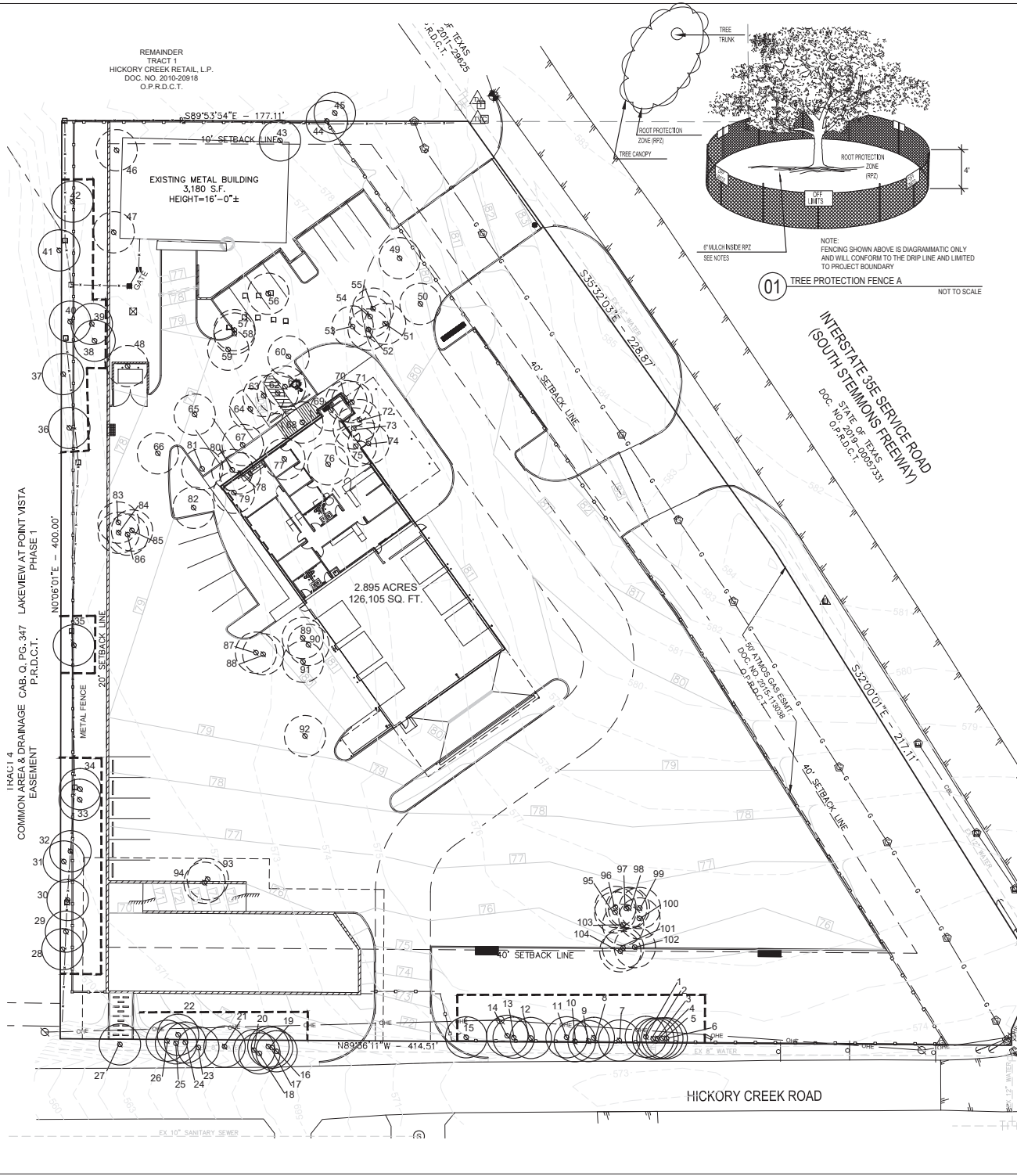
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public, State of Texas

**PRELIMINARY PLAT  
 ALPHA-OMEGA HICKORY  
 CREEK ADDITION  
 LOT 1, BLOCK A  
 2.895 ACRES  
 OUT OF THE  
 S. MCCARROLL SURVEY, ABSTRACT NO. 958  
 TOWN OF HICKORY CREEK  
 DENTON COUNTY, TEXAS  
 SEPTEMBER 2022**

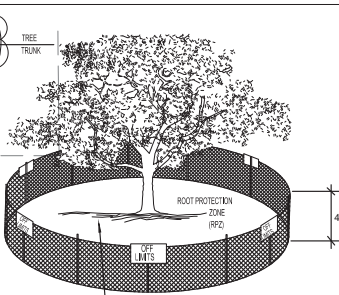
VOTEX SURVEYING COMPANY - TPLS FIRM NO. 10013600  
 10440 N. CENTRAL EXPWY., STE. 800 DALLAS, TEXAS 75231  
 PH. (469) 333-8831; candy@votexsurveying.com  
 PROJECT NO. 2022-038

Copyright © 2022 Brocette/Davis/Drake, Inc. All Rights Reserved. This drawing is the property of Brocette/Davis/Drake, Inc. Any modification or use of this drawing without the express written authorization of Brocette/Davis/Drake, Inc. is prohibited.



**EXISTING TREE NOTES**

- Existing trees to remain shall be protected during construction from tree structure damage and compaction of soil under and around drip line (canopy) of tree.
- If any root structure is damaged during adjacent excavation/construction, notify the Architect immediately. It is recommended that a licensed Arborist be secured for the treatment of any possible tree wounds.
- No disturbance of the soil greater than 4" shall be located closer to the tree trunk than 1/2 the distance of the drip line to the tree trunk. A minimum of 75% of the drip line and root zone shall be preserved at natural grade.
- Any fine grading done within the critical root zones of the protected trees must be done with light machinery such as a bobcat or light tractor. No earth moving equipment with tracks is allowed within the critical root zone of the trees.
- Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or erosion shall be placed within the limits of the drip line of any tree.
- Equipment Cleaning/Liquid Disposal: No equipment may be cleaned, toxic solutions, or other liquid chemicals shall be deposited within the limits of the drip line of a tree. This would include but not be limited to paint, oil, solvents, asphalt, concrete, mortar, grimes, etc.
- Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
- Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the drip line of trees.
- Boring of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight (48") inches.
- Trenching: Any irrigation trenching which must be done within the critical root zone of a tree shall be dug by hand and enter the area in a radial manner.
- Protective Fencing: All trees to remain, as noted on drawings, shall have protective fencing located at the tree's drip line. The protective fencing may be comprised of snow fencing, orange vinyl construction fencing, chain link fence or other similar fencing with a four (4') foot approximate height. The protective fencing will be located as indicated on the Tree Protection Detail(s).
- Bank Protection: In situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree. Refer to Tree Protection Detail(s).
- Construction Pruning: In a case where a low hanging limb is broken during the course of construction, the Contractor shall notify the Landscape Architect immediately. In no instance shall the Contractor prune any portion of the damaged tree without the prior approval by the Landscape Architect.



**01 TREE PROTECTION FENCE A**  
NOT TO SCALE

**EXISTING TREE LEGEND**

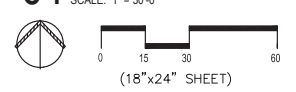
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- TREE PROTECTION FENCING TO REMAIN DURING CONSTRUCTION REFER TO 01 / L/O

TREE #	CALIPER	TREE TYPE	REMOVE/REMAIN	PROTECTED Y/N	IRRIGATION I/S
1	4	HACKBERRY	REMAIN	N	0
2	8	HACKBERRY	REMAIN	N	0
3	4	HACKBERRY	REMAIN	N	0
4	5	HACKBERRY	REMAIN	N	0
5	30	HACKBERRY	REMAIN	N	0
6	5	HACKBERRY	REMAIN	N	0
7	17	HACKBERRY	REMAIN	N	0
8	13	HACKBERRY	REMAIN	N	0
9	6	HACKBERRY	REMAIN	N	0
10	30	HACKBERRY	REMAIN	N	0
11	6	HACKBERRY	REMAIN	N	0
12	4	HACKBERRY	REMAIN	N	0
13	4	HACKBERRY	REMAIN	N	0
14	5	HACKBERRY	REMAIN	N	0
15	15	HACKBERRY	REMAIN	N	0
16	7	HACKBERRY	REMAIN	N	0
17	28	HACKBERRY	REMAIN	N	0
18	13	HACKBERRY	REMAIN	N	0
19	30	HACKBERRY	REMAIN	N	0
20	5	HACKBERRY	REMAIN	N	0
21	18	HACKBERRY	REMAIN	N	0
22	5	HACKBERRY	REMAIN	N	0
23	6	HACKBERRY	REMAIN	N	0
24	18	HACKBERRY	REMAIN	N	0
25	20	HACKBERRY	REMAIN	N	0
26	6	HACKBERRY	REMAIN	N	0
27	15	HACKBERRY	REMAIN	N	0
28	22	CEDRAR	REMAIN	N	0
29	7	CORN TREE	REMAIN	N	0
30	30	CORN TREE	REMAIN	N	0
31	32	HACKBERRY	REMAIN	N	0
32	30	HACKBERRY	REMAIN	N	0
33	34	HACKBERRY	REMAIN	N	0
34	32	HACKBERRY	REMAIN	N	0
35	23	HACKBERRY	REMAIN	N	0
36	24	CEDRAR	REMAIN	N	0
37	30	CEDRAR	REMAIN	N	0
38	18	OSK	REMAIN	N	0
39	18	OSK	REMAIN	N	0
40	6	REDAWOOD	REMAIN	N	0
41	5	HACKBERRY	REMAIN	N	0
42	23	BURS OAK	REMAIN	N	0
43	5	CEDRAR	REMAIN	N	0
44	23	HACKBERRY	REMAIN	N	0
45	17	HACKBERRY	REMAIN	N	0
46	39	HACKBERRY	REMAIN	N	25.5
47	32	CEDRAR	REMAIN	N	11.5
48	22	OSK	REMAIN	N	15
49	24	ASH	REMAIN	N	36
50	13	JURUPER	REMAIN	N	0
51	5	JURUPER	REMAIN	N	0
52	11	JURUPER	REMAIN	N	0
53	16	JURUPER	REMAIN	N	24
54	5	JURUPER	REMAIN	N	0
55	5	JURUPER	REMAIN	N	0
56	9	ASH	REMAIN	N	13.5
57	22	CEDRAR	REMAIN	N	39
58	7	HACKBERRY	REMAIN	N	0
59	18	ELM	REMAIN	N	9
60	4	ELM	REMAIN	N	0
61	12	ELM	REMAIN	N	25.5
62	12	ELM	REMAIN	N	18
63	9	ELM	REMAIN	N	13.5
64	6	CEDRAR	REMAIN	N	13.5
65	36	OSK	REMAIN	N	54
66	22	OSK	REMAIN	N	33
67	8	OSK	REMAIN	N	12
68	20	ELM	REMAIN	N	18
69	6	ELM	REMAIN	N	9
70	6	ELM	REMAIN	N	9
71	6	ELM	REMAIN	N	9
72	13	HACKBERRY	REMAIN	N	0
73	12	HACKBERRY	REMAIN	N	18
74	18	ELM	REMAIN	N	24
75	22	CEDRAR	REMAIN	N	18
76	19	HACKBERRY	REMAIN	N	58.5
77	4	CEDRAR	REMAIN	N	12
78	12	HACKBERRY	REMAIN	N	24
79	5	JURUPER	REMAIN	N	0
80	7	CEDRAR	REMAIN	N	10.5
81	26	HACKBERRY	REMAIN	N	39
82	20	ELM	REMAIN	N	36
83	4	CEDRAR	REMAIN	N	0
84	7	CEDRAR	REMAIN	N	10.5
85	1	CEDRAR	REMAIN	N	0
86	1	CEDRAR	REMAIN	N	0
87	13	ELM	REMAIN	N	18.5
88	5	JURUPER	REMAIN	N	0
89	6	JURUPER	REMAIN	N	0
90	4	HACKBERRY	REMAIN	N	0
91	1	JURUPER	REMAIN	N	0
92	13	CORN TREE	REMAIN	N	0
93	7	ELM	REMAIN	N	10.5
94	14	ELM	REMAIN	N	21
95	6	WALNUT	REMAIN	N	0
96	6	WALNUT	REMAIN	N	0
97	6	WALNUT	REMAIN	N	0
98	6	WALNUT	REMAIN	N	0
99	6	WALNUT	REMAIN	N	0
100	6	WALNUT	REMAIN	N	0
101	5	WALNUT	REMAIN	N	0
102	9	WALNUT	REMAIN	N	0
103	1	WALNUT	REMAIN	N	0
104	1	WALNUT	REMAIN	N	0

INCHES PROVIDED: 1/2"



**01 EXISTING TREE PLAN**  
SCALE: 1" = 30'-0"



**EXISTING TREE PLAN**  
ALPHA-OMEGA HICKORY CREEK ADDITION  
LOT 1, BLOCK A  
2.895 ACRES  
8560 S. STEMMONS FREEWAY  
SITUATED IN THE  
SUSAN O. MCCARROLL SURVEY, ABSTRACT NO. 958  
TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS

**Owner:**  
Alpha & Omega CS&C, Inc.  
300 South Grant Street  
Odessa, Texas 79761  
Contact: Jockie Johnson  
Ph: (432)276-5885  
Email: jockie.johnson@gmail.com

**Architect:**  
Studio Meyer Architects  
408 Exposition Avenue  
Dallas, Texas 75202  
Contact: Fred Meyer, AIA  
Ph: (214)315-0578  
Email: fredmeyer@aia.com

**Engineer:**  
Brocette/Davis/Drake, Inc.  
Texas Registered Engineering Firm F-841  
4141 N. Central Expressway, Suite 1100  
Dallas, Texas 75204  
Contact: James A. Wiley, P.E.  
Ph: (214)864-3647  
Email: jwiley@ddeng.com



November 10, 2022  
AVO 37638.200

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

**RE: Alpha Omega Hickory Creek Addition – Preliminary Plat and Site Plan  
3<sup>rd</sup> Review**

Dear Ms. Chaudoir:

Halff Associates received a request from the Town of Hickory Creek to review an application for a Preliminary Plat and Site Plan for Alpha Omega Hickory Creek Addition on September 28, 2022. The surveyor is Votex Surveying Company and the engineer is Brockette Davis Drake, Inc. The owner is Alpha & Omega CS&C Inc.

2<sup>nd</sup> Review Submittal Received: October 24, 2022  
3<sup>rd</sup> Review Submittal Received: November 8, 2022

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

**General**

1. Please note the drainage study is being reviewed by separate letter and must be accepted before construction plans can be approved and a Final Plat filed.
2. Refer to markups for all comments.

**Preliminary Plat**

1. Please make necessary revisions to the plat to reflect comments made in the Site Plan.
2. The Vicinity Map is outdated and does not reflect current streets and highways. Please use an updated map.  
2<sup>nd</sup> Review: Addressed.
3. Include a written scale for the size of the sheet.  
2<sup>nd</sup> Review: Addressed.
4. The plat is not scaled correctly. Please resize to 1" = 50' to match the scale indicated on the sheet.  
2<sup>nd</sup> Review: Not addressed. The scale of the sheet was changed, but the comment was to resize the plat to be 1"=50'. This is a more appropriate scale for the size of the lot being platted.  
3<sup>rd</sup> Review: Addressed.
5. The proposed detention pond will require a drainage easement that covers the pond plus 10 feet for maintenance.  
2<sup>nd</sup> Review: Addressed.
6. Please show permanent structures to remain on the plat.  
2<sup>nd</sup> Review: Addressed, but please add "To Remain" to the label.  
3<sup>rd</sup> Review: Addressed.
7. A street right-of-way dedication of 30 feet from the centerline of Hickory Creek Road will be required.  
2<sup>nd</sup> Review: Not addressed. The applicant's response is that no ROW dedication is needed, but that is based on a centerline that is not in the center of the road. 30 feet from the center of the road based on the provided contours matches the ROW dedication adjacent to this site (20' ROW Dedication, Cab.

Q, Pg 347). Please dedicate a strip of ROW, approximately six feet wide, beginning at the intersection of the adjacent dedication and keeping the same bearing as the southern boundary of the lot.

3<sup>rd</sup> Review: Addressed.

8. Include a note indicating the plat is not within a FEMA floodplain.

2<sup>nd</sup> Review: Addressed.

9. Include the date of preparation of the plat. Month and year will suffice.

2<sup>nd</sup> Review: Addressed.

10. The owner listed in the metes and bounds description and Owner's Dedication does not match the owner listed on the plat. Please reconcile.

2<sup>nd</sup> Review: Addressed.

### Site Plan

1. Include the subdivision name with lot and block in the title block.

2<sup>nd</sup> Review: Addressed.

2. The Vicinity Map is outdated and does not reflect current streets and highways. Please use an updated map.

2<sup>nd</sup> Review: Addressed, but please use the vicinity map shown on the plat. It is more legible.

3<sup>rd</sup> Review: Addressed.

3. Include the sheet size the written scale is intended for. The sheet provided does not measure to be 1"=40' as indicated.

2<sup>nd</sup> Review: Addressed.

4. Include a note indicating the plat is not within a FEMA floodplain.

2<sup>nd</sup> Review: Addressed, however, please use the note shown on the plat. Refer to markup.

3<sup>rd</sup> Review: Addressed.

5. Show distances between centerlines of existing and proposed driveways and between centerline of driveways and right-of-way of streets. Also show the approximate distance to the nearest street or driveway off the sheet. Refer to markup.

2<sup>nd</sup> Review: Addressed.

6. A street right-of-way dedication of 30 feet from the centerline of Hickory Creek Road will be required. 2<sup>nd</sup> Review: Not addressed. The applicant's response is that no ROW dedication is needed, but that is based on a centerline that is not in the center of the road. 30 feet from the center of the road based on the provided contours matches the ROW dedication adjacent to this site (20' ROW Dedication, Cab. Q, Pg 347). Please dedicate the appropriate ROW to result in 30 feet from the actual centerline.

3<sup>rd</sup> Review: Addressed in the plat, but please adjust on the site plan.

7. Are there dedicated loading and unloading zones? Please indicate if so.

2<sup>nd</sup> Review: Addressed.

8. Label the radii along the fire lane and make sure the width maintains the minimum required. Refer to markup.

2<sup>nd</sup> Review: The minimum radius for fire lanes is 26 feet, but the radii shown are 20 feet. The width of the fire lane is reduced in the turns, also. Please revise the fire lanes to have a minimum 26-foot radius and maintain the full 24-foot width.

3<sup>rd</sup> Review: Addressed.

9. What is the intended use of the existing metal building to remain? How will it impact the required parking? If it is storage or warehouse, an additional 4 parking spaces will be required (1 space per 1,000 SF).

2<sup>nd</sup> Review: Addressed.

10. Are the existing gates on the driveways on the frontage road to be removed? Please indicate removal.

2<sup>nd</sup> Review: Addressed.

11. Please dimension the shortest distance between buildings.

- 2<sup>nd</sup> Review: Addressed.
12. Only one handicap space is depicted on the site plan but two are indicated in the Site Data Table. Please show the second handicap space.  
2<sup>nd</sup> Review: Addressed.
13. Include the type of dumpster screening wall material proposed (masonry).  
2<sup>nd</sup> Review: Addressed.
14. The adjacent Lakeview tract is not C-1 zoning. Please correct.  
2<sup>nd</sup> Review: Addressed.
15. Please coordinate with the TxDOT Denton County Area Office on any approvals or reviews needed for construction of driveways connecting to TxDOT right-of-way.  
2<sup>nd</sup> Review: Applicant's response is that existing driveways will be utilized. Developers are always encouraged to coordinate with the Area Office when developing property connecting to TxDOT ROW.
16. Please revise the Stepped Pond Discharge to be completely outside the proposed ROW dedication per the plat.

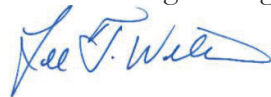
#### Landscape Plan

1. The tree survey indicates 685.5 caliper inches of mitigation needed, and 124 inches proposed. Mitigation for the difference will be required.  
2<sup>nd</sup> Review: Addressed.
2. Check Tree ID number 53. It is shown as not protected, but the diameter is greater than 12 inches. Is there some other reason the tree is not protected?  
2<sup>nd</sup> Review: Addressed.
3. Please include screening walls and fences including height and type of construction in the landscape plan.  
2<sup>nd</sup> Review: An 8-foot masonry screen wall along the western boundary would be redundant where the parallel retaining wall is proposed to be 8 feet tall or more. To avoid parallel masonry walls, I would suggest keeping the proposed 8-foot screen wall in the northwest corner, and in areas where the proposed retaining wall is less than 8 feet tall (measured from the ground on the western side of the wall), increase the height of the masonry wall atop the retaining wall to be a minimum 8 feet tall. Refer to markups in the Grading Plan.  
3<sup>rd</sup> Review: Addressed.
4. Please adjust the proposed fence and landscaping along Hickory Creek Road to reflect the adjusted ROW boundary per the plat.

Sincerely,

#### **HALFF ASSOCIATES, INC.**

TBPELS Engineering Firm No. 312



Lee Williams, PE

Consulting Engineer for the Town of Hickory Creek

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



**TOWN OF HICKORY CREEK, TEXAS  
ORDINANCE NO. 2022-1121 \_\_\_\_\_**

**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 DESIGNATING THE ZONING CLASSIFICATION ON NEWLY ANNEXED TRACTS OF LAND DESCRIBED AS APPROXIMATELY 10.72 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN AS C-1 COMMERCIAL 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 C-1 COMMERCIAL 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 10.72 acres of land described on Exhibit "A" attached hereto and incorporated herein (the "Property"), has applied for a zoning designation as C-1 Commercial 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 established as C-1 Commercial 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 21<sup>st</sup> day of November, 2022.

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

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT A – PROPERTY DESCRIPTION

BEING a 10.72 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” 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:

**BEGINNING** 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 with the south right-of-way line of said Swisher Road, the following bearings and distances:

South 89 degrees 41 minutes 25 seconds East, a distance of 261.74 feet to the point of curvature (not monumented) of a tangent circular curve to the left, having a radius of 22,988.31 feet, whose chord bears North 89 degrees 51 minutes 05 seconds East, a distance of 367.79 feet;

Easterly, with said curve, through a central angle 00 degrees 55 minutes 00 seconds, an arc distance of 367.79 feet to a 5/8-inch found iron rod with cap for corner;

North 89 degrees 23 minutes 35 seconds East, a distance of 710.50 feet to a found “TXDOT” monument for the southeast corner of said 0.7892 acre tract, said corner being 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 546, D.R.D.C.T.;

THENCE South 00 degrees 26 minutes 06 seconds East, with the east line of said 36.253 acre tract, the west line of said 14.45 acre tract, a distance of 300.00 feet to a 1/2-inch set iron rod with yellow plastic cap stamped “HALFF” (hereinafter referred to as “with HALFF cap”) for corner;

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

South 89 degrees 23 minutes 35 seconds West, departing the east line of said 36.253 acre tract, the west line of said 14.45 acre tract, a distance of 962.95 feet to a 1/2-inch set iron rod with HALFF cap for corner;

South 00 degrees 22 minutes 12 seconds East, a distance of 174.85 feet to a 1/2-inch set iron rod with HALFF cap for corner;

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

THENCE North 01 degree 44 minutes 29 seconds West, 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 the **POINT OF BEGINNING AND CONTAINING** 10.72 acres (466,941 square feet) of land, more or less.

**TOWN OF HICKORY CREEK, TEXAS**

ORDINANCE NO. 2022 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING CHAPTER 14 ZONING, ARTICLE XXXIV AMENDMENTS AND CHAPTER 14 ZONING, ARTICLE XXXII BOARD OF ADJUSTMENT; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AND EFFECTIVE DATE.**

**WHEREAS**, the Town of Hickory Creek, Texas, 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 the Texas Constitution and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town Council is empowered under section 51.012 of the Local Government Code to adopt ordinances necessary for the government, interest, welfare, or good order of the municipality, and under Chapter 211 of the Local Government Code to regulate land use within the Town; and

**WHEREAS**, the Town Council does hereby find and determine that the adoption of this Ordinance is necessary for the government, interest, welfare and good order 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 the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas and necessary for the government, interest, welfare, and good order of the Town.

**SECTION 3.**  
**AMENDMENTS**

3.01 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article XXXIV Amendments, Section 2 Procedure subsection (6) is hereby amended to read:

“(6) Upon the filing of an application to amend the comprehensive master plan land use category or the zoning on a lot or tract of land or property, or for the issuance of a specific use permit relative thereto, the owner/developer/applicant shall be required to place an informational sign on such lot or tract of land.

(A) The size of the sign shall be four feet by four feet and be made out of aluminum or ten mm thick fluted polypropylene corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.

(B) The sign shall be double-sided, mounted on two stakes/poles, and the bottom of the sign shall be at least one foot above grade.

(C) The sign shall be visible from and placed perpendicular to the street.

(D) There shall be one sign for each 500 feet of street frontage.

(E) The sign shall have a white background, with the letters and borders being blue in color. The sign shall include the following information, as applicable: The type of request, the case number, the town's logo, the Town's contact number, and the web address for the Town.

(F) The owner/developer/applicant shall be required to remove informational signs from the lot or tract of land within ten days after the date of the final action of the requested change or amendment. The owner/developer /applicant shall also be required to replace missing informational signs on the next business day after staff notifying them of the absence.”

3.02 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article XXXII Board of Adjustment, Section 4 Variations subsection (5) is hereby created and shall read:

“(5) Upon the filing of an application for a variance on a lot or tract of land or property, the owner/developer/applicant shall be required to place an informational sign on such lot or tract of land.

(A) The size of the sign in a residential district shall be two feet by two feet, and in a non-residential district shall be four feet by four feet, and be made out of aluminum or ten mm thick fluted polypropylene corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.

(B) The sign shall be double-sided, mounted on two stakes/poles, and the bottom of the sign shall be at least one foot above grade.

(C) The sign shall be visible from and placed perpendicular to the street.

(D) There shall be one sign for each 500 feet of street frontage.

(E) The sign shall have a white background, with the letters and borders

being blue in color. The sign shall include the following information, as applicable: The type of request, the case number, the town's logo, the Town's contact number, and the web address for the Town.

(F) The owner/developer/applicant shall be required to remove informational signs from the lot or tract of land within ten days after the date of the final action of the requested change or amendment. The owner/developer/applicant shall also be required to replace missing informational signs on the next business day after staff notifying them of the absence.”

3.03 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

**SECTION 4.**  
**CUMULATIVE REPEALER CLAUSE**

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. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 5.**  
**SAVINGS CLAUSE**

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 the subject matter hereof 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 court.

**SECTION 6.**  
**SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 7.**  
**PENALTY**

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 a court of competent jurisdiction to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, except as otherwise provided herein, in a sum not to exceed Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 8.**  
**PUBLICATION CLAUSE**

The Town Secretary of the Town of Hickory Creek is hereby directed to publish in the Official newspaper of the Town of Hickory Creek, the Caption, Penalty Clause, and Effective Date clause of this Ordinance for two (2) days as required by Section 52.011 of the Texas Local Government Code.

**SECTION 9.**  
**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 Clause, and Effective Date clause in the minutes of the Town Council of the Town of Hickory Creek and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 10.**  
**EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek, Texas this \_\_\_\_\_ day of November, 2022.

---

Lynn Clark, Mayor  
Town of Hickory Creek, Texas



**ATTEST:**

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Kristi Rogers, Town Secretary  
Town of Hickory Creek, Texas

**APPROVED AS TO FORM:**

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

**TOWN OF HICKORY CREEK, TEXAS**

ORDINANCE NO. 2022 - \_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING CHAPTER 14 ZONING, ARTICLE XI SF-5AC RESIDENTIAL DISTRICT; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AND EFFECTIVE DATE.**

**WHEREAS**, the Town of Hickory Creek, Texas, 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 the Texas Constitution and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town Council is empowered under section 51.012 of the Local Government Code to adopt ordinances necessary for the government, interest, welfare, or good order of the municipality, and under Chapter 211 of the Local Government Code to regulate land use within the Town; and

**WHEREAS**, the Town Council does hereby find and determine that the adoption of this Ordinance is necessary for the government, interest, welfare and good order 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 the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas and necessary for the government, interest, welfare, and good order of the Town.

**SECTION 3.**

## **AMENDMENTS**

3.01 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article XI SF5-AC Residential District, Section 2(8)(a) is hereby amended to read:

“One private garage when located not less than 50 feet back from the front lot line and no less than 25 feet back from any other street line nor less than 25 feet from the side line, or located in a compartment as an integral part of the main building; provided, however, that each entrance to such garage shall be not less than 25 feet back from the lot line it faces.”

3.02 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

### **SECTION 4. CUMULATIVE REPEALER CLAUSE**

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. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

### **SECTION 5. SAVINGS CLAUSE**

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 the subject matter hereof 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 court.

### **SECTION 6. SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

### **SECTION 7.**

## **PENALTY**

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 a court of competent jurisdiction to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, except as otherwise provided herein, in a sum not to exceed Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

## **SECTION 8. PUBLICATION CLAUSE**

The Town Secretary of the Town of Hickory Creek is hereby directed to publish in the Official newspaper of the Town of Hickory Creek, the Caption, Penalty Clause, and Effective Date clause of this Ordinance for two (2) days as required by Section 52.011 of the Texas Local Government Code.

## **SECTION 9. 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 Clause, and Effective Date clause in the minutes of the Town Council of the Town of Hickory Creek and by filing this Ordinance in the Ordinance records of the Town.

## **SECTION 10. EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek, Texas this \_\_\_\_\_ day of November, 2022.

---

Lynn Clark, Mayor  
Town of Hickory Creek, Texas

**ATTEST:**

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Kristi Rogers, Town Secretary  
Town of Hickory Creek, Texas

**APPROVED AS TO FORM:**

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