



**NOTICE OF
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, AUGUST 17, 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. June 15, 2021 Meeting Minutes

Regular Agenda

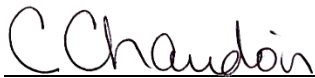
2. Conduct a public hearing regarding a request from LG Acquisitions, LLC on behalf of Shirley Mae Goldfield, Richard Goldfield, Brian Goldfield and Susan Goldfield to amend the current PD (Planned Development) zoning designation on a 24.31 acre tract of land situated in the H.H. Swisher Survey, Abstract 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.

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 August 13, 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, JUNE 15, 2021**

MINUTES

Call to Order

Meeting called to order at 6:00 p.m.

Roll Call

PRESENT

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

ABSENT

Chairman Rodney Barton

ALSO PRESENT

Trey Sargent, Town Attorney
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 Hawkes.

Invocation

Invocation given by Commissioner Gilmore.

Public Comment

No Public Comment

Consent Agenda

1. May 18, 2021 Meeting Minutes

Motion made by Commissioner Rowell to accept the minutes, Seconded by Commissioner Holston.

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

Regular Agenda

2. Discuss, consider and act on the appointment of a Chairman and Vice-Chairman.

Mr. Hawkes and Mr. May tied in two votes for Chairman and Vice-Chairman.

Motion made by Commissioner Gilmore to appoint Mr. Hawkes Chairman and Mr. May Vice-Chairman, Seconded by Commissioner Rowell.

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

3. Discuss, consider and act on a request for a final plat of Lots 13R and 15R, Block C, Harbor Grove Estates being a replat of lots 13, 14 and 15, Block C, Harbor Grove Estates situated in the Town of Hickory Creek, Denton County, Texas. The properties are located at 312 Lone Tree Lane.

Ms. Chaudoir explained the reasons for the replat and history of the property. Commissioner May questioned septic requirements for the property: current house has a conventional system; each lot will need a separate aerobic system.

Motion made by Commissioner Rowell to recommend approval of the plat, Seconded by Commissioner May.

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

Adjournment

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

Approved:

Attest:

Bryant Hawkes, 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 ORDINANCE 2021-03-872, ITS COMPREHENSIVE ZONING ORDINANCE CONCERNING THE PLANNED DEVELOPMENT ZONING ON A CERTAIN TRACT OF LAND DESCRIBED AS 24.31 ACRES LOCATED IN THE H.H. SWISHER SURVEY, ABSTRACT NO. 1220 IN DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN, TO AMEND THE PLANNED DEVELOPMENT (PD) ZONING DISTRICT APPLICABLE TO THE PROPERTY; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING A CONCEPT PLAN; PROVIDING DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

SECTION 1.
INCORPORATION OF PREMISES

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

SECTION 2.
FINDINGS

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

SECTION 3.
AMENDMENT

Ordinance 2021-03-872, which is a zoning ordinance of the Town of Hickory Creek, Texas, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed:

- A. Exhibit B to 2021-03-872 is hereby replaced with the Exhibit B attached hereto, and incorporated herein for all purposes.
- B. Exhibit C to 2021-03-872 is hereby replaced with the Exhibit C attached hereto, and incorporated herein for all purposes.

SECTION 4.
APPLICABLE REGULATIONS

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

SECTION 5.
NO VESTED INTEREST

No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development District or in any other specific regulations contained herein. Any

provision of this Ordinance may be repealed by the Town Council

SECTION 6. CUMULATIVE

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

SECTION 7. SAVINGS

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

SECTION 8. SEVERABILITY

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

SECTION 9. PENALTY

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

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

SECTION 10. PUBLICATION

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

SECTION 11. ENGROSSMENT AND ENROLLMENT

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

SECTION 12.
EFFECTIVE DATE.

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

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this ____ day of _____, 2021.

Lynn Clark, Mayor
Town of Hickory Creek, Texas
ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

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

Exhibit A
Legal Description

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit B
Concept Plan



Exhibit C
Planned Development Standards

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

- a. 60% single bedroom units
 - b. 25% two bedroom units
 - c. 5% three bedroom units
14. All multifamily structures will be a minimum of 300' from the well head and tanks located on the Property.