



A G E N D A

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, JULY 20, 2021, 7:00 PM
HIGHLAND VILLAGE MUNICIPAL COMPLEX
CITY COUNCIL CHAMBERS
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

OPEN SESSION

(City Council Chambers – 7:00 P.M.)

1. Call to Order/ Roll Call.
2. Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on June 15, 2021.
3. Visitor's Comments.
(Anyone wishing to address the Planning and Zoning Commission must complete a Speakers' Request form and return it to City Staff. In accordance with the Texas Open Meetings Act, the Commission is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting.)
4. Conduct Public Hearing and Review and Consider an application for an amendment to the regulations of Planned Development District 2012-1 (PD 2012-1) relating to the development and use of property described as The District at Highland Village located at the northwest corner of the intersection of Briarhill Blvd. and FM 407.
5. Receive Status Report on Various Projects.
 - Future P&Z Meetings
6. Adjournment.

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed.

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, CHAPTER 551, ON JULY 16, 2021 NOT LATER THAN 5:00 P.M.

Autumn Aman
Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the _____ day of _____, 2021 at _____ by _____ at _____.

DRAFT MINUTES
REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION CITY OF HIGHLAND VILLAGE, TEXAS
HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD
TUESDAY, JUNE 15, 2021

1. Call to Order/Roll Call.

Vice Chairman Dee Leggett called the meeting to order at 7:00 p.m.

Roll Call

Present:	Dee Leggett	Vice Chairman
	Denver Kemery	Commissioner
	Guy Skinner	Commissioner
	Dale Butler	Commissioner
	Jared Christianson	Alternate Commissioner
	Michael George	Alternate Commissioner
Absent:	Angelina Robinson	Commissioner
Staff Members:	Autumn Aman	Community Development Coordinator
	Scott Kriston	Director of Public Works
	Kimberlee Huntley	Community Services Assistant

Alternate Michael George would act as a voting member in absence of Commissioner Angelina Robinson.

2. Elect Chairman and Vice Chairman.

Vice Chairman Leggett stated that the meeting would be her last meeting, she was resigning her position due to relocating out of the City of Highland Village.

Commissioner Guy Skinner made a motion to elect himself as Chairman, Commissioner Dale Butler seconded the motion.

Motion passed (5-0)

Commissioner Butler made a motion to elect Angelina Robinson as Vice Chairman. Commissioner Denver Kemery seconded the motion.

Motion passed (5-0)

3. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on May 19, 2020.

Commissioner Dee Leggett made a motion to approve the minutes as written. Alternate Commissioner Michael George seconded the motion.

Motion Passed (5-0)

4. Visitor Comments.

There were no visitor comments.

5. Conduct Public Hearing and Review and Consider an application for a Conditional Use permit for the property described as Lot 7B, Block 2, The Marketplace at Highland Village located at 2150 Village Parkway.

Community Development Coordinator Autumn Aman stated that an application was received from ADR Designs on behalf of the property owners, Helen Lee Corporation. They were requesting a Conditional Use Permit (C.U.P.) to allow for a drive-thru use business to be located in a lease space at a future building in The Marketplace located at 2150 Village Parkway. She stated currently per the Planned Development Ordinance for The Marketplace only a total of five (5) drive-thru uses are allowed. Any additional drive-thru uses would require a conditional use permit per the Planned Development.

Ms. Aman continued that the ordinance would be specific to the address and limited only to the space located at the north end of the building as shown on the site plan. The Ordinance stated if the drive-thru use did not commence before the first anniversary of the effective date of the ordinance or is discontinued or abandoned for six (6) consecutive months, the (C.U.P.) would terminate. She continued that public hearings were required for a Conditional Use Permit, notices had been sent to everyone within two-hundred feet (200') of said property and she had only received one (1) inquiry from those notices.

Commissioner Leggett questioned what the current drive-thru uses were.

Community Development Coordinator Aman responded currently there was Rosa's, Freddy's Frozen Custard, and a bank.

Commissioner Leggett questioned what the minimum requirement was for stacking.

Community Development Coordinator Aman responded that it was six (6) spaces.

Chairman Skinner questioned if the overall proposed twelve-thousand (12,000) square foot building was with the drive-thru use included.

Dayne Ram, ADR Designs, 601 Saddle Hill Drive, Grand Prairie, TX stated that is was.

Chairman Skinner commented on the cars coming in on the back side of the building and if the drive-thru would block the future tenants to their back doors.

Mr. Ram responded they would be providing a sidewalk along the back of the building so the tenants could still maneuver in and out of the building.

Chairman Skinner asked if they anticipated that would cause any problems.

Mr. Ram responded they do not normally have any problems and they have designed a lot of drive-thru lanes where they back around the building.

Commissioner Butler questioned what type of business would be going in.

Mr. Ram stated the building would be leased to several types of businesses. Due to the area being successful, they reduced the building size to accommodate more parking spaces. They were looking at a drive-thru use business in an effort to reduce the number of parking spaces that would be utilized. They were talking with a Starbucks type of franchise along with looking at a physical therapy business, medical office type business, and nail salon.

Commissioner Butler questioned if a traffic pattern had been studied.

Mr. Ram stated they had done some studies on the area.

Commissioner Butler questioned how long did they anticipated people would be waiting in the drive-thru lane.

Mr. Ram stated hopefully not too long since it would be more of a fast food restaurant and with the stacking, there would be room to keep the cars flowing.

Chairman Skinner opened the Public Hearing at 7:19 p.m.

Mr. Eduard Lapteanu, 2820 Butterfield Stage Rd., Highland Village, spoke in opposition of the request especially if they do not know what type of business was going to go in. He continued with traffic, congestion in the early morning hours and especially the fact they did not know what the business would be coming in and if it was a Starbucks, it would be 6:00 a.m. and he did not want to hear trucks in the early am, trucks that are noisy, creating a traffic jam.

Mr. Shane Mason, owner of Village Parkway Dental, 2250 Village Parkway, Highland Village, spoke in opposition stating the traffic flow pattern is already a problem. There is a problem with the ingress and egress. Traffic flows through his parking lot due to no median cut on Village Parkway. There are already accidents in the area and stating they would probably greatly increase. He continued that a drive-thru business would greatly increase traffic through his parking lot. He did not think a drive-thru was a good idea. Would prefer more office use than restaurant.

Mr. Jason Clapp, 2200 Village Parkway, owner of Kids First Pediatrics building. Highland Village, owns his own practice at 2300 Village Parkway, Pediatric Dental World, and is a resident of Highland Village at 3120 Overlook Circle. Mr. Clapp stated he was opposed to the request as currently designed. He continued with the Kids First Pediatric office, there are a lot of kids going in and out of the practice on a daily basis. Increasing traffic flows with a drive-thru, and people cutting through their parking lot would increase the risk of an accident with a child. He was concerned for the safety of the patients and tenants. Mr. Clapp stated there are an approximate eighty to one-hundred (80-100) patients a day in and out of the doctor's office. Parking is a major concern. Accidents already happening due to current traffic patterns. He stated he is not opposed to development, however, the development of the area needs to be considered very cautiously.

Commissioner Leggett questioned Mr. Clapp if there were any suggestions he may have on other ways to accomplish a drive-thru.

Mr. Clapp stated he thought development without a drive-thru is reasonable.

Alternate Commissioner George questioned Mr. Clapp, for clarification, if he was currently seeing people cutting through his parking lot at 2300 Village Parkway from the south.

Mr. Clapp stated no, based on the office condos from the north, they already have people come through his parking lot to get to the light. He felt they would get the same scenario with the proposed drive-thru use.

Commissioner Kemery questioned how likely it would be to get another curb cut on FM 2499 since the big concern is everyone cutting through everyone else's parking lot.

Director of Public Works Scott Kriston stated the cut through was legal due to cross access easements. He continued there was a permit that was issued by Texas Department of Transportation (TXDOT) for the current entrance and his experience with (TXDOT), putting another entry close to the existing entry, would probably get denied.

Commissioner Leggett questioned if there was a way to connect the 2100 Village Parkway property to the property to the south to create another access point back to FM 2499.

Mr. Kriston stated there was an existing screen wall, there could be some elevation issues, and they may have to seek an easement from the property owner.

Commissioner Butler questioned Ms. Aman if the Commission were to approve the C.U.P., would the applicant have to come back to Planning and Zoning and inform the Commission on who was going to occupy the space.

Community Development Coordinator Aman responded they would not.

Chairman Skinner closed the Public Hearing at 7:32 p.m.

Mr. Eduard Lapteanu made one last comment on the traffic study stating whatever study was provided, it should be at least a year and a half year old. It should be a new study and he thought anything done during COVID-19 would be irrelevant since there was not that many people around.

Commissioner Butler made a motion to approve the request for a Conditional Use Permit. Commissioner Kemery seconded the motion. Motion to approve (1) for, motion to deny (4) against.

Motion Failed (1-4)

Chairman Skinner, Commissioners Leggett, Kemery, and Alternate Commissioner Michael George voting against approval. Commissioner Butler voting for approval.

6. Review and Consider a Site Plan for the property described as Lot 7B, Block 2, The Marketplace at Highland Village, located at 2150 Village Parkway.

POSTPONED

The applicant had requested that the item be postponed to a future meeting date.

7. Review and Consider an application for a replat for the property described as Block B,

Edgewood Estates, located at 234 Edgewood Drive.

Community Development Coordinator Aman an application was submitted by Windrose Services on behalf of the property owners Jason Lee and Megan Lee Burket. The owners wished to replat their property into two (2) lots for future construction of a residential home for a family member. The replatted lot would then become 232 Edgewood Drive. She continued with history of the subdivision stating the Edgewood Estates subdivision was platted in 1971. The current subdivision ordinance states that all cul-de-sac streets shall be no longer than six-hundred (600) feet. Edgewood Drive, being a cul-de-sac, is currently six-hundred and seventy-eight (678) feet long, and, therefore, is currently non-conforming. The proposed replat would increase the length of Edgewood Drive by an additional eighteen (18) feet, making the total length six-hundred and ninety-six (696) feet. Extending an already non-conforming cul-de-sac street requires approval of an exception to the subdivision ordinance by City Council.

Ms. Aman continued City staff had worked with the applicant on various potential layouts of the property into two lots. Most alternative layouts that did not require the extension of Edgewood Drive beyond its current length would result in both lots having insufficient frontage on Edgewood Drive to comply with the City's zoning regulations or would require access through one of the lots to reach the other lot. Most of the adjacent properties are either fully developed, owned by the City (Doubletree Ranch Park) or federally-owned property. The property to the east of the subject property could be re-developed at some unknown date in the future. However, even development of a future east west street through the applicant's property to the east in relation to a redevelopment and subdivision of the property to the east would not resolve the existing non-conforming length of Edgewood Drive. Further, the home that presently exists on the subject property is located several hundred feet from the end of Edgewood Drive near the lake-end of the property. Therefore, a second lot and home located closer to the existing end of Edgewood Drive does not create any access issue for the Fire Department that does not already exist. Because of changes in state law and subsequent changes in the City's Subdivision Ordinance, prior to taking any action on this application and the Commission's recommendation regarding the application, the City Council would conduct a public hearing in which those owners of property within the original subdivision located within two hundred (200') feet of the subject property had been notified and given an opportunity to present their comments. No public hearing were required in order for the Commission to consider the application and make its recommendation to the City Council.

Chairman Skinner, Public Works Director Scott Kriston, and the property owners, Jason Lee and Megan Lee Burket, discussed the replat as it pertained to what the length of the street was with the "knuckle area" being built, the six-hundred feet (600') fire hose length and the closest fire hydrant, the proposed replat being for one (1) residential structure for the in-laws and a shared drive-way/access easement.

Commissioner Leggett made a motion to recommend to City Council to approve the special exception to Section 3.1.O of the Highland Village Subdivision Ordinance authorizing 232 Edgewood Drive to be constructed with a length in excess of six-hundred (600) feet as shown on the plat. Commissioner Butler seconded the motion.

Motion passed (5-0)

8. Review and Consider a Site Plan for the property described as Lot 6C, Block A, Valley Ridge Center, located at 2045 Valley Ridge Court.

Ms. Aman stated that the City had received an application for a site plan by The John R McAdams Company on behalf of the property owner, John Taylor. They would like to construct a building of approximate twelve thousand (12,000) square foot for a private storage building within the Valley Ridge Center. The property was one of the lots located behind KFC/Taco bell on FM 407. The zoning on the property is PD-R, is within a Planned Development and a storage building is an allowed use in the Planned Development. The exterior building materials would complement the existing buildings using Austin stone and stucco on the exterior, there would be a sidewalk constructed in front, landscaping along the foundation and outside perimeter along Valley Ridge Ct., and a seven foot (7') wrought iron fence around the property. City staff, the City's Engineer, and the Fire Department have reviewed the site plan submittal for conformance with the development regulations for the property.

Chairman Skinner questioned if the proposed storage building was part of the existing storage buildings.

Community Development Coordinator Aman stated it was not.

Commissioner Kemery made a motion to approve the site plan as presented. Commissioner Leggett seconded the motion.

Motion passed (5-0)

9. Receive Status Reports on Various Projects

- **Discuss Future P&Z Meeting dates**

Community Development Coordinator Aman stated the next regular meeting would be held on July 20, 2021.

10. Adjournment.

Meeting adjourned at 8:05 p.m.

Autumn Aman
Community Development Coordinator

Guy Skinner – Chairman
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 4

MEETING DATE: July 20, 2021

SUBJECT: Conduct Public Hearing and Review and Consider an application for an amendment to the regulations of Planned Development District 2012-1 (PD 2012-1) relating to the development and use of property described as The District of Highland Village located at the northwest corner of the intersection of Briarhill Blvd. and FM 407.

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

An application was received for review and consideration from Zack Montana, 120 Main HV Owner, LP, new owners of The District. The applicant is requesting to amend the development regulations of the Planned Development No. 2012-1 relating to the Building Elevations and Building Material Detail List by changing the paint color scheme for the exterior of all buildings within “The District of Highland Village.

IDENTIFIED NEED/S:

Public hearings are required at both Planning and Zoning and City Council. All public hearing notifications requirements have been met.

OPTIONS & RESULTS:

Options are to recommend to the City Council that the application be (1) approved as submitted, (2) approved with modifications, or (3) deny the request. The Commission may also postpone any action in order to receive any additional information which it requests be presented.

PROGRESS TO DATE: (if appropriate)

As of this date of preparation of this briefing, July 15, 2021, staff has received no calls or

emails commenting on this request.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

An Ordinance amending the PD 2012-1 regulations is required. A copy of the draft ordinance prepared by the City Attorney is attached.

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission review and forward a recommendation to City Council.

ORDINANCE NO. 2021_____

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, DENTON COUNTY, TEXAS, AMENDING THE HIGHLAND VILLAGE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY AMENDING SECTION 2.G AND EXHIBIT “C-3” OF PLANNED DEVELOPMENT NO. 2012-1 (PD 2012-1) FOR RETAIL, OFFICE, AND RESIDENTIAL USES RELATING TO EXTERIOR BUILDING COLORS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Highland Village, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Highland Village, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have conclude that the Comprehensive Zoning Ordinance and Zoning District Map of the City of Highland Village, Texas, as previously amended, should be further amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance (“CZO”) and the Zoning Map of the City of Highland Village, Denton County, Texas, as previously amended, be further by amending the development regulations of Planned Development No. 2012-1 (PD-2012-1), as enacted by Ordinance No. 2012-1132 (the PD-2012-1 Regulations”), as follows:

A. Paragraph (3) of Section 2.G is amended to read as follows:

(3) Exterior building colors shall be substantially similar to the colors listed and shown on Exhibit “C-3” attached hereto and incorporated herein by reference; provided, however, the such exterior building colors may be revised from time to time upon approval of a resolution or motion by the City Council.

B. Exhibit “C-3” – Building Elevations and Building Material Detail List is retitled and amended in its entirety as set forth in Attachment 1, attached hereto and incorporated herein by reference.

SECTION 2. All ordinances of the City of Highland Village related to the use and development of the Property heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provisions of this Ordinance shall be controlling.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

FIRST READ ON THE ___ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE _____ DAY OF _____, 2021.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:7/15/2021:123547)

ORDINANCE NO. 2021-_____
ATTACHMENT 1

EXHIBIT "C-3"
BUILDING ELEVATIONS- COLOR PALETTE DETAIL LIST
THE DISTRICT OF HIGHLAND VILLAGE

RAILING

Sherwin Williams, Color, Black

WINDOW MULLIONS

Kawneer at Commercial, JedWeld or equal at Residential, Medium Bronze

ACCENT SYNTHETIC STUCCO

Dryvit, texture Sand pebble, color First Star, Argos, Gauntlet Gray, Foggy Day, or Sea Serpent.

FIELD SYNTHETIC STUCCO

Dryvit, texture Mojave, DPR, color First Star, Argos, Gauntlet Gray, Foggy Day, or Sea Serpent.

FIBER CEMENT SIDING

James Hardie, Hardie Plank, select cider mill, First Star, Argos, Gauntlet Gray, Foggy Day, or Sea Serpent. Located at balconies and interior of stairways

MORTAR

Laticrete, #24 Natural Gray or same color as adjacent brick/masonry

CAST STONE COLUMN BASE

Texas Quarries, Cordova Cream, First Star, Argos, Gauntlet Gray, Foggy Day, or Sea Serpent.

COMPOSITION SHINGLE

Celotex, Presidential Shake, Shadow Gray

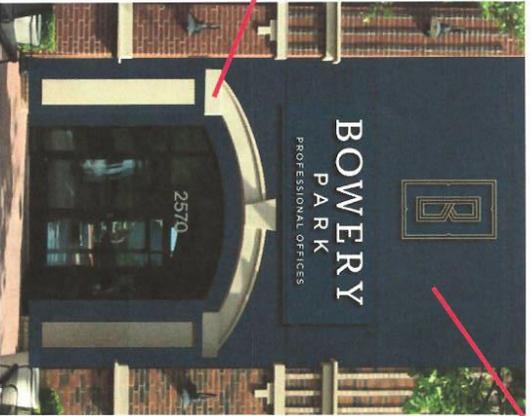
ACCENT BRICK

Acme, Denton Plant, Cranberry. Except for first floor of building 1 and 4, and center column on Building C may be First Star, Argos, Gauntlet Gray, Foggy Day, or Sea Serpent.

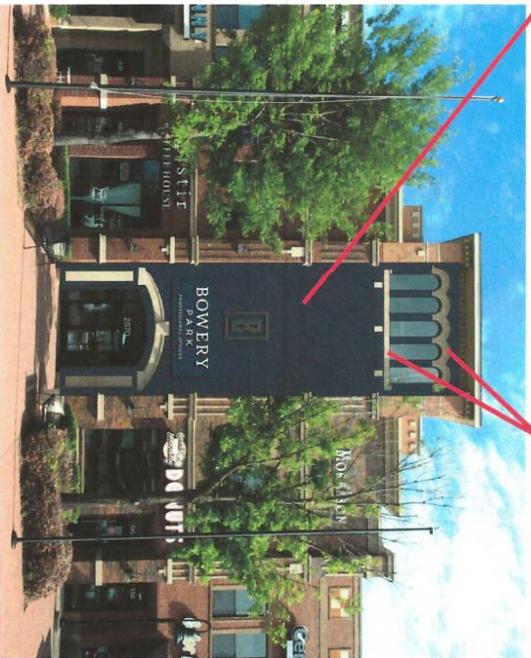
FIELD BRICK

Acme, Denton Plant, Burgundy, Except for first floor of building 1 and 4, and center column on Building C may be First Star, Argos, Gauntlet Gray, Foggy Day, or Sea Serpent.

Render 1



PT-1



PT-5

PT-1

First Star
SW 7646

PT-1

Sea Serpent SW
7615

PT-5

Render 2



Gauntlet Gray
SW 7019

PT-3

Foggy Day
SW 6235

PT-4

Sea Serpent
SW 7615

PT-5

Argos
SW 7065

PT-2

First Star
SW 7646

PT-1