

**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

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|----------------|--------------------|-----------------------------------|
| 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