



AGENDA

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, SEPTEMBER 21, 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 July 20, 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 a Conditional Use Permit (C.U.P.) for an Accessory Dwelling Unit for the property located on Lot 14, Block 2, Highland Hills Addition Fourth Section, commonly known as 102 Sandy Hook, Highland Village.**
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 SEPTEMBER 17, 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, JULY 20, 2021

1. Call to Order/Roll Call.

Chairman Guy Skinner called the meeting to order at 7:00 p.m.

Roll Call

Present:	Guy Skinner	Chairman
	Denver Kemery	Commissioner
	Dale Butler	Commissioner
	Michael George	Alternate Commissioner
	Jared Christianson	Alternate Commissioner
Absent:	Angelina Robinson	Vice Chairman
Staff Members:	Autumn Aman	Community Development Coordinator
	Kimberlee Huntley	Community Services Assistant

2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on June 15, 2021.

Commissioner Denver Kemery made a motion to approve the minutes as written. Commissioner Dale Butler seconded the motion.

Motion Passed (5-0)

3. Visitor Comments.

There were no Visitor Comments.

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.

Community Development Coordinator Autumn Aman stated an application requesting to amend the current Planned Development (PD) Ordinance as it relates to the exterior paint colors was received from Zack Montana, one of the new owners of The District.

Ms. Aman stated they were not requesting any other changes, just seeking approval of a new color pallet since the current ordinance states what colors shall be used. She continued public hearings are required for a (PD) amendment, notices had been mailed to everyone within two-

hundred foot (200') of the properties and from those notices the City had not received any inquires on the request.

Mr. Zack Montana, 8508 Silver Leaf, Lantana, TX, stated he is a Managing Partner of Boulder Peak Capital, who now owns The District. He continued with a brief presentation on what they were trying to accomplish.

He stated their objectives were the following:

- To create a fresh and prestigious destination for the Highland Village community while maintaining a friendly and welcoming atmosphere for the families living at the property
- Establish a memorable personality that attracts new tenants while assisting on-site tenants with their brand recognition.
- Differentiate the retail and office component of the property from the residential side to assist with drive-by and internet traffic.

Their plan of action was the following:

- Partner with Tommy Dodd of Dodd Creative to perform a comprehensive market study.
 - Identify market trends and branding ideas.
 - Prepare a comprehensive master plan to achieve the objectives.
- Partner with Heather Brown of True Interiors to assist Dodd Creative with the rebranding effort.
 - Confirm all design aspects of the interior and exterior meet the objectives.
 - Confirm design aspects are congruent with the local community while creating a unique sense of place and increased branding opportunities for the commercial tenants.

The Commissioners and Mr. Montana discussed the request as it pertained to the color pallet, time line of painting, renaming of The District to Bowery Park, specifics on what areas would and would not be painted, and if they would have to do a (PD) amendment again if they chose to paint again in approximate five (5) years.

Ms. Aman responded on the repainting stating if they chose to change paint colors again, Section 1, paragraph A, Section 3 of the draft ordinance to be considered had verbiage stating exterior colors may be revised from time to time upon approval of a resolution or motion by City Council, therefore it would not have to be presented to the Planning and Zoning Commission.

Chairman Skinner opened the Public Hearing at 7:12 p.m.

There were no speakers for the Public Hearing.

Chairman Skinner closed the Public Hearing at 7:12 p.m.

A motion was made by Alternate Commissioner Michael George to recommend approval to City Council the draft ordinance as presented. Commissioner Kemery seconded the motion.

Motion Passed (5-0)

5. 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 August 17, 2021.

6. Adjournment.

Meeting adjourned at 7:16 p.m.

Autumn Aman
Community Development Coordinator

Guy Skinner - Chairman
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 4

MEETING DATE: September 21, 2021

SUBJECT: Conduct Public Hearing and Consider an application for a Conditional Use Permit (C.U.P.) for an Accessory Dwelling Unit on Lot 14, Block 2, Highland Hills Addition Fourth Section located at 102 Sandy Hook

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

An application was received for a Conditional Use permit to allow an Accessory Dwelling Unit to be located on a residential lot located at 102 Sandy Hook. The property owner would like to convert the existing detached garage into an accessory dwelling unit that will be used as a “grandmother” suite. The floor area of the existing garage is approximately 735 square foot. They would like to add an additional 232 square feet for a total floor area of approximate 967 square foot. The exterior of the building will be of hardie board materials complimenting the existing residential structure. The property is located in a SF-15 zoning district.

IDENTIFIED NEED/S:

Section 34.2 of the Comprehensive Zoning Ordinances requires approval of a conditional use permit before a property may be developed with an Accessory Dwelling Units. The expansion of the garage on the Property will still comply with all required setbacks for the Zoning District. In addition, even after conversion of the garage for the accessory dwelling unit, the property will still have two existing enclosed parking spaces in another garage located on the Property. Once developed, the use of the accessory dwelling unit must comply with the development and use standards set forth in Sections 34.1 and 34.2 of the Comprehensive Zoning Ordinance, including restrictions on who may occupy the unit, limitations on rental of the unit separate from the main residence, and restrictions on providing separately metered utilities to the accessory dwelling unit.

OPTIONS & RESULTS:

The option is to recommend approval or denial of the application as submitted or to make modifications.

PROGRESS TO DATE: (if appropriate)

Public Hearings are required for Conditional Use Permits. All notification requirements have been met. As of the date of preparation of this briefing, September 14, 2021, staff has received one (1) call inquiring only on the nature of the request.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

An Ordinance has been generated by the City Attorney. See the attached ordinance.

RECOMMENDATION:

Review the applicant's request and provide a recommendation to City Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, GRANTING A CONDITIONAL USE PERMIT (C.U.P.) FOR AN ACCESSORY DWELLING ON LOT 14, BLOCK 2, HIGHLAND HILLS ADDITION, FOURTH SECTION, MORE COMMONLY KNOWN AS 102 SANDY HOOK, HIGHLAND VILLAGE, TEXAS; APPROVING A SITE PLAN AND BUILDING ELEVATIONS; PROVIDING FOR TERMINATION ON ABANDONMENT OR DISCONTINUANCE OF THE CONDITIONAL USE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR NO VESTED INTEREST; 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, and upon a finding that the proposed conditional use is consistent with the standards for approval set forth in Section 12.3 of the Comprehensive Zoning Ordinance of the City of Highland Village, Texas, the City Council has concluded 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 of the City of Highland Village, Texas, as amended, shall be further amended by granting a Conditional Use Permit (C.U.P.) for an accessory dwelling on Lot 14, Block 2, Highland Hills Addition, Fourth Section, City of Highland Village, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 267, Plat Records, Denton County, Texas, and more commonly known as 102 Sandy Hook, Highland Village, Texas (“the Property”), the location of the Property being depicted in Exhibit “A,” attached hereto and incorporated herein by reference.

SECTION 2. The development and use of the Property as an Accessory Dwelling as authorized by Section 1, above, shall be otherwise in accordance with the use and development regulations of the Comprehensive Zoning Ordinance, as amended, including but not limited to, the use and development regulations set forth in Section 34.2 of the Comprehensive Zoning Ordinance as amended, the Site Plan attached hereto as Exhibit “A,” and the Building Elevations attached hereto as Exhibit “B” and incorporated herein by reference.

SECTION 3. This Ordinance and the right to use the Property for the purposes of the C.U.P. granted pursuant to Section 1, herein, shall terminate if a building permit for construction of the Accessory Dwelling on the Property is not obtained on or before the 180th day after the effective date of this Ordinance. If the use of the Property for the purpose of operating an Accessory

Dwelling is discontinued or abandoned for a period of six (6) months, such use shall not be resumed and this Ordinance and the Conditional Use Permit granted herein shall be deemed to have terminated. For purposes of this Section 3, whether or not the required use has been discontinued or abandoned shall be determined in the same manner as the abandonment or discontinuance of a non-conforming use as set forth in Section 7 of the Comprehensive Zoning Ordinance, as amended.

SECTION 4. 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 5. 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 6. 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 7. 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 8. No person or entity shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the City Council of the City of Highland Village, Texas, in the manner provided by law.

SECTION 9. 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:8/20/2021:124304)

