

**MINUTES
REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION CITY OF HIGHLAND VILLAGE, TEXAS
HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD
TUESDAY, FEBRUARY 21, 2023**

1. Call to Order/Roll Call.

Chairman Denver Kemery called the meeting to order at 7:00 p.m.

Roll Call

Present:	Denver Kemery	Chairman
	Michael George	Vice Chairman
	Brent Myers	Commissioner
	Steve Winkle	Commissioner
	Jared Christianson	Commissioner
	Adam Ballard	Alternate Commissioner
	Greg Kohn	Alternate Commissioner
Staff Members:	Scott Kriston	Director of Public Works
	Kevin Laughlin	City Attorney
	Kimberlie Huntley	Community Services Assistant

2. Consider Approval of the Minutes from the Workshop Meeting of the Planning and Zoning Commission held on November 15, 2022.

Vice Chairman Michael George made a motion to approve the minutes as written. Commissioner Steve Winkle 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 on a proposed change in zoning from SF-40 Residential Zoning District to a Planned Development Overlay District for Townhome Use relating to a 4.364 ± acre tract of land located in the F. Hyatt Survey, Abstract No. 559, commonly known as 102 Barnett Boulevard.

Director of Public Works, Scott Kriston, stated an application was received from Mr. Dusty Broadway, Broadway Builders, requesting to change the zoning on the property located at 102 Barnett Boulevard from SF-40 to a Planned Development Overlay District for Attached Single Family Townhomes consisting of thirty-nine (39) lots.

Mr. Kriston continued that the development consisted of the following:

- Minimum of 2,242 square foot air conditioned space.
- Two (2) dedicated garage spaces.
- A driveway with two (2) dedicated parking spaces.
- The buildings are not to exceed a height of thirty-five (35') feet.
- Seventy-eight (78) parking spaces contained in garages, (2) parking spaces from the driveways, and an additional (10) parking spaces within the development.
- A five (5') foot sidewalk/trail along Barnett Boulevard.
- Each unit will have a four (4') wrought iron fence in the back yard.
- The developer is going to try to save as many of the existing trees on the western property line to serve as a screen from the existing neighborhood.
- The twenty-four (24') foot fire lane within the development would be privately maintained.
- An HOA will have to be established at the time of approval of the final plat.

Mr. Kriston stated the application was a Planned Development Overlay District and not a Freestanding District. The applicant had been able to meet the minimum standards for a Freestanding District with the exception to the open space requirement. Open space required was 46,800 square feet and the open spaced provided was 33,308 square feet.

Mr. Kriston continued with history on the property. On June 21, 2022, the Townhome project was presented to the Planning and Zoning Commission and at the meeting the item was tabled. It was then presented again to the Commission on August 16, 2022 and at the meeting the item was denied and the applicant chose not to take it forward to City Council. He stated the applicant had to start all over by submitting a new application.

Public Hearings are required, all notices were sent within 200' of the said property. From those notices a total of (19) emails were received by Community Development Coordinator Autumn Aman, (17 opposed and 2 in favor). Copies of the emails were placed on the dais for the Commissioners.

Mr. Kriston ended stating the Commissioners had the draft ordinance for consideration to change the zoning on the property. He stated if the zoning was approved, the next stage would be Preliminary Plat, Preliminary Tree Mitigation Plan, and the Civil Constructions plans. This would be when City Staff and the Engineers would review all of the mechanics of the project, drainage, utilities, paving, trees, etc.

Ms. Nikki Moore, A.N. Moore Consulting, LLC, Consultant for Broadway Builders, gave a presentation going over the following:

(3) Points of the Planning Analysis for Whitestone

- Comprehensive Plan
- Diversity in For-Sale Residential Housing
- Compatible with Surrounding Uses

Project Narrative

The 3.9 acre site is nestled between an assisted living community and an elementary school making it an ideal location for a small-scale housing development. Whitestone Village is a beautiful community consisting of thirty-nine (39) luxury townhomes for sale. Each townhome offers front entry garages that optimize private backyard space for residents to enjoy. The

townhomes are all three-bedrooms. Sixty percent of floorplans offer a desirable primary bedroom downstairs in addition to a study/flex space.

Site Plan Changes made by the Developer

- Reduction of townhomes
- Increased square footage of home size
- Changes to front entry garage, included two (2) enclosed parking spaces, along with two (2) spaces within the driveway.
- Ten (10) additional guest parking spaces
- Open space was 33,308 square feet with an additional 23,350 square feet of private space in back yards.
- Only doing 4' high iron fence in the back yards to get visual continuity, all maintained by the HOA.

Quality of Elevations

Twelve (12') foot roof pitches which elevates the look of the townhomes, ten (10') foot ceiling plates on the first and second story, brick and stone detailing, and carriage style garage doors.

Townhome I Floor plan features

- 2,294 square foot
- Primary bedroom downstairs
- Two additional beds, study, and flex space upstairs
- Three and a half baths
- Open concept kitchen, living, and dining
- Thoughtful floor plan that optimizes natural light
- Large walk-in closets

Townhome II Floor plan features

- 2,242 square foot
- Three bedrooms
- Two and a Half Baths
- Oversized open concept kitchen, living, and dining
- Covered outdoor patio
- Convenient upstairs utility
- Large walk-in closets

Traffic Impact during am peak hours

Minimal impact that thirty-nine (39) townhomes would have at the peak hours at 7:00 a.m. - 8:00 a.m. which is the school drop off hour. Thirty-nine (39) homes would produce a half of a car during the peak hours which equals (19.5) cars. If broken down by the minute within an hour, it would add one (1) car trip every thirty minutes. Ms. Moore stated that the City traffic study that was performed did not warrant a traffic light at the intersection of FM 407 and Barnett Boulevard, it still had capacity for 10,000 cars.

Highland Village annual tax revenue potential

Current tax revenue on the site with the one single family home is \$3,448.00.

Potential approximate tax revenue for thirty-nine (39) townhomes, based off of a sale price of \$515,000 to \$550,000 each, would create an average of approximate twenty-one million dollars (\$21,000,000) in valuation. Ms. Moore stated the only other use that might produce more would be multi-family and she did not think that was an appropriate use for the property.

Continuous sidewalk along Barnett Boulevard by the Developer

Chairman Kemery opened the Public Hearing at 7:18 p.m.

Elizabeth Stasny, 931 Inverness, Highland Village, was opposed, siting trees, privacy, current animal habitat, what provisions are there for the trees to remain once the units are sold, maximum lot coverage and drainage, why the property was left off the comprehensive plan, missing elevation plans, City staff promoting with no input from the neighbors, and possibly conflict of interest of a Commissioner.

Cora Bell, 905 Heatherglen Ct., Highland Village, was opposed, siting a proper traffic study should still be prepared, meeting City minimums, meeting the current comprehensive plan, zero residents want no residential along Barnett Boulevard, consulting with the neighbors.

Jimmy Bassinger, 210 Edgewood Drive, Highland Village, was opposed stating the development does not comply with the City of Highland Village Subdivision Ordinance, lot frontage, fronting on a dedicated street, minimum street width similar to a fire lane which shall be maintained clear, open space requirement, 29% short of the required minimum open space. No mention of the townhomes having a sprinkler system.

John Hinesley, 912 Inverness Circle, Highland Village, was opposed, siting not from esthetics or pictorial view, however from traffic and safety. Taking a left out of Tartan Trail and drivers making "U" turns at Tartan Trail, (40) units right beside an elementary school, being purchased by a larger group and leasing them out, not the consistent family.

Mr. William Meek, 2980 Hillside Drive, Highland Village, a former City Councilman, was opposed, siting too close to the school, the property should be a doctor's office, rest home, etc., but not for residential. FM 407 is very busy, no light at 407 and Barnett.

Jean Bassinger, 210 Edgewood Drive, Highland Village, was opposed, spoke on the prior application which was much more dense and it did not meet the minimum standards or the comprehensive plan. The City had guidelines and encouraged the Commission to hold to the standards that makes Highland Village, Highland Village that protects the citizens and their property values.

Kari Blaney, 2416 Sherwood Lane, Highland Village, opposed, did not wish to speak.

Tamara Thigpen, 482 Sellmeyer Lane, Highland Village, opposed, did not wish to speak.

James Tentter, 927 Heatherglen Ct., Highland Village, was opposed, did not wish to speak.

Guy Faretra, 2380 Glen Ridge, Highland Village, opposed, did not wish to speak.

Patricia Oldham, 3405 Sherwood Lane, Highland Village, was opposed, request they keep the Planning and Zoning standards in place already, keep residents interest as a priority, if you lower the standards you open the door to future developers that want lower standards. High density and next to a school, affordability, limited parking for guests, no area for pets/dog walking, traffic, left turn onto FM 407, questions the ½ car number going in and out. She asked the Planning and Zoning Commission keep the standards in place because they are there for the residents.

Chairman Kemery closed the Public Hearing at 7:34 p.m.

Vice Chairman George commented that he thought the submittal was better than the original application, however, his main concern was the residents behind the development. The prior application had a tall retaining wall with trees which served as a buffer zone which has been eliminated with the new application. He questioned how the developer could address the new application and a buffer zone.

Ms. Moore stated the neighbors did not like the buffer, they thought it would be a place for mischief, so it had been removed. There is a current 8' fence along the western property line, which would remain. The development will have a twenty (20') foot building setback which will make the development to the residents approximate forty to fifty foot from building to building.

Vice Chairman George questioned what type of lighting would be on the site.

Ms. Moore responded it would just be the typical rear porch light and no additional lighting.

Vice Chairman George was concerned about buying and leasing and if there was a way information could be put into the Homeowners Association (HOA) documents.

Ms. Moore responded they could put different covenants in an (HOA). It would be hard to step on property rights and there are some state property rights, however, they could write in the documents they are not for short term leasing or a condo regime. Their intent is they are for sale, individual homes on individual lots, it is not meant to be a rental community.

Vice Chairman George stated his main concern was the separation with the west property line.

Ms. Moore stated there was a lot of miscommunication that they were not meeting the open space. If they were to remove all the fencing, they would exceed the open space requirement, however, that was not the best use for a for sale product. There were only asking for a deviation to the open space.

City Attorney, Kevin Laughlin, clarified that with the first application there was confusion over an Overlay District to a Freestanding District. The application and proposed ordinance complied with all the townhome standards for a Freestanding District with the exception of the open space which it then becomes an Overlay District. He continued stating it does not meet the standards for (SF-40) and stated if does comply with the standards for a townhome development as a freestanding district with the exception of the open space. The open space requirement goes back to the multi-family development requirements and the application was for townhomes and not apartments. They have dedicated back yards and apartments do not.

Vice Chairman George questioned who they would be marketed to.

Ms. Moore stated they would attract the young professional or those who want to downsize.

Alternate Commissioner Adam Ballard questioned if there was a breakdown on number of bedrooms.

Ms. Moore stated all are three (3) bedroom.

Commissioner Winkle questioned if there was any data on the average length of time someone would own a townhome.

Ms. Moore stated she did not have the data, maybe five to ten (5-10) years or possibly longer depending on life stage.

Commissioner Winkle stated, "Strong fences make for strong neighbors", and if they comfortable with the four (4') foot wrought iron between the units.

Ms. Moore responded they were trying to capture the "open space" feel.

Commissioner Winkle question if the new homeowners could erect a solid fence.

Ms. Moore responded they could not and that was written in the ordinance.

Commissioner Winkle questioned if there was any options for the owners to build a patio in the back yard.

Ms. Moore responded they would have to meet the setback requirement to do so.

Alternate Commissioner Adam Ballard and Ms. Moore briefly talk about a playground and the open space area.

Chairman Kemery and Ms. Moore discussed the possibility of someone purchasing all the property for rental homes and adding information into the (HOA) documents on short term leases.

City Attorney Laughlin stated the City cannot regulate whether the property has to be owner purchased or a rental property. He continued discussing short term rental and stated the City would be reviewing the covenants.

Commissioner Christianson questioned for clarification if the sidewalk and fire lane would be private.

City Attorney Laughlin stated the internal sidewalk within the development would be private and would be maintained by the (HOA). The sidewalk along Barnett Boulevard would be maintained by the City.

Commissioner Winkle questioned if the streets would be private and not maintained by the City.

City Attorney Laughlin stated that would be correct and when the property was platted it would become a public access/utility easement and fire lane.

Commissioner Winkle questioned if the streets were wide enough for emergency vehicles.

Ms. Moore stated they meet all the turn radius and fire requirements.

Commissioner Christianson questioned on what was submitted being a concept plan as it related to the application, missing topography exhibit and (HOA).

City Attorney Laughlin stated the application is not typically submitted with the concept plan to the Commission. The topographic exhibit was part of the application, however, historically the City does not place that within the ordinance or the (HOA) covenants. The only missing item being the narrative on how utilities would be provided to the development.

Director of Public Works Kriston stated there would be adequate utilities to the site.

Vice Chairman questioned Mr. Kriston on the traffic study and the capacity on FM 407.

Mr. Kriston stated FM 407 still allows for approximate ten thousand (10,000) additional cars before it would reach capacity. A signal light was not warranted for the area.

Vice Chairman George questioned if the developer would consider putting something more substantial along the western property as it relates to the wrought iron fencing and help with the drainage.

Ms. Moore responded that the drainage would be decided with the engineering design to meet the City of Highland Village design criteria. She questioned for clarification on what Vice Chairman George might be specifically looking for on the fencing and stated they could build a board on board or double layer fence.

Vice Chairman George and Ms. Moore continued discussion about the site, substantial separation and privacy issues, building to same scale as existing homes already there, a masonry fence would cause loss of trees, adding another layer of eight (8') foot fence and putting a cap on the fence without disrupting the trees.

Alternate Commissioner Ballard stated he felt there were several yellow flags and there was no way to police the leasing of townhomes. He thought the price point of \$550,000 might be hard to achieve and they may have to revisit how they would sell off the lots.

Vice Chairman George stated it was a nice development to what has been previously presented. They had reduced the density, he could not argue about the price point and they should address some of the issues within the (HOA).

Chairman Kemery and City Attorney Laughlin discussed changes within the (HOA) documents in the future and how any amendments would require City Council approval.

Commissioner Myers talked about property rights.

Commissioner Winkle made a motion to recommend adoption of the Ordinance to City Council as presented.

Vice Chairman George stated he would like to add the requirement for a topographic map, utility text, and fencing.

Commissioner Winkle would like to add to the motion as a friendly amendment to his original motion the stipulations as stated by Vice Chairman George, those being:

1. Adding to the Concept Plan, explanation of utilities.
2. Add a topographic map to the Concept Plan.
3. Provide an eight (8') foot board on board fence with a cap with approval with adjoining property owners.

Commissioner Myers Seconded the motion.

Motion passed (3-2)

5. Receive Status Reports on Various Projects

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

Director of Public Works Scott Kriston stated the next regular scheduled meeting would be held on March 21, 2023.

6. Adjournment.

Meeting adjourned at 8:35 p.m.

Autumn Aman
Community Development Coordinator

Denver Kemery – Chairman
Planning and Zoning