



## AGENDA

**REGULAR MEETING OF THE  
PLANNING AND ZONING COMMISSION  
CITY OF HIGHLAND VILLAGE, TEXAS  
TUESDAY, JULY 17, 2018, 7:00 PM  
HIGHLAND VILLAGE MUNICIPAL COMPLEX  
CITY COUNCIL CHAMBERS 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

**OPEN SESSION  
(City Council Chambers – 7:00 PM)**

1. **Call to Order/ Roll Call.**
2. **Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on June 19, 2018.**
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 on proposed amendments to the development and use regulations for the property located at 2910 Justin Road, Lot 1, Barnett Center Phase 1, City of Highland Village, said property being located in the Barnett Center PD-C Zoning District.**
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 15, 2018 NOT LATER THAN 5:00 P.M.**

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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 \_\_\_\_\_, 2018 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 19, 2018**

**1. Call to Order/Roll Call.**

Chairman Deedee Ricketts called the meeting to order at 7:00 p.m.

**Roll Call**

Present:	Deedee Ricketts	Chairman
	Stan Lemko	Vice Chairman
	Rick Turner	Commissioner
	Bob Holden	Commissioner
	Tom Heslep	Alternate Commissioner
	Dylan Romo	Alternate Commissioner
Staff Members:	Autumn Aman	Community Development Coordinator
	Sasha Torres	Community Services Assistant

Chairman Ricketts stated since Commissioner Robert Fiester had been elected to City Council, there was a vacancy in the Commissioners spot and with that vacancy, Alternate Commissioner Tom Heslep would be voting.

**2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on May 15, 2018.**

Vice Chairman Stan Lemko made a motion to approve the minutes as written. Alternate Commissioner Tom Heslep seconded the motion.

**Motion passed (5-0)**

**3. Visitor's Comments.**

There were no visitor comments.

**4. Conduct Public Hearing and Review and Consider an application on a proposed change in zoning from "O" Office Zoning District to a Planned Development District "PD" for Office uses, including the adoption of development and sign regulations, relating to the development and use of Lots 1A, 1B, and 2, Block A, Wilkerson Addition, located at 2250, 2260, and 2280 Highland Village Road.**

Community Development Coordinator Autumn Aman stated the City had received an application to create a Planned Development for the Highland Village Business Park. The properties are located at 2250, 2260, and 2280 Highland Village Road. Ms. Aman continued that the applicant, G&A Consultants, on behalf of the property owners Tre Far Niente Partners and Haymarket Land Corporation, had requested to create a Planned Development so that they may be allowed to place signage on their property where it is currently not allowed per ordinance. Ms. Aman stated the property is divided into three lots, one of which has no direct street frontage, but all three are developed with office buildings. She continued that the Planned Development requested was designed to provide a master

sign plan for the entire development, which would allow signs installed along Highland Village Road to include tenant information for the rear lot and allow additional wall signs. She stated the property is currently zoned "O" Office and there would be no changes to the current location, size, number of buildings, parking areas, landscape areas and driveways on the properties. Ms. Aman continued that there was a request to the Zoning Board of Adjustment in January of 2018, requesting a variance to the sign regulations to allow for an off-premise monument sign for tenants on the rear lot. She stated the request was denied by the Zoning Board of Adjustment based on the request failing to satisfy the criteria for granting a variance. Ms. Aman concluded that Public hearings are required for a change in zoning and there were no inquires received from the public hearing notices.

Chairman Ricketts opened the Public Hearing at 7:04 p.m.

There were no speakers from the Public Hearing.

Chairman Ricketts closed the Public Hearing at 7:04 p.m.

The Commissioners briefly discussed the request as it pertained to visibility of the signs and making sure they could be easily seen and updating the existing signs.

Chairman Ricketts concluded that the application was a perfect example of why the City does an ordinance as a Planned Development for this type of request so that specific sites can be custom tailored for the needs of the developer. She stated it is very important that the request come in front of the Commission as a Planned Development to address the specifics of the signage needs other than treat it as a variance to an office ordinance.

Alternate Commissioner Heslep made a motion to send the ordinance forward to City Council for approval as presented. Commissioner Turner seconded the motion.

### **Motion Passed (5-0)**

#### **6. Receive Status Reports on Various Projects**

- **Future P&Z Meetings**

Community Development Coordinator Aman stated that the next meeting would be held on July 17, 2018.

#### **7. Adjournment.**

Meeting adjourned at 7:09 p.m.

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Autumn Aman  
Community Development Coordinator

Deedee Ricketts - Chairman  
Planning and Zoning

**CITY OF HIGHLAND VILLAGE**  
**PLANNING AND ZONING**

**AGENDA# 4**

**MEETING DATE: July 17, 2018**

**SUBJECT: Conduct Public hearing and consider proposed amendments to the development and use regulations relating to the property located at 2910 Justin Road, Highland Village, Texas located in the Barnett Center PD-C Zoning District**

**PREPARED BY: Autumn Aman, Community Development Coordinator**

**BACKGROUND**

The City has received an application requesting to amend the use and development regulations of the Barnett Center Planned Development District (PC-C) as they relate to the use and development of the property located at 2910 Justin Road (“the Property”). The applicant, , has contracted to purchase the Property subject to a condition that the Property can be used and developed for a Salon Booth Rental business and Permanent Cosmetics and Makeup in association with the Applicant’s Permanent Cosmetics equipment and supply distribution business and Permanent Cosmetics school, which the Applicant also desires be located on the Property. The Permanent Cosmetics and Makeup school would consist of training, education, and certification of permanent cosmetic technicians and the use would be limited to occupying not more than 35% of the total gross floor area of the building.

**BACKGROUND FACTS**

1. The existing building is approximately 10,000 square foot and was once occupied by Tutor Time.
2. The requested amendment would be specific to the Property.
3. The Property is presently zoned as Planned Development-Commercial (PD-C) (“the Barnett Center PD-C”) pursuant to Ordinance No. 03- 925, as amended by Ordinance No. 04-949 (collectively, the PD-C Ordinance”).
4. Uses permitted within the Barnett Center PD-C are those that are permitted within a Commercial “C” zoning district unless expressly contained within the list of prohibited uses set forth in the PD-C Ordinance.
5. In accordance with the PD-C Ordinance, uses within a Commercial “C” zoning district that require a conditional use permit also require a conditional use permit within the Barnett Center PD-C.
6. A Salon Booth Rental Business must obtain a conditional use permit if locating within a Commercial “C” zoning district. Consequently, based on current zoning, before commencing operation of a Salon Booth Rental Business on the Property, approval of a conditional use permit is required.
7. In accordance with Section 29.10 of the Comprehensive Zoning Ordinance, the application of permanent cosmetics or make-up may only occur as an *incidental use* in association with operation of a barbershop, beauty shop, skin care or cosmetics

salon, nail salon, or similar business that constitutes the primary use and **which is located in an “R” Retail District.**

8. One or more people or entities leasing booths in a Salon Booth Rental Business located in an “R” Retail District may do so provided the gross floor area in which permanent cosmetics or makeup is provided does not constitute more than 15% of the entire Salon Booth Rental Business. Because the base zoning for the Barnett Center PD-C is “C’ Commercial and not “R” Retail District, Permanent Cosmetics and Makeup is not presently a permitted incidental use in the Barnett Center PD-C, even in a barbershop or beauty salon located in the Barnett Center PD-C, which uses are otherwise permitted in a “C” Commercial district.
9. Even if a Permanent Cosmetic and Makeup use were a permitted incidental use to a Salon Booth Rental Business proposed on the Property, the area that may be used for Permanent Cosmetic and Makeup use would be limited to no more than 15% of the building area devoted to the Salon Booth Rental Business, not 15% of the entire building.

### **SUMMARY OF APPLICANT’S REQUEST**

The Applicant is requesting that the use and development regulations, as they relate only to the Property, be amended as follows:

1. That a Salon Booth Rental Business be a permitted use on the Property, but constituting no more than 50% of the floor area of the existing building.
2. That application of Permanent Cosmetics and Make-Up be permitted within the Salon Booth Rental Business as a primary use, not to exceed 35% of the floor area of the existing building.
3. That the definition of “Permanent Cosmetics and Make-Up” be expanded to include applications for medical/aesthetic purposes on a person's face or body:
  - (1) to cover a skin imperfection, including but not limited to, scars, stretch marks, birth marks, freckles, age spots or ambiguities in the hair or hairline (hair stimulation/filler) or other similar skin conditions, or
  - (2) to restore the hue, shape, and texture of a person's areola following surgery or where the areola naturally lacks pigmentation.

Because private trades schools, wholesale beauty supply, and wholesale distribution centers are permitted uses within a “C” Commercial zoning district, the Applicant does not need to request an amendment to develop and use the Property for other aspects of the Applicant’s business.

### **IDENTIFIED NEED/S:**

To amend the use and development regulations applicable to the Property, public hearings are required to be conducted by both the Planning and Zoning Commission and City Council. All public hearing notifications requirements have been met. Prior to the City Council taking any action on the application, the Commission must review the application and make a recommendation for action to the City Council.

## **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 the date of preparation of this briefing, July 11, 2018, staff has received no inquiries regarding this item.

## **BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

An amendment to the Ordinance is required. A copy of the draft ordinance prepared by the City Attorney is attached.

## **RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission conduct a public hearing, review the application, and forward a recommendation to City Council.