



AGENDA

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, OCTOBER 16, 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. Elect Chairman and Vice Chairman**
- 3. Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on September 18, 2018.**
- 4. 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.)
- 5. Conduct a Public Hearing and Consider an amendment to the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C to reduce the required minimum acreage for creation of a Planned Development District.**
- 6. Conduct a Public Hearing and Consider a request to use alternative exterior building materials on a residential structure from those required by City of Highland Village Comprehensive Zoning Ordinance Section 30.2.A.1, for property located at 418 Post Oak Drive, described as Lot 1, Block B, Mason Addition, and located in a Single Family Residential (SF-10) zoning district.**
- 7. Receive Status Report on Various Projects.**
 - **Future P&Z Meetings**
- 8. 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 OCTOBER 12, 2018 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 _____, 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, SEPTEMBER 18, 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
	Bob Holden	Commissioner
	Thomas Heslep	Alternate Commissioner
	Dylan Romo	Alternate Commissioner
Absent:	Rick Turner	Commissioner
Staff Members:	Autumn Aman	Community Development Coordinator
	Kim Huntley	Community Services Assistant

Chairman Ricketts stated due to the vacancy left when Commissioner Robert Fiester was elected to City Council and in the absence of Commissioner Rick Turner, Alternates Dylan Romo and Tom Heslep would be voting on the agenda items.

2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on July 17, 2018.

Vice Chairman Stan Lemko made a motion to approve the minutes as written with non-substantial changes. Commissioner Bob Holden 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 a Conditional Use Permit (C.U.P.) to allow for a Video Arcade for an approximately 4,012 square foot area of Lot 1, Block F, Highland Plaza Shopping Center, commonly known as 1842 Justin Road, Highland Village, Texas located in a Retail Zoning District.

Community Development Coordinator Autumn Aman stated that an application was received for a Conditional Use Permit for the property located at 1842 Justin Road. She continued the applicant, Mr. Benjamin Morgan, would like to lease the space for his business consisting of tabletop board games, full service bar and food services along with having retro video arcade games. She stated the property is zoned Retail, so board games, full service bar and food services is currently allowed in Retail zoning, however, the video arcade portion of the business is allowed only by Conditional Use Permit per City Ordinances.

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

There were no speakers for the Public Hearing.

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

Mr. Benjamin Morgan, 2012 Cardinal Lane, Lewisville, Texas addressed the Commissioners stating he would like to create a family entertainment space with food and drinks. His business is geared toward a family environment, bringing back Pac-Man, Donkey Kong, and tabletop gaming such as Monopoly and Sorry. He stated he would have approximate fifty plus (50+) arcade games, all set to "free play", they would not be coin operated, you would pay \$10.00 to play games all day and the tabletop area would be free.

The Commissioners and Mr. Morgan discussed the request as it pertained to the following:

- Full service bar consisting only of can or bottle beverages, no mixed beverages.
- Concern with the youths in the area and underage drinking.
- Food preparation consisting of prepackaged items at opening and possibly expanding in the future to the existing space next to them that was once a restaurant.
- Modifications to the space being very limited other than sound proofing requested by the landlord.
- Hours of operation, 7 days a week, 11:00 a.m. to 11:00 p.m.
- Non-smoking
- Trash
- Parking
- Targeted age demographics
- Skate boarders and signs

Vice Chairman Lemko made a motion to recommend sending the Ordinance for a Conditional Use Permit forward to City Council for approval as presented. Alternate Commissioner Tom Heslep seconded the motion.

Motion Passed (5-0)

5. Conduct Public Hearing and Review and Consider an application to amend the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C to reduce from three (3) acres to two (2) acres, the required minimum acreage of a Planned Development District.

Alternate Commissioner Tom Heslep abstained from discussion and voting on this item citing conflict of interest.

Community Development Coordinator Aman stated the City had received an application to amend the City's Comprehensive Zoning Ordinance the requirement for creating a Planned Development (PD). She stated that the current ordinance states the minimum acreage for a Planned Development shall be three (3) acres and the request is to change the required acreage to a minimum of two (2) acres.

The applicant, Mr. Bill Davidson, 300 N. Edgewater Drive, Highland Village, addressed the Commission; stating that he did make submission to the City and at that time it was determined that he would need the required three (3) acres for a Planned Development. He continued that he did want to submit his PD request along with the amendment request;

however, City Staff advised him that he would first have to get approval of the text amendment.

Chairman Ricketts addressed Mr. Davidson questioning if the intent for the citywide change is to allow for Mr. Davidson's specific needs at a later date.

Mr. Davidson stated that was correct.

Ms. Aman stated that the text amendment requested, changes the requirement for the whole City. She stated in 1977, the City of Highland Village required twenty-five (25) acres to create a PD, in 1985 it was a minimum of five (5) acres for residential and one and one half (1.5) acres for non-residential, and in 1995, it was changed to three (3) acres.

Ms. Aman continued, after researching the surrounding Cities, it was determined that The Town of Flower Mound does not have a set minimum for creating a Planned Development. The City of Corinth requires two (2) acres or you may request a PD of less than two (2) acres when carrying out the recommendations of their Comprehensive Plan, and the City of Lewisville requires a minimum of five (5) acres.

Vice Chairman Lemko stated when creating a Planned Development on a smaller plot of land; you have to take in consideration the whole package of utilities, roads, the house, setbacks, landscaping, etc. He continued that making a smaller plot of land could diminish all of that, it would shrink the whole package, you have to redo everything, and you may have to go down on the density and make smaller houses. He continued that it has a big impact to do all of this on a smaller piece of land, there is a lot to it, and it was not just a matter of changing a number.

Dylan questioned what the options were, if there were any alternative avenues the applicant could take.

Chairman Ricketts clarified for the Commission that the Cities Comprehensive Zoning Ordinance is part of the Comprehensive Plan, which is also tied to the Cities Future Land Use Map that shows the intended areas of residential, commercial, and retail. She continued that changing the ordinance does nothing to change the zoning. All it would allow for is only any piece of property between two (2) and three (3) acres, they would be allowed to request a zoning change to a PD on two (2) or more acres. Right now if the applicant came forward for a zoning change, it would have to be a straight zoning (SF-8) or (SF-10). The property is currently zoned (SF-15) and most of the properties around it are (SF-15) with a small amount close by being (SF-12). Regardless of what happens with the Comprehensive Zoning Ordinance, an application for a zoning change in zoning would need to come forward unless it were developed as a (SF-15) which is what the property is currently zoned.

Mr. Davidson stated the request is not a zoning change, they were just asking for an amendment so they could then present for a zoning change, a Planned Development. He stated there are a multitude of subdivisions in Highland Village that are PD's which do not affect the ordinance. He continued when they submit their application, they would state what they envision for the property, their requested front yard, side yards, size of lots, proposed square footage of the home, etc. They would shape it together with the Commission and the Commission would approve or not approve it. It is a much simpler process than what it may appear. He continued that there are so few properties left in Highland Village that are small enough that would have a need for a PD and that would add unwanted density to the City.

Mr. Davidson continued that the City of Lewisville has 5,000, 6,000, and 7,500 square foot

lots and the Town of Flower Mound has 5,000 square foot lots. The City of Highland Village is not keeping up with the times. This is the demand, because of the high cost of land, cost of construction, development, and the supply of homes. He stated this would allow Highland Village residents to downsize. That is why they are here, to fulfill the needs of the community, so Highland Village residents could downsize. Mr. Davidson stated he is one of those people, wanting to be free of maintenance and operating expenses. Mr. Davidson ended with stating that they were not doing this for them; they think this is what the City needs.

Chairman Ricketts addressed Mr. Davidson stating that the only set of circumstances they would not be coming back in front of the Commission if the property were to be developed as (SF-15).

Mr. Davidson stated that was correct.

Alternate Commissioner Roma made a motion to recommend sending the Ordinance forward for approval to City Council as presented. Commissioner Holden seconded the motion.

Motion Passed (4-0)

6. Receive Status Reports on Various Projects

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

Community Development Coordinator Aman stated the next regular scheduled meeting would be on October 16, 2018.

7. Adjournment.

Meeting adjourned at 7:44 p.m.

Autumn Aman
Community Development Coordinator

Chairman
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 5

MEETING DATE: October 16, 2018

SUBJECT: Conduct a Public hearing and review and consider an application to amend the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C, to reduce the required minimum acreage for creation of a Planned Development District.

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

The City has received an application requesting an amendment to City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C., which currently reads as follows:

Section 28.4 Planned Development District Standards

C. Minimum Acreage: The minimum acreage for a PD district shall be three acres.

The applicant, Mr. Bill Davidson with Foremost Investments, is requesting the amendment so that he may develop his property located at 1400 Highland Village Road by creating a Planned Development District with an area of 2.713 acres. If approved as a text amendment to the CZO, the minimum area for creation of Planned Development Districts would be reduced for the entire City, not just the applicant's property.

This item was presented and discussed by the Planning and Zoning Commission on September 18, 2018 with the recommendation made to send the Ordinance forward to City Council as presented. However, due to a procedural matter during the meeting, this item has been placed back on a Planning and Zoning Commission agenda for purpose of conducting the Public Hearing and making a recommendation to City Council on whether or not to send the Ordinance forward as presented.

IDENTIFIED NEED/S:

To amend this ordinance, public hearings are required to be conducted by both the Planning and Zoning Commission and City Council. All public hearing notification requirements have been satisfied.

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, October 12, 2018, staff has received no inquiries

regarding this item.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

An amendment to the Comprehensive Zoning Ordinance 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. 2018-_____

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE CHAPTER 28 “ZONING,” EXHIBIT A “ZONING ORDINANCE,” AS PREVIOUSLY AMENDED, BY AMENDING PARAGRAPH C OF SECTION 28.4 “PLANNED DEVELOPMENT STANDARDS” RELATING TO THE MINIMUM AREA REQUIRED FOR CREATION OF A PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A CONFLICTS RESOLUTION 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 in the exercise of its legislative discretion, the City Council has concluded that the general regulations of the Comprehensive Zoning Ordinance, 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 Code of Ordinances of the City of Highland Village, Chapter 28 “Zoning,” Exhibit A “Zoning Ordinance,” as amended, is further amended by amending Paragraph C of Section 28.4 “Planned Development District Standards” to read as follows:

- C. Minimum acreage: The minimum area for creation of a PD District shall be two (2) acres

SECTION 2. All ordinances of the City of Highland Village related to the use and development of property within the City 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 _____, 2018, 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 _____, 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl:9/8/18:102516)

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 6

MEETING DATE: October 16, 2018

SUBJECT: Conduct Public Hearing and Consider a request to use alternative exterior building materials on a residential structure from those required by City of Highland Village Comprehensive Zoning Ordinance Section 30.2.A.1, for the property located at 418 Post Oak Dr., described as Lot 1, Block B, Mason Addition, and located in a Single Family Residential (SF10) zoning district.

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

An application was received from Caleb and Aimee Rosier requesting they be allowed to use Hardi Cement Fiberboard siding as an alternate exterior material on 100% of the exterior of their proposed new single-family residential structure and detached garage to be constructed in a Single Family Residential (SF-10) Zoning District located at 418 Post Oak Drive.

The Comprehensive Zoning Ordinances (“CZO”) reads as follows:

30.2 Construction standards:

A. Construction standards: The standards and criteria contained within this section are deemed minimum standards and shall apply to all new, altered or repaired construction occurring within the city.

1. Residential:

a. All residential buildings and structures located in the residential zoning districts SF-40 through 2F shall be of exterior fire-resistant construction having at least 80 percent of the total exterior walls above grade level and below the first floor plate line, excluding doors and windows, constructed of brick, stone, or material of equal characteristics in accordance with the city's building code and fire prevention code. Strict adherence to this rule shall not be such as to prevent architectural creativity.

Consideration for exceptions to the above requirements shall be based only on the following:

- (1) Architectural design and creativity.
- (2) Compatibility with surrounding developed properties.

Architectural variances may be considered for, but not limited to, Gingerbread, Victorian, English Tudor, or Log designs.

B. Procedure for determining alternative exterior materials:

1. All requests for alternative exterior building materials shall be noted and described on a site plan. If requested by the city, a sample of the material may be required to be submitted with the site plan.
2. The city may approve an alternative exterior material if it is determined it is equivalent or better than masonry according to the criteria listed for exceptions above as part of the approval of a site plan.

Cement fiberboard is not included among the materials defined as “masonry” within the CZO.

IDENTIFIED NEED/S:

Public Hearings are required to be conducted by both the Planning and Zoning Commission and City Council.

OPTIONS & RESULTS:

The option is to recommend to City Council that the application be (1) approved as submitted, (2) approved with modification, 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)

Public Hearings are required for this request. All notification requirements have been satisfied. As of the date of this briefing, October 12, 2018, staff has received no calls or written comments as a result of the public hearing notices.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

No impact on the City's budget and no change in ordinance is required.

RECOMMENDATION:

The Commission should review the applicant's request and provide a recommendation to City Council.