



AGENDA

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, JUNE 20, 2023 at 7:00 PM
HIGHLAND VILLAGE MUNICIPAL COMPLEX
CITY COUNCIL CHAMBERS**

1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS

1. **Call to Order/ Roll Call.**
2. **Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on March 21, 2023.**
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 regulations for Planned Development District 2012-1 (PD 2012-1) located on Lot 3R, Block A, The District of Highland Village, addressed as 2570 Justin Road, Building "C".**
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 JUNE 16, 2023 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 _____, 2023 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, MARCH 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
	Greg Kohn	Alternate Commissioner
Absent:	Adam Ballard	Alternate Commissioner
Staff Members:	Autumn Aman	Community Development Coordinator
	Kimberlie Huntley	Community Services Assistant

2. Consider Approval of the Minutes from the Special meeting of Planning and Zoning Commission held on November 1, 2022.

Commissioner Steve Winkle made a motion to approve the minutes as written. Alternate Commissioner Greg Kohn seconded the motion.

Motion Passed (5-0)

3. Consider Approval of the Minutes from the regular meeting of Planning and Zoning held on February 21, 2023.

Vice Chairman Michael George made a motion to approve the minutes as written. Alternate Kohn seconded the motion.

Motion Passed (5-0)

4. Visitor Comments.

There were no visitor comments.

5. Review and Consider a Site Plan for the property located at 2370 Justin Road, being Lot 1AR, Block A, of the Nelson Properties Addition.

Community Development Coordinator Autumn Aman stated an application was received for a Site Plan to construct a building of approximate four-thousand, nine hundred fifteen (4,915) square foot for Brakes Plus located at 2370 Justin Road. She stated the property was located where the unoccupied Chase Bank was. The bank building would be demolished and Brakes Plus would lease only the western portion of the property from the new property owner Victory Shops Highland Village.

The zoning on the property was Planned Development Retail (PD-R) and Minor Automotive was an allowed use. Compliance for the site was the Non-Residential Overlay Ordinance "Look & Feel, and the Comprehensive Zoning Ordinance (CZO).

The applicant had taken into consideration the whole site outside their lease area when preparing their site plan showing all existing landscaping, parking spaces, etc. On the site they would:

- Comply with parking, calculated at one space per three-hundred (300) square foot of floor space.
- The exterior of the building would be brick and stucco.
- They would have to remove a total of eight (8) crepe myrtles and one (1) oak tree, along with planting additional trees and landscaping.
- Fifty percent (50%) Foundation Plantings was required by Ordinance and the applicant would comply with the ordinance.
- They would construct a five foot (5') sidewalk along FM 407 even though it is outside of their lease area.
- They would be sharing the existing monument on site with whomever leases the east side of the property.
- Building Signage - the Ordinance states, one (1) sign per tenant space per street frontage, additional signage may be requested at Site Plan however it cannot be larger than primary sign. The south elevation would be the primary sign and the east and west elevations would be the additional requested signs that cannot be larger than the primary sign. The east sign is not larger, however it would be the same size as the primary sign.

Mr. John Davis, with Brakes Plus, 1880 S. Park, Uber, Alabama, addressed the Commissioners going over their business model, currently having one-hundred and five (105) locations, most being in Denver Colorado with expansion into the Dallas Fort Worth area. Hours of operation being Monday through Saturday (8:00 am – 6:00 pm), and closed on Sunday's. He stated they would only be doing brakes and alignments. They do not sell tires and any vehicles left overnight would be kept within the bays with the overhead doors closed.

Commissioner Brent Myers questioned if Brakes Plus was a franchise or corporation.

Mr. Davis responded that it was a corporation.

Vice Chairman Michael George questioned the sidewalk proposed along FM 407 as it related to the City constructing or improving the sidewalks along FM 407 and the required setback on the east side of the building.

Ms. Aman addressed the sidewalk as it related to the Comprehensive Plan and the City constructing sidewalks along FM 407. She stated she did not have the exact timeline for the project, however, per Ordinance when a submittal for commercial build comes forward for site plan review, they shall include a sidewalk on the plans of a minimum width of five foot (5'). She continued on the required internal setback on the east side of the building stating per ordinance, there is no required internal setback however, they would have to meet all aspects of the building and fire code.

Discussion continued between Mr. Davis, Community Development Coordinator Aman, and the Commissioners on the request for additional signage.

Vice Chairman George made a motion to recommend to City Council approval of the site plan and resolution with the exception of the requested additional signage on the east elevation of the building.

Commissioner Myers seconded the motion.

Motion passed (5-0)

6. Review and Consider a Site Plan for the property located at 105 Barnett Boulevard, Lot 3B, of the Barnett Subdivision.

Ms. Aman stated an application was received for a Site Plan to construct an approximate five-thousand, nine hundred seventy-five (5,975) square foot building for the Bohyun Temple and Zen Center located at 105 Barnett Boulevard. The property is currently zoned (SF-40), Single Family Residential and a church or place of religious worship is an allowed use within all Zoning Districts within the City unless prohibited by a Planned Development.

Ms. Aman continued stating that the proposed site plan did show future parking and future buildings, however, they were only going to construct one building at the current time. The site plan and exhibits for review would be for one (1) building and when the property owners are ready to build the other two (2) buildings and future parking, they would have to come back to the Planning and Zoning Commission for a site plan amendment where they would also have to meet all the requirements for Site plan, being landscaping, parking spaces, drainage, any additional trees that may need to be removed, etc. On the site they would be doing the following:

- The tree plan showed a total of one hundred and sixty-eight (168) trees. For construction of the first building they would have to remove a total of twenty-two (22) trees while planting an additional fourteen (14) trees along Barnett Boulevard.
- They would plant an approximate one hundred ten thousand, five hundred (110,500) square foot of sod as noted on the Landscape Plan
- They are required to plant fifty percent (50%) foundation plantings and they have met that requirement
- They would construct a five foot (5') sidewalk along Barnett Boulevard.

- Parking – current parking for the one (1) building only, based off one parking space for each four seats in the main auditorium or sanctuary and the applicant stating they would have approximate sixty (60) seats, therefore they would be required to have fifteen (15) parking spaces.

Ms. Aman continued with discussion on the requirement for a screening wall. She stated per ordinance, when a non-residential use backs up to a residential zoning district, they would be required to construct a solid brick or masonry screening wall not less than six foot (6') or higher than eight foot (8)'. Alternate screening could be requested at Site Plan and that was what the applicant wanted to do. Currently on the east side of the property there are existing fences along the property line which belong to approximate four (4) homeowners and a portion belonging to the Temple. There was also a thirty-five foot (35') water, sewer, and drainage easement on the Temple's property along the property line with existing trees that would remain within the easement area. She stated it could make it difficult to put a screening wall in the easement area causing them to possibly have to bring the screening wall up to the detention pond area outside of the thirty-five foot (35') easement area along with having to remove additional trees.

Ms. Aman stated the Commissioners had a resolution to consider with the Site Plan and the exception for the Screening Wall. Verbiage within the resolution stated the request for the exception could be subject to change should they request to remove additional trees in the future with the submittal of the other two (2) buildings and if needed, the Commission could revisit the need for screening when the property owners submit site plan for the other two (2) buildings.

Discussion continued between the Commissioners and Ms. Aman as it related to the request for the exception to the requirement for the screening wall on the east side of the property.

Commissioner Winkle made a motion to recommend approval to City Council the Site Plan and resolution as submitted.

Commissioner Christianson seconded the motion.

Motion passed (5-0)

7. Receive Status Reports on Various Projects

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

Community Development Coordinator Aman stated the next regular scheduled meeting would be held on April 18th, 2023.

8. Adjournment.

Meeting adjourned at 7:55 p.m.

Autumn Aman
Community Development Coordinator

Denver Kemery – Chairman
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 4

MEETING DATE: June 20, 2023

SUBJECT: Conduct a Public Hearing and Review and Consider an application requesting amendments to the regulations for Planned Development District 2012-1 (PD 2012-1) relating to the Signage Criteria for the building located on Lot 3R, Block A, The District of Highland Village, addressed as 2570 Justin Road, Building “C”.

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

An application was received requesting an amendment to the development regulations for Planned Development No. 2012-1 (formerly known as “The District” but now known as “Bowery Park”) relating to Wall Signage. The requested amendment is specific to the building addressed as 2570 Justin Rd., Building “C”, located on Lot 3R, Block A, of The District subdivision.

It had been discovered by City Staff that the Dr. Pepper mural sign on the west side of the building had been removed and that painting of a new mural had commenced. The property owner was instructed to stop painting until the necessary approvals were obtained.

The existing Dr. Pepper mural is part of the approved signage criteria for The District PD; therefore, any changes require a PD amendment obtaining the necessary final approval from City Council to change the sign.

The applicant is requesting authorization to finish the new mural sign, stating the purpose of the new mural will be more community centric. The new mural will include the name “Bowery Park” along with the logos from the following schools:

- Marcus High School
- Flower Mound High School
- Lewisville High School
- Lake Dallas High School
- Argyle High School
- Guyer High School

IDENTIFIED NEED/S:

Public hearings are required at both Planning and Zoning and City Council. All public hearing notifications requirements have been met.

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 this date of preparation of this briefing, June 13, 2023, staff has received no calls or emails inquiring on this request.

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 review and forward a recommendation to City Council.

**CITY OF HIGHLAND VILLAGE, TEXAS
ORDINANCE NO. 2023-_____**

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE HIGHLAND VILLAGE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY AMENDING THE DEVELOPMENT AND USE REGULATIONS OF PLANNED DEVELOPMENT NO. 2012-1 (PD 2012-1) AS PREVIOUSLY AMENDED, RELATING TO THE SIGNAGE CRITERIA FOR ; LOT 3R, BLOCK A, THE DISTRICT OF HIGHLAND VILLAGE; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS 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 situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have conclude 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 ("CZO") and the Zoning Map of the City of Highland Village, Denton County, Texas, as previously amended, be further by amending as set forth in Section 2, below, the regulations of Planned Development No. 2012-1 (PD-2012-1), as enacted by Ordinance No. 2012-1132 and amended by both Ordinance No. 2021-1285 and Ordinance No. 2022-1293 (collectively, the "PD 2012- 1 Regulations") relating to the use and development of Lot 3R, Block A, The District of Highland Village, an addition to the City of Highland Village, Texas, according to the plat thereof recorded as Document No. 2013-205, Plat Records, Denton County, Texas (the "Property").

SECTION 2. The PD 2012-1 Regulations are amended as follows:

A. Exhibit "E" "Signage Criteria" Article VIII "Wall Building Signs" is amended by amending the last sentence of the first paragraph to read as follows:

"All wall building mounted signs are not to exceed thirty inches (30.0") in height except for the wall signs identified on Exhibit E-6 and the wall mural sign on the west elevation of Building C, which wall mural sign shall substantially comply with the dimensions and design shown on Exhibit E-10."

B. Exhibit "E-10" is amended to read in its entirety as set forth Attachment 1, attached hereto and incorporated herein by reference.

SECTION 3. 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 4. 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 5. 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 6. 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 7. 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 _____, 2023, 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 _____, 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY

Kevin B. Laughlin, City Attorney
(kbl:6/13/2023:135483)

Ordinance No. _____
Attachment 1

