

STATE OF TEXAS  
COUNTY OF DENTON  
TOWN OF HICKORY CREEK

The Planning and Zoning Commission of the Town of Hickory Creek, Texas convened in a special session meeting on January 24, 2018 at 7:00 pm in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of this meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. There may be a quorum of town council members at this meeting. The following members were present and constituted a quorum of members:

Rodney Barton, Commissioner Place 2, Acting Chairman  
Jaycee Holston, Commissioner Place 3  
Don Rowell, Commissioner Place 5  
Jan Stefaniak, Commissioner Place 6  
Glenn Williams, Commissioner Place 7

Absent: Mike Thames, Commissioner Place 1  
Bryant Hawkes, Place 4, Chairman

Also in attendance: Colby Berry, Town Attorney  
Brian Haynes, Halff Engineering  
John M. Smith, Town Administrator  
Paul Kenney, Council Liaison  
Chris Chaudoir, Administrative Assistant

Due to audio issues, portions of the recording are inaudible.

The meeting was called to order at 7:00 p.m. by Commissioner Barton. After the pledge of allegiance, Commissioner Williams gave the invocation.

**Public Comment:** This item allows the public the opportunity to address the Planning and Zoning Commission. To comply with the provisions of the Open Meetings Act, the Planning and Zoning Commission cannot discuss or take action on items brought before them not posted on the agenda. Comments regarding an item on the agenda may be made at this time or during the agenda item. Please complete a request to appear before Planning and Zoning Commission if you wish to address the Commission. Comments will be limited to three minutes.

Ron Furtick, 1500 Turbeville Road, feels the committee needs to protect the future of the city. Commercial development is incredibly important or taxes will increase a lot. Recently he has seen a movement to turning commercial properties into residential property which is the kiss of death for the city. He does not understand why a committee charged with the future of the town is turning it into just a residential city which will be the destruction of the city. He

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assumes tonight they will approve things that will accelerate the destruction of the city. He loves the city and does not understand why we would run towards eliminating its future. He asks they consider that when deliberating tonight because we have a small amount of commercial property.

### Business:

#### **B. Public Hearing:**

1. Public Hearing: Hear public opinion on a request by Studio 13 Design Group on behalf of Hard Sun V, Inc. to change the zoning designation from C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 1.1 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

Jim Murray, 1301 Sycamore Bend Road, said they are trying to develop a family style restaurant featuring the top 15 items from the Prairie House menu, which he also owns, combined with a draft house concept.

Corrine Dillon, 244 Livingston, asked if it was the same Prairie House in Aubrey and if it was a chain restaurant.

Ron Furtick, 1500 Turbeville, is curious about the future of the town and if there is a plan. He is fascinated by the lack of restaurants in the town. We had them in past but they seem to have been eliminated by the freeway widening and he is curious about the EDC purchasing a piece of land to gift it to a restaurant in order to build. It seems retarded. He does not understand why we are giving away land to promote development in the town. Development is happening to the north very quickly but he does not understand why we are not getting any of it. Economic development is the only thing standing between us and raising taxes and the destruction of the city. If we continue to convert retail land to residential we are falling into a hole we cannot get out of. Most buildings stand for 50 years and we cannot afford that as a community or a society.

Bob Talcot, 118 Whitney Drive, is concerned about the noise and wants to know what restrictions will be in place and if they will still be able to use their backyards. Mr. Murray explained there would be not live music and the noise would be comparable to the semis on the highway. Anything on the patio is next to the highway so the noise would be going in that direction.

Public hearing closed at 7:14 p.m.

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2. Public Hearing: Hear public opinion on a request by Astra Development to change the zoning designation from SF-3 (Single Family 3) & C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 21 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.

Justin, Bono, president of Astra Development, is proposing development on a tract of property that is currently roughly half residential and half commercial, putting it all into a residential use. The development would complement the lot sizes in the development to the south with slightly smaller lots closer to the freeway and the commercial development to the north. The gas well on the property will remain.

Ron Furtick, 1500 Turbeville, stated that transitioning commercial real estate to single family is incredibly destructive to the future economic development of the city. He has been saying it for a decade but it does not seem to have an effect. He feels he must do all he can to inform the citizenry. Fundamentally, for every \$1 a residence pays, it costs a \$1.30 for the city to provide services. If everything is residential there are only 2 choices, raise taxes or cut services. We have been living in a la-la land. We have a ton of money coming in from the permits for the subdivisions that have come in and have subsidized some of them. Since the city is extremely frugal, the only choice will be to raise taxes and he hates that. He would prefer to ride on the taxes from commercial properties and they are being rapidly eliminated, which is a disgrace.

Public hearing closed at 7:22 p.m.

### **C. Consent Agenda Items:**

1. August 2, 2017 Meeting Minutes

Motion by Commissioner Williams to accept the minutes as published. Seconded by Commissioner Rowell.

**Ayes:** Commissioners Holston, Rowell, Stefaniak and Williams.

**Nays:** None

**MOTION CARRIES UNANIMOUSLY**

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**D. Regular Agenda Items:**

1. Discuss, consider and act on a recommendation for a request for a site and landscape plan from Murphy USA. The property is located at 4200 FM 2181, legally described as Walmart Addition (Lake Dallas), Block A, Lot 4B, Town of Hickory Creek, Denton County, Texas.

John Smith explained Murphy Oil wants tear down the existing building and put in one where you can go in to purchase food items, etc. It will be a total tear down and remodel at a total cost of \$1.1 million. The Board of Adjustments has already approved the variance and Halff Engineering has recommended approval.

Pov Chin, Murphy Oil, stated the store, kiosk, tanks, and dispensers will be removed and replaced with a 1200 square foot building with all sales inside and will include coolers, drink machines and hot dog rollers. 2 additional gas dispensers will be stacked into the rows. Additional landscaping will also be added.

Motion by Commissioner Williams to recommend approval of the site and landscape plans as presented. Seconded by Commissioner Rowell.

**Ayes:** Commissioners Holston, Rowell, Stefaniak and Williams.

**Nays:** None

**MOTION CARRIES UNANIMOUSLY**

2. Discuss, consider, and act on a recommendation for a plat on two tracts of property totaling approximately 1.1 acre of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres in the J.W. Simmons Survey A-1163, Town of Hickory Creek, Denton County, Texas. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

Mr. Smith explained the project is located where the old Texas Land and Cattle Restaurant used to be. The owner is asking for a PD because of the contour of the land after TXDot's taking for the highway. The plat is intended to clean up the property lines after the taking.

Motion by Commissioner Rowell to recommend approval of the plat. Seconded by Commissioner Holston.

**Ayes:** Commissioners Holston, Rowell, Stefaniak and Williams.

**Nays:** None

**MOTION CARRIES UNANIMOUSLY**

3. Discuss, consider, and act on a recommendation for a request by Studio 13 Design Group on behalf of Hard Sun V, Inc. to change the zoning designation from C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 1.1 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

Motion by Commissioner Stefaniak to recommend approval of the zoning change as presented. Seconded by Commissioner Williams.

**Ayes:** Commissioners Holston, Rowell, Stefaniak and Williams.

**Nays:** None

**MOTION CARRIES UNANIMOUSLY**

4. Discuss, consider, and act on a recommendation for a request by Astra Development to change the zoning designation from SF-3 (Single Family 3) & C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 21 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.

Mr. Smith explained the property is located on the Whaley tract just north of Lakeview subdivision. The other piece, by the highway, is currently zoned commercial. The proposal is to make both parcels residential with no commercial development backed up to Lakeview. Proposed lot sizes are 50 - 60 feet with the 60 foot lots backed to Lakeview.

Mr. Bono, Astra Development, gave a presentation detailing the development. The property is 22 gross acres with approximately 89 lots and includes an easement for the gas well. At least 25% of lots will be 60 feet wide and the remainder 50 feet wide with houses a minimum of 1800 square feet for approximately 1/3 of the homes with the rest being larger. There is a minimum

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1/2-acre irrigated park and a commitment to either preserve trees on site or plant on another site. There is potential commercial development to the east and north. They are working with the property owner to the north on drainage. The gas well has a 100-foot radius of open space.

Commissioner Barton asked how much of the property is currently commercial: 11 acres. Mr. Smith used the presentation map to explain the zoning and future roadwork in the area.

Commissioner Williams asked what access the property currently zoned commercial has if it is not rezoned and how it would be developed. It is not accessible from the freeway. Commissioner Barton commented it was accessible prior to the TXDot taking but no longer is. Commissioner Williams said, without access, did it have any value as a commercial property and would the residential owners in Lakeview really want commercial behind them.

Commissioner Barton explained that the original plan was for the I-35 corridor to be the town's commercial area but it all changed when the widening come in. He also did not see how the property in question could ever be used commercially. Commissioner Williams said you could probably find a commercial use that did not care about access but it would be the kind of use he would not want behind his house. He is very concerned about the kind of development that could go there if it is left as commercial. Mr. Smith explained there had been interest in the commercial property on the freeway to the east of the commercial tract. Without the proposed neighborhood, someone could combine the two lots and the Lakeview residents would have commercial development behind their houses. The only separation would be a masonry wall.

Commissioners Holston and Barton were concerned about the 100-foot radius around the gas well. Mr. Bono stated they would comply with the minimum required by the Railroad Commission. Mr. Smith said the town attorney had verified the distance requirement with the Railroad Commission.

Richard Barboza, 120 Whitney, wanted to know why there was a gas well on the property and why someone would buy next to the well. He also felt Hickory Creek had an opportunity to bring in more prestigious businesses and homes. He is concerned that the proposed homes will drive down property values. Corinth is built out and Lake Dallas is older, but we have amazing virgin land that could be developed with upper scale businesses.

Commissioner Williams pointed out they were only able to change the zoning on the property but had no control over what was actually built on the property. If it stays commercial someone could come in and build anything allowed within

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the zoning classification. Commissioner Barton said, if it is rezoned as a PD, they will be bound by the PD ordinance as to development.

Commissioner Rowell clarified the sizes of the homes being built. Mr. Bono also stated that the final builder of the homes has not yet been determined but it would probably be one builder for all lots.

Mark Allen, 1154 Point Vista Road, asked about a wall between his home and the first three lots in the development. He wanted to know if there would be any separation between the developments. Mr. Bono stated the goal was to maintain the trees at the lot line as well as a there being a required back yard fence.

Commissioner Williams summarized the concerns as, the board understands the concern about changing commercial designations to residential but, if the property remained commercial, what kind of commercial would go there. He understands the need for commercial revenue but it does not do any good if the development makes the existing residents in Lakewood unhappy and lowers their property values. He felt the property had the potential to develop into something he would not want behind his house. Planned Development and the gas well are not the concern. The main issue is changing the zoning and he feels the developer has already recognized the property on the east side will be commercial and has placed the lesser priced homes accordingly.

Commissioner Holston asked why Mr. Furtick was fighting to keep the property commercial and what he planned for it. Commissioner Barton stated there was no current plan for the property just potential for future development. Commissioner Barton and Mr. Smith speculated as to future tax revenues for the property.

Motion by Commissioner Williams to recommend approval of the zoning change from SF-3 and C-1 Commercial to PD Planned Development. Seconded by Commissioner Rowell.

**Ayes:** Commissioners Holston, Rowell, Stefaniak and Williams.

**Nays:** None

**MOTION CARRIES UNANIMOUSLY**

5. Discuss, consider, and act on a recommendation for a final plat of Turbeville Center, Lots 1, 2, 3, and 4X, Block A, 10.374 acres located in the S.O. McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas. The lots are located at the southwest corner of Turbeville Road and South Stemmons Freeway.

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Mr. Smith summarized the project's location and stated the owner was replatting the land into commercial lots with the southeast corner as a daycare. The 3 front lots would be restaurant pad sites and the remainder would be determined.

Jacob Tiemann, G and A Consultants, said the plat is labeled as Turbeville Center but has been changed to Adams Cliffs. The tract is approximately 10 acres with no zoning changes needed at this time. The north and west edges are roadway dedications for Turbeville and Point Vista Roads. There are currently 3 commercial lots proposed with a mutual access easement to Turbeville and eventually Point Vista Road. Lot 1 is The Learning Experience, an early childhood education center. Lots 2 and 3 are for future development. Lot 3 has a fire lane to Point Vista. Mr. Haynes, Halff, asked about water detention. They are working with the development to the south on drainage and water detention. The package shows a detention pond on the southeast corner that has been removed adding about a ½ acre of commercial space. Mr. Haynes said, if that did not work out, they would need to revisit it. He also asked if the roadway right of ways would be by separate instrument and would need to be completed prior to filing.

Mr. Smith explained that, due to the PD ordinance that had just passed, by ordinance, there would be a masonry wall on the south side of the development separating the PD and commercial development.

Motion by Commissioner Stefaniak to recommend approval of the final plat as presented. Seconded by Commissioner Williams.

**Ayes:** Commissioners Holston, Rowell, Stefaniak and Williams.

**Nays:** None

**MOTION CARRIES UNANIMOUSLY**

6. Discuss, consider, and act on a recommendation for a site and landscape plan for The Learning Center, legally described as Turbeville Center, Lot 1, Block A, Town of Hickory Creek, Denton County, Texas.

Ms. Chaudoir clarified the name of the project as the Learning Experience.

The Commission asked for clarification of the water detention on the property. The removal of the pond on site allows for increased area for commercial development. Mr. Smith explained there had been a joint meeting with all the developers involved and this had been the result.

Motion by Commissioner Williams to recommend approval of the site and

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landscape plan for the Learning Experience as presented at the meeting. Seconded by Commissioner Rowell.

**Ayes:** Commissioners Holston, Rowell, Stefaniak and Williams.

**Nays:** None

**MOTION CARRIES UNANIMOUSLY**

**E. Executive Session:** The Planning and Zoning Commission will convene into executive session pursuant to Chapter 551 of the Texas Government Code Section 551.071, Consultation with City Attorney and other legal counsel on matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

No Executive Session

**F. Reconvene into Open Session:** Discussion and possible action regarding matters discussed in executive session.

No reconvene into Open Session.

**G. Adjournment:**

Motion by Commissioner Rowell for adjournment. Seconded by Commissioner Stefaniak.

**Ayes:** Commissioners Holston, Rowell, Stefaniak and Williams.

**Nays:** None

**MOTION CARRIES UNANIMOUSLY**

Meeting adjourned at 8:21 p.m.

Approved:

Attest:

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Rodney Barton, Vice-Chairman  
Planning and Zoning Commission

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Chris Chaudoir, Administration  
Town of Hickory Creek