

**JOINT SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION AND
TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, FEBRUARY 26, 2019**

MINUTES

Call to Order

Joint Meeting called to order by Commissioner Hawkes and Mayor Clark at 5:32 p.m.

Roll Call

TOWN COUNCIL MEMBERS PRESENT:

Mayor Lynn Clark
Councilmember Tracee Elrod
Councilmember Richard DuPree
Councilmember Chris Gordon
Mayor Pro Tem Paul Kenney
Councilmember Ian Theodore

PLANNING AND ZONING MEMBERS PRESENT:

Mike Thames	Place 1
Rodney Barton	Place 2 Vice Chairman
Jaycee Holston	Place 3
Bryant Hawkes	Place 4 Chairman
Don Rowell	Place 5
Jan Stefaniak	Place 6
David Gilmore	Place 7

ALSO PRESENT:

Lance Vanzant, Town Attorney
John M. Smith, Jr., Town Administrator
Kristi K. Rogers, Town Secretary
Chris Chaudoir, Administrative Assistant

Pledge of Allegiance to the U.S. And Texas Flags

Invocation

Commissioner Gilmore gave the invocation.

Public Comment

Ron Furtick, 1500 Turbeville Road, welcomes the opportunity to discuss zoning in the town as it has been neglected. Fifteen years ago the discussion was opened with the citizens and neighboring communities, stakeholders' meetings were conducted and a design charette created. Everyone decided they wanted a mixed use, walkable, urban downtown environment with parks, gardens and greenery. Five years ago, the process was codified with a proposed mixed-use ordinance

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drawn by the planning group, Mesa Architects, led by Ron McCaffery. Tonight, the ordinance the board is being asked to pass is not the ordinance drafted by the planners at a cost of over a quarter million dollars to the citizens. It is a dressed-up townhome zoning. It will not provide the walkable urban environment which was the goal of the master planning. Unless planning is in place, sprawl will overtake and win. He said he had heard there was a popular misconception in the building that he can go out and find a developer with sufficient planning documents to negotiate a PD with town council. That is impossible and will not work. You can PD a building or a subdivision, but not an entire downtown. Developers are being asked to spend millions in nonrefundable dollars to guess what council will want. Developers will not add zoning risks to the list of other risks they face. It is an impossible task. The competition does not force additional risk onto developers and they are thriving. We finished the planning process and now need to implement the Master Plan by passing the real Mixed-Use ordinance, not the townhome one on the agenda.

Public comment closed at 7:09

Regular Agenda

1. Discuss, consider and act on a recommendation for a Final Plat of Lot 2-R, Block 1 of Ventana Addition, being a replat of Lot 2, Block 1 of Ventana Addition; being 0.172 acre in the J. Simmons Survey A-1163, Town of Hickory Creek, Denton County, Texas. The property is located on the northwest corner of Ventana Road and S. Stemmons Freeway.

Item moved from number 3 to 1.

Motion made by Commissioner Barton to recommend approval of the plat as presented, Seconded by Commissioner Holston.

Voting Yea: Commissioner Thames, Commissioner Barton, Commissioner Holston, Commissioner Hawkes, Commissioner Rowell, Commissioner Stefaniak, and Commissioner Gilmore. Motion passed unanimously.

2. Discussion regarding the creation of the new zoning classifications to be entitled MU-1 Mixed Use Suburban District and MU-2 Mixed Use Regional District.

John Smith, town administrator, gave an overview of the history of the Comprehensive Plan and Mixed-Use zoning since 2005.

Commissioner Hawkes proposed that an exhibit, exempted from the previous document, be added to ordinance presented.

Commissioner Gilmore confirmed that the ordinance under consideration is not tied to any specific property but was a framework ordinance to allow the developer to present a plan to create a Mixed-Use Zoning. Existing developed areas would not be changed, and no current areas have a Mixed-Use Zoning. Ms. Chadoir confirmed that the Land Use Map showing Mixed-Use areas contained in the Comprehensive Plan was never adopted as the town's Zoning Map.

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Commissioner Hawkes stated the handout he had presented was a Conceptual Plan Guideline, in an attempt to give a potential developer an idea of the type of design was being suggested by the previous planning meetings. He and Mr. Vanzant discussed the inclusion of such guidelines in an ordinance.

Mr. Furtick pointed out the guidelines are form based code and are completely different from the proposed ordinance. Form based zoning has been out for about ten years and is the latest style. It shows what the end use should look like. He presented two exhibits showing the difference in the zonings. The architects created a code that would encourage the citizens to get out in a walkable environment that has been used in several areas. The other is essentially townhomes.

Mr. Smith stated he and Mr. Furtick had met in 2014 and had made several changes to the original document but it may not be what developers want: they may only want fifty percent of what it contained. Just having a Mixed-Use Zoning Ordinance will give developers the opportunity to present what they want to the town. The town wants a downtown and would like to start by 2020. Mr. Furtick agreed that should be the bottom of the coming recession and was when they needed to start. Things need to be kept in step and things like the ICSC show attracted retailers, not developers. Developers are needed first, then a plan.

Commissioner Gilmore asked what the difference was between the MU-1 and MU-2 designations. Commissioner Barton discussed the differences in residential uses. Mr. Vanzant explained the ordinance could be changed or added to in the future as needed. Commissioner Gilmore also inquired about the definition of Conditional Use. Commissioner Holston clarified the ordinance did not lock development into a specific style or exterior but was more flexible. Mr. Vanzant stated the town's Code of Ordinances did have some exterior material restrictions that could be changed later.

Mr. Furtick stated it was impossible to build a walkable environment with the ordinance being proposed because they are in conflict. The densities being proposed are ten units to an acre max and walkable environments start at seventy units per acre. Without people walking around, you do not get retail, without retail the restaurants fail and everything falls apart. It cannot be built with that zoning. Commissioner Holston asked if the zoning could not be changed at the time if it needs to be changed. Mr. Vanzant said the ordinance could be amended or a new category added.

Commissioner Gilmore asked what size dwelling seventy units per acre was. Mr. Furtick stated two and three bedrooms, some studios and he would like to see some 400 square foot micros in four to five stories.

Councilmember Kenney said the ordinance should be for multiple land owners in town, not tailored to one owner or not tied to a downtown exactly. Mr. Furtick said he would find developers to bring the town a plan, but he needs a foundation to present. For a walkable environment, such as the citizens want, it must contain certain criteria such as retail, density and parking decks. Without that it falls apart. Every major development that takes off has a Mixed-Use component. You cannot just take an ordinance that has Mixed-Use written on the top, but is not a Mixed-Use Ordinance, to the market and have them respond. If the ordinance written by the architects is taken to a developer, they will build you a walkable

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environment because they know what the plan should look like. He cannot find a developer for a nebulous ten or eighteen units per acre. It will not create a walkable environment, just a bunch of townhomes.

Commissioner Hawkes asked the members which concept they felt would be best for the Mixed-Use development. Commissioner Holston stated she did not want to see micros or tiny home communities such as the one Lake Dallas created. She was also unsure how much walking around would be done in the Texas heat. Hickory Creek is not a destination town but a suburb. Commissioner Hawkes stated there was an opportunity to make it a destination town, but Commissioner Holston was unsure it could without bars and drinking such as in the Deep Elam district in Dallas. She wondered if it was living, shopping or partying and if could it be all that and still a "happy little town".

Mr. Smith said the previous document he was looking at allowed sixteen story buildings. Mr. Furtick stated he thought the ordinance was originally designed as a fifty-year plan. Towers are not appropriate now or in twenty years but could eventually be. The town has I-35 and the lake going for it and could be a destination place. We could be the downtown for the entire area: Corinth, Lake Dallas and Shady Shores would all come to Hickory Creek for events. It is doable if the zoning allows.

Commissioner Stefaniak questioned if the fire department had the equipment for multi-stories and pointed out the ordinance presented was a frame work for developers and not designed for a specific piece of land. Developers can work with a framework and densities could be changed. Mr. Furtick stressed that seventy units per acre are needed to have a walkable mixed-use, anything less turns into suburbia. Only townhomes and apartments. Seventy units can be fit into three stories. Commissioner Thames asked where he had gotten the seventy-unit figure. Mr. Furtick said it was an industry standard because projects with fifty units had failed. It depended a little on the location but was a foundation number.

Councilmember Theodore felt a Mixed-Use Ordinance needed to be in place for developers to use and the MU-1 and MU-2 districts were a flexible foundation. Commissioner Rowell did not think the two ordinances were mutually exclusive. Mayor Clark commented an ordinance needed to be on the books for the owners and we could not zone for fifty years in the future.

3. Consider and act on a recommendation to the town council regarding the creation of the new zoning classifications to be entitled MU-1 Mixed Use Suburban District and MU-2 Mixed Use Regional District.

Commission Gilmore moved to recommend adoption of the ordinance as presented, Seconded by Commissioner Thames.

Voting Yea: Commissioner Thames, Commissioner Holston, Commissioner Hawkes, Commissioner Rowell, Commissioner Stefaniak, and Commissioner Gilmore.

Voting Nay: Commissioner Barton. Motion passed.

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Adjournment

Motion by Commission Gilmore to adjourn the Joint Special Meeting of the Planning and Zoning Commission and Town Council, Seconded by Commissioner Stefaniak.

Voting Yea: Commissioner Thames, Commissioner Barton, Commissioner Holston, Commissioner Hawkes, Commissioner Rowell, Commissioner Stefaniak, and Commissioner Gilmore. Motion passed unanimously.

Motion by Councilman Elrod to adjourn the Joint Special Meeting of the Planning and Zoning Commission and Town Council, Seconded by Councilman Gordan.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney, and Councilmember Theodore.

Meeting adjourned at 6:25 p.m.

Approved:

Attest:

Bryant Hawkes, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administration
Town of Hickory Creek