

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
WEDNESDAY, MAY 1, 2019**

MINUTES

Call to Order

Meeting was called to order at 7:00 p.m. by Chairman Hawkes.

Roll Call

PRESENT

Vice Chairman Rodney Barton
Commissioner Jaycee Holston
Chairman Bryant Hawkes
Commissioner Don Rowell
Commissioner David Gilmore

ABSENT

Commissioner Mike Thames
Commissioner Jan Stefaniak

ALSO PRESENT

Trey Sargent, Town Attorney
Paul Kenney, Council Liaison
Chris Chaudoir, Administrative Assistant

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

The Pledge of Allegiance to the U.S. and Texas Flags was led by Chairman Hawkes.

Invocation

Invocation given by Commissioner Gilmore.

Public Comment

No Public Comment

Public Hearing

1. Hear public opinion on a request from KSW Holding Hickory Creek, LP to designate the zoning as PD Planned Development on two (2) tracts of land legally described as A1220A H.H. Swisher, Tract 50, 5.0 acres, and A1220A H.H. Swisher, Tract 50A(1)(PT), 33.8629 acres, Town of Hickory Creek, Denton County, Texas. The properties are located in the 1800 block of Turbeville Road.

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Laura Canada Lewis, Canada Lewis and Associates, and Neda Hosseiny, Kimley-Horn, gave a presentation showing the Walters Wedding property, called The Olana, and its intended uses. It is an approximately 39 acres. It will have the base C-1 zoning base with the addition of the wedding event venue, a hotel, restaurant and spa/sauna. The boutique hotel or "chateau" will be on the west side and complement the mansion's architecture. Its primary function is to accommodate the wedding guests and family. They are requesting a 30-foot side setback from the property line versus the 15-foot setback in the base zoning. They want this in the PD to show the neighbors that they are committed to it. It will have an additional 10-foot landscape setback to provide additional screening. The height restriction for the building is 30 feet. There will be a 6-foot masonry wall next to the existing wooden neighborhood fence to complement the mansion. Adjacent to that is a 10-foot landscape buffer with 4" diameter, 16' tall trees every 30 feet as a buffer. There is also a fire lane before the rear of the hotel. There may possibly be a pool. The restaurant and hotel will serve the guests and be open to the public. Phase one is the mansion which they are currently converting into an event space. Phase two is the 55 to 70 room hotel, the third phase will be 55 to 140 rooms and the final phase is the restaurant and spa.

Ruben Felan, 112 Colt Lane, is against the zoning due to traffic issues. There has already been a one car accident where someone hit the property's fence and a 100-room hotel will cause huge traffic and crime problems no matter how high end. He is a police officer in southern Dallas and the Hickory Creek PD is only 12 strong. They will not be able to handle the issues this will bring. With the restaurant and hotel, there is no way to control the people who come to it. Turbeville Road is only 2 lanes and that will not work with 150 rooms. They bought the property as an event center, which he is OK with, but not with expansion, especially with events 7 days a week.

Edie Miller, 301 Lone Tree Lane, said she and her husband built their house 12 years ago with the knowledge there was to be no multifamily zoning, which has changed. She moved to Hickory Creek for the nice country town feel. There are children who ride their bikes in the middle of the street because there is no sidewalk and adding commercial in the middle of a residential area there will be more traffic. She already has a problem getting out of her neighborhood because there is no 3 way stop sign at the corner of Turbeville and Harbor and people speed. She feels the citizens are not being heard when they say they want to keep the small-town family feel. Put commercial on the freeway where it belongs but not in neighborhoods where the traffic will bother families. No commercial should be stuck in the middle of family residential areas. If it exited on Swisher that might be different, but not where people can only walk and ride their bikes in the street because there are no sidewalks are lights. Visitors will not respect the neighborhoods or people.

Graciela Patricia Lallier, 110 Saratoga Drive, just bought her home and moved from Corpus Christi 4 years ago. She did not want to live next to a hotel and restaurant

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or she would have bought where they already existed. She is against it and does not feel it is fair to change the rules after she bought. She is also concerned about the property value dropping.

Chip Atchison, 108 Saratoga Drive, bought his property to live in a nice country residential community. Putting a hotel next door is not what he was looking for. Zoning commercial in a residential area will open the door for other commercial properties to open along the street. The community pool is across Turbeville and people are crossing the street with their children all the time. The increased traffic will not be safe. Property values are a concern putting commercial beside residential. Since the property was bought, the field behind his house has not been mowed. If the owners cared about the neighbors, it would have been addressed. They are already laying out forms like it is a forgone conclusion without permission.

Michele Anderson, 123 Citation Lane, and her husband bought their house in December. She has a 10-year-old son and is concerned about the addition of 100 hotel rooms. She is not against change but does not want to look at a hotel in her backyard. They have an iron fence not a privacy fence. She thinks the design is beautiful, but they came for the small town feel and would like to keep it.

Sheila Williamson, 119 Saratoga Lane, has been in the area since 1999 and in Steeplechase for 3 years. She is against increased traffic and increased crime, with the fact they will apply to sell liquor and wine adding more safety issues. She has also noticed the issue with long grass. She and her family cross the street to the pool and is concerned about traffic. She is disappointed in the way the city and the developer are going with this plan. She is opposed to any commercial in a residential area including the event center. It has sat there without interest for years and she does not see how they think they will be able to fill it with events. She said her property resale value is probably going to tank. The properties in the ETJ should be forwarded to Corinth and let them handle them.

Commissioner Gilmore asked Councilman Kenney about the status of the sidewalk project and its location. Sidewalks for the north side of Turbeville are out for bids.

Mr. Sargent clarified that the property has been annexed into the town.

Public Hearing closed at 7:33 p.m.

Consent Agenda

2. March 6, 2019 Meeting Minutes

Motion made by Vice Chairman Barton to accept the minutes as presented, Seconded by Commissioner Rowell.

Voting Yea: Vice Chairman Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, Commissioner Gilmore. Motion passed unanimously.

Regular Agenda

3. Discuss, consider and act on a recommendation on a request from KSW Holding Hickory Creek, LP to designate the zoning as PD Planned Development to two (2) tracts of land legally described as A1220A H.H. Swisher, Tract 50, 5.0 acres, and A1220A H.H. Swisher, Tract 50A(1)(PT), 33.8629 acres, Town of Hickory Creek, Denton County, Texas. The properties are located in the 1800 block of Turbeville Road.

Commissioner Gilmore asked Ms. Lewis for the rationale for the number of hotel rooms. She stated that it is 56 hotel rooms combined in both buildings. The future restaurant and parking lot are on the south side of the pond. The parking lot being formed is in connection with the event center and has been in the works for some time. Commissioner Holston asked if it was one or two story and would the rooms be able to look into neighbor's yards. The hotel will be two story with no windows on the west face except high level ones. They do not plan on any use of the back of the hotel including parking. They have found at other venues that most of the traffic is in the evening and cars' headlights shine across the property lines. The hotel is placed to act as a barrier for those lights and noise from the neighbors. The hotel rooms will be forward facing drawing attention to the pond and the mansion's activities and away from the neighborhood. They have also already agreed to disperse traffic from the events per the town's direction, towards the right. The hotel will additionally reduce the number of cars leaving since some guests will be lodging. The traffic will not interfere with morning joggers, dog walkers or school buses. She will also check on the tall grass.

Chairman Hawkes asked about the ownership of the property to the north, currently the Goldfields. He also asked Ms. Lewis if she would want this in her neighborhood. She could not answer because she does not live by a mansion on 40 acres. She also does not think it will be too different and will complement the existing structure. Chairman Hawkes commented it is a quality of life and green space issue and he would have an issue with a hotel in his backyard.

Vice Chairman Barton asked if there were plans to expand Turbeville. He and Chairman Hawkes discussed what the zoning intention for the property may have been in the Comprehensive Plan and how properties are zoned when annexed. Upon the request of Chairman Hawkes, Ms. Chadoir supplied a copy of the town's Comprehensive Plan. Mr. Sargent explained that properties are annexed in with the existing use, conforming or nonconforming. Councilman Kenney explained the property was voluntarily annexing into Hickory Creek as an event venue and asking for the addition of the hotel and restaurant on their zoning.

Commissioner Gilmore asked about Walter's Weddings experience with weddings. Ms. Lewis explained they have owned venues since 2006 and currently operate approximately 26 large venues in a variety of sizes accommodating 200 - 400 guests. Commissioner Gilmore asked about the traffic and speed on Turbeville

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Road. The Steeplechase pool has a constant stream of people crossing the street to the pool and people constantly getting pulled over for speeding. He is not concerned about wedding traffic due to the number of events and the ability to hire people for traffic control but is concerned about traffic generated by a restaurant. There are a variety of jurisdictions merging in that area and he wanted to know if any consideration had been given to creating an access to Swisher. Ms. Lewis explained originally there was to have been a road along the northern border, but that road was no longer to be built. They would be happy to have another access point if available. The owner of the property to the north is looking to sell or develop the property but may not be open to a road being built through it. It has also been their experience that 95% of the hotel occupancy on Fridays, Saturdays and Sundays is wedding guests. Commissioner Gilmore asked if the parking lot on the west side of the property is currently part of the venue or was for the restaurant only. Ms. Lewis said it was required parking for the restaurant although the current parking lot might be able to accommodate the Chateau. The restaurant is a future amenity. The Mansion does have commercial catering facilities, but the restaurant would have a larger kitchen and the owner would like the restaurant to eventually become the kitchen for the entire property. It would be open to the public on the weekend but is usually only used by those staying on the property.

Commissioner Rowell asked if the property to the north had been annexed. Ms. Chaudoir said it had not but there was a developer's agreement in place for future annexation. Commissioner Rowell asked if the hotel venue would alter the pond. Ms. Lewis explained the plan was to put a retaining wall on the water for a defined line and there may be a patio area over the water but not the actual building. A question was posed about possible attendance and it was speculated approximately 150 to 300 people. Weddings are currently booking for about 200 to 325 people. Parking on the east side is currently being constructed for the event center. The parking on the west is for the future hotel. Vice Chairman Barton asked if the pond was for retention. Ms. Lewis said it was just pretty. Ms. Hosseiny said the team at her firm would analyze it prior to construction for any downstream impacts.

Commissioner Gilmore asked if the eastern road to the parking lot would be the primary egress. Ms. Lewis stated it was an egress required by the fire department and could be used. Commissioner Gilmore suggested that using it as a primary entrance could alleviate some of the traffic concerns from the neighbors although he understood wanting to have the "grand vista" view of the mansion at the entrance. Exiting could be better served by using the exit farthest from the neighborhood. Ms. Lewis said they had not gotten that far in the planning, but it was possible. She also stated the Goldfield property to the north, as far as she was aware, was designated to be multi-family as part of their development plan.

Chairman Hawkes confirmed with Mr. Sargent that the property was annexed in on April 16th and asked if that required the owners to comply with the town's

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ordinances as written. Mr. Sargent said they would comply with ordinances pertaining to their property. Chairman Hawkes said he did not see another piece of property on the zoning map where a major commercial property was next to a residential area. Ms. Chaudoir stated the zoning map referenced was from 2005 and went over the current zoning of the properties in the area. She confirmed that, with the exception of Country Oaks Estates, all of the recent residential development has been as a Planned Development. Vice Chairman Barton pointed out that, if the property was zoned as a base SF-3 zoning, a developer could come in and bulldoze the mansion to put in 100 to 150 houses. Ms. Chaudoir said the property was not currently zoned and would need to be assigned one, but the current owners were coming in with the existing nonconforming event center use for the property, permitted through the county, and asking for the additional uses. Chairman Hawkes stated if the property was zoned as an SF-3 with an additional 100 homes, the traffic volume would be even greater than with the event center. Vice Chairman Barton stated Turbeville was on the 2005 Master Thoroughfare Plan as a 4-lane road but was now 2 lanes with a turn lane.

Commissioner Gilmore expressed concern about the different number of hotel rooms stated. Ms. Lewis said she had been present for most of the discussions and had not heard a number over 60. Commissioner Gilmore also confirmed no neighborhood meeting with the developers had been held. Commissioner Gilmore also mentioned the concerns about traffic, noise and lights. Ms. Lewis said those issues had been discussed and she felt the presence of the Chateau acted as a barrier for most of those issues. Commissioner Gilmore asked if the buffer wall will go up if zoning is not approved. Ms. Lewis said it was not required without the zoning unless they made changes in the use. Vice Chairman Barton asked if placing the hotel behind the mansion had been considered but there is a wedding ceremony site in that area and the distance to the rear property line it is shorter than it looks. Commissioner Gilmore asked if the hotel could be moved to the east side but then the neighborhood would not get the benefit of the light and sound barrier and multiple trees would have to be removed. There had been some discussions about using that side of the property, but she does not have enough information to discuss it.

Motion made by Vice Chairman Barton to recommend approval of the designation of Planned Development for the property, Seconded by Commissioner Rowell.

Voting Yea: Vice Chairman Barton, Commissioner Rowell.

Voting Nay: Commissioner Holston, Chairman Hawkes, Commissioner Gilmore. Motion denied.

Motion made by Commissioner Gilmore to recommend denial of the Planned Development designation as it stands, Seconded by Commissioner Holston.

Voting Yea: Commissioner Holston, Chairman Hawkes, Commissioner Gilmore.

Voting Nay: Vice Chairman Barton, Commissioner Rowell. Motion carries.

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4. Discuss, consider and act on a recommendation for a final plat of Folly Beach Addition, Lots 1 and 2, Block A, being 0.53 acres of land situated in the Lowery Cobb Survey, Abstract No. 284, town of Hickory Creek, Denton County, Texas. The property is located at 108 Folly Beach Road in the extraterritorial jurisdiction.

Kim Shultz-Rainford, 2740 Quail Ridge Court, Highland Village, explained that she purchased the property in 2008 and sold a portion of her lot on Folly Beach and required a replat.

Motion made by Commissioner Gilmore to recommend approval of the plat, Seconded by Vice Chairman Barton.

Voting Yea: Vice Chairman Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, Commissioner Gilmore. Motion passed unanimously.

Adjournment

Motion made by Vice Chairman Barton to adjourn, Seconded by Commissioner Holston. Voting Yea: Vice Chairman Barton, Commissioner Holston, Chairman Hawkes, Commissioner Rowell, Commissioner Gilmore. Motion passed unanimously.

Meeting adjourned at 8:30 p.m.

Approved:

Attest:

Bryant Hawkes, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administration
Town of Hickory Creek