



AGENDA

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, JANUARY 21, 2020, 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. **Consider Approval of the Minutes from the Regular meeting of held on December 17, 2019.**
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.)

Anyone wishing to address the Planning and Zoning Commission on any item posted on this agenda for possible action, including matters posted as a Public Hearing, must complete a Speakers' Request Form available at the entrance to the City Council Chambers and present it to the City Staff prior to the meeting being called to order. Speakers may be limited to three (3) minutes and given only one opportunity to speak on an item. Other procedures regarding speaking on matters posted for action on this agenda are set forth on the Speakers' Request Form. Subject to applicable law, the Planning and Zoning Commission reserves the right to modify or waive at any time the procedures relating to members of the public speaking on matters placed on this agenda.

4. **Conduct Public Hearing and Review and Consider an application for a Conditional Use Permit (C.U.P.) for an Amusement Arcade Business to be located in an approximately 4,188 square foot area of Lot 1R, Block A, The District of Highland Village, commonly known as 2630 FM 407, #106.**
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 JANUARY 17, 2020 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 _____, 2020 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, DECEMBER 17, 2019

1. Call to Order/Roll Call.

Chairman Stan Lemko called the meeting to order at 7:01 p.m.

Roll Call

Present	Stan Lemko	Chairman
	Dee Leggett	Vice Chairman
	Angelina Robinson	Commissioner
	Denver Kemery	Commissioner
	Guy Skinner	Commissioner
	Dale Butler	Alternate Commissioner
	Kevin McMahan	Alternate Commissioner
Staff Member	Autumn Aman	Community Development Coordinator
	Kimberlee Huntley	Community Services Assistant

2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on November 19, 2019.

Chairman Lemko made a motion to approve the minutes as written. Vice Chairman Dee Leggett seconded the motion.

Motion Passed (5-0)

3. Visitor Comments.

There were no Visitor Comments

4. Review and Consider a Site Plan for the property located at 107 Barnett Boulevard, Lot 1R, Tract 3A, Barnett Subdivision, as submitted by Cross Engineering on behalf of the property owner, 4TP Highland Village, LLC.

Community Development Coordinator Autumn Aman stated the Commission would be considering the site plan submittal for the proposed Village Green Memory Care Center located at 107 Barnett Boulevard. She stated the property is zoned Planned Development Commercial (PD-C), and the requested use is allowed within the zoning. Ms. Aman continued that the proposed square footage of the building would be twelve thousand, nine hundred sixty-nine (12,969) square feet and the applicant would be installing wrought iron fencing and live screening along the north and east property line. The live screening would consist of existing trees, adding additional new trees, wax myrtles bushes and holly bushes. She stated there would be approximate fourteen (14) existing trees that would have to be removed in order to develop the site. The applicant would also be constructing a sidewalk along Barnett Boulevard and along the southern property line.

Ms. Aman continued that Director of Public Works, Scott Kriston, could not attend the meeting, however, he had sent an email that addressed the drainage that read as follows:

The existing drainage system in that area is a regional drainage system that was designed and constructed with the Rambling Oaks development to City specifications. The proposed Village Green development took into account and verified the additional storm water run-off it would produce and it was included in the original regional drainage design calculations. Staff and consultant engineers have reviewed and verified that the proposed additional storm water flows are within the design capacity of the existing drainage infrastructure. All storm water flows from this proposed development will flow to the existing detention pond located on this site and will flow into existing underground infrastructure (that has capacity to handle the additional flows) as it exits the detention pond in the northeast corner of the property.

Mr. Steve LaMastra, 4TP Partners, 2465 Rivers Road, Atlanta, Georgia, addressed the Commission giving an overview of the request. He stated they are a real estate development firm, developing office, retail, medical office, and now memory care facilities. Village Green, which is a Houston owned company, was planning on building more facilities over the next five to ten years in the Dallas Ft. Worth area. Mr. LaMastra stated the memory care industry and the proposed memory care facility are low impact residential facilities, there would be no medical care provided, it would be a twenty (20) unit facility, maximum four (4) employees, and overnight staff would consist of two (2) professional staff members. He continued they typically build in communities to serve those communities where most family members are usually within a twenty minute drive. Mr. LaMastra said they try to build adjacent to residential areas or multifamily on occasion since they like to provide a quite atmosphere. Mr. LaMastra stated the Highland Village site has a lot of trees on it and they would be leaving most of the site as is along with adding additional landscaping. Mr. LaMastra concluded that the building in Highland Village would be one of the first three (3) that they are building in the Dallas Ft. Worth area.

Commissioner Guy Skinner questioned if the five (5) residents behind the site had been notified of the building.

Community Development Coordinator Aman responded they had not been notified and public hearings are not a requirement for a site plan.

Alternate Commissioner Dale Butler questioned what steps have been taken to assure that the drainage would not be going into the residents back yards since the retention is in the northeast corner of the property, which would put the pond against residential housing.

Mr. Bryan Weisgerber, Cross Engineering, 1720 W. Virginia Street, McKinney, TX, said they had reanalyzed the area and there would be no adverse impact on the residential neighbors.

Vice Chairman Leggett questioned what lighting was closest to the residential area.

Mr. Weisgerber responded the primary lighting is on the west side of the property where the parking would be.

Vice Chairman Leggett questioned the number of employees due to the concern of parking on the street during the day and causing a problem with school traffic. She questioned how they anticipated mitigating the parking.

Mr. LaMastra responded that he did not anticipate any problems. There are usually four to five

(4-5) cars at peak time, being dinner and in the morning and each patient usually experience four and one half (4-1/2) visits a week.

Vice Chairman Leggett questioned the connectivity with the trail system.

Mr. Weisgerber stated they would be building the sidewalk on the south side of the property, however, they would stop the sidewalk before getting to the drainage area. When the property to the south develops, that property owner would continue the trail on their property that would eventually connect with the trail at The District.

Commissioner Skinner questioned the procedure for entering and exiting the facility along with any precautions on biohazards.

Mr. LaMastra stated you would need to have a fob to enter and exit the building. He continued it was not a medical facility, a nurse could give prescriptions that the family brought in, however, if someone was to slip and fall, they would be going to the hospital. If someone has to have shots, staff could not administer, however, the family could have a doctor or nurse come in and give the shots.

Commissioner Skinner commented for clarification that the facility was not a nursing type facility.

Mr. LaMastra stated that was correct and what he has seen most memory care patients tend to be physically healthy, most do not have a lot of physical ailments.

Chairman Lemko commented on how the facility was a good addition to the City of Highland Village but had requested that the applicant address some "housekeeping" items on the submittal, those being:

Photometric Plan

- Color temperature of lights
- On and off hours
- Information if the lights are on a timer
- Verify count of (LS) lighting 57 vs 59

Exterior Elevation Drawings and Material Sheet

- Label or put a legend on each sheet noting what/where materials are on the building
- Label or place legend of materials on the monument sign and dumpster enclosure
- Review verbiage on material sheet of trim material
- Number the pages of the drawings

Landscape Plan

- Add a "total" column of all trees and plant materials being used
- Under notes, Irrigation Affidavit, change the verbiage from City of McKinney to City of Highland Village

Vice Chairman Leggett made a motion to approve the site plan as submitted with the applicant

addressing the “housekeeping items” that Chairman Lemko had suggested.

Commissioner Robinson seconded the motion.

Motion Passed (5-0)

5. Review and Consider a Replat for 2.78 ± acre tract of land located at 107 Barnett Boulevard, Lot 1R, Tract 3A, Barnett Subdivision, as submitted by Cross Engineering on behalf of the property owner, 4TP Highland Village, LLC.

Community Development Coordinator Autumn Aman stated the City had received an application for a replat for the property located at 107 Barnett Boulevard. She stated the purpose of the replat was to dedicate additional easements needed on the property for the development of the Village Green Memory Care Center so that they would not have to do separate instruments dedicating the needed easements.

Mr. Weisgerber stated they were replatting the property to that they would not have to do separate instruments, keeping all easements on one document, making it easier to locate the additional easements. He continued the additional easements were the variable width water line easement, variable width drainage easement, two pedestrian easements, and a utility easement. In summary, there are five (5) new easements being added to the additional three (3) already existing.

Commissioner Skinner made a motion to approve the replat as submitted. Commissioner Robinson seconded the motion.

Motion Passed (5-0)

6. Conduct Public Hearing and review and consider the request changing the zoning of an approximate 5.76 + acre tract of land located in the W.P. Pierce Survey, Abstract No. 1015, generally located adjacent to the south right of way of Highland Village Road approximately 123.33 feet east of Edgewood Drive, from Residential Zoning SF-12 to a Residential Planned Development District.

(There was no discussion on this item, it had been postponed by the request of the applicant.)

7. Receive Status Reports on Various Projects

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

Community Development Coordinator Aman stated that the next regular meeting date would be January 21, 2020.

8. Adjournment.

Meeting adjourned at 7:48 p.m.

Autumn Aman
Community Development Coordinator

Stan Lemko – Chairman
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 4

MEETING DATE: January 21, 2020

SUBJECT: Conduct Public Hearing and Review and Consider an application for a Conditional Use Permit (C.U.P.) for an Amusement Arcade business to be located in an approximately 4,188 square foot area of Lot 1R, Block A, The District of Highland Village, commonly known as 2630 FM 407, #106, Highland Village, TX.

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

An application was received for a Conditional Use Permit (C.U.P.) for an amusement arcade business to be located in approximately 4,188 square foot lease space in The District of Highland Village. The applicant is proposing to utilize the space for a business consisting of an area for playing electronic games along with retail sales of games.

IDENTIFIED NEED/S:

The use of this building for this type of business, amusement arcade, requires the approval of a Conditional Use Permit in accordance with the City of Highland Village Comprehensive Zoning Ordinance in a Retail Zoning District. Public Hearings are required prior to considering an application for a Conditional Use Permits. All notification requirements have been satisfied. As of the date of this briefing, January 14, 2020, staff has received no calls or written comments as a result of the public hearing notices.

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)

City staff has reviewed the application and all staff comments have been addressed by the applicant. The applicant will be present to address any questions or comments the Commission may have.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

This will have no impact on budget. A draft ordinance has been prepared by the City Attorney

and is included with this briefing.

RECOMMENDATION:

City staff has no objections to the application. The Commission should review the applicant's request and provide a recommendation to City Council.

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, GRANTING A CONDITIONAL USE PERMIT (C.U.P.) FOR AN AMUSEMENT ARCADE FOR A 4,188 SQUARE FOOT AREA OF A BULDING LOCATED ON LOT 1R, BLOCK A, THE DISTRICT OF HIGHLAND VILLAGE, SAID PROPERTY BEING MORE COMMONLY KNOWN AS 2630 FM 407, #106; APPROVING A SITE PLAN; PROVIDING FOR TERMINATION ON ABANDONMENT OR DISCONTINUANCE OF THE CONDITIONAL USE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A 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, and upon a finding that the proposed conditional use is consistent with the standards for approval set forth in Section 12.3 of the Comprehensive Zoning Ordinance of the City of Highland Village, Texas, the City Council has concluded 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 of the City of Highland Village, Texas, as amended ("Zoning Ordinance"), shall be further amended by granting a Conditional Use Permit (C.U.P.) for an Amusement Arcade for a 4,188 square foot portion of a building located on Lot 1R, Block A, The District of Highland Village, City of Highland Village, Denton County, Texas, and more commonly known as 2630 FM 407, #106, Highland Village, Texas ("the Property"), the location of the Property being depicted in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2. If the use of the Property for the purpose of operating an Amusement Arcade (a) does not commence before the first anniversary of the effective date of this Ordinance or (b) is discontinued or abandoned for a period of six (6) consecutive months, such use shall not resume and this Ordinance and the Conditional Use Permit granted herein shall be deemed to have terminated. For purposes of this Section 2, whether or not the required use has been discontinued or abandoned shall be determined in the same manner as the abandonment or discontinuance of a non-conforming use as set forth in Section 7 of the Zoning Ordinance, as amended.

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 THE ____ DAY OF _____, 2020, 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 _____, 2020.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:1/10/2020:113172)

ORDINANCE NO. 2020-
EXHIBIT "A"
PROPERTY LOCATION AND SITE PLAN
THE DISTRICT OF HIGHLAND VILLAGE

