



AGENDA

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, MAY 16, 2017, 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 Planning and Zoning held on February 21, 2017.**
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. **Review and Consider an application for a Site Plan for the property located at 2200 Village Parkway described as Lot 8A, Block 2, The Marketplace (Kids First Pediatrics).**
5. **Review and consider an application for a Site Plan for the property located at 2100 Village Parkway described as Lot 7A, Block 2, The Marketplace (Helenlee Corporation).**
6. **Conduct Public Hearing Consider proposed amendments to the development regulations and site plan of Planned Development No, 2016-01, being 26.153± acres in the J. Edmonson Survey, Abstract 398 and the G. Jackson Survey, Abstract No. 1599, generally located on the East side of Chinn Chapel Rd. South of the Railroad Tracks, directly north of Chapel Hill Estates, Phase II (HV Ladera, LLC).**
7. **Receive Status Report on Various Projects**
 - **Future P&Z Meetings**
8. **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 MAY 12, 2017 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 _____, 2017 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, FEBRUARY 21, 2017

1. Call to Order/Roll Call.

Chairman Deedee Ricketts called the meeting to order at 7:00 p.m.

Roll Call

Present	Deedee Ricketts Stan Lemko Richard Turner Daniel Jaworski Bob Holden Thomas Heslep	Chairman Vice Chairman Commissioner Commissioner Commissioner Alternate Commissioner
Absent	Allison Lassahn	Alternate Commissioner
Staff Members	Autumn Aman Scott Kriston Sasha Torres	Community Development Coordinator Director of Public Works Community Services Assistant

2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on November 15, 2016.

Commissioner Daniel Jaworski made a motion to approve the minutes as written. Commissioner Rick Turner seconded the motion.

Motion Passed (5-0)

3. Visitor Comments.

Mr. Jimmy Bassinger, 210 Edgewood Dr., Highland Village, addressed the Commission stating that he has been a resident since 1979. He continued that he wanted to express his concerns on what he had heard about a potential hotel that may be placed on the 5 ± acre tract of land behind his property. Mr. Bassinger stated that he felt a hotel does not fit into the character of Highland Village and if a developer were to come forward in the future for a hotel, he wanted to let the Commissioners know that he would be opposed to the development.

4. Conduct Public Hearing and Consider an application for a Conditional Use Permit for an Accessory Dwelling Unit on Lot 15, Block BO, Highland Shores Phase II-C, located at 505 Lanier Way.

Community Development Coordinator Autumn Aman stated that the city had received an application for a Conditional Use Permit to allow an Accessory Dwelling Unit to be located at 505 Lanier Way. She continued that the applicant, who is the homeowner, would like to build the building for a family member. Ms. Aman stated that Accessory Dwelling Units are allowed by conditional use permit only and the proposed square footage of the building is 1,375; with the garage on the first floor and living space above. She continued that the

property owner is aware that the dwelling cannot be leased or sublet, it cannot be separately metered for water, gas, or electricity, it would be required to have 80% masonry, and they would have to meet all other requirements of the city's ordinances and building codes when building.

Chairman Ricketts opened the Public Hearing at 7:06 PM.

Mr. Jeff Voight, 505 Lanier Way, Highland Village, property owner, stated that he concurred with everything that Ms. Aman had stated.

Chairman Ricketts closed the Public Hearing at 7:07 PM.

The Commissioners, Ms. Aman, and Mr. Voight discussed the application as pertained to the sewer line and electricity to the building, number of trees that would have to be removed, drainage and the driveway onto the property, and potential carbon monoxide with the garage being underneath the living space.

Commissioner Jaworski made a motion to send the draft ordinance forward to City Council for approval as presented. Vice Chairman Stan Lemko seconded the motion.

Motion Passed (5-0)

5. Review and Consider a Preliminary Plat for 26.153 ± Acres in the J. Edmonson Survey, Abstract No. 398 and the G.W. Jackson Survey, Abstract No. 1599, to be known as Ladera Highland Village as submitted by G&A Consultants, on behalf of The Integrity Group.

Mr. Scott Kriston, Director of Public Works, stated that an application for review and consideration of a Preliminary Plat, Tree Plan, and Landscape Plan was submitted for Ladera Highland Village. Mr. Kriston continued that on July 26, 2016, City Council approved the zoning on the property from SF-40 to a Planned Development. City Staff had presented the Preliminary Plat to the Parks and Recreation Advisory Board on February 16, 2017 and their recommendation was to send it forward for approval as presented by a vote of (4-0) and that City Staff was in the opinion the preliminary plat complies with the City's existing regulations. Mr. Kriston stated, due to the topography of the site, the area would be a clear cut of existing trees on the property with the exception of the trees within the Floodplain area, which is a protected area, and nothing within the protected area is to be disturbed. Mr. Kriston stated that applicant had submitted for a LOMR (Letter of Map Revision) with FEMA and briefly discussed the process.

Chairman Ricketts stated that she had attended the Parks and Recreation Advisory Board meeting on February 16, 2017 and commented that their discussion on the Preliminary and Final Plat submittal was very complete as they discussed the trails, open space, tree conservation, and the screening on the property.

Chairman Ricketts continued for the purpose of information for anyone that was not familiar with the process of Preliminary and Final Plats, it is unusual to get a submittal of both the Preliminary Plat and Final Plat at the same time. She continued that a Preliminary Plat sets out general layout of lots, streets, utilities, common areas, and other elements of land design. The Final plat, which is more detailed and includes the hardscape plan, is doing the same as the Preliminary Plat, showing the final layout of the lots, streets, etc of all or portion of property for which a preliminary plat has been approved. Chairman Ricketts stated that the duties of the Planning and Zoning Commission were to make sure the plats conform to the rules and regulations as set forth in the ordinance that was approved for the

development.

The Commissioners, Mr. Kriston, and the property owner John Delin discussed the Preliminary Plat as it pertained to the Flood Area, chances of FEMA denying the application and FEMA insurance, the number of dwelling units remaining at (100), power lines, demolition of the existing house on the property, and clarification of the tree mitigation plan.

Commissioner Bob Holden made a motion to send forward the Preliminary Plat to City Council for approval as submitted. Commissioner Jaworski seconded the motion.

Motion Passed (5-0)

6. Review and Consider a Final Plat for 26.153 ± Acres in the J. Edmonson Survey, Abstract No. 398 and the G.W. Jackson Survey, Abstract No. 1599, to be known as Ladera Highland Village as submitted by G&A Consultants, on behalf of The Integrity Group.

Mr. Scott Kriston, Director of Public Works, stated the Final Plat submittal was the same as the Preliminary Plat with the exception the Final Plat had the Hardscape plan included within the packets. Mr. Kriston stated that City Staff had presented the Final Plat to the Parks and Recreation Advisory Board on February 16, 2017 and their recommendation was to send it forward for approval as presented by a vote of (4-0) and that City Staff was in the opinion the preliminary plat complies with the City's existing regulations.

The Commissioners, Mr. Kriston, and the property owner John Delin discussed the Final Plat as it pertained to clarification of the design of the simtek wall, the proposed layout of the walking trail around the pond and gate access, large retaining wall within the flood area, possible well on site, number of years to build-out, speed limit within the development to be 14 mph, and the tree mitigation and the landscape plan.

Vice Chairman Lemko made a motion to send forward the Final Plat to City Council for approval as submitted. Commissioner Turner 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 that the next regular meeting date would be March 21, 2017.

8. Adjournment.

Meeting adjourned at 7:54 p.m.

Autumn Aman
Community Development Coordinator

Deedee Ricketts – Chairman
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 4

MEETING DATE: May 16, 2017

SUBJECT: Review and Consider an application for a Site Plan for the property located at 2200 Village Parkway, described as Lot 8A, Block 2, The Marketplace at Highland Village (Kids First Pediatrics).

PREPARED BY: Autumn Aman – Community Development Coordinator

BACKGROUND

An application was received for a Site Plan to construct an approximately 8,702 square foot medical office building for Kids First Pediatrics. The site plan package includes a site plan, building elevations, signage, lighting plan, and landscape plans.

IDENTIFIED NEED/S:

N/A

OPTIONS & RESULTS:

Options are to recommend approval of the site plan package as it has been submitted, to recommend approval subject to revisions, or to deny the site plan package upon a finding that it does not comply one or more requirements of the PD zoning or City Ordinances for the property.

PROGRESS TO DATE: (if appropriate)

City Staff has reviewed the site plan package and finds that the proposed site plan conforms with applicable City Ordinances.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

No Ordinance change is required.

RECOMMENDATION:

The Planning and Zoning Commission should review the applicant's request and provide a recommendation to City Council.

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 5

MEETING DATE: May 16, 2017

SUBJECT: Review and Consider an application for a Site Plan for the property located at 2100 Village Parkway described as Lot 7A, Block 2, The Marketplace at Highland Village (Helenlee Corporation)

PREPARED BY: Autumn Aman – Community Development Coordinator

BACKGROUND

An application was received for a Site Plan to construct an approximately 10,500 square foot building for Retail Use. The site plan package includes a site plan, building elevations, signage, lighting plan, and landscape plans.

Details:

- The property is currently zoned Planned Development Retail (PD-R).
- History – The proposed site plan was originally approved by City Council on June 25, 2013. In accordance with Section 11.2.C. of the Comprehensive Zoning Ordinance, if development of a lot with an approved site plan has not commenced within one year of the date of final approval of the site plan, the site plan shall be deemed to have expired.

The applicant, ADR Design, was the applicant who submitted the site plan back in 2013. The current application is the exact same submittal that was originally approved in 2013.

Because of the effect construction of the required screening wall would have on the development of the property, an ordinance amending the rear yard setback regulations for the property was approved by City Council on March 26, 2013, setting rear yard setback stating as a minimum of twenty (20) feet from both property line and screening wall.

IDENTIFIED NEED/S:

N/A

OPTIONS & RESULTS:

Options are to recommend approval of the site plan package as it has been submitted, to recommend approval subject to revisions, or to deny the site plan package upon a finding that it does not comply one or more requirements of the PD zoning or City Ordinances for the property.

PROGRESS TO DATE: (if appropriate)

City Staff has reviewed the site plan package and finds that the proposed site plan conforms with applicable City Ordinances.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

No Ordinance change is required.

RECOMMENDATION:

The Planning and Zoning Commission should review the applicant's request and provide a recommendation to City Council.

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 6

MEETING DATE: May 16, 2017

SUBJECT: Conduct Public Hearing and Review and Consider proposed amendments to the development regulations and site plan for Planned Development No. 2016-01, being 26.153± Acres in the J. Edmonson Survey, Abstract No. 398 and the G.W Jackson Survey, Abstract No. 1599, generally located on the East side of Chinn Chapel Rd. South of the Railroad Tracks, directly north of Chapel Hill Estates, Phase II (HV Ladera, LLC).

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

An application was received for review and consideration from G&A Consultants, on behalf of the property owner, HV Ladera, LLC, requesting an amendment to the development regulations and site plan for the Planned Development District 2016-01 for Single Family Detached Residential Condominium Development.

The applicant is requesting to change the density for the approved 100 dwelling units to 102 dwelling units.

On July 26, 2016, the City Council approved Ordinance No. 2016-1201, changing the zoning of the property from SF-40 to a Planned Development in order to allow the property to be developed as described above setting forth the standards on how the property shall be developed.

On March 3, 2017, City Council Approved the preliminary and final plat of the property.

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, May 8, 2017, 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. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, DENTON COUNTY, TEXAS, AMENDING THE HIGHLAND VILLAGE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY AMENDING THE CONCEPT PLAN AND DWELLING UNIT DENSITY OF PLANNED DEVELOPMENT NO. 2016-01 FOR DETACHED SINGLE FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT AS SET FORTH IN ORDINANCE NO. 2016-1201; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING 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 concluded that the Comprehensive Zoning Ordinance and Zoning Map of the City of Highland Village, Texas, as previously amended, should be further amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, DENTON COUNTY, 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 the development regulations of Planned Development No. 2016-01, as enacted by Ordinance No. 2016-1201, as follows:

A. Section 2.N(4) of Ordinance No. 2016-1201 is amended to read as follows:

(4) Density: The density of dwelling units constructed on the Property shall not exceed 3.90 dwelling units per gross acreage, based on a gross acreage of 26.153 acres.

B. Exhibit “B” – Concept Plan to Ordinance No. 2016-1201 is amended and replaced in its entirety with the Concept Plan attached hereto as Attachment 1 and incorporated herein by reference.

SECTION 2. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Highland Village governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 3. 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 4. 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 5. 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 the Comprehensive Zoning Ordinance and Code of Ordinances of the City of Highland Village, 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 6. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE ____ DAY OF _____, 2017.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE ____ DAY OF _____, 2017.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:5/11/17:86194)