



A G E N D A

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, AUGUST 15, 2023, at 7:00 PM
HIGHLAND VILLAGE MUNICIPAL COMPLEX
CITY COUNCIL CHAMBERS**

1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS

- 1. Call to Order/ Roll Call.**
- 2. Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on May 16, 2023.**
- 3. Consider Approval of Minutes from the Regular meeting of Planning and Zoning held on June 20, 2023.**
- 4. 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.)
- 5. Conduct Public Hearing and Review and Consider an application requesting amendments to the Development Regulations of the Marketplace Planned Development District with Retail (MPD-R), as amended, applicable to Lot 1, Block A, The Shops at Highland Village.**
- 6. Receive Status Report on Various Projects.**
 - **Future P&Z Meetings**
- 7. 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 AUGUST 11, 2023 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 _____, 2023 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, MAY 16, 2023

1. Call to Order/Roll Call.

Chairman Denver Kemery called the meeting to order at 7:12 p.m.

Roll Call

Present:	Denver Kemery	Chairman
	Michael George	Vice Chairman
	Brent Myers	Commissioner
	Jared Christianson	Commissioner
	Adam Ballard	Alternate Commissioner

Absent:	Steve Winkle	Commissioner
	Greg Kohn	Alternate Commissioner

Staff Members:	Autumn Aman	Community Development Coordinator
	Scott Kriston	Director of Public Works
	Kevin Laughlin	City Attorney
	Kimberlie Huntley	Community Services Assistant

Chairman Kemery opened the meeting stating he was honored to stand before everyone as the Chairman of the board and expressed his sincere gratitude to each and every one taking the time to attend the meeting. He stated everyone present was a testament to their commitment to the community and stated he appreciated their involvement in the decision making process.

He kindly requested the cooperation in maintaining a respectful and orderly atmosphere throughout the meeting and discussed the process in which the meeting and public hearing would be held to ensure they could accommodate as many voices as possible and to ensure a productive exchange between the Commissioners and the petitioners.

Chairman Kemery stated he wanted to express his gratitude for everyone's presence. He stated the engagement and involvement was vital in shaping the future of the community and by working together, they could foster a spirit of collaboration and make decisions that benefited all.

2. Visitor Comments.

There were no visitor comments.

3. Conduct Public Hearing and Review and Consider a request to amend the regulations relating to the development and use of 5.66 ± acres located in the James Edmondson Survey, Abst. No. 398 and the James W. Giddens Survey, Abst. No. 471, being a part of Lot 1, Block A, The Shops at Highland Village, by changing the zoning regulations from Marketplace Planned Development – Retail (MPDR) to a Planned Development Overlay District (PDO) for Multi-Family (MF) and Retail uses, said

property being generally located north of F.M. 407 and west of Village Parkway (F.M. 2499).

Community Development Coordinator Autumn Aman stated the City had contracted with Peloton Land Solutions to review the application and bring it forward to the Planning and Zoning Commission. Ms. Aman introduced Abra Nusser with Peloton to proceed with her briefing.

Ms. Abra Nusser, Public Practice Lead, Public Sector Services, with Pelton Land Solutions stated she would walk through the project basics then proceeded with her presentation of the proposed zoning change to a Planned Development Overlay District (PDO) for Multi-family (MF) and Retail uses. She continued the applicant was proposing a Planned Development District with a base of Retail. She had recommended they keep the existing Planned Development, however, the applicant was requesting a new Planned Development for the area itself only.

Ms. Nusser began her presentation going through the Project Basics discussing:

- Location of the proposed Multi-family Building in The Shops at Highland Village and the proposed development would result in the Snuffers restaurant being demolished.
- Building Details being (4) stories, (60') feet tall, (280) apartment units with structured parking.
- Square feet of area was a total of 302,000 square feet.
- Results of added Multifamily
 - * Tax Revenue compared to an existing parking lot currently. The development would result in a substantial increase in property tax revenue.
 - * Support Fiscal and Sustainability of the City and The Shops.
- Technical Basics of Multi-family would help the business in The Shops.
- Details of Multi-family Units
 - * Graduated Set Backs/Proximity slope
 - * Site line exhibits
 - * Elevations
 - * Parking garage
 - * Aerial View of the site
 - * Existing trees along the northern property line were to remain
 - * Parking lot View
 - * Landscaping
 - * Visual from Village Parkway
- Key Topics
 - * PD Content and Structure-Planned Development District with retail as base.
 - * Size and Location
 - * Landscaping and Tree Preservation
 - * Parking (314 net loss, under 407)
 - * Trails
- PD Approval Criteria

Ms. Nusser continued that public hearings are required. The Planning and Zoning Commission would have to hold a public hearing and make a recommendation to City Council.

Vice Chairman Michael George questioned Ms. Nusser if she would go into more detail on the traffic impact analysis and if it did take in consideration for future growth.

Ms. Nusser stated each use generates a certain number of trips, with the capacity that exists now and the future, it was enough and more to accommodate the trips. She continued that the schools had no negative comments on the request and that the school had the capacity to handle the request.

Alternate Commissioner Adam Ballard and Ms. Nusser discussed further the Person per household (PPA) being approximate three (3) person per household on an average and the program “zandra” that the schools demographics consultants use.

Mr. Josh Pogue, Pogue Shopping Centers, stated they had been in business for thirty-five (35) years and they were the management and leasing company for The Shops at Highland Village. He continued stating they had started talking with AEW in the fall of 2019 and that there were things that needed to happen with the Shops to evolve The Shops. With that, they came up with, place making and density.

Mr. Pogue continued with the history and evolution of The Shops. He stated they started looking at site, and where on the site, to densify. They discussed the status of AMC, and the effects of COVID. They looked at multi-family and where on the site would be the right place to densify. He stated the Chinn Chapel side was too thin, it would take the parking away from the retailers on the west side of the center and they held prior meetings with neighbors which was not received well when they presented six-hundred (600) units. The point was to focus on the shopping center and the need to keep evolving and improving to stay relevant in today’s times. He concluded they believe building in a lifestyle center, energy brings energy, by adding the multi-family.

Mr. Matthew Tracey, Director, Portfolio Manager, AEW Capital Mgmt., Boston, MA, started with three (3) points: Who was AEW, Why the project was important, and closing it would be the highest quality. Mr Tracey continued that AEW was the largest global institution investment managers in the world. They invest in all major product types, over half investments are core real estate. The Shops is owned by a state pension fund and the beneficiaries are state employees benefiting from the returns. The Shops at Highland Village is very important to AEW, long term hold. The Shops at Highland Village would be of the highest quality with strong demographics with proposed renters and the project would be done by a very experienced group.

Mr. Sean Chappell, Asset Manager for AEW, stated he had been involved with the property for eight (8) years and had been working on setting the property up for success. He continued stating that sales are up, the traffic is down, the roads are busy, however they are not coming into the stores. The local businesses are looking at this that it is validation to be able to attract businesses of the future. Retail is under pressure today. Taste change and evolve, retail centers must adapt, remerchandise as brands come and go. Shopper habits (ecommerce) increase choice and convenience. Retail is evolving to mixed-use developments.

Mr. Josh Aimes, Vice President of Development for Presidium, gave the history of Presidium stating they had been in business since 2017. He continued discussing why the project, their track record, best in class, and mixed use experience. He stated they intend to build

the best apartments, seeking no subsidies or any other governmental program. The main focus was to maintain success of The Shops. They received feedback from the community and tried to incorporate as much as they could. He stated they want to have a positive impact on the community they build in and address the communities concerns. He stated they still need to create a viable product. Viability is key, it's a delicate balance. Mr. Aimes, stated they felt the project was their best attempt to find the balance. He knows there were concerns and those concerns would have to be addressed. He stated they look forward to working with the City and staff to address any concerns from the staff report.

Chairman Kemery opened the Public Hearing at 8:05 p.m.

1. Robert Sanderson, 129 Addison Drive, Highland Village, opposed, lack of fire protection.
2. Nicholas Pietruszka, 2801 Butterfield Stage Rd., Highland Village, opposed, too dense, height and privacy.
3. Don Leverty, 3000 Lakeside Dr., Highland Village, opposed, helping executive's business plan that effects their quality of life.
4. Jeff Hickman, 48 Remington Dr., Highland Village, opposed, density, parking, fire, medical.
5. Tamara Thigpen, 482 Sellmeyer Lane, Highland Village, opposed, profiting people on the east coast.
6. Yvette Hutcherson, 2660 Fernwood Dr., Highland Village, opposed, schools, traffic.
7. Patricia Oldham, 3405 Sherwood Lane, Highland Village, opposed, traffic, police, fire, why they should have to support others pension funds.
8. Mark Solow, 730 Oak Hollow Lane, Highland Village, opposed, fire.
9. Janet Hood-Hanchey, 914 Misty Oak Drive, Highland Village, opposed,
10. Labeid Limon, 137 Gayle Lane, Highland Village, opposed. Does not support someone else's investment, need something for the community.
11. Richard Lytle, 2810 Twin Coves Drive, Highland Village, opposed, safety, do not need to support someone else's pension.
12. Michael Avari, 6216 Via Italia, Flower Mound, opposed, would change character of community.
13. Emily Evans, 2802 Butterfield Stage Rd., Highland Village, opposed, property values, traffic.
14. Hunter Rose, owner of Ben & Jerry's, 4061 Barton Creek, #120, Highland Village, in favor, site foot traffic, income to support, need the in store community traffic.
15. Chris Madson, 3204 Hilltop Ct., Highland Village, opposed.
16. Burton Strauss, 42 Remington Dr. W, Highland Village, opposed, proposed ordinance allows a hotel/motel, short term rentals, design/common area of building no play area, kids from multi-family would be playing in The Shops. Fire, height, traffic.
17. Ann Mitchell, 410 Moran Dr., Highland Village, opposed, changing zoning for whole shop.
18. Paula McRae, 2629 Bierstadt, Highland Village, opposed, crime, fire, police, schools, more taxes,
19. Karla Limon, 907 Saddlebrook Dr., opposed, burden on the residents, not improving the pension fund.
20. Chris Wehkamp, 2703 Knoll Ct., opposed, density.

Chairman Kemery stated those who did fill out speakers request forms and did not wish to speak were approximate (123), all were opposed. Protest signatures were also received with a total of five-hundred (500) signatures opposing the request, along with approximate (65) emails opposed and (3) in favor. Chairman Kemery continued with reading a letter of opposition that was received by resident Fred Bushe, 5006 Esplanade Blvd., Highland Village. *A Copy of the letter is attached with the minutes.*

Emails received from those in opposition:

Cherise ALVA, 2600 Fernwood Drive
Cari ARCURI, Resident (no address given)
Joel & Simone BAKER, 810 Rolling View Court
Nan BENNETT, 2024 Brook Lane
Heather & John BERNER, 668 Hawthorn Circle
Curtis BRINKERHOFF, 2170 Tartan Trail
Fred BUSCHE, 5006 Esplanade Blvd
Peter DREW, 2180 Tartan Trail
Edward & Nancy EMSWILLER, 2828 Butterfield Stage Rd
Kelsey FRYE, HV Area resident (no address given)
Mark GILLEM, Resident (no address given)
Megan GILLEM, Resident (no address given)
Thomas HENRY, 2917 Butterfield Stage Road
Matthew HENRY, No address given
Carren HOWELL, Rolling Hills Estates resident
Tim & Carren HOWELL, No address given
Matt IRELAND, Resident (no address given)
Joe LIEF, Resident (address not given)
Bryan LINQUIST, 608 Sante Fe Drive
Diane & Michael MANNION, 2809 Butterfield Stage Road
Nicki & Chris MARSHALL, 620 Sante Fe Drive
Julie MAYES, 45 Remington Terrace
Jeff MONTGOMERY, 3205 Northwood Drive
Kevin MOODY, 3020 Fairland Drive
Karin MORRIS, 3386 Castlewood
Marsha NEAL, Resident (no address given)
Julie NELSON, Resides off Harlington/Chinn Chapel
Randy OLDHAM, No address given
Patricia OLDHAM, Resident (no address given)
Becky OLSON, Resident of Rolling Hills Estates (no address given)
Paul PETRUNIN, 3331 Mayfair Lane
Kristin PETRUNIN, 3331 Mayfair Lane
Lowell PHIPPS, MD, No address given
Briana POLLOCK, No address given
Suzanne RANSON, 723 Winding Bend Circle
Brian RANSON, 723 Winding Bend Circle
Trent REYNOLDS, Resident (no address given)
Sheryl RYCKEBUSCH, Resident (no address given)
Natalie SCHOCK, No address given

Jason & Terra SNAVELY, 909 Lochmoor Lane
Craig SUNDERMAN, 154 Gayle Lane
Meghan SURLEY, The McNiel Family of Rolling Hills Estates
Graham & Darrah TORRES, Resident (no address given)
Ryan TUCKER, Resident (no address given)
Jerry & Jenny VAUGHAN, 2704 Quail Cove Drive
Donna WOLFE, 327 Whittier Street
Amy WOODUL, 3200 Fairfield Ln
Montgomery BRANTLEY, Resident (no address given)
Mark & Melissa CARY, 2810 Butterfield Stage Road
Steven ESTES, Resident of Rolling Hills Estates (no address given)
Emily EVANS, 2802 Butterfield Stage Road
Matt FRIEDMAN, 2490 Rosedale Street
Randi INGRAM, 2814 Butterfield Stage Road
Daniel KESSENICH, 713 Highland Hills Lane
Colleen KHATEMI, 925 Briarwick Lane
Jamie & Larry KLEIN, Resident (no address given)
Shawna LAPTEANU, 2820 Butterfield Stage Road
Chris & Nicki MARSHALL, 620 Sante Fe Drive
Carmen & Mark MENZA, 3108 Winston Drive
Karin MORRIS, 3386 Castlewood
Michele MORROW, Resident (no address given)
Tracy & James Darien RENTFRO, 721 Live Oak Lane
David SILVA, 2812 Butterfield Stage Road
Burton STRAUSS, No Address given - no opinion expressed
Morris & Montie TAYLOR, Resident (no address given)
Gerald & Karen WEGENDT, 3103 Hillside Drive

Signature Petition

Tammy THIGPEN, Submitted a petition signed by over 500 residents against apartments

Emails received from those in support:

Bob WALLACE, 102 Barnett Blvd
Stephanie RUYS DE PEREZ, Snr Director of Asset Mgmt., SITE Centers Corp, NY
John MCGEE, 2703 Quail Cove Drive

Speaker Request Forms: * HV Residents In Opposition (did not speak):

Jeff BAILEY, 3416 Wimbledon Dr.
Jimmy BASSINGER, 210 Edgewood Dr.
Jean BASSINGER, 210 Edgewood Dr.
Bobby BELL, 905 Heatherglenn Court
Mikaella BELL, 905 Heatherglenn Court
Carolyn BELL, 905 Heatherglenn Court
Cora BELL, 905 Heatherglenn Court
Bridget BRADSHAW, 925 Highland Village Rd.
Michael W. BROD, 482 Spruce Dr.
Diane BROWN, 3000 Lakeside Drive

Virginia BUFFINGTON, 198 Desiree Ln.
Angelina BUFFINGTON, 198 Desiree Ln.
Jonathan BUFFINGTON, 198 Desiree Ln.
Michael BUFFINGTON, 198 Desiree Ln.
Fred BUSCHE, 5006 Esplanade Blvd.
Paula CARLSON, 2629 Bierstadt
Julie CARPENTER, 3411 Brighton Ct.
John CARTER, 812 Lake Haven Ct.
Mark CARY, 2810 Butterfield Stage Rd.
Melissa CARY, 2810 Butterfield Stage Rd.
Diane & Fred CLEMENTS, 326 DuVall Blvd.
Monica COLLINS, 3413 Falken Ct.
Daniel COLON, 390 Highland Hills Ln
Madeleine COLON, 390 Highland Hills Ln
Brian & Leddy CULBRETH, 2808 Butterfield Stage Rd.
Amanda DUKE, 4207 Lansbury Dr.
Aaron DUKE, 4207 Lansbury Dr.
Melinda DUKE, 4207 Lansbury Dr.
Virginia FAVAROTH, 2834 Butterfield Stage Rd.
Steve FLUEGEL, 3120 Green Hollow Ct
Patricia GERMAIN, 2731 Timber Crest Ln
Deanna GIERYIE, 309 Shaded Place
Randy GUTTERY, 3126 Vista Heights
Kim HANLIN, 802 Rolling View Ct.
Sherri HANNEMANN, 919 Heatherglen Ct.
Dale HART, 115 Monday Haus Ln.
Michelle HARTSBURG, 300 Karen Renee Court
Mr. HARTSBURG, 574 Perro Place
Christi HENDERSON, 937 Silverthorne Trail
James HENDERSON, 937 Silverthorne Trail
Valorie HEY, 4008 Brooks Ct.
Mike HEY, 4008 Brooks Ct.
Theresa HINESLEY, 912 Inverness Circle
John Sr. HINESLEY, 912 Inverness Circle
Lisa HOLLOWAY, 903 Saddle Brook Dr.
Ellen HOLLOWELL, 950 Silverthorne Trail
Susan HONEYCUTT, 2813 Butterfield Stage Rd.
Alicia HSIEH, 2707 Chapel Springs Dr.
Dorothy HURST, 572 Sellmeyer
Ronald HURST, 572 Sellmeyer
Rhonda HURST, 604 Sellmeyer
Sherry HUTTON, 923 Heatherglen Ct.
David HUTTON, 923 Heatherglen Ct.
Gary INMAN, 2731 Timber Crest Ln
Melva JONES, 100 Cedar Dr.
Jeff JUST, 901 Heatherglen
Erin JUST, 901 Heatherglen Ct.

Tammy KIDWELL, 2401 Park Ln
Fritz KLOSS, 110 Donna Circle
Andrea KLOSS, 110 Donna Circle
Donna KOERTH, 614 Shasta Ct.
John D. KOERTH, 614 Shasta Ct.
Karla LIMON, 907 Saddlebrook Dr.
Crosby LOUVIERE, 604 Sellmeyer
Carson LOUVIERE, 604 Sellmeyer
Rodney LOUVIERE, 604 Sellmeyer
Kevin LUTZKE, 3101 Forest Shores Ln.
Jeanne LYTLE, 2810 Twin Coves Dr.
Chris MADSON, 3204 Hilltop Ct.
Gina MADSON, 3204 Hilltop Ct.
Brenda MAENZA, 445 Louise Ln.
Phil MALONEY, 2455 Glen Ridge Dr.
Nicki MARSHALL, 620 Sante Fe
Nicki MARSHALL, 620 Sante Fe
Sherry McGUIRE, 2712 Queens Ct.
Shanna NASCHE, 3215 Shoreview Dr.
Addison NERIUS, 3414 Brighton Ct.
Hayden NERIUS, 3414 Brighton Ct.
Debra NERIUS, 3414 Brighton Ct.
Tim NERIUS, 3414 Brighton Ct.
Thu NGUYEN-DIBRITO, 4126 Abigail Dr.
Cecilia NIELSEN, 3103 Lake Highlands Dr.
Clete NURRE, 4003 Brooks Ct.
Gayle NURRE, 4003 Brooks Ct.
Todd OBERLE, 3112 Calstone Circle
Melissa OBERLE, 3112 Calstone Circle
Juan ONTIVERES, 2909 Darlington Dr.
Emily PECORARO, 929 Silverthorne Trail
Martha PERLMUTTER, 624 Timbercrest Circle
Megan PIGOTT, 3015 Lakeside Dr.
Daryl POKLADNIK, 933 Silverthorne Trail
Judy POKLADNIK, 933 Silverthorne Trail
Janet RANDALL, 3112 Calstone Circle
Babak RAZAVI, 3060 Woodhollow Drive
Cindy RICHTER, 3408 Wimbledon Dr.
Leroy ROBERSON, 486 Sellmeyer Ln
Bobbie ROBERSON, 486 Sellmeyer Ln
Hunter ROSE, 4061 Barton Creek #120
Todd RUFNER, 3007 Mulholland St.
Julie RUFNER, 3007 Mulholland St.
Adonica SAVOY, 929 Excalibur Dr.
Lauren SAVOY, 929 Excalibur Dr.
Robert SAVOY, 929 Excalibur Dr.
Ben SAVOY, 929 Excalibur Dr.

Emily SAVOY, 929 Excalibur Dr.
Don SHELTON, 2821 Butterfield Stage Rd.
Jack SPRAGUE, 3101 Forest Shores Ln.
Brent STALEY, 703 Winding Bend Circle
Elizabeth STASNY, 931 Inverness Circle
Jane G. STRAUSS, 42 Remington Dr. W
Bob TAYLOR, 805 Green Valley Ln.
Kaye TAYLOR, 805 Green Valley Ln.
Alexis TENTLER, 927 Heatherglen Ct.
James TENTLER, 927 Heatherglen Ct.
Cynthia TENTLER, 927 Heatherglen Ct.
Summer THIGPEN, 482 Sellmeyer Ln
Douglas THROCKMORTON, 3121 Vista Heights Ln.
Marisa TUCKER, 445 Louise Ln.
Meredith & Thomas Jody TURNBOW, 271 S. Quail Cove Dr.
Dale VALLEY, 8930 Charles St.
Mary Anne WALL, 104 Edinburgh Ct
Grant T. WALL, 104 Edinburgh Ct
Robert WARREN, 705 Ashley Ct.
Bradlee WATSON, 201 Bexar Drive
Suzanne WATSON, 201 Bexar Drive
Chris WEHKAMP, 2703 Knoll Court
John WILKINSON, 919 Inverness Cr.
Penny WOODS, 3309 Shadow Wood Circle

Speaker Request Forms: * Non HV Residents In Opposition (did not speak):

Janene DIETRICH, 6732 Palermo Trail, Flower Mound, TX 75077
Aubrey GAMMILL, 4013 Brooks Ct., Argyle, TX 76226
Mary Kay GAMMILL, 4013 Brooks Ct., Argyle, TX 76226
Terence WHITE, 6624 Via Italia Drive, Flower Mound, TX 75077
Nancy TRUE, 12 Tanglewood Dr., Hickory Creek, TX 75065

Zoning Protest Petition Forms (not valid, but acknowledged as received):

Julie MINING, 2701 Quail Cove Drive
Holly HOLBROOK, 2800 Butterfield Stage Rd
Greg HOLBROOK, 2800 Butterfield Stage Rd
Glenn EVANS, 2802 Butterfield Stage Rd
Emily EVANS, 2802 Butterfield Stage Rd
Albert McGUIRE, 2803 Butterfield Stage Rd
Patricia McGUIRE, 2803 Butterfield Stage Rd
Leonard QUILES, 2804 Butterfield Stage Rd
Zelideh QUILES, 2804 Butterfield Stage Rd
Rebecca KHONG, 2806 Butterfield Stage Rd
Marcus KHONG, 2806 Butterfield Stage Rd
Brooke Jean TUMSABOCH, 2807 Butterfield Stage Rd
Michael Sumate TUMSABOCH, 2807 Butterfield Stage Rd
Brian CULBRETH, 2808 Butterfield Stage Rd

Leddy CULBRETH, 2808 Butterfield Stage Rd
Mark CARY, 2810 Butterfield Stage Rd
Melissa CARY, 2810 Butterfield Stage Rd
Brandy WILLIAMS, 2816 Butterfield Stage Rd
Dawn WILLIAMS, 2816 Butterfield Stage Rd
Eduard LAPTEANU, 2820 Butterfield Stage Rd
Shawna LAPTEANU, 2820 Butterfield Stage Rd
Michael ABULAIL, 2822 Butterfield Stage Rd
Abeer DYAB, 2822 Butterfield Stage Rd
David SIHUA, 2812 Butterfield Stage Rd
Mitchell Kent INGRAM, 2814 Butterfield Stage Rd
Randi Davis INGRAM, 2814 Butterfield Stage Rd

Chairman Kemery closed the Public Hearing at 9:01 p.m.

The Commissioners and the applicant continued discussion on the request to change the zoning with most of the questions/discussion being:

- Height and location of the building to the north and a tree screen.
- The removal of trees that were not going to be replaced.
- Traffic study information supplied by Johnathan Kirby, with Kimley Horn, proposed intersection improvements, existing traffic volumes, and trip generation, distribution, and trip assignment.
- Clarification that the request for the zoning change was not for the overall Shops property, just the approximate 5.66 ± acres for the Multi-family Units.
- Parking and the Parking Garage Entry/Exit location.

Chairman Kemery called for a five minute recess at 9:26 p.m.

Chairman Kemery stated the meeting would reconvene at 9:32 p.m.

Discussion continued:

- Clarification by Ms. Nusser on the traffic analysis based on existing trips and proposed trips.
- Access from parking between existing homes and the Multi-family along with access into the site.
- (109) parking spaces between the residential brick screen wall and a (4) story building, people leaving The Shops would have to walk past a parking garage into an alleyway.
- Vacancy rate of retail in a development such as what is being presented. The applicant stated The Shops were at 82% occupancy for the current year.
- Concerns on the impact of schools enrollment.
- How were the Multi-family Units going to create a destination point for The Shops when the destination was already there?
- Statement made that it was not Highland Village residents' responsibility for the success of the businesses within The Shops.
- Discussion on how the multi-family housing would impact the housing value around the development.
- The reasoning behind requesting a signage variance.

- Meeting with the Rolling Hills Homeowners Association and those residents not in favor of the request/expressing their concerns.

Commissioner Jared Christianson commented that the multi-family option was beautiful. He had concerns of the cost of servicing the development and the City should be pleased that someone would invest their time/money to present the project.

Commissioner Brent Myers stated there was currently a massive demand for housing and was very happy with the residents who attended, however, very embarrassed by some of the comments received by email. He continued that property owners have property rights just like residential property owners. The schools are desperate for students, they are currently short approximate 6,000 students. He stated he agreed Highland Village does need another fire station, but that would have to be dealt with at City Council and how would we pay for that. He concluded he could not support the request, the four (4) stories does not work for the neighbors. He liked the product, however, he thought it was not the right place for it.

Commissioner Brent Myers made a motion to recommend to City Council denial of the application as presented. Alternate Commissioner Ballard second the motion.

Motion Denied Unanimously (0-5)

Receive Status Reports on Various Projects

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

Community Coordinator Autumn Aman stated the next regular scheduled meeting would be held on June 20, 2023

Adjournment.

Meeting adjourned at 10:07 p.m.

Autumn Aman
Community Development Coordinator

Denver Kemery – Chairman
Planning and Zoning

DRAFT MINUTES
SPECIAL MEETING OF THE
PLANNING AND ZONING COMMISSION CITY OF HIGHLAND VILLAGE, TEXAS
HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD
TUESDAY, JUNE 20, 2023

1. Call to Order/Roll Call.

Chairman Denver Kemery called the meeting to order at 7:01 p.m.

Roll Call

Present:	Denver Kemery	Chairman
	Michael George	Vice Chairman
	Jared Christianson	Commissioner
	Brent Myers	Commissioner
	Steve Winkle	Commissioner
	Greg Kohn	Alternate Commissioner
Staff Members:	Autumn Aman	Community Development Coordinator
	Kimberlie Huntley	Community Services Assistant

2. Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on March 21, 2023.

Commissioner Steve Winkle made a motion to approve the minutes as written. Vice Chairman Michael George seconded the motion.

Motion Passed (5-0)

3. Visitor Comments.

There were no visitor comments.

4. Conduct Public Hearing and Review and Consider an application on proposed amendments to the regulations for Planned Development District 2012-1 (PD 2012-1) located on Lot 3R, Block A, The District of Highland Village, addressed as 2570 Justin Road, Building "C".

Commissioner Brent Myers removed himself from the dais due to conflict of interest. Alternate Greg Kohn would serve as a voting member with his absence.

Community Development Coordinator Autumn Aman stated an application was received to amend the Planned Development, specific to wall signage, for the Bowery Park at The District.

She continued it was discovered by City Staff that the existing Dr. Pepper mural on the west side of the building at 2570 Justin Road was no longer there and a new painting had begun. The property owner was instructed to stop painting until they received the appropriate approvals. The Dr. Pepper sign was part of the original approved Signage Criteria for the area and any changes to the sign would require Planning and Zoning and City Council approval. The property owner is requesting they be allowed to finish the sign, painting Bowery Park on it along with putting surrounding high school logos on it. Ms. Aman

continued within the draft ordinance for consideration, there was an exhibit attached of what the proposed sign would look like when complete. Public Hearings are required for the amendment request, notices were sent as required by law and from those notices the City had received no inquires on the request.

Chairman Kemery opened the Public Hearing at 7:15 pm.

There were no speakers for the public hearing.

Chairman Kemery closed the Public Hearing at 7:15 pm.

The Commissioners. Ms. Aman, and the applicant, Tim Denker, Kobalt Investment Co., 8411 Preston Rd. #740, Dallas, TX, discussed the request as it related to the artist, reasoning behind using a broad community of schools and not only Highland Village schools, options if it did not get approved and how the applicant would still have the choice to take it forward to City Council and if City Council were to deny, they would either have to remove and replace the Dr. Pepper sign or leave it blank. A small discussion continued to clarify the difference between a mounted sign and a painted sign.

Vice Chairman George made a motion to recommend to City Council approval of the ordinance as presented. Alternate Commissioner Kohn seconded the motion.

Motion Passed (4-1)

5. Receive Status Reports on Various Projects

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

Community Development Coordinator Aman stated the next regular meeting date would be July 18, 2023.

6. Adjournment.

Meeting adjourned at 7:17 p.m.

Autumn Aman
Community Development Coordinator

Denver Kemery – Chairman
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 5

MEETING DATE: August 15, 2023

SUBJECT: Conduct a Public Hearing and Review and Consider an application requesting amendments to the Development Regulations of the Marketplace Planned Development District with Retail (MPD-R), as amended, applicable to Lot 1, Block A, The Shops at Highland Village.

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

An application was received requesting an amendment to the development regulations at The Shops at Highland Village. The applicant, MP shops at Highland Village LLC, property owner, is requesting to amend the Ordinance as it relates to removing the Southern Common area of the property to allow for an additional (20) parking spaces within the area between Lambeaus' America and Chico's. They are also asking to be allowed to construct (1) gateway arch sign, provide a stage area, benches, new seating, tables with umbrellas, string lighting, and revise the parking spaces on the north side of the common area, in front of the future Cheesecake Factory.

History - Ordinance No. 05-984, approved November 2005 had been the legislation for The Shops until it was amended in 2015, by Ordinance No. 2015-1174. Ordinance No. 2015-1174 amended the Concept Plan, Exhibit B, to allow for an amendment to the southern common area, removing the statue and adding a pergola, outdoor fireplace, seating area, bocce ball, etc.

The applicant is requesting the following revisions to the existing ordinances:

Amend the subsection titled "General Description" in the section titled "Area 'C' Greenspace and Common Areas" as set forth in Exhibit "B" to Ordinance No. 05-984 by changing the phrase "approximately 23% of the site" to read "approximately 22.5% of the site".

Replace and amended in its entirety the graphic title "Concept Plan" in Exhibit "B" to Ordinance No. 05-984 for the purposes of revising the parking and pedestrian focal point.

Replace and amend in its entirety Exhibit "D" titled "Illustrative Plan" as set forth in Attachment 1 to Ordinance No. 2015-1174 the purposes of revising the parking and pedestrian focal point.

Replace and amend in its entirety Exhibit "E" titled "Concept Plan" set forth in Attachment 2 to Ordinance No. 2015-1176 for the purposes of revising the parking and pedestrian focal point.

Amend Exhibit H, Section III titled "Center Identification Signs" to Ordinance No. 2015-1174 by adding a new paragraph 7 to read as follows:

7. One (1) Illuminated or Non Illuminated Gateway Arch Sign may be located north of the intersection of Waller Creek and Cherry Creek. This Gateway Arch Sign will not exceed 25' in height.

Amend Exhibit H to Ordinance No. 2015-1174 by amending in its entirety Exhibit 1 "Location

Plan” for the purpose of adding the above mentioned Gateway Arch Sign.

If approved and constructed, the changes in the property as proposed will result in the removal of (12) existing trees, while replanting nine (9) new.

Currently there are 25 existing parking spaces within the northern side of the existing common area, 17 of which will be temporarily removed during construction. When construction is complete, there will be 32 spaces on the northern side of the central aisle and an additional 20 new parking spaces within the new requested central aisle (former common area), making an overall total of 52 parking spaces for a net increase of 27 spaces.

IDENTIFIED NEED/S:

Public hearings are required to be conducted by both the Planning and Zoning Commission 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 the date of preparation of this briefing, August 11, 2023, staff has received (4) emails opposed to the request and (1) call inquiring only on the nature of the request.

City Staff and the Fire Department have reviewed the request and have no further comments on the submittal.

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.

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING DISTRICT MAP OF THE CITY OF HIGHLAND VILLAGE AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS APPLICABLE TO THE DEVELOPMENT AND USE OF LOT 1, BLOCK A, THE SHOPS AT HIGHLAND VILLAGE, LOCATED IN THE MARKETPLACE PLANNED DEVELOPMENT DISTRICT WITH RETAIL (MPD-R); INCLUDING AMENDMENTS TO THE CONCEPT PLAN, SIGN REGULATIONS; AND CERTAIN NON-SUBSTANTIVE AMENDMENTS TO CONFORM TO THE FOREGOING; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR NO VESTED INTEREST; 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, 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 and Zoning District Map of the City of Highland Village, Texas, as amended, by amending in accordance with Section Two of this Ordinance the regulations relating to the use and development of Lot 1, Block A, The Shops at Highland Village, an addition to the City of Highland Village, Texas, according to the plat thereof recorded in Cabinet Y, Slide 166, Plat Records, Denton County, Texas (“the Property”) which is located in and subject to the regulations of The Marketplace Planned Development District with Retail (MPD-R) established by Ordinance No. 04-943, and amended by Ordinance Nos. 04-962, 05-984, 07-1030, 08-1062, 2014-1160, 2014-1163, 2015-1174, and 2018-1247 (which, to the extent applicable to the Property, are hereafter collectively referred to herein as “The Shops PD Regulations”).

SECTION 2. The Shops PD Regulations, to the extent applicable to the Property, are hereby amended as follows:

- A. The first paragraph title “General Description” in the section titled “Area ‘C’ Greenspace and Common Areas” as set forth in Exhibit “B” of Ordinance No. 05-984 is amended to read as follows:

General Description - The Greenspace and Common Areas configuration shall include: (1) project perimeter landscape buffering, (2) a community gateway entry monument announcing the entrance to Highland Village, (3) intimate park areas featuring unique landscape and water features, (4) landscape planters in the walking areas throughout the project, and (5) a series of variable width pathways that will provide jogging, walking and access trails on the perimeter of the project to connect the park and retention area with the City's Inland Trail System Master Plan, as set forth in the Marketplace Overlay District Ordinance No. 03-906. Not less than 22.5% of the Property shall consist of areas dedicated to green space, landscape buffers, water features, retention pond, pedestrian trails and park areas.

- B. The graphic titled "Concept Plan" as set forth in Exhibit "B" to Ordinance No. 05-984 is amended to read in its entirety as set forth in Attachment 1, attached hereto and incorporated herein by reference.
- C. Exhibit "D" titled "Illustrative Plan" as set forth in Attachment 1 to Ordinance No. 2015-1174 is amended to read in its entirety as set forth in Attachment 2, attached hereto and incorporated herein by reference.
- D. Exhibit "E" titled "Concept Plan" as set forth in Attachment 2 to Ordinance No. 2015-1174 is amended to read in its entirety as set forth in Attachment 3, attached hereto and incorporated herein by reference.
- E. Revised Exhibit GB as set forth in Attachment 3 to Ordinance No. 2015-1174 are amended to read as set forth in Attachment 4, respectively, attached hereto, and incorporated herein by reference.
- F. Exhibit "H" titled "Signage Criteria" as set forth in Attachment 4 to Ordinance No. 2015-1174 is amended as follows:
 - (1) Add a new Paragraph 7 to Section III "Center Identification Signs" to read as follows:
 - 7. One (1) Illuminated or Non Illuminated Gateway Arch Sign with a height not exceeding twenty-five feet (25') may be located north of the intersection of Waller Creek and Cherry Creek.
 - (2) Amend Exhibit 1 to read in its entirety as set forth in Attachment 5, attached hereto and incorporated herein by reference.
 - (3) Add Exhibit 12 titled "Gateway Arch Details" to read as set forth in Attachment 6, attached hereto and incorporated herein by reference.

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. No person or entity shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the City Council of the City of Highland Village, Texas, in the manner provided by law.

SECTION 8. 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 _____, 2023, 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 _____, 2023.

APPROVED:

ATTEST:

Daniel Jaworski, Mayor

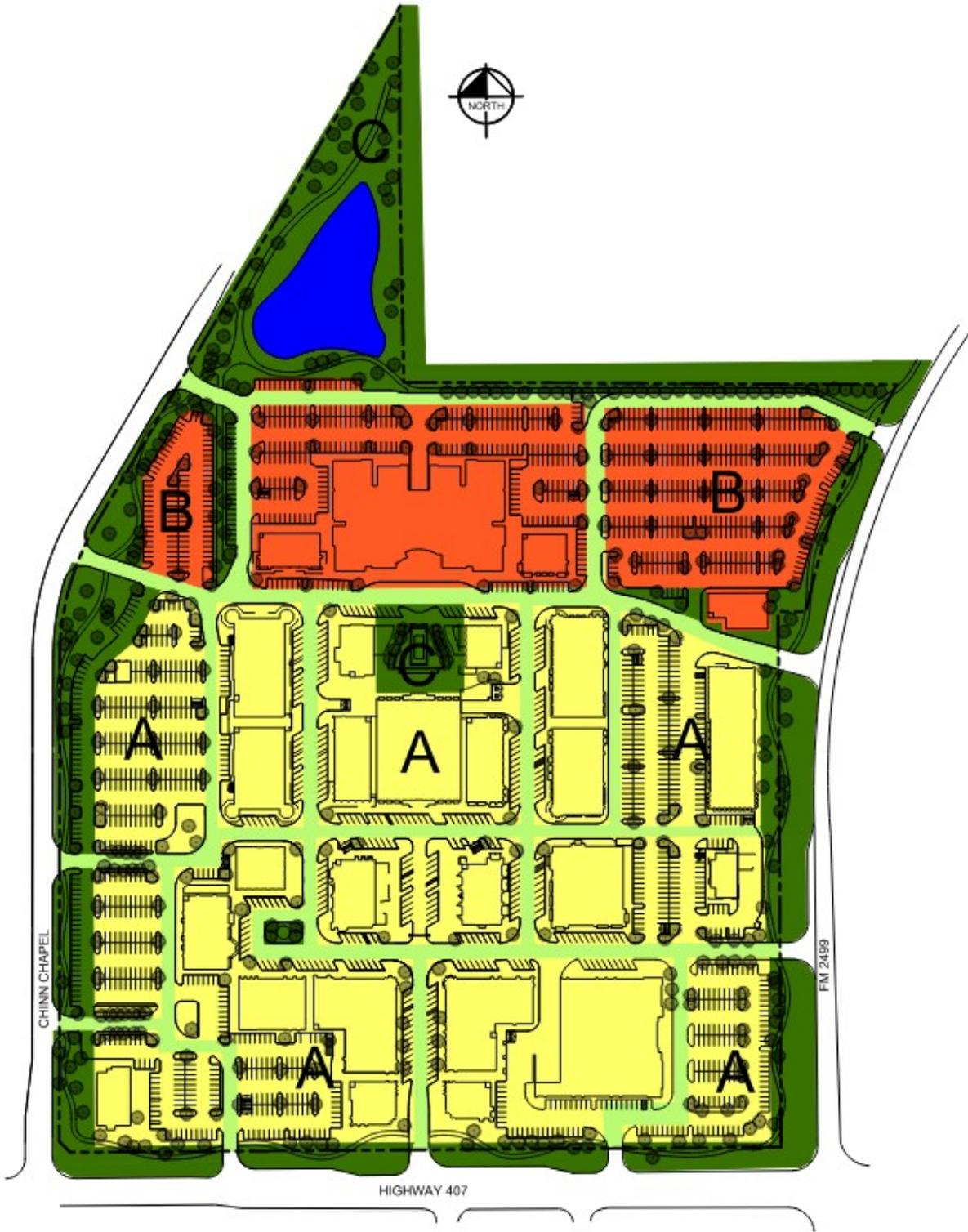
Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

Ordinance No. 2023-____
Attachment 1

Exhibit "B": Concept Plan (revised _____, 2023)



NOT TO SCALE

Ordinance No. 2023-____
Attachment 2

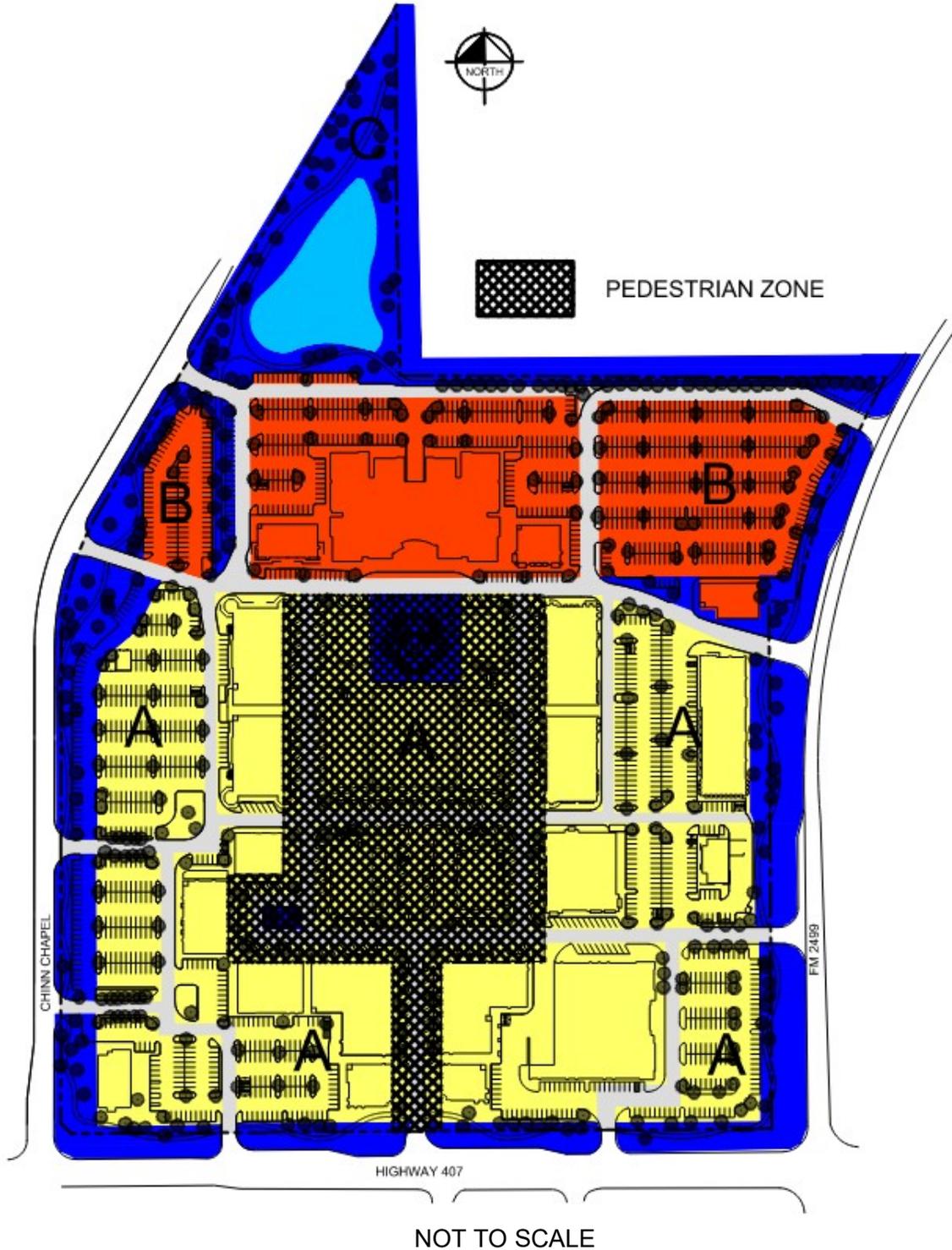
Exhibit "D": Illustrative Plan (revised ____, 2023)



NOT TO SCALE

Ordinance No. 2023-____
Attachment 3

Exhibit "E": Concept Plan with Pedestrian Zone (revised ____, 2023)



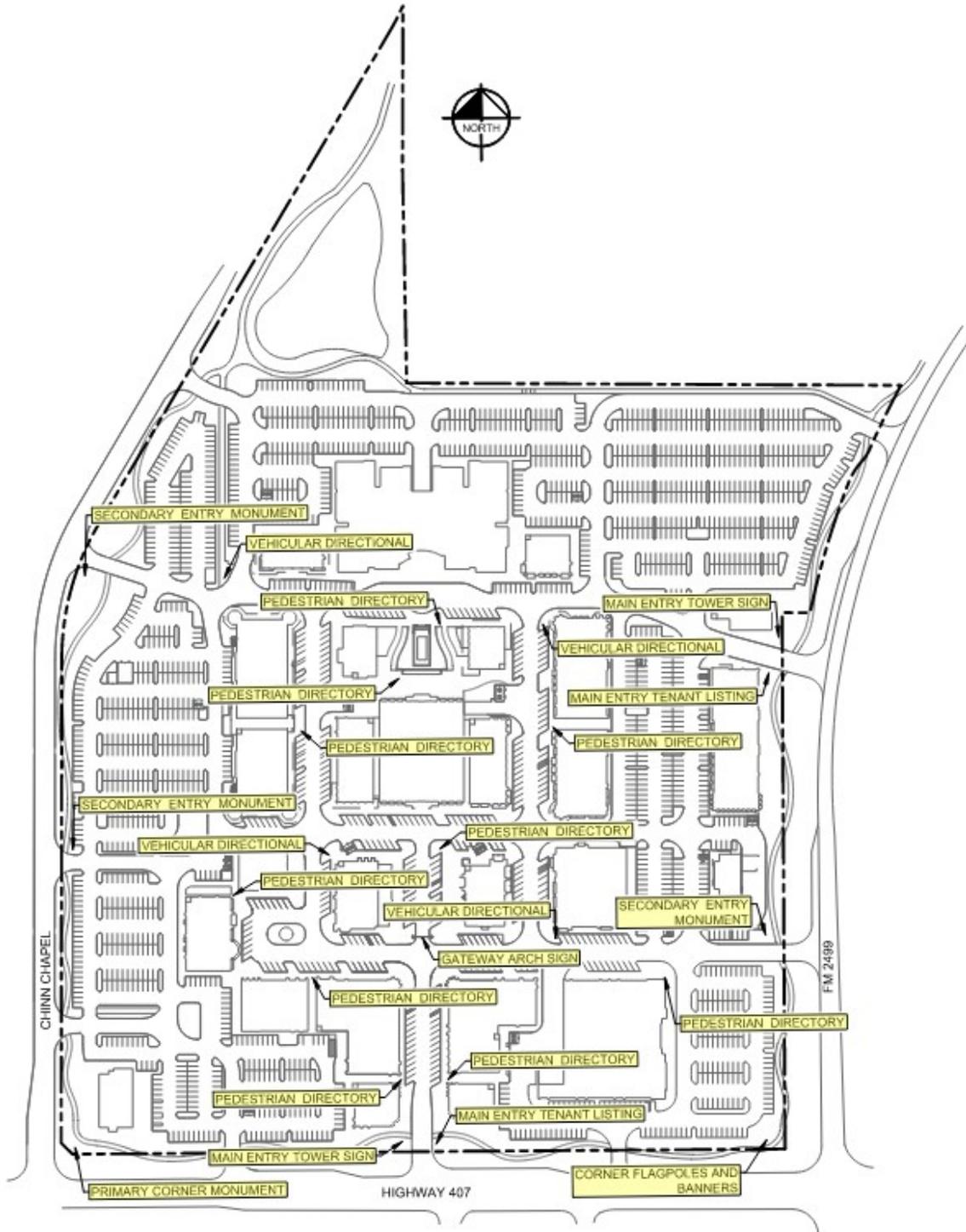
Ordinance No. 2023-____
Attachment 4

Exhibit "GB": Location Plan (revised ____, 2023)



Ordinance No. 2023-____
Attachment 5

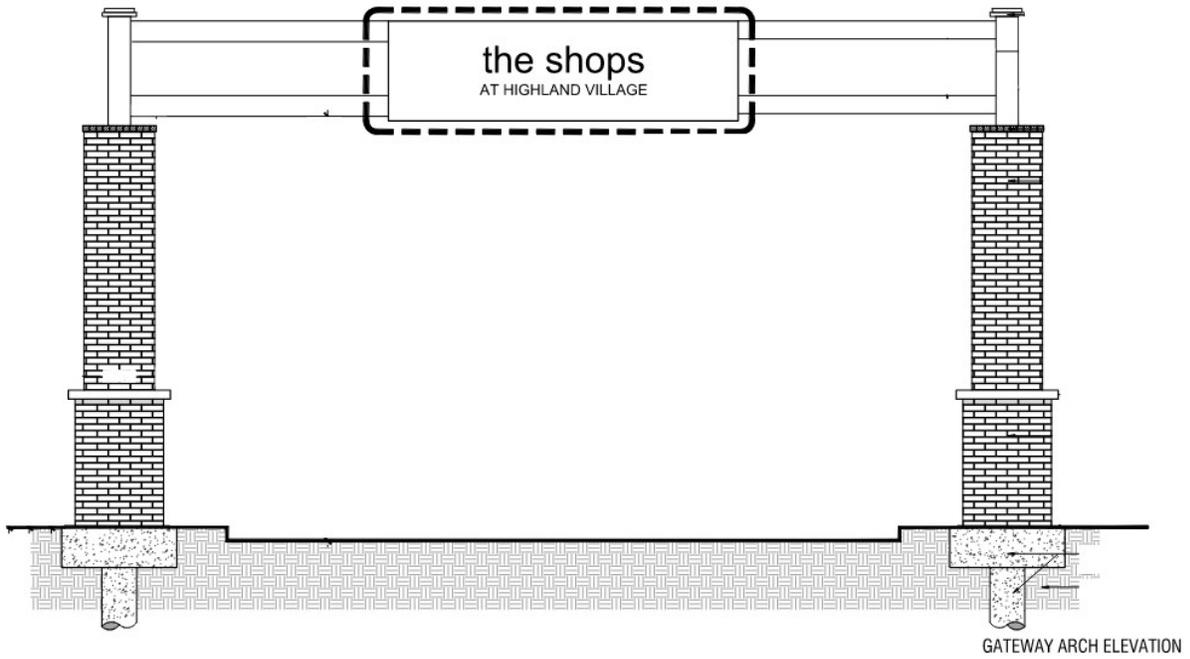
EXHIBIT 1 to Exhibit H: Location Plan (revised _____, 2023)



NOT TO SCALE

Ordinance No. 2023-____
Attachment 6

Exhibit "12" to Exhibit "H": Location Plan (added ____, 2023)



NOT TO SCALE