



AGENDA

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, JUNE 18, 2019, 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 October 16, 2018.**
- 3. Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on December 18, 2018.**
- 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 on a proposed change in zoning from SF-15 Residential Zoning District to a Residential Planned Development District on an approximate 2.713 ± acre tract of land located in the E. Clary Survey, Abstract No. 248, commonly known as 1400 Highland Village Road.**
- 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 JUNE 14, 2019 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 _____, 2019 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, OCTOBER 16, 2018

1. Call to Order/Roll Call.

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

Roll Call

Present:	Deedee Ricketts	Chairman
	Stan Lemko	Vice Chairman
	Thomas Heslep	Commissioner
	Dylan Romo	Alternate Commissioner
	Denver Kemery	Alternate Commissioner
Absent:	Rick Turner	Commissioner
	Angelina Robinson	Commissioner
Staff Members:	Autumn Aman	Community Development Coordinator
	Billy Spencer	Building Official
	Kim Huntley	Community Services Assistant

Chairman Ricketts stated that the meeting was the first annual meeting since the appointment of the new Commissioners. She continued that Commissioner Bob Holden did not extend his service for the new fiscal year and wanted to thank him for his service to the Commission.

Chairman Ricketts recognized the two new Commissioners appointed to Planning and Zoning. Angelina Robinson, appointed to Place 5 and Denver Kemery, appointed as Alternate Place 2. She stated in the absence of Commissioners Rick Turner and Angelina Robinson, Alternates Dylan Romo and Denver Kemery would be voting in their absence.

2. Elect Chairman and Vice Chairman.

Vice Chairman Stan Lemko nominated Deedee Ricketts as Chairman. Alternate Commissioner Dylan Romo seconded the motion.

Motion passed (5-0)

Alternate Commissioner Romo nominated Stan Lemko as Vice Chairman. Alternate Commissioner Denver Kemery seconded the motion.

Motion Passed (5-0)

3. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on September 18, 2018.

Commissioner Tom Heslep made a motion to approve the minutes with non-substantial

changes. Vice Chairman Lemko seconded the motion.

Motion Passed (5-0)

4. Visitor Comments.

There were no Visitor Comments.

5. Conduct Public Hearing and Consider an amendment to the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C to reduce the required minimum acreage for creation of a Planned Development District.

Chairman Ricketts addressed the applicant, Mr. Bill Davidson, apologizing for the procedural error of the public hearing not being held at the last Planning and Zoning meeting held on September 18, 2018.

Commissioner Heslep abstained from discussion and voting on this item citing conflict of interest. Commissioner Heslep stepped down from the dais.

Community Development Coordinator Autumn Aman stated that the City had received an application from Mr. Bill Davidson, Foremost Investments, requesting a text amendment to the City of Highland Village Comprehensive Zoning Ordinance to change the required three (3) acre minimum for creating a Planned Development to two (2) acres. She continued that Mr. Davidson was requesting the change so that he may submit an application to create a Planned Development for his property located at 1400 Highland Village Road. Ms. Aman stated that the request had been placed on the Planning and Zoning agenda on September 18, 2018, and after much discussion, the Commission recommended sending the ordinance forward to City Council for approval. She continued it was later discovered that there was a procedural error at the September 18, 2018 meeting due to the Public Hearing not being held, therefore, the item had to be placed back on an agenda with the Commission holding the public hearing and making a recommendation to City Council. Ms. Aman stated that all public hearing notifications were met and there had not been any inquiries from those notices.

Chairman Ricketts opened the public hearing at 7:07 p.m.

There were no speakers from that public hearing.

Chairman Ricketts closed the public hearing at 7:09 p.m.

Alternate Commissioner Romo made a motion recommending sending the ordinance forward for approval as presented to City Council. Alternate Commissioner Kemery seconded the motion.

Motion Passed (4-0)

Commissioner Heslep returned to the dais.

6. Conduct Public Hearing and Consider a request to use alternative exterior building materials on a residential structure from those required by City of Highland Village Comprehensive Zoning Ordinance Section 30.2.A.1, for property located at 418 Post Oak Drive, described as Lot 1, Block B, Mason Addition, and located in a Single Family

Residential (SF-10) zoning district.

Community Development Coordinator Aman stated the City had received an application from properties owners Caleb and Aimee Rosier requesting they be allowed to use Hardi Cement Fiberboard siding as an alternate exterior material on 100% of the exterior of their proposed new residential structure and detached garage to be constructed at 418 Post Oak Drive. She stated the property is zoned (SF-10), there was not a homeowners association for the area, and the request would be specific to the requested address. She continued that all other items related to the construction of the home would have to follow all City ordinances and building codes. Ms. Aman stated that currently all residential buildings located in zoning districts (SF-40) through (SF-2) shall be of exterior fire-resistant construction having at least eighty (80%) percent of the total exterior walls above grade level and below the first floor plate line, excluding doors and windows, constructed of brick, stone, or material of equal characteristics in accordance with the city's building code and fire prevention code. The City may approve an alternative exterior material if it is equivalent or better than masonry according to the criteria listed for exceptions as part of the approved site plan. She continued that cement fiberboard is not included among the materials defined as "masonry" within the Comprehensive Zoning Ordinance. Ms. Aman stated that the applicant had intended to submit his request to the Zoning Board of Adjustment, however, it was determined that it did not fall under the criteria to be heard by the Zoning Board of Adjustment.

Chairman Ricketts Opened the Public Hearing at 7:17 pm.

- Chairman Ricketts read an email that Ms. Aman had received from Mr. Richard and Virgin Walter, 132 Bluebonnet Dr. They stated they were in favor of allowing the architectural variance and further suggest that all products that are classified as "Fiber Cement Siding" or "Cement Board", such as Hardiboard and products made to such specifications, be included in the definition of masonry material.
- Mr. Russ Mason, 423 Post Oak Drive, spoke in favor of the request.
- Ms. Lisa Hynes, 117 Sunday Haus Lane, spoke in opposition of the request. Stating it would be too much of a drastic change, 80% brick is the standard in Highland Village and the house would stick out.
- Mr. Caleb Rosier, applicant and property owner, 418 Post Oak Drive, spoke of the pros of hardiboard, reading information from ICC Evaluation reports on hardiboard.

Chairman Ricketts closed the Public Hearing at 7:28 pm.

Commissioner Heslep stated he was in favor of the request, he did not think it would stick out and it was a good location for hardiplank. Mr. Heslep thought it was a very good material and was in full support of using it.

Alternate Commissioner Kemery agreed with the statement of Commissioner Heslep. He stated that the neighborhood lends itself to something eclectic.

Vice Chairman Lemko stated he was very familiar with hardiboard, he would highly recommend using it and had no issues with the product itself. Mr. Lemko continued that the City needs to address some of the older areas of Highland Village, possibly with an ordinance. Mr. Lemko

questioned when the zoning of SF-10 was generated and if 100% of the applicants' neighborhood was there before SF-10 zoning was adopted.

Community Development Coordinator Aman stated it is a very old neighborhood. It has been there for a long time.

Vice Chairman Lemko questioned Building Official Spencer on future standards or look of the City.

Building Official Spencer and the Commissioners discussed future standards as it related to adding on to an existing structure versus rebuilding a new structure and if they would have to build to current City Codes.

Chairman Ricketts stated as part of the discussion there had been some conversation of doing some type of an overlay. She continued in doing so there was a lot more to consider, you have to consider drainage, trail access, sidewalks, etc. She stated City Council needed to give the Planning and Zoning Commission direction on redevelopment on the older part of City. She reminded the Commission that the application being considered at the meeting is for one specific lot only.

Vice Chairman Lemko questioned building requirements, testing codes, installation of underlayment, and engineering of the hardiboard product.

Building Official Spencer stated the codes do cover the installation of hardiboard and it is inspected at different timelines during the construction.

Chairman Ricketts questioned Building Official Spencer if there had ever been any problems with the product.

Building Official Spencer responded there has not.

Chairman Ricketts questioned if hardiboard existed at the time the 1995 Zoning Ordinance was written.

Building Official Spencer replied that he believed hardiboard has been around since approximately 1985. He continued that he had researched and per City ordinance, masonry has to be applied with a mortar. Hardiboard does not have to be applied with a mortar and mortar is the reason for a definition of a masonry product. Hardiboard is installed with fasteners.

Chairman Ricketts and the Mr. Rosier discussed the pictures of houses that were submitted in the packets for the Commissioners review. Mr. Rosier stating that he had gotten actual house pictures from websites and Instagram. He stated the shades of white is what they would like to apply, along with composite shingles.

Chairman Ricketts stated that the Commission was not the architectural police; they need to keep with architectural design and compatibility with surrounding properties.

Ms. Lisa Hynes, 117 Sunday Haus Lane, commented that the public hearing notice she had received did not give all the information and it was to her understanding that the homes were grandfathered. She stated that in her area all homes are 80% brick and she felt it had not been fairly represented. She wanted to know why the City was trying to come up with a different code

and why the City was making an allowance when there is a standard?

Chairman Ricketts commented that the older part of Highland Village has a character to it that is so unique and so special; that is why people were drawn here for the rest of the City to build out. She continued for clarification that there was only one house and one lot that was being considered by the Commission. She stated that all Commissioners share the same concern and wanted to be careful in precedent that they set for those areas of the City that are not part of a homeowners association. Chairman Ricketts continued stating it was the roll of the Commission to look at the ordinance in specific to what had been presented at the meeting. She clarified that ordinances are not sent out as part of the public hearing notice.

Chairman Ricketts thanked Ms. Hynes for sharing her concerns.

Chairman Ricketts questions if the houses in the area of Sunday Haus and Monday Haus had a Homeowners Association.

Community Development Coordinator Aman responded they did not.

Chairman Ricketts stated it was imperative for City Council and Staff to receive clarification of redevelopment of old Highland Village.

Vice Chairman Lemko made a motion to recommend to City Council approval of the use of Hardi Cement Fiberboard on 100% of the total exterior walls for the new construction located at 418 Post Oak Drive. Commissioner Heslep seconded the motion.

Motion Passed (5-0)

Chairman Ricketts called for a five minute recess at 8:08 p.m.

The meeting reconvened at 8:13 p.m.

7. Receive Status Reports on Various Projects

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

Community Development Coordinator Aman stated the next regular scheduled meeting would be held on November 20, 2018.

8. Adjournment.

Meeting adjourned at 8:14 p.m.

Autumn Aman
Community Development Coordinator

Chairman – Deedee Ricketts
Planning and Zoning

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 18, 2018

1. Call to Order/Roll Call.

Chairman Deedee Ricketts called the meeting to order at 6:00 p.m.

Roll Call

Present:	Deedee Ricketts	Chairman
	Stan Lemko	Vice Chairman
	Thomas Heslep	Commissioner
	Angelina Robinson	Commissioner
	Dylan Romo	Alternate Commissioner
	Denver Kemery	Alternate Commissioner
Absent:	Stan Lemko	Vice Chairman
Staff Members:	Autumn Aman	Community Development Coordinator
	Scott Kriston	Director of Public Works
	Ken Herman	Assistant City Manager
	Billy Spencer	Building Official
	Kim Huntley	Community Services Assistant

Chairman Ricketts made a general statement that the meeting would be an informational meeting only and City Council would decide if City Staff and the Planning and Zoning Commission would proceed forward with any action.

2. Presentation and general discussion regarding the use of alternate exterior building materials specific to residential structures.

Director of Public Works Scott Kriston introduced Ms. Sherry Sefko, The Town Planner. He stated she is a consultant that the City had used in the past and had requested her assistance with the two (2) items on the agenda. He proceeded that some of her areas of specialty are zoning and development, plan reviews, professional planning services for small communities, and that Ms. Sefko was very instrumental in the development of The Shops at Highland Village and The Marketplace. Mr. Kriston continued, in October 2018, an application was presented to the Commission with a resident wanting to use hardiboard on 100% on the exterior of their proposed new residential home located at 418 Post Oak Drive. The Planning and Zoning Commission recommended sending the request forward to City Council for approval. City Council did approve, however, they had directed City Staff to review and determine if there would be a need to create an Overlay District for the areas without a Homeowners Association, most of those areas located on the east side of Highland Village.

Ms. Sherry Sefko, The Town Planner LLC., stated she had worked for the City of Highland Village in the past when needed. She continued the City had requested her assistance in looking into possible exceptions to the City of Highland Village's masonry requirements. She

stated there are some areas in the City where there are older homes and where the homeowner might want to rebuild their home voluntarily other than having to due to a natural disaster or fire. Ms. Sefko continued there are a quite a few homes in the City that were built a long time ago, there are a diversity of homes and the City had asked she take a look at possible alternatives to the City's masonry requirements. Ms. Sefko proceeded with her PowerPoint presentation on Exterior Building Materials for Residential Structures. She stated it was not geographically based, it was only to give a better understanding on possible alternative materials to masonry. The following was her presentation:

Reasoning behind the discussion.

- In October, the City received a request from a family who wanted to build their home using 100% cementitious fiberboard siding in lieu of meeting the City's 80% "masonry" requirement. It was approved, but City staff believes that more such requests may be submitted so taking a look at the current standards for exterior construction appears to be prudent before more such requests are submitted (i.e., so they won't have to be handled on a case-by-case basis).

What is "Masonry"?

- **Masonry Construction** (as defined by Zoning Ordinance Section 30.1.A.1):
"All construction of stone material, brick material, concrete masonry units, stucco or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction."

What are the Materials?

- **Stone Material:** granite, marble, limestone, slate, river rock, and other hard/durable naturally occurring all-weather stone (includes cut stone and dimensioned stone techniques).
- **Brick Material:** hard/kiln-fired clay or slate material that meets certain known quality standards (not unfired/underfired units).
- **Concrete Masonry Units:** must meet certain quality standards, and must have indented, hammered, split-face finish (no smooth-surfaced, lightweight or "cinder blocks" are allowed).
- **Concrete Panel Construction:** concrete finish or or pre-cast panel ("tilt wall"), must be painted, fluted, exposed aggregate, or other textured architectural finish.
- **Stucco:** textured finish applied over a cement base with metal or wire lath.

Pictures and discussion of residential structures that exhibit creative use of alternative building materials.

Alternative Masonry Material known as cementitious fiberboard siding commonly referred to as "Hardie-Plank", "Hardie-Board", etc. (due to a commonly used brand name in this part of Texas).

Cementitious Fiberboard Siding" Pro's

- Longevity – Material: 50-year warranty (Hardie; only material, not final pre-coated/finished)
- Longevity – Pre-Finished Coating/Color: 15-year warranty (Hardie; not used by builders much due to cost, finish-out logistics)
- Rot and Insect Resistance (what creature would EAT it?)
- Appearance: products can mimic many other siding materials
- Fire Resistance (Hardie; 90% sand+cement so highly fire resistant)
- Storm Resistance
- Cost Efficient: generally less expensive to design/apply than traditional “mortar-unit masonry”

Cementitious Fiberboard Siding: Con’s

- Weight & Physical Characteristics: requires more planning, structural integrity, labor force size/expertise, installation time on job site (as compared with lighter and easier to manipulate siding materials). For example: Weight is about 300 lbs. per 100 square feet as compared to 60-70 lbs. for vinyl siding.
- Not Maintenance-Free: must be repainted periodically...builders typically, if not frequently, apply in its “raw” state so the final finish is only as good as the primer and paints that arrive on the job site...unless such are specified to a high standard in advance!

Ways to creatively implement alternative masonry materials.

- In certain areas where increasing numbers of homes might be rebuilt, allow all or a certain percentage of the true “masonry” to be fulfilled using cementitious fiberboard siding materials IF specified design articulation features are provided such as:
 - Varied rooflines/”stacking” for 2+ story homes (interior vs. exterior walls)
 - Adding overhangs, dormers, “half-stories” and other upper-story features
 - Additional fenestration with doors/windows (to break up long siding spans)
 - Horizontal convexities/concavities (to break up long siding spans)
 - Large covered porches (for increased social interaction, architectural interest)
 - Other ideas??

Should the City consider further studying/exploring other new and innovative construction alternatives to alternatives to traditional “masonry” for residential areas that may have increased interest in rebuilding?

Discussion was held by the Commissioners and Ms. Sefko, discussing the following:

Commissioner Angelina Robinson commented as going through the presentation, there were a couple items that struck her, some good and some not so good. She stated for her it is colors. Ms. Robinson commented that she liked the idea of visual interruptions to break everything up and to invite that eclectic flare, however, there had to be a way to limit what you opening yourself up to. She stated she was curious to what other cities have done with paint and the longevity, and costs associated with it. She questioned if you could create a color pallet that you offer, do you attach it to an ordinance similar to Kyle, Texas (watercolors-colors of the rainbow) or do you limit colors having a color pallet.

Alternate Commissioner Kemery questioned if it would cost the City any extra with inspections, anything more the City would have to do.

Building Official Spencer responded no.

Alternate Commissioner Dylan Romo commented that the reason you have the ordinances had to do with trying to accomplish a “look and feel” in the newer planned subdivisions. He continued that you have to be careful not to allow something that would stick out. He stated he does like the old part of Highland Village, but that within itself is a look and feel in that area, the houses fit there, so when we talk about construction alternatives, we have to be careful that we are not opening up something that is going to stick out. We are not the esthetic police, we have people in our neighborhood that have painted their houses in a tasteful matter, but that could have gone south. He stated the reason why he was supportive of the Post Oak house was due to it being a vacant lot, and the area of town where some other styles are already there. It was not his job to dictate what everyone’s brick looks like. Mr. Romo stated he did agree with Commissioner Turner’s comment about protection of your neighbors and currently there is a lot of variation in our current existing ordinance.

Commissioner Tom Heslep questioned if doing an overlay, could you do specific designated areas, all the areas that do not have a homeowners association where certain guidelines be set. He thought it should still be presented to the Planning and Zoning Commission like the house on Post Oak Drive. He continued that he thought there should be further study, define a plan and layout. Commissioner Heslep agreed with Alternate Commissioner Romo on colors. He thought you could do it for designated areas, all areas that are not in a homeowners association. Commissioner Heslep stated that he was in support, but there were so many questions to be answered.

Commissioner Turner stated he thought to protect the neighbors he agreed with Commissioner Heslep, agreeing that all should come in front of the Planning and Zoning Commission. He stated he wants to protect the neighbor, if they are putting in a unique house, and with no homeowners association, he thought it was the Commissions duty to look at what is around the new construction and allow for discussion from other neighbors and their opinions.

Chairman Ricketts stated that the meeting is an informational meeting only. It was an opportunity for the Commissioners to ask the questions and City Council would decide if they would proceed in further investigation. She continued she thought what the City Council wants is for the Planning and Zoning Commission to either consider reviewing case by case or to do an overlay, considering an overlay as stated by Commissioner Heslep for areas that don’t have a homeowners association. She continued she personally would not mind further investigation, put something together of color aspect, quality of paint and longevity, maintenance, unique design features, and we could specify earth tones. She stated that the City has a templet right now that is used for commercial which could be incorporate into residential. Chairman Ricketts thought it was worth pursuing to prevent case by case applications.

Chairman Ricketts questioned Building Official Spencer if there was anything in The City’s ordinances that restrict the painting of brick.

Building Official Spencer stated there was not.

3. Presentation and general discussion on the concept of a Transit Oriented Development (TOD).

Director of Public Works Kriston stated the City currently has an ordinance that was generated

in 2007 designating a TOD area and had requested that Ms. Sefko refresh the Commissioners on the definition of a TOD, what is a TOD, and any alternatives. He stated that the agenda item was for discussion only.

Ms. Sefko proceeded with her power point presentation discussing the following:

What is a TOD? “TOD – 101”

A Transit-Oriented Development (TOD) is a compact, mixed-use, walkable community centered around a transit station, making it possible to increase the quality of life without complete dependence on a car for mobility and survival.

Why create A TOD?

- To decrease traffic congestion and leverage investments in rail (commuter, light-rail, etc.)
- To provide an alternative to suburbia and strip development
- To take advantage of market opportunities for walkable, mixed use development
- To provide a quality urban lifestyle
- To address changes in population demographics: more single persons, empty nesters, etc.

Advantages of TOD Development

Conventional Development

- Codes encourage single-use pods of development
- Buffers instead of transitions
- Lack of a transportation network
- Not pedestrian-friendly, so not transit-friendly
- Narrowly stratified market
- Planned obsolescence, so constructed accordingly
- Scrape, rezone and sometimes re-subdivide to redevelop
- Value drops when the intended use is no longer viable

Transit-Oriented Development

- Codes encourage mixed-use
- Transitions instead of buffers
- A transportation network, encouraging choice
- Pedestrian-friendly/easy to walk so transit-friendly
- Broad market (age, socio-economic, lifestyle)
- Planned and constructed to endure

- Change of use within buildings instead of redeveloping
- Value holds when the current use is no longer viable

Benefits of a TOD

- More efficient use of land, energy and resources.
- Reduced household spending on transportation, resulting in more expendable income for other priorities.
- Improved air quality and reduced pollution.
- Reduced traffic congestion, car accidents, injuries and “traffic stress”.
- Encourages healthier lifestyle with more walking/biking and less dependence upon the automobile.
- Higher, more stable property values in vicinity.
- Creates a sense of community and a sense of “place”.
- Better/more wholistic places to live work and play (mixture of housing densities and choices, jobs, shopping, recreational choices, etc.).

Features of a TOD

- Features of successful Transit-Oriented Development:
- A size of approximately a ¼ to ½ mile radius. This average radius is intended to represent a ‘comfortable walking distance’ for most people.
- A mix of uses to promote pedestrian activity in the TOD area. Uses should include retail for everyday living (grocery stores, dry cleaners, etc.), specialty retail, office space, restaurants, public space, and housing.
- Development oriented to the street, the pedestrian, and the human scale. Buildings should have entries, windows, balconies, porches, and architectural features that create safe, functional, and interesting walking environments.

Implementing TOD’s

- Coordinated Master Plan for future development/redevelopment
- Create the zoning tool and rezone property (mixed use by right, form-based zoning)
- Identify key public improvements to implement the critical elements (parking, streets, parks/open spaces, trails) Incentive policy(s) to attract the right type of use/dev.

TOD in Highland Village and Things to think about

- TOD designation was added to the City’s Comprehensive Plan/Future Land Use Plan in 2007 as a result of DCTA’s anticipated siting of the transit station at Garden Ridge and IH-35E (east side, in Lewisville).
- Are designated areas in Highland Village more like Transit-Adjacent Development(TAD) areas?...distance 1/2 to 1 mile radius from a transit station (such as DCTA’s train station east of IH-35E).
- How much developable land is left for TOD/TAD? (along FM 407/Justin Road, Doubletree Ranch area).
- Does remaining developable land in these designated areas warrant further study on the feasibility of creating TODs within Highland Village?

Commissioner Robinson questioned what were some examples of successes in the DFW area of a TOD?

Alternate Commissioner Romo replied that the Mockingbird area is an example of a successful

TOD. He stated he would like to see a TOD but did not think the City had the land to support it by the information given at a past presentation by a company that did a study.

Commissioner Heslep made comparison to Downtown Coppell. He thought something might be able to be accomplished in Highland Village similar to what was done in Coppell, he thought it would do great and not necessarily need a rail line.

Commissioner Turner agreed with Commissioner Heslep.

Chairman Ricketts questioned Ms. Sefko on the definition of a (TAD), Transit-Adjacent Development as it relates to the Cities area.

Ms. Sefko stated that a TAD is still a mixed use development but the distance is a little further, one half (1/2) or one (1) mile radius from a transit station.

Chairman Ricketts stated looking at the next five (5) years, the City should look at updating the Future Land Use Map as it relates to TOD's. The City needs to look to the future and the map does not reflect the future. When everyone is able to go northbound on Hwy. 35-E from Highland Village Road, that would change the entrance into the City of Highland Village. The City needs to do some planning as the City goes forward and what is left to be developed.

4. Adjournment.

Meeting adjourned at 8:09 p.m.

Autumn Aman
Community Development Coordinator

Chairman – Deedee Ricketts
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA# 5

MEETING DATE: June 18, 2019

SUBJECT: Conduct Public Hearing and Review and Consider an application on a proposed change in zoning from SF-15 Residential Zoning District to a Residential Planned Development District on an approximate 2.713 + acre tract of land located in the E. Clary Survey, Abstract No. 248, commonly known as 1400 Highland Village Road.

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND

The City has received an application from Mr. Bill Davidson, Foremost Investments, property owner, requesting to change the current zoning on his property from SF-15 to a Residential Planned Development consisting of eleven (11) lots.

IDENTIFIED NEED/S:

To request the change of zoning on the property, public hearings are required to be conducted by both the Planning and Zoning Commission and City Council. All public hearing notification requirements have been satisfied.

OPTIONS & RESULTS:

Options are to recommend to the City Council that the application be (1) approved as submitted, (2) approve with modification, or (3) deny the request. The Planning and Zoning Commission may also postpone any action in order to receive any additional information which it requests be presented.

PROGRESS TO DATE: (if appropriate)

On November 15, 2016, Mr. Davidson gave a presentation to the Planning and Zoning Commission on the proposed residential development to be called "Tequesta".

On September 25, 2018, and October 16, 2018, Mr. Davidson presented to the Planning and Zoning Commission the request to amend the City of Highland Village Comprehensive Zoning Ordinance to reduce the minimum required area for establishment of a Planned Development District from three (3) acres to two (2) acres. On November 13, 2018, the City Council approved an ordinance amending the CZO in the manner requested.

As of the date of this briefing, June 11, 2019, staff has received no calls or emails regarding this request from the public hearing notices sent.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

An 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. 2019- _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE HIGHLAND VILLAGE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP RELATING TO THE USE AND DEVELOPMENT OF A 2.702 ± ACRE TRACT OF LAND LOCATED IN THE E. CLARY SURVEY, ABSTRACT NO. 248, CITY OF HIGHLAND VILLAGE, DENTON COUNTY, TEXAS, PRESENTLY ZONED SF-15 SINGLE FAMILY RESIDENTIAL BY CREATING PLANNED DEVELOPMENT NO. 2019-01 FOR DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, AND LANDSCAPE PLAN: 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 conclude that the Comprehensive Zoning Ordinance and Zoning Map of the City of Highland Village, Texas, as previously amended, should be further amended.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, 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 amended relating to the use and development of a 2.702 ± acre tract of land located in the E. Clary Survey, Abstract No. 248, City of Highland Village, Denton County, Texas, being more particularly described in Exhibit “A” attached hereto and incorporated herein by reference (“the Property”), which is presently zoned as “SF-15” Single Family Residential, by establishing Planned Development No. 2019-01 for Single Family Residential Development to be used and developed in accordance with the use and development regulations as set forth in Section 2 of this Ordinance.

SECTION 2. The Property shall be developed and used in accordance with the applicable provisions of the CZO, as amended, except to the extent modified by the Development Regulations as set forth below:

- A. **BASE ZONING DISTRICT:** The Property shall be developed and used only in accordance with the standards of the CZO for the SF-12 Single Family Residential District - 12000 except as modified in this Section 2.
- B. **CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B” and incorporated herein by reference (“the Concept Plan”).

- C. **DEVELOPMENT STANDARDS:** The following standards shall apply to the use and development of the Property:

Minimum Dwelling Unit Area	2000 square feet of air conditioned space
Maximum Density	4.09 dwelling units per acre
Maximum Height	a. Thirty-five feet (35') for the main building. b. One story for accessory buildings without garages.
Minimum Lot Area	6300 square feet
Minimum Lot Width	Sixty feet (60')
Minimum Lot Depth	One hundred feet (100').
Minimum Front Yard	Ten feet (10') for main structure; except the entry face of the garage, which shall be twenty feet (20')
Minimum Side Yard	Aggregate twelve feet (12') with not less than five feet (5') on a side and not less than seven feet (7') on the opposite side.
Corner Lot Side Yard	The corner lot side yard setbacks shall be twenty feet (20') adjacent to Highland Village Road.
Minimum Rear Yard	Fifteen feet (15') with no alleys
Maximum Lot Coverage	Fifty percent (50%) by main structure and accessory buildings
Parking	A minimum of two (2) enclosed spaces behind the front building line. Front entry garages shall be setback at least twenty feet (20') from front property line.
Garage Doors	Garage Doors shall have a wood or aluminum carriage-style or barn-door style that complement the color of the front facade of the dwelling unit

- D. **LANDSCAPING:** The Property shall be landscaped substantially in accordance with the Landscape Concept Plan attached hereto as Exhibit "D" and incorporated herein by reference ("Landscape Plan").

E. **SCREENING:**

- (1) A six foot (6.0') tall cedar board on board wood screening fence with masonry columns equally spaced, along the western boundary along Highland Village Road as shown on the Landscape Plan.
- (2) A six foot (6.0') tall cedar board on board wood screening shall be constructed around the Detention Pond area as shown on Exhibit "C", attached hereto and incorporated herein by reference ("Screening Plan").

- (3) Construction of the screening fences required by Sections 2.E.(1) and (2) above must be completed prior to issuance of any building permits for construction of a dwelling unit on the Property.
 - (4) Construction of a six foot (6.0') tall board on board wood fence matching the wood screening along Highland Village Road as shown on the Screening Plan – Entrance must be constructed on each respective lot along the outside boundaries of the Property adjoining other properties prior to issuance of a certificate of occupancy or approval of a final inspection for the dwelling unit constructed on said lot.
- E. **TREES:** No fewer than two (2) canopy trees not less than four inches (4") caliper at the time of planting selecting from the approved plant list set forth in the CZO shall be planted in the front yard of each lot prior to the issuance of a certificate of occupancy or approval of a final inspection for the dwelling unit constructed on the lot.
- F. **SIDEWALK:**
- (1) No sidewalk shall be required to be constructed along the fronts of the lots developed within the Property.
 - (2) Construction of a sidewalk not less than five feet (5') wide along Highland Village Road as shown on the Concept Plan must be completed prior to issuance of a building permit for any dwelling unit to be constructed on the Property.
- G. **ENTRY FEATURE:** Construction of an entry feature designed and as show on Exhibit "E" attached hereto and incorporated herein by reference and located in a dedicated common area easement outside of any public street right-of-way shall be completed prior to issuance of a building permit for any dwelling unit to be constructed on the Property.
- H. **Homeowners'/Property Owners' Association:** Prior to approval of the first final plat for the Property, a homeowners' association shall be established and created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of landscape systems, screening walls and fences, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures or at subdivision entryways, open space common areas or properties, including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, playgrounds, pavilions, detention ponds, trail, private neighborhood park and related amenities within the Property subject to the following:
- (1) All open space and common properties or areas, facilities, structures, improvements systems, or other property that are to be operated, maintained and/or supervised by the homeowners' association shall be dedicated by easement or deeded in fee simple ownership interest to the homeowners' association after construction and installation as applicable

by the owner and shall be clearly identified on the recorded final plat of the Property or portion thereof;

- (2) A copy of the agreements, covenants and restrictions establishing and creating the homeowners' association must be approved by the city attorney prior to the approval of the final plat of the portion of the Property to be platted and must be recorded prior to or concurrently with the recording of the final plat in the map and plat records of the Denton County. The recorded final plat shall clearly identify all facilities, structures, improvements systems, areas or grounds that are to be operated, maintained and/or supervised by the homeowners' association;
- (3) At a minimum, the agreements, covenants and restrictions establishing and creating the homeowners' association required herein shall contain and/or provide for the following:
 - (a) Definitions of terms contained therein;
 - (b) Provisions for the establishment and organization of the homeowners' association and the adoption of bylaws for said homeowners' association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive purchase(s) shall automatically and mandatorily become a member of the homeowners' association;
 - (c) The initial term of the agreement, covenants and restrictions establishing and creating the homeowners' association shall be for a period of not less than 25 years and, if not established to be perpetual, shall automatically renew for successive periods of not less than 10 years thereafter;
 - (d) The homeowners' association may not be dissolved without the prior written consent of the City;
 - (d) Provisions ensuring the continuous and perpetual use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, open space or common areas that are the responsibility of the homeowners' association and to establish a reserve fund for such purposes;
 - (e) Provisions prohibiting the amendment of any portion of the homeowners' association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, area or grounds that are the responsibility of the homeowners' association without the prior written consent of the City;

- (f) The right and ability of the City or its lawful agents, after due notice to the homeowners' association, to remove any landscape systems, features or elements that cease to be maintained by the homeowners' association; to perform the responsibilities of the homeowners' association and its board of directors if the homeowners' association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the homeowners' association or of any applicable City ordinances or regulations; to assess the homeowners' association for all costs incurred by the City in performing said responsibilities if the homeowners' association fails to do so; and/or to avail itself of any other enforcement actions available to the City pursuant to state law or City ordinances or regulations; and
- (g) Provisions indemnifying and holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements that cease to be maintained by the homeowners' association or from the City's performance of the aforementioned operation, maintenance or supervision responsibilities of the homeowners' association due to the homeowners' association's failure to perform said responsibilities.

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 _____, 2019, 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 _____, 2019.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:6/11/19:108457)

EXHIBIT "A"
Description of the Property

All that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the E. Clary Survey, Abstract number 248 and also being all of that called 2.702 acre tract of land described in deed to Foremost Investments, L.T.D. recorded in Instrument number 2004-42586, Real Property Records, Denton County, Texas and being more fully described by metes and bounds as follows;

BEGINNING at a capped iron rod found in the East line of Highland Village Road, same being the Northwest corner of that called tract II described in deed to Abdo Daoud and spouse, Rosie Daoud, recorded in Instrument number 2015-52955, Real Property Records, Denton County, Texas;

THENCE along said East line, North 08 degrees 27 minutes 43 seconds East, 245.13 feet to a Mag nail set in said Highland Village Road;

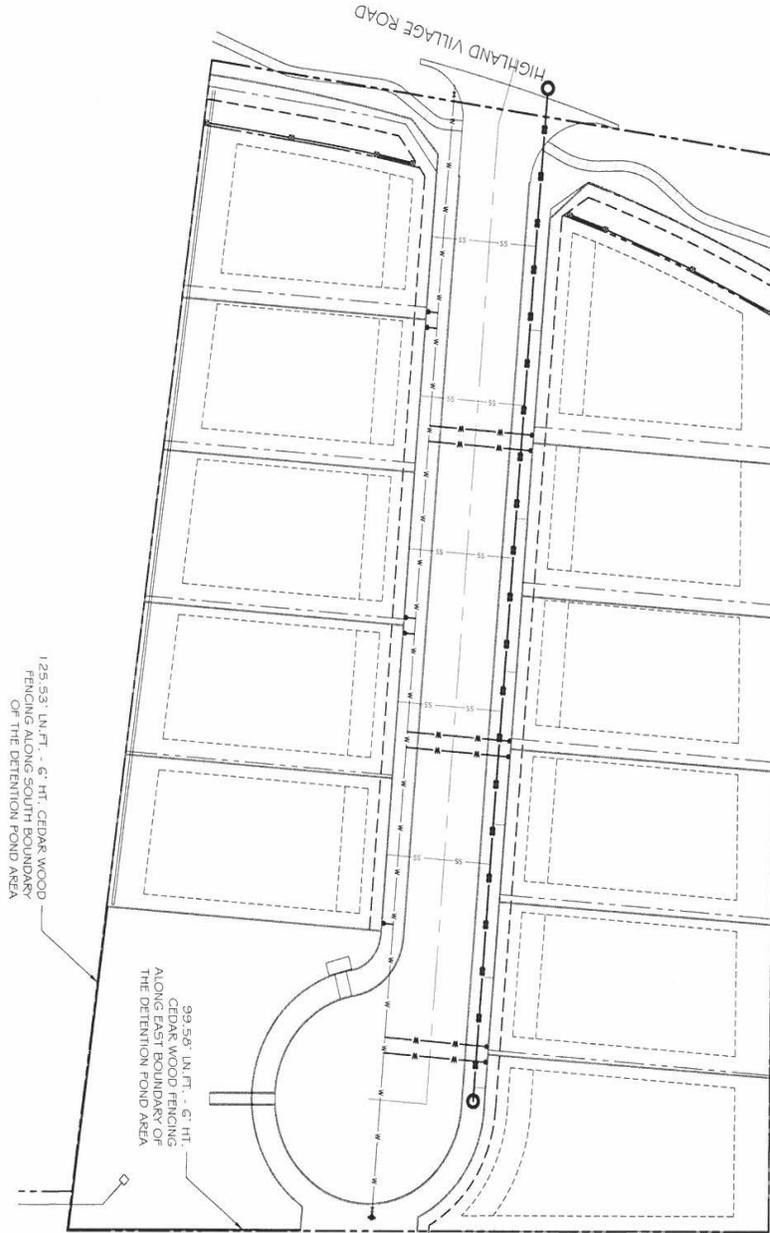
THENCE South 89 degrees 37 minutes 00 seconds East, 412.81 feet to a 5/8 inch iron rod found;

THENCE South 00 degrees 02 minutes 05 seconds East, 299.73 feet to a 3/8 inch iron rod found at the Northeast corner of said Tract II;

THENCE along the common line of said Tract II and this tract, North 82 degrees 23 minutes 07 seconds West, 453.05 feet to the PLACE OF BEGINNING and containing 2.69 acres of land more or less;

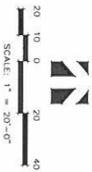


EXHIBIT "C" Screening Plan



125.53' LIN. FT. - 6' HT. CEDAR WOOD FENCING ALONG SOUTH BOUNDARY OF THE DETENTION POND AREA

99.56' LIN. FT. - 6' HT. CEDAR WOOD FENCING ALONG SOUTH BOUNDARY OF THE DETENTION POND AREA



GAYLA
B
PLICHTA
LANDSCAPE
ARCHITECTS
1351 FARMER AVE.
SHELBYVILLE, TEXAS 75251-13
GAYPLICHTA@GAYPLICHTA.COM

Tequesta Development Inc
Bill Davidson
2914 Justin Road, Ste 200
Cedar Rapids, IA 52407
Ph: 319.266.4111

NOT FOR SUBMITTAL
This plan is for review purposes only and is not intended for submission to the City for permitting.

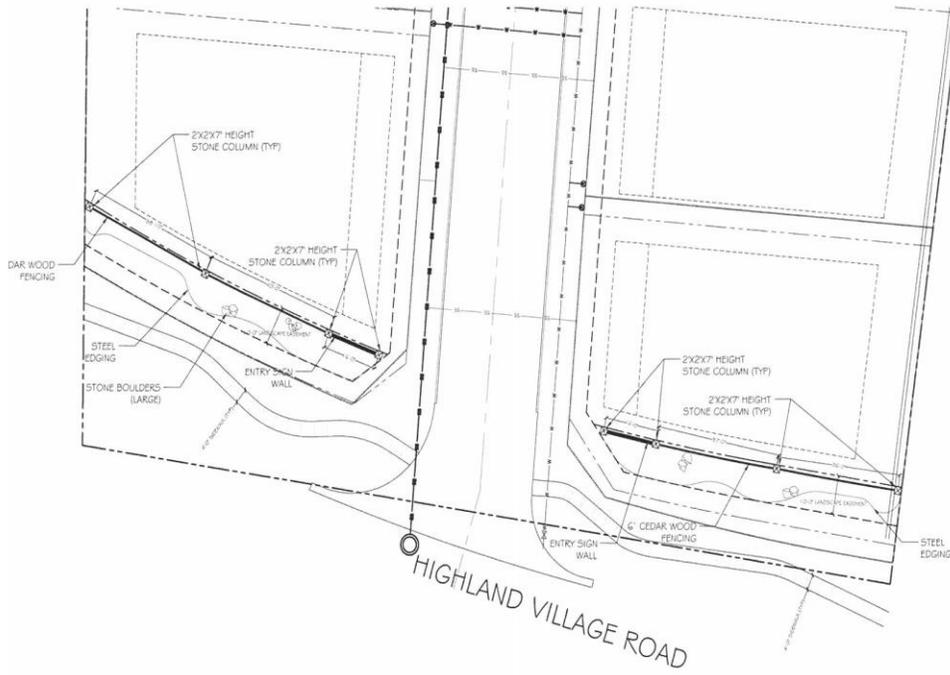
TEQUESTA
Highland Village Road, Highland Village, Texas

REVISIONS:

NO.	DATE	DESCRIPTION
01	5/23/2014	ISSUED FOR PERMITTING

SCALE 1" = 20'-0"
OVERALL PLAN
SHEET NUMBER

EXHIBIT "D" Landscape Plan



GAYLA
BLICHTA
LANDSCAPE
ARCHITECT
135 Parson Ave.
San Antonio, Texas 78212
T: 214.453.7302
gbl@parson.com

Client Name
Tequesta Development Inc

881 Doolittle
2916 Austin Road, Ste 300
Lubbock, Texas 79421
PH: 872-865-1111

NOT FOR SUBMITTAL
This plan is for review purpose
and recording details only. It
is not intended for submittal to
the city for permitting.

TEQUESTA
Highland Village Road, Highland Village, Texas

REVISIONS:

Drawn By	Date
DBP	2/27/2014
DBP	2/27/2014

SCALE 1" = 10'-0"

HARDSCAPE PLAN

SHEET NUMBER

L-2

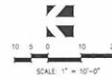
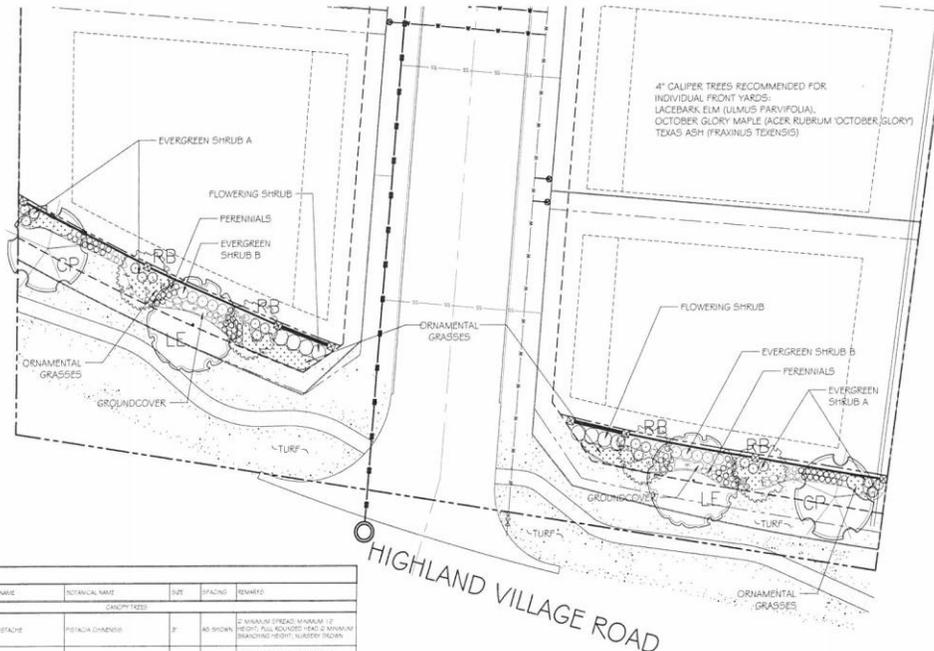


EXHIBIT "D" Landscape Plan (cont.)



**GAYLA
PLICHTA**
LANDSCAPE
ARCHITECT
130 Springs Ave.
San Antonio, Texas 78212-1212
T: 214.232.7022
GaylaP@t1a@gmail.com

Tequesta Development Inc.
888 Southtown
2018 Justin Road, Box 300
Caryville, Texas 75757
PH: 937.965.1111

NOT FOR SUBMITTAL
This plan is for review purpose
and estimating takeoffs only. It
is not intended for submittal to
the city for permitting.

TEQUESTA
Highland Village Road, Highland Village, Texas

QTY	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	REMARKS
(GROUP) TREES						
2	CP	CHERRY POSTAGE	POSTALIA CHINENSIS	2"	AS SHOWN	2" MINIMUM SPREAD, MINIMUM 1'2" HEIGHT, FULL SPOURED TREE, MINIMUM BRANCHING HEIGHT, NURSERY SPECIES
2	LP	LACEBARK ELM	ULMUS PARVIFOLIUS	2"	AS SHOWN	2" MINIMUM SPREAD, MINIMUM 1'2" HEIGHT, FULL SPOURED TREE, MINIMUM BRANCHING HEIGHT, NURSERY SPECIES
(ORNAMENTAL) TREES						
4	EB	NOTO	LEUCIA CANADENSIS	2"	AS SHOWN	4" MINIMUM SPREAD, MINIMUM 8' HEIGHT, FULL COUPLED HEAD, MINIMUM 3" STEM, NURSERY SPECIES
SHRUBS						
6	F	SHRUB F	FLOWERING SHRUB	2" GAL	4' @ 2' O.C.	FULL GROWN
18	A	SHRUB A	EVERGREEN SHRUB A	3/8" GAL	3' @ 2' O.C.	FULL GROWN
10	B	SHRUB B	EVERGREEN SHRUB B	3/8" GAL	3' @ 2' O.C.	FULL GROWN
GROUNDCOVERS						
36	GP	GROUNDCOVER	GROUNDCOVER	4" POT	2' @ 2' O.C.	FULL GROWN
PERENNIALS, FERNS, & DIANES						
48	P	PERENNIAL P	PERENNIALS	2" GAL	2' @ 2' O.C.	FULL GROWN
24	D	PERENNIAL D	PERENNIALS	2" GAL	2' @ 2' O.C.	FULL GROWN
20	C	PERENNIAL C	PERENNIALS	2" GAL	2' @ 2' O.C.	FULL GROWN
60	H	ORNAMENTAL GRASSES	ORNAMENTAL GRASSES	2" GAL	2' @ 2' O.C.	FULL GROWN

NOTE: QUANTITIES LISTED ARE FOR BUDGETING PURPOSES ONLY. CONTRACTOR SHALL VERIFY THE ON-SITE HARDWARE TO INSURE THE FINAL PLANT QUANTITIES ARE CORRECT. USE PLANT SPACING INDICATED TO DETERMINE GROUNDCOVER QUANTITIES.
OWNER, CLIENT, AND LANDSCAPE ARCHITECT RESERVE THE RIGHT TO SELECT ANY UNDESIRABLE OR INAPPROPRIATE MATERIALS AT ANY TIME.
CALL THE CITY AT THE COMPLETION OF THE PROJECT FOR A LANDSCAPE INSPECTION.

BED PREP
• SOILS: USE THE MIX FOR ALL NEW BEDS. EACH WARE SOIL AS NEEDED. ADD 2" LAYER OF 3/4" SAND. CONSISTING OF 70% CORNFORT AND 30% SPACED SHALE. FILL AND GROUND TO 4" DEEP. FINAL PRODUCT SHALL BE 60% READY OF MIX SOIL AND 40% SAND SOIL.
• MULCH: AFTER PLANTING OPERATIONS ARE COMPLETE, TOP DRESS ALL BEDS. SAFETY ASH, ARJANE, WITH A 2" LAYER OF SHADED HARDWOOD MULCH. HOLD BACK OFF OF PLANT TRUNKS 6" IN.
• MIX BOLS AVAILABLE AT SOIL BUILDING SYSTEMS OR USING BOTH TECHNOLOGIES. ANY OTHER VENDORS TO BE APPROVED BY LANDSCAPE ARCHITECT.

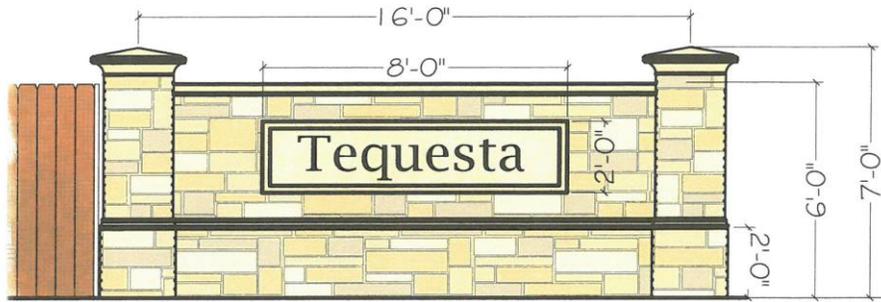


REVISIONS:

Rev.	By	Date
01		2/21/2018
02		5/13/2014

SCALE 1" = 10'-0"
LANDSCAPE PLAN
SHEET NUMBER
L-3

EXHIBIT "E"
Entry Feature



Entry Sign Stone Wall
Elevation - N.T.S

**Tequesta Development,
Inc**

2016 Justin Road, Ste 300
Lewisville, Texas 75077

Bill Davidson
PH: 972-966-1111

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