

**MINUTES
REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION CITY OF HIGHLAND VILLAGE, TEXAS
HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD
TUESDAY, SEPTEMBER 18, 2018**

1. Call to Order/Roll Call.

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

Roll Call

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|----------------|-----------------|-----------------------------------|
| Present: | Deedee Ricketts | Chairman |
| | Stan Lemko | Vice Chairman |
| | Bob Holden | Commissioner |
| | Thomas Heslep | Alternate Commissioner |
| | Dylan Romo | Alternate Commissioner |
| Absent: | Rick Turner | Commissioner |
| Staff Members: | Autumn Aman | Community Development Coordinator |
| | Kim Huntley | Community Services Assistant |

Chairman Ricketts stated due to the vacancy left when Commissioner Robert Fiester was elected to City Council and in the absence of Commissioner Rick Turner, Alternates Dylan Romo and Tom Heslep would be voting on the agenda items.

2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on July 17, 2018.

Vice Chairman Stan Lemko made a motion to approve the minutes as written with non-substantial changes. Commissioner Bob Holden 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 for a Conditional Use Permit (C.U.P.) to allow for a Video Arcade for an approximately 4,012 square foot area of Lot 1, Block F, Highland Plaza Shopping Center, commonly known as 1842 Justin Road, Highland Village, Texas located in a Retail Zoning District.

Community Development Coordinator Autumn Aman stated that an application was received for a Conditional Use Permit for the property located at 1842 Justin Road. She continued the applicant, Mr. Benjamin Morgan, would like to lease the space for his business consisting of tabletop board games, full service bar and food services along with having retro video arcade

games. She stated the property is zoned Retail, so board games, full service bar and food services is currently allowed in Retail zoning, however, the video arcade portion of the business is allowed only by Conditional Use Permit per City Ordinances.

Chairman Ricketts opened the Public Hearing at 7:04 p.m.

There were no speakers for the Public Hearing.

Chairman Ricketts closed the Public Hearing at 7:04 p.m.

Mr. Benjamin Morgan, 2012 Cardinal Lane, Lewisville, Texas addressed the Commissioners stating he would like to create a family entertainment space with food and drinks. His business is geared toward a family environment, bringing back Pac-Man, Donkey Kong, and tabletop gaming such as Monopoly and Sorry. He stated he would have approximate fifty plus (50+) arcade games, all set to "free play", they would not be coin operated, you would pay \$10.00 to play games all day and the tabletop area would be free.

The Commissioners and Mr. Morgan discussed the request as it pertained to the following:

- Full service bar consisting only of can or bottle beverages, no mixed beverages.
- Concern with the youths in the area and underage drinking.
- Food preparation consisting of prepackaged items at opening and possibly expanding in the future to the existing space next to them that was once a restaurant.
- Modifications to the space being very limited other than sound proofing requested by the landlord.
- Hours of operation, 7 days a week, 11:00 a.m. to 11:00 p.m.
- Non-smoking
- Trash
- Parking
- Targeted age demographics
- Skate boarders and signs

Vice Chairman Lemko made a motion to recommend sending the Ordinance for a Conditional Use Permit forward to City Council for approval as presented. Alternate Commissioner Tom Heslep seconded the motion.

Motion Passed (5-0)

5. Conduct Public Hearing and Review and Consider an application to amend the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C to reduce from three (3) acres to two (2) acres, the required minimum acreage of a Planned Development District.

Alternate Commissioner Tom Heslep abstained from discussion and voting on this item citing conflict of interest.

Community Development Coordinator Aman stated the City had received an application to amend the City's Comprehensive Zoning Ordinance the requirement for creating a Planned Development (PD). She stated that the current ordinance states the minimum acreage for a Planned Development shall be three (3) acres and the request is to change the required acreage to a minimum of two (2) acres.

The applicant, Mr. Bill Davidson, 300 N. Edgewater Drive, Highland Village, addressed the Commission; stating that he did make submission to the City and at that time it was determined that he would need the required three (3) acres for a Planned Development. He continued that he did want to submit his PD request along with the amendment request; however, City Staff advised him that he would first have to get approval of the text amendment.

Chairman Ricketts addressed Mr. Davidson questioning if the intent for the citywide change is to allow for Mr. Davidson's specific needs at a later date.

Mr. Davidson stated that was correct.

Ms. Aman stated that the text amendment requested, changes the requirement for the whole City. She stated in 1977, the City of Highland Village required twenty-five (25) acres to create a PD, in 1985 it was a minimum of five (5) acres for residential and one and one half (1.5) acres for non-residential, and in 1995, it was changed to three (3) acres.

Ms. Aman continued, after researching the surrounding Cities, it was determined that The Town of Flower Mound does not have a set minimum for creating a Planned Development. The City of Corinth requires two (2) acres or you may request a PD of less than two (2) acres when carrying out the recommendations of their Comprehensive Plan, and the City of Lewisville requires a minimum of five (5) acres.

Vice Chairman Lemko stated when creating a Planned Development on a smaller plot of land; you have to take in consideration the whole package of utilities, roads, the house, setbacks, landscaping, etc. He continued that making a smaller plot of land could diminish all of that, it would shrink the whole package, you have to redo everything, and you may have to go down on the density and make smaller houses. He continued that it has a big impact to do all of this on a smaller piece of land, there is a lot to it, and it was not just a matter of changing a number.

Alternate Commissioner Romo questioned what the options were, if there were any alternative avenues the applicant could take.

Chairman Ricketts clarified for the Commission that the Cities Comprehensive Zoning Ordinance is part of the Comprehensive Plan, which is also tied to the Cities Future Land Use Map that shows the intended areas of residential, commercial, and retail. She continued that changing the ordinance does nothing to change the zoning. All it would allow for is only any piece of property between two (2) and three (3) acres, they would be allowed to request a zoning change to a PD on two (2) or more acres. Right now if the applicant came forward for a zoning change, it would have to be a straight zoning (SF-8) or (SF-10). The property is currently zoned (SF-15) and most of the properties around it are (SF-15) with a small amount close by being (SF-12). Regardless of what happens with the Comprehensive Zoning Ordinance, an application for a zoning change in zoning would need to come forward unless it were developed as a (SF-15) which is what the property is currently zoned.

Mr. Davidson stated the request is not a zoning change, they were just asking for an amendment so they could then present for a zoning change, a Planned Development. He stated there are a multitude of subdivisions in Highland Village that are PD's which do not affect the ordinance. He continued when they submit their application, they would state what they

envision for the property, their requested front yard, side yards, size of lots, proposed square footage of the home, etc. They would shape it together with the Commission and the Commission would approve or not approve it. It is a much simpler process than what it may appear. He continued that there are so few properties left in Highland Village that are small enough that would have a need for a PD and that would add unwanted density to the City.

Mr. Davidson continued that the City of Lewisville has 5,000, 6,000, and 7,500 square foot lots and the Town of Flower Mound has 5,000 square foot lots. The City of Highland Village is not keeping up with the times. This is the demand, because of the high cost of land, cost of construction, development, and the supply of homes. He stated this would allow Highland Village residents to downsize. That is why they are here, to fulfill the needs of the community, so Highland Village residents could downsize. Mr. Davidson stated he is one of those people, wanting to be free of maintenance and operating expenses. Mr. Davidson ended with stating that they were not doing this for them; they think this is what the City needs.

Chairman Ricketts addressed Mr. Davidson stating that the only set of circumstances they would not be coming back in front of the Commission if the property were to be developed as (SF-15).

Mr. Davidson stated that was correct.

Alternate Commissioner Romo made a motion to recommend sending the Ordinance forward for approval to City Council as presented. Commissioner Holden seconded the motion.

Motion Passed (4-0)

6. Receive Status Reports on Various Projects

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

Community Development Coordinator Aman stated the next regular scheduled meeting would be on October 16, 2018.

7. Adjournment.

Meeting adjourned at 7:44 p.m.

Autumn Aman
Community Development Coordinator

Deedee Ricketts - Chairman
Planning and Zoning