



**City of Lake Dallas
City Council
Regular Meeting
Thursday, May 28, 2020 at 7:00 p.m.
Conducted by Videoconference
Agenda**

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act, and in an effort to protect the health and safety of the public, members of the public this meeting is being conducted by video conference. Members of the public who desire to only listen to proceedings of the meeting may dial the following toll-free number and, when prompted, enter the following Meeting ID #, beginning at 6:40 p.m. to join the meeting. Any person wishing to view the video conference may go to the Internet link shown below and enter the password shown.

Toll Free Number: 877-853-5257
Meeting ID#: 853 6574 2802
Video Conference <https://us02web.zoom.us/j/85365742802?pwd=UTdiL0liYmNXtNVOsXJiZWovMGdOdz09>
Password: 355859

Members of the public are entitled to participate remotely via Videoconference. To speak remotely at the City Council Meeting, speakers must:

- Register with the City Secretary by either email cdelcambre@lakedallas.com or calling 940-497-2226 ext. 102 by 3:00 p.m. on Thursday, May 28, 2020.
- Registered speakers will receive an email or phone call providing the meeting link and/or telephone number to call on the date of the meeting.
- Speakers must call not later than 6:45 p.m. on the date of the meeting in order to be allowed to speak. Late callers will not be accepted and will not be allowed to speak.
- Registered speakers will not be allowed to speak until recognized by the Mayor and unmuted by the City Secretary.
- Speakers will be limited to 5 minutes each.
- Handouts or other information that a member of the public desires to provide to the City Council must emailed to cdelcambre@lakedallas.com by 3:00 p.m. on Thursday, May 28, 2020.
- Any person wishing to provide only written comments during Item 4 – Citizen Agenda & Public Comment, or on any other matter to be considered on this agenda, should email such comments to the City Secretary at cdelcambre@lakedallas.com by 3:00 p.m. on Thursday, May 28, 2020.

Section I – Presentations

- 1. Call to Order & Determination of Quorum**
- 2. Invocation & Pledges of Allegiance**
- 3. Announcements & Special Recognitions**

A. City Manager's Report

The City Manager's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including, but not limited to, departmental operations and capital improvement project status. No action will be taken with respect to this report.

4. Citizen Agenda & Public Comment

An opportunity for citizens to address the Mayor and City Council on matters which are not scheduled for consideration by the City Council. In order to address the Council, please send your comments to the City Secretary before 3:00 p.m. on the date of this meeting. Comments sent by e-mail will be read aloud so that they are included in the recorded record of the meeting. In keeping with the Council's procedures for limiting speaking time to five (5) minutes per speaker, any written comments provided for this item should be kept short enough so that they can be read aloud in five (5) minutes or less.

Section II – Consent Agenda

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

- 5. Consider and Act on the Consent Agenda**
 - A. Approval of Minutes of the May 14, 2020.

Section III – Planning & Development:

- 6.** Conduct a Public Hearing and consider an ordinance to amend the zoning for 22.233± acres out of the N. French Survey Abstract No. 424 from R-1-10000/C1 Single Family Dwelling and Commercial to Planned Development District for R-3 Multifamily Residence and C-2 Commercial uses relating to development of a 300-unit multifamily development on approximately 16 acres and commercial development on approximately six acres. The property is more commonly known as 502 N. Shady Shores Drive. (Case Z-2020-01).
- 7.** Conduct a Public Hearing and consider an ordinance to amend the zoning for 14.853± acres out of the T. White Jr. Survey Abstract No. 1376 from R-1-7200 to a Planned Development District for Residential (R) Uses to allow for construction of 73 single

family dwelling units on a minimum of 5,750 square foot lots. The property is more commonly known as 707 N. Shady Shores Drive. (Case Z-2020-04).

8. Conduct a public hearing and consider an Ordinance amending in its entirety Chapter 94 “Subdivisions” of the Lake Dallas Municipal Code setting forth regulations governing the subdivision of land within the City and its extraterritorial jurisdiction, regulations governing the design and construction of public improvements and certain private improvements with the City.

Section IV- General Items

9. Consider and authorize a license agreement with Eight 20 Consulting, LLC to use the Zac Tax web-based sales tax analysis service.
10. Consider and Act on an ordinance amending Chapter 114 “Vehicles for Hire” Article II Tow Services” by amending Section 114-31 “Definitions” to add and delete certain definitions, Section 114-33 “Selection of Service” relating to the authority to select a tow service to respond under certain circumstances; and Section 114-36 “Fees Charged by Services; Bills” relating to the maximum rates that may be charged by tow services in certain instances and invoicing for same; and amending the City’s Master Fee Schedule by adopting the maximum fees that may be charged for certain services provided by tow services.
11. Receive a report and hold a discussion regarding the Fiscal Year (FY) 2019-20 Budget and the Proposed Budget and Tax Rate for FY 2020-21, including impacts from changes in law by the Texas Legislature.
12. Receive a report, hold a discussion, and give staff direction regarding the Lake Dallas Animal Service’s accomplishments and goals for the upcoming fiscal year.
13. Receive a report, hold a discussion, and give staff direction regarding the Lake Dallas Police Department’s accomplishments and goals for the upcoming fiscal year.
14. Receive a report and hold a discussion regarding the City of Corinth’s proposal for services and cost for fire and emergency medical services from the Lake Cities Fire Department.

Section V – Elected Official Requested Items

15. Mayor & Council Member Announcements

The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited a proposal to place the subject on an agenda for a subsequent meeting.

Section VI – Executive Session As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein.

Section VII – Return to Open Session

16. Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session.

Section VIII – Adjournment

I certify that the above notice of this meeting posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on May 21, 2020 at 5:00 p.m.



Codi Delcambre, TRMC
City Secretary

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein.

If you plan to attend this public meeting telephonically and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (940) 497-2226 ext. 102 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**State of Texas
County of Denton
City of Lake Dallas**

The Lake Dallas City Council met in a regular called meeting on May 14, 2020 via video conference, with notice of the meeting given, as required by Title 5, Chapter 551.041 of the Texas Government Code. Mayor Barnhart called the meeting to order at 7:02 p.m.

1. Roll Call

Michael Barnhart	Mayor
Megan Ray	Councilmember 1
Brian Bailey	Councilmember 2
Cheryl McClain	Councilmember 3
Charlie Price	Councilmember 4
Andi Nolan	Councilmember 5

Absent:

Staff Present: City Manager John Cabrales, City Secretary Codi Delcambre, City Attorney Kevin Laughlin, Police Chief Dan Carolla, Public Works Superintendent Layne Cline, Interim Development Service Director Dave Gattis, Finance Director Michele Sanchez, Director of Library Services Natalie McAdams, Code Enforcement Officer Daniel Rusnak and Development Services Coordinator Lancine Bentley.

2. Invocation and Pledges of Allegiance

Mayor Barnhart led the invocation and the pledges.

3. Announcements & Special Recognitions.

A. City Manager's Report

City Manager John Cabrales updated the Council regarding COVID-19 for the City, County and State.

4. Citizen Agenda & Public Comments

Mayor Barnhart opened the Visitors/Citizens Agenda.

City Manager John Cabrales read the following into record.

Chris Walter said this was regarding Walters Tavern and when we can reopen.

Also, I would like to request that the private club status that has been in effect for the bars in Lake Dallas be removed. This has cost me and the other clubs in the town a lot of hardship. It needs to be addressed ASAP.

I have put a lot of money into Walters over the last 5 years and I am about to lose my business if we cannot get reopened soon. I cannot open at 25% because the cost of doing business would outweigh any potential profit we would see. Please take into consideration the impact this has had on me and my staff. Thank you for your time and look forward to working together in the future.

5. Consider and Act on the Consent Agenda

- A. Receive Monthly Budget & Financial Report April 2020.**
- B. Approval of Minutes of the April 23, 2020.**
- C. Approval of a Resolution appointing members to various positions on the Lake Dallas Library Board.**

Motion: to approve a consent agenda 5A, B and C was made by Councilmember Nolan and second by Councilmember Ray.

Ayes: Councilmembers Ray, Bailey, McClain, Price and Nolan

Noes: None

Motion Passed 5-0.

6. Receive a report and hold a discussion regarding the Youth Advisory Council year in review.

Council received a presentation from Youth Advisory Council regarding the year activities.

7. Conduct a Public Hearing and Consider and Act on an Ordinance reaffirming and continuing the Juvenile Curfew Ordinance codified in Article II of Chapter 70 of the Lake Dallas Municipal Code and amending Section 70-36 of the Lake Dallas Municipal Code by amending the expiration date of said Article II.

Mayor Barnhart open the public hearing at 7:33 p.m.

No one spoke for or against the proposed Juvenile Curfew.

Mayor Barnhart closed the public hearing at 7:34 p.m.

Motion: to approve an Ordinance reaffirming and continuing the Juvenile Curfew Ordinance codified in Article II of Chapter 70 of the Lake Dallas Municipal Code and amending Section 70-36 of the Lake Dallas Municipal Code by amending the expiration date of said Article II was made by Councilmember Ray and second by Councilmember McClain.

Ayes: Councilmembers Ray, Bailey, McClain, Price and Nolan

Noes: None

Motion Passed 5-0.

8. Consider and Act on a Resolution for the nomination of one member to the Board of Managers of the Denco Area 9-1-1 District.

Motion: to approve a Resolution for the nomination of Jim Carter to the Board of Managers of the Denco Area 9-1-1 District was made by Councilmember Nolan and second by Councilmember McClain.

Ayes: Councilmembers Ray, Bailey, McClain, Price and Nolan

Noes: None

Motion Passed 5-0.

9. Consider and Act on a Resolution authorizing a contract with Johnson Controls for purchase and installation of the air conditioning unit at the Animal Shelter.

Motion: to approve a Resolution for the nomination of Jim Carter to the Board of Managers of the Denco Area 9-1-1 District was made by Councilmember Nolan and second by Councilmember McClain.

Ayes: Councilmembers Ray, Bailey, McClain, Price and Nolan

Noes: None

Motion Passed 5-0.

10. Consider and Act on a Resolution adopting the City of Lake Dallas Investment Policy and Strategy and declaring that the City Council has completed its review of the Investment Policy of the City.

Motion: to approve a Resolution adopting the City of Lake Dallas Investment Policy and Strategy and declaring that the City Council has completed its review of the Investment Policy of the City was made by Councilmember Bailey and second by Councilmember Ray.

Ayes: Councilmembers Ray, Bailey, McClain, Price and Nolan

Noes: None

Motion Passed 5-0.

11. Consider, discuss, and take appropriate action on Resolution No. 05142020-15, Ratifying, Renewing, and Extending the Declaration of Local Disaster Issued by the Mayor on March 17, 2020, as amended by Resolution No. 03192020-12, and orders related thereto.

Motion: to approve a Resolution adopting the City of Lake Dallas Investment Policy and Strategy and declaring that the City Council has completed its review of the Investment Policy of the City was made by Councilmember Nolan and second by Councilmember Price.

Ayes: Councilmembers Ray, Bailey, McClain, Price and Nolan
Noes: None

Motion Passed 5-0.

12. Receive a report and hold a discussion regarding the actions required to initiate and conduct a local option election to authorize establishments to sell alcoholic beverages in a restaurant and/or bar for on-premise consumption.

Council received a presentation from City Attorney Kevin Laughlin regarding the actions required to initiate and conduct a local option election to authorize establishments to sell alcoholic beverages in a restaurant and/or bar for on-premise consumption. No action was taken.

13. Receive a report, hold a discussion, and act to approve the City Manager's appointment and employment of a Director of Development Services.

Motion: to approve a approve the City Manager's appointment of Angie Manglaris as the Director of Development Services was made by Councilmember Bailey and second by Councilmember Ray.

Ayes: Councilmembers Ray, Bailey, McClain, Price and Nolan
Noes: None

Motion Passed 5-0.

14. Mayor & Council Member Announcements

No announcements.

15. Executive Session As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein

No closed session.

16. Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session

No closed session.

17. Adjournment

Mayor Barnhart adjourned the meeting at 8:34 p.m.

Approved:

Michael Barnhart, Mayor

Attest:

Codi Delcambre, City Secretary



CITY COUNCIL
AGENDA MEMO

Prepared By: David R. Gattis, FAICP, Interim Dir. of Development Services May 28, 2020

Consider and make recommendation on a zoning change request for 22.233 acres of land described as a portion of the N. French Survey Abstract A-424 from R-1-10000/C1 Single Family Dwelling and Commercial to Planned Development (PD-Ord. 2020-01) District for uses permitted in the R-3 Multifamily Residence and C-2 Commercial districts to allow for a 300-unit multifamily development on approximately 16 acres and commercial development on approximately six acres. The property is more commonly known as 502 N. Shady Shores Drive. (Case Z-2020-01)

January Report to P&Z

DESCRIPTION:

Consider and make recommendation on a zoning change request for 22.233 acres of land described as a portion of the N. French Survey Abstract A-424 from R-1-10000/C1 Single Family Dwelling and Commercial to Planned Development (PD-Ord. 2020-01) District for uses permitted in the R-3 Multifamily Residence and C-2 Commercial districts to allow for a 300-unit multifamily development on approximately 16 acres and commercial development on approximately six acres. The property is more commonly known as 502 N. Shady Shores Drive. The applicant is Matthew Peterson (Case Z-2020-01)

BACKGROUND INFORMATION:

Mr. Matthew J. Peterson ("Applicant") of Studio 2547 has applied to rezone a 22.233-acre tract at the corner of N. Shady Shores Drive. It is staff's understanding that Mr. Peterson wishes to purchase all or a portion of the property from the owner, Brad Boswell, with the primary intent of constructing a 300-unit multifamily development on approximately 16 acres, with the remaining portion to provide for Commercial mixed use. Staff understands that Mr. Peterson will develop the multifamily portion and work with a partner on the commercial portion. To accomplish this, the Applicant is proposing approximately 16 acres of R-3-PD to accommodate the multifamily and C-1-PD for the commercial (The public notice was made for C-2-PD because the applicant did not specify which uses it planned, but the P&Z can recommend something less intensive, such as C-1-PD or straight C-1 if it so determines.

CONFORMANCE WITH COMPREHENSIVE PLAN

The recently-adopted Lake Dallas Vision 2030 Comprehensive Plan as "Neighborhood Retail", which is intended to include neighborhood retail and office uses with smaller building, signage with landscaping and screened parking. Primary uses include professional office, food sales, convenience stores (not including gas stations), general retail sales, personal services, medical facilities or restaurants. The appropriate current zoning classification would be C-1 Retail District. The proposed multifamily development would not conform the the Comprehensive Plan, but the City could approve the change if it found it to be in the best interests of the community.

ADJACENT ZONING AND LAND USE:

The existing zoning on the subject property is not clear. The Official Zoning Map shows the property as both R-1-10000 Single Family Residential and C-1 Commercial, and references the zoning to the Annexation Ordinance 98-42, adopted in September 1998. However, the City's copy of Ordinance 98-42 makes no specific reference to the zoning or its configuration. Staff is presuming that both districts apply.

DIRECTION	ZONING	EXISTING USE
<i>Subject Property</i>	<i>R-1-10000 Single Family/C-1 Commercial</i>	<i>Predominantly vacant with one single family dwelling.</i>
North	<i>R-1-4000 Residential Manufactured Home District.</i>	Manufactured homes.
South	<i>R-3-PD Multifamily.</i>	Apartments.
West	R-1-10000 Single Family/C-1 Commercial.	Single-Family Dwellings, Lake Cities Municipal Utility Authority offices.
East	R-1-4000 Residential Manufactured Home & C-1 Commercial	Manufactured homes and Predominantly vacant w/ scattered single family dwellings and a church.

PLANNING ANALYSIS

Land Use:

Staff is concerned about the change in land use on the Comprehensive Plan from Neighborhood Retail to Multifamily. This could be mitigated by extending the commercial zoning across the Swisher Road frontage at a depth of approximately 200 feet and limit the multifamily to the rear. The Applicant has already changed the building closest to Swisher Road to retail/commercial, so this could be accomplished without adversely affecting the layout.

The Applicant has minimized the proximity of multi-story multifamily units adjacent to the existing single-family to the west and the manufactured homes to the north by locating open space, additional building setbacks, and intervening garages.

Traffic

The average daily traffic on Swisher is approximately 20,000 vehicles per day. A detailed traffic study to determine the impact of the proposed development has not been conducted. Any new drive entries onto Swisher will increase this congestion. The City may want to request a traffic impact analysis to better evaluate the effect on traffic. The number of drive approaches should be minimized to the extent possible and deceleration lanes would be appropriate.

The North Texas Tollway Authority has contacted the City to say that they will not be responsible for constructing any noise attenuation walls adjacent to Swisher Road to protect any new residential areas from traffic noise.

Drainage

The property generally drains from west to east, discharging to an unnamed tributary of the Elm Fork Trinity River. The 100-year floodplain does not appear to affect this property. Any on-site drainage will be addressed during platting and site plan review.

Regulatory Issues

It is not clear whether the Applicant wishes to have a single Planned Development ordinance encompassing the entire property or splitting the property into a C-1-PD zone and a R-3-PD zone. If the property is split, as recommended by staff, a metes and bounds description of each area will be necessary. A PD Ordinance would typically include either a list of supplemental regulations, or be tied to a specific site plan. The Applicant has submitted a PD Site Plan, but has labelled it as "Concept". A more detailed plan will need to be developed before a PD Ordinance can be adopted by the City Council.

The property will need to be platted in accordance with the Subdivision Ordinance and a final plat approved before any construction or building permits can be issued.

FINANCIAL CONSIDERATION: The proposed development, when built out, would generate additional property and sales taxes. It would also require additional costs in police, fire and other city services. The City has not made a detailed fiscal assessment of the impact of the development.

P&Z ACTION IN JANUARY

At the January 16th Planning and Zoning Commission meeting, the Commission moved to continue this item until February contingent on the following conditions:

1. That the boundaries of the proposed zoning districts be realigned to extend the C-1-PD across the Swisher Road frontage,
2. The Applicant and staff have an opportunity to further refine the PD Site Plan to a point where it can be incorporated into a zoning ordinance, and
3. A traffic impact analysis is conducted to evaluate the effects of the project on traffic on Swisher road and make recommendation to mitigate those impacts.

Revisions of February 20,2020

Since the January meeting, the applicant has met with city staff, with neighboring citizens and with individual City Council members to further explain the project and respond to questions and concerns. Here are the responses and status toward the three conditions.

1. The applicant has revised their PD to show PD-Mixed Use Retail extending across the entire Swisher Road frontage of their property.
2. The applicant has continued to make revisions to their site plan sufficient that the staff believes that a final PD site plan will be ready for the ordinance that will be sent to City

Council. The revisions include additional dimensions and proposed exterior building materials.

3. Although the applicant has not prepared a complete traffic impact analysis (TIA) at this point because of the expense, the applicant has provided additional information from a traffic engineer showing that the proposed zoning would reduce the daily and peak hour trips over what could occur under the existing zoning. The applicant has committed to preparing a full TIA during the platting and site plan development stage and staff concurs that this is an appropriate time to consider the full TIA.

Staff has also attached copies of comments received through social media.

RECOMMENDED MOTION

After concluding the public hearing, staff recommends that the Planning and Zoning Commission recommend that the City Council approve the proposed PD zoning for 22.233 acres in the N. French Survey Abstract No. A-424.

Unapproved Minutes from February 20, 2020 P&Z Meeting

- 1. Change the zoning for 22.223 acres of land described as a portion of the N. French Survey Abstract A-424, from R-1-10000/C1 Single Family Dwelling and Commercial to Planned Development (PD-Ord. 2019-10) District for uses permitted in the MF-3 Multifamily and C-2 Commercial District to allow for a 300-unit multifamily development on approximately 16 acres and commercial development on approximately six acres. The property is more commonly known as 502 N. Shady Shores Drive. The applicant is Matthew Peterson. (Case Z-2020-01) (Continued from January 16, 2020 (Public Hearing))**

John Cabrales, City Manager introduced Mr. Matthew Peterson of Studio 2547 as the Applicant and it is staff's understanding that Mr. Peterson wishes to purchase all or a portion of the property from the owner, Brad Boswell, with the intent of constructing a 300-unit multifamily development on approximately 16 acres, with the remaining portion for commercial mixed use. Staff understands that Mr. Peterson will develop the multifamily portion and work with a partner on the commercial portion. To accomplish this, the Applicant is proposing approximately 16 acres of R-3 PD with the remainder as C-1.

Matthew Peterson presented a slide presentation giving the tabulations with explanations, community features, and Community Features with the Apartment Amenities. Matthew Peterson also presented the following revisions on concerns the Commission had discussed at their January 16th Planning and Zoning meeting.

- Revised their PD-Mixed Use retail to extend across the entire Swisher Road frontage of their property.
- Will continue to make revisions to their site plan sufficient that the staff believes that a final PD site will be ready for the ordinance that will be sent to City Council. The revisions include additional dimensions and proposed exterior building materials.

- Have not prepared a complete traffic impact analysis (TIA) at this time but have provided additional information from a traffic engineer showing that the proposed zoning would reduce the daily and peak hour trips over what could occur under the existing zoning and they will prepare a full TIA during the platting and site plan development stage.

John Cabrales briefed the Commission that the city was steadily working with Matthew Peterson to make this request work for both the City and the Applicant. John Cabrales explained the Commission could request certain items from the developer such as the dog park being opened to the public and five-foot wide sidewalks.

Public hearing started at 7:45 pm.

Margaret McCarty expressed her concerns regarding the number of apartments to be built and the additional traffic that will have on the current residents. Linda Barnard expressed her concerns regarding the traffic and water drainage.

Public hearing closed at 7:50 pm.

Motion John Moore moved to approve the proposed PD zoning for the 22.233 in the N. French Survey Abstract No A-424 with the stipulations of:

- Five-foot Sidewalks
- Dog park for public access
- Masonry requirements

Lester Rayburn second the motion.

Ayes: John Moore, Ben Gilbert and Lester Rayburn

Nays: Melody Parlett and Jayme Potter

Motion carried 3-2

RECOMMENDED ACTIONS AND SAMPLE MOTION

After holding a public hearing, staff and P&Z recommend the following motion:

I move to approve the Ordinance approving a Planned Development on approximately 16 acres of the N. French Survey Abstract A-424.

ATTACHMENTS:

Attachment 1 – Applicant' letter, dated 15 May 2020

Attachment 2 – Proposed Site Plan, Layout and Building Elevations

Attachment 3 – Aerial Perspective

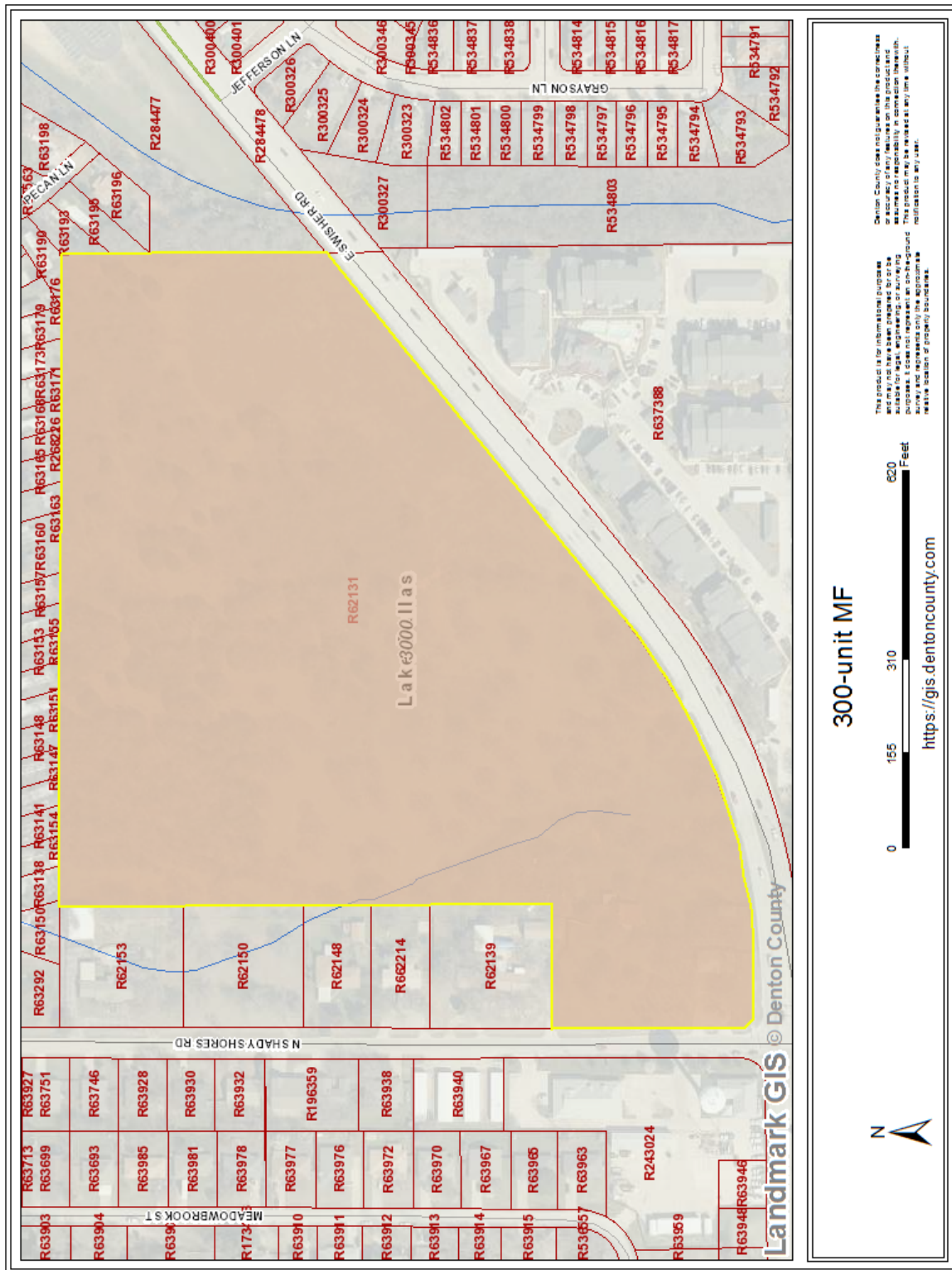
Attachment 4 – Letter from NTTA

Attachment 5. Exhibit showing PD-Multifamily and PD-Mixed Use Retail

Attachment 6. Comments from social media

Attachment 7. PD Ordinance

VICINITY MAP:



John Cabrales and Dave Gattis
City of Lake Dallas
212 Main Street
Lake Dallas, TX 75065
940-497-2226 (ext.401)



15 May 2020

RE : Lakeway at Swisher, Proposed PD Development of 300 units of Multi-family

Mr. Cabrales and Mr. Gattis,

In addition to our application and submittal package, our Development Team wanted to put together a short letter explaining more about the project based on certain aspects discussed at our initial meeting.

Planned Development :

The request for a Planned Development was to foster and create an opportunity for horizontal Mixed-Use. We feel that this is the highest and best use of this overall +/- 22 acre parcel based on its location. This land plan shows a Mixed-Use Building (Building 1) adjacent to Swisher Road. The building is 4-stories with the Resident Amenity (Clubhouse) and approximately 8,000 sq. ft. of Commercial / Retail on the ground floor. This development leaves +/- 6 acres at the corner of Swisher and N. Shady Shores to create a vibrant retail / commercial node. Lakeway at Swisher multi-family would wrap around this node and provide walk over retail / commercial patrons.

The 300 units of multi-family in all 4-story buildings allows the project to have the critical mass needed to afford many amenities. These amenities include a dog park, a resort style pool, a walk-able site with both passive and active open spaces and pocket parks, and a resident amenity (clubhouse) that will contain a fitness center, test kitchen, coffee bar, and meeting room.

The dog park will be built by Lakeway at Swisher and allow for public access. The City of Lake Dallas will maintain the dog park as needed as it will be a public facility.

Density :

As shown, the proposed plan has 300 units on approximately 16.12 acres. The resulting density is 18.6 dwelling units per acre. As depicted, it is clear that there is much open space – both passive and active – allowing for generous building separation that creates a walk-able community and provides for adequate storm water management. All sidewalks will be a minimum of 5' wide throughout the development and connection to Swisher Road.

Unit Mix :

As depicted on the presentation site plan, the unit mix for this project is 70% 1-bedrooms, 25% 2-bedrooms and 5% 3-bedrooms. Based on the market research and guidance from Lincoln Property Company, this is the optimal mix for this location. The targeted market is to attract millennials, recent college graduates, and empty nesters that want to stay in Lake Dallas, work in Lake Dallas or the surrounding municipalities and enjoy the location near the Lake and near the expressways to Denton, Dallas and Frisco.

Working with Humphreys & Partners Architects, the largest Multi-family Architect in the country, the unit sizes are well within the average for the Dallas suburban market. As the market has shifted to renter by choice over the last 10 years, units have become more contemporary and have taken advantage of the way people really live. This has changed multi-family units from small houses to efficient flats that utilize every square foot well. This reduces



wasted or unused square footage. In addition to creating great usable units, the footprints of the buildings are smaller allowing for more open space and residents aren't having to pay rent on space they don't use.

In discussions with Lincoln Property Company concerning school age children, it was their opinion that with this unit mix, the amount of school aged children in this community would be between 10 and 30 at the maximum.

Parking :

The provided parking is offered in 3-ways : surface spaces, carports and detached garages. The combination of these results in a parking ratio of 2.01 spaces per unit. With 70% 1-bedroom units, this parking allows for ample resident and guest parking.

Resident surveys have shown that with the weather in North Texas, there is a strong demand for a covered parking space – either a carport or a detached garage. As such, this development is providing access to these covered spaces to the majority of residents.

Refuse :

As shown on the site plan, we are conceptually showing locations suitable for refuse containers that will comply with the City of Lake Dallas' requirements. Our plan is to provide a trash compactor and our residents will have concierge trash pick-up. This means that on designated days they will set their trash outside of their apartment door and the property's staff will collect it.

Storm Water Management :

The Development Team is working with our Civil Engineer in these early stages of development to look at and analyze the Storm Water Management for this site. They have assessed the site and have some preliminary thoughts on capturing the storm water and focusing it to where it naturally wants to flow. At this time, the storm water will flow predominantly east, be slowed down, and, ultimately, discharge to the channel adjacent to the site. This will be worked out and worked on in conjunction with the City of Lake Dallas, but it is already in the planning stages with the Design team.

Utilities :

The Civil Engineer has requested utility locations for this site and has been sent information on the water and sanitary sewer. This is being reviewed internally.

Traffic :

This project has agreed to perform a full TIS/TIA after the PD is approved by City Council and the project is moving forward through the process in Lake Dallas. The Developer will implement the results of this TIS/TIA as a part of the Engineering.

We appreciate the DRC review and look forward to the comments and thoughts that will be generated.

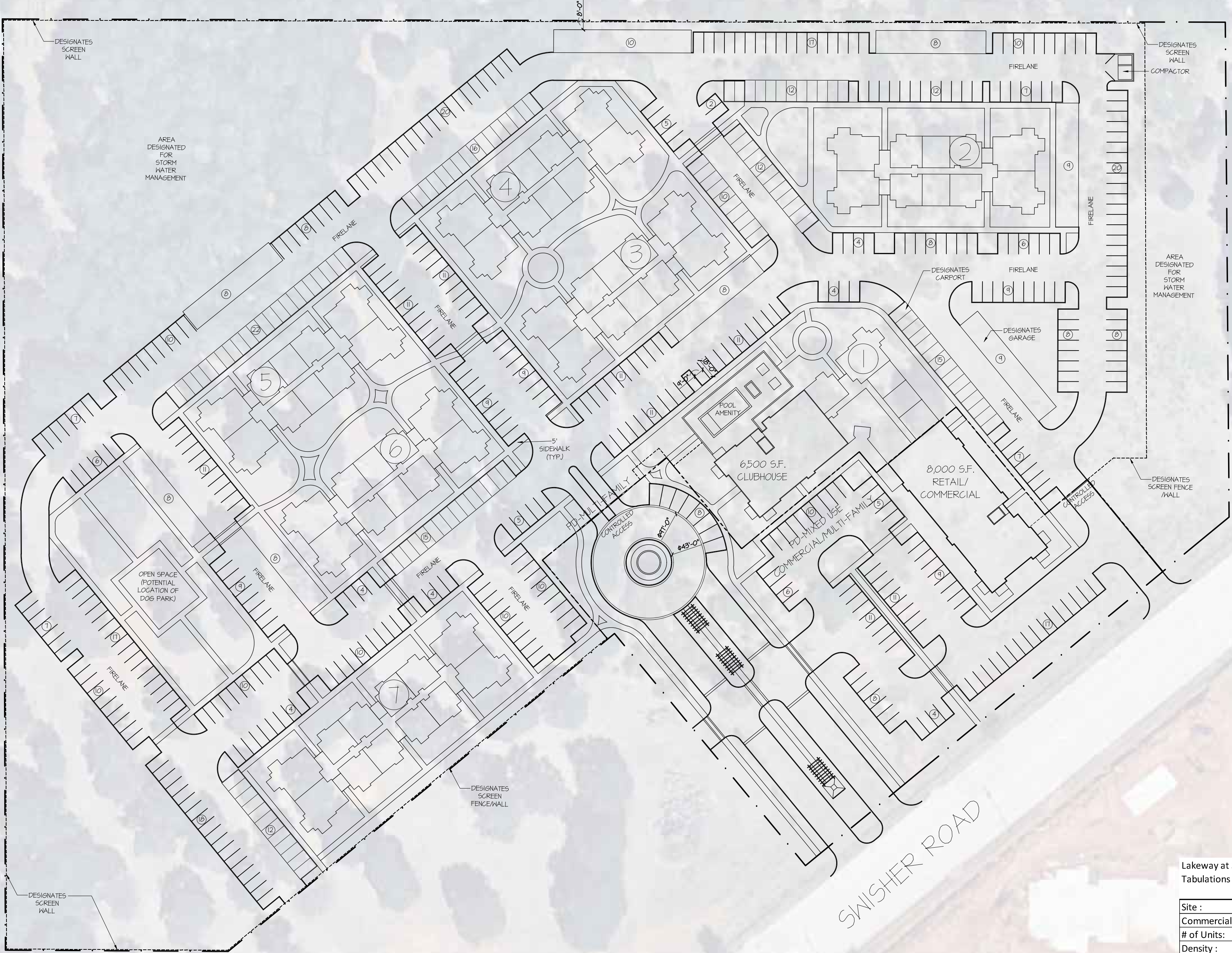
Sincerely,

Matthew J Peterson, AIA
Studio2547
Owner's Representative
Lakeway at Swisher

OVERALL PD
16.12 ACRES
8,000 SF
COMMERCIAL
+/- 81 SPACES

300 DWELLING UNITS
(18.6 DU/A)
+/- 603 SPACES
2.01 SPACES/DU

(7) 4-STORY BUILDINGS
(1)-MIXED USE (COMMERCIAL/
RETAIL + MULTI-FAMILY)
(6)-MULTI-FAMILY



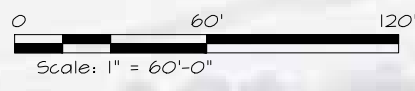
Lakeway at Swisher
Tabulations and Unit Mix

12-Feb-20

Site :	16.12 ACRES	
Commercial	8,000 SF	
# of Units:	300 dwelling units	
Density :	18.6 du/ac	
Parking :	347 Surface Spaces	
	146 Carports	
	110 Detached Garages	
	603 Total Provided	
	2.01 Spaces / Unit	

Unit Mix : Square footage shown to be +/- 5%				
Type	# each	% of total	sq. ft.	total sq. ft.
E-1	30	10%	525	15,750
A-1	90	30%	650	58,500
A-2	90	30%	775	69,750
B-1	60	20%	975	58,500
B-2	15	5%	1075	16,125
C-1	15	5%	1200	18,000
	300	100%		236,625.00
			789 sq. ft. average	

Unit Type	% of total
1-bed :	70%
2-bed :	25%
3-bed :	5%
	100%





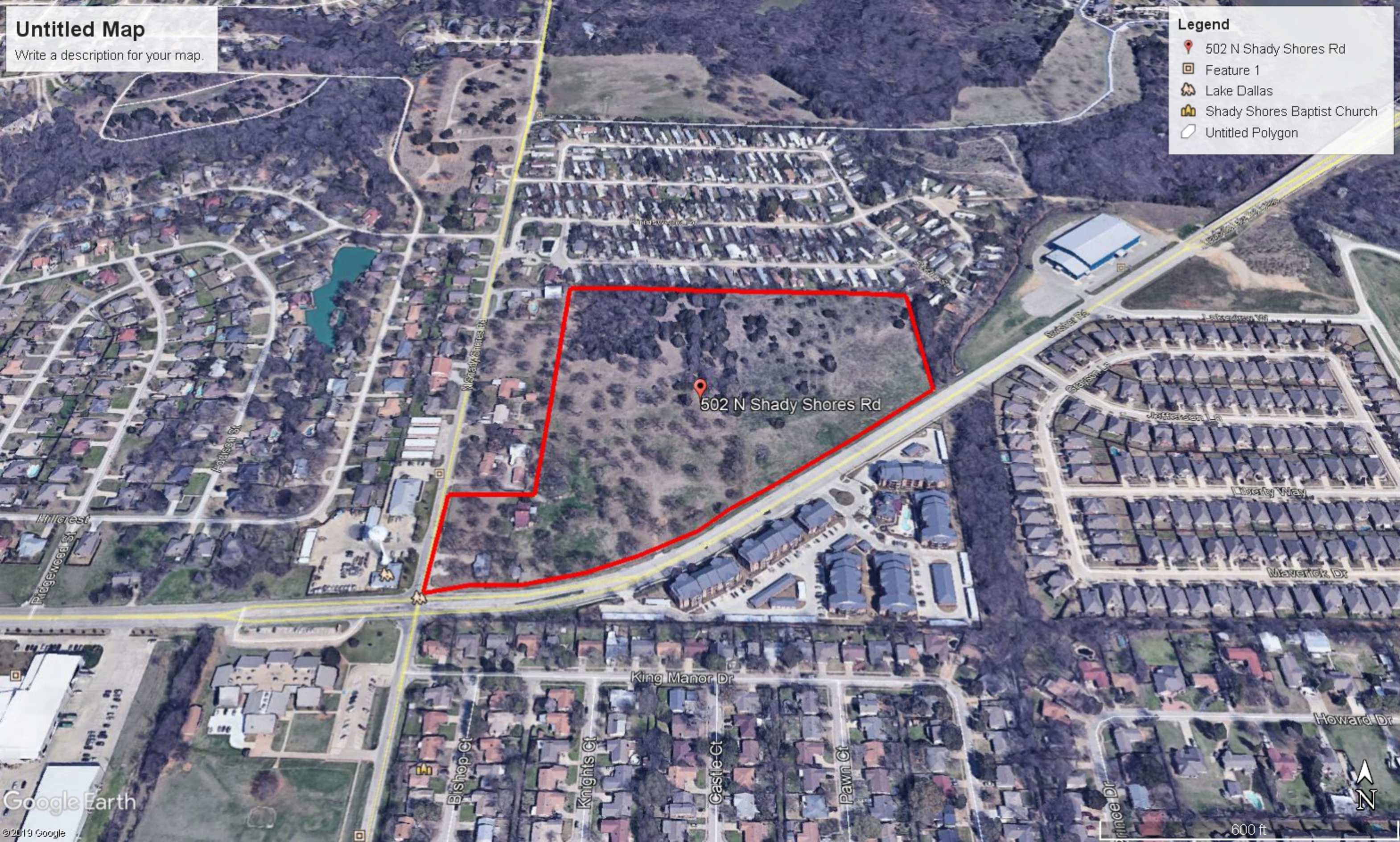
NOTE : THESE ARE CONCEPTUAL ELEVATIONS, CHARACTER AND STYLE WILL BE SIMILAR TO ACTUAL BUILDINGS. THESE ELEVATIONS ARE DEPICTING A (3) STORY BUILDING, LAKEWAY AT SWISHER IS PROPOSING A (4) STORY BUILDING

Untitled Map

Write a description for your map.

Legend

- 502 N Shady Shores Rd
- Feature 1
- Lake Dallas
- Shady Shores Baptist Church
- Untitled Polygon



TO: Matthew Peterson, Studio 2547

FROM: Scott Israelson

DATE: 31 January 2020

RE: Trip Generation Statement
Lakeway at Swisher
Lake Dallas, Texas

Introduction

Traffic Impact Group has been retained to perform a Trip Generation Statement for the proposed Lakeway at Swisher development in Lake Dallas. The parcel is located on the north side of Swisher Road east of Sandy Shores Road.

The property is currently vacant and is zoned for Neighborhood Retail. The project plans to develop 16.12 acres of the 22-acre site and will consist of 300 multifamily units and 8,000 SF of commercial.

It is expected that this development will require a full Traffic Impact Analysis. This Trip Generation Statement is intended as a preliminary effort to the TIA to determine the expected number of trips from development, and determine what would be generated by the property without rezoning.

Trip Generation

The *ITE Trip Generation Manual, 10th Edition* is used to determine expected trips from development. Table 1 shows trips generated by current zoning assuming 25% professional office, 25% medical office, 25% restaurant, and 25% of general commercial, all using a floor-area ration (FAR) of 0.2; and the proposed development.

Table 1 - ITE Trip Generation

Average Weekday Driveway Volumes					AM Peak Hour		PM Peak Hour	
Land Use	ITE Code	Size	Daily Trips		Enter	Exit	Enter	Exit
Existing Zoning								
General Office Building	710	34 Th.Sq.Ft. GFA	373		50	8	7	34
Medical-Dental Office Building	720	34 Th.Sq.Ft. GFA	1219		66	19	33	84
Shopping Center	820	34 Th.Sq.Ft. GLA	2887		20	12	118	127
High-Turnover (Sit-Down) Restaurant	932	34 Th.Sq.Ft. GFA	3814		186	152	206	126
Existing Zoning Trips			8293		322	191	364	371
Proposed Development								
Multifamily Housing (Low-Rise)	220	300 Dwelling Units	2227		31	104	99	58
General Office Building	710	3 Th.Sq.Ft. GFA	29		3	0	0	3
Shopping Center	820	5 Th.Sq.Ft. GLA	189		3	2	28	31
Proposed Development Trips			2445		37	106	127	92
Difference between proposed and existing			-5848		-285	-85	-237	-279

Analysis shows that rezoning from retail to mostly residential reduces the amount of high traffic generators and the resulting number of new trips to the roadway network would be less than originally zoned. However, the number of development trips is still expected to meet the threshold for a full TIA.

Please feel free to contact me with any questions at 972.358.6383 or by email at scott@traffic-impact.com.

Scott P. Ispaelson 4/31/2020



January 6, 2020

John Mahalik
Chairman
Denton County

Jane Willard
Vice Chairwoman
Collin County

Lynn Gravley
Director
Governor's Appointee

Marcus Knight
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(214) 461-2000
Fax (214) 528-4826
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RE: Rezoning of 502 N Shady Shores Drive (Zoning Case Z-2020-01)

City of Lake Dallas Planning and Zoning Commission:

It is NTTA's goal to work with our corridor cities to minimize any unintended consequences as a result of new residential development along our roadways and in this case, specifically related to noise.

It is our understanding that the proposed development described as a 300-unit multifamily development is a residential land use and is located adjacent to the Lewisville Lake Toll Bridge. The sound wall locations and design requirements along the Lewisville Lake Toll Bridge were determined in accordance with the National Environmental Policy Act (NEPA) and documented in the Final Environmental Impact Statement approved by the Federal Highway Administration as well as subsequent environmental approvals. The documents analyzed noise impacts and abatement in accordance to all applicable federal and state regulations for the existing configuration.

We respectfully ask that the City notify the developer of its responsibility to provide appropriate noise abatement for the new development and ensure they are aware NTTA will not provide additional noise mitigation.

We appreciate our longstanding partnership with the City. If you have any questions, please do not hesitate to contact me at (214)224-2157 or emow@ntta.org.

Respectfully,



Elizabeth Mow, P.E.
Assistant Executive Director of Infrastructure



AREA FOR
STORM WATER MANAGEMENT
& PASSIVE OPEN
SPACE
(INCLUDING DOG PARK)

PD-MULTI-FAMILY
300 UNITS

AREA
FOR
STORM
WATER
MGMT
(WITH
WALKING TRAIL)

PD-MIXED USE
RETAIL

SWISHER ROAD

N. SHADY SHORES

0 60' 120'
Scale: 1" = 60'-0"

Comments Regarding 300 Unit Housing on Swisher Rd.

NextDoor

Adam P: Well, either ya'll will honor the chosen plan or you won't. I would urge you not to compromise. High density housing does not help foster community. People are here for a little bit, then they are gone. It's not a knock on people in apartments (I lived in one for a few years), it's just the way it is. There is no long term investment of property, which comes with a shared sense of responsibility and concern for the community as a whole. And let's face it, every apartment complex was nice and new at one time, then 20 or 30 years later, they're run down, crime ridden, and here forever. Not to mention possibly 300 more kids being shoehorned into our already full schools.

That little development over on Betchan is a perfect example of what we need more of if we're going to build. Let's stick to single family housing and grow our community closer as we grow bigger.

And because nobody asked, I would have preferred something like a "Small Town USA" plan instead of the ones we were presented with. I love our little town. My 2 cents.

Jason H: Well said can't let it happen!

Roger F: Check out pearl st. Two new houses built on a short st.
The road is narrow and now is a mud trail.
Progress?

Michele C: Why can't we focus on becoming a fun lakeside town with a vacation vibe?

Jason H: Exactly instead of over crowding what used to be a small wonderful town! It's bad enough all the traffic from the new bridge all the people cutting thru our neighborhoods! I've lived here for 38 years its overcrowded and there's more petty crime than ever before!

Jason H: Thanks Codi that will create a major traffic jam and overcrowd our schools not to mention raise our taxes! That's three strikes already! No more apartments please! We need a fun lake vibe with nice restaurants not a more overcrowded town! Thanks for bringing that up!

Jason H: Thanks we all appreciate your help.

Paty F: We definitely don't need more traffic cutting through Lakeview to get to the toll bridge, the schools are getting full and the city can't even repair our bad streets now. This would bring more crime to our small city.

Ryon B: Agree with all my neighbors. This is not a good development for the little town we want to hold on to. How do we vote NO ?

Tracy S: The lake cities area is losing it's small town feel. It's looking more like another big city suburb with endless strip shopping malls, fast food restaurants, big box stores and cookie cutter housing developments. The Swisher traffic is already bad and this will only add to it. Our property taxes are already sky high and adding new houses will increase tax values for everyone. I will not be able to retire in my home even if it were paid for because I will not be able to afford the property tax alone. I'm absolutely against this development. Let the horses stay!

Andrew B: not a good idea..... that road is already gridlocked most of the time you cannot get from shady shores to the highway, shady shores is still severely in need of replacement it cannot handle any more traffic and adding another 300 apartments will only add to costs for schools- we have one middle school and one high school are we going to raise taxes more to accommodate this large development?

Holly R: Our town already has a terrible traffic issue on Swisher. Our schools are full. And more importantly, our town, which has an amazing location just off the interstate and right on the lake, should be a paradise. We should have high property values and a developed downtown designed to attract tourists. Instead our city government keeps allowing more apartments. Please think of our future and what is best for our community and our children. We have enough multi family units and trailer parks. Please put some money into roads, lakeside commercial development and main street revitalization.

Dee W: I totally agree with you. Thank you for your input

Missy M: The traffic on Swisher is so out of control it is overflowing into town. Those of us that live in Kings Manor can't get into our neighborhood because both Overly and Shady Shores are FULL from people cutting through town. We are either stuck sitting in it, or we drive way out of the way to try the back entrance. PLEASE no more traffic causing developments!!! Its ridiculous to sit for 15-20 mins trying to go into the neighborhood(where i can see my house) but we have to wait for all the people cutting through town to get out!!

Randi K: I agree 100% with all the previous comments above. Traffic is OUT OF CONTROL and absolutely Insane on Shady Shores Rd. Vehicles speed in and out of the neighborhood streets in Kings Manor with no regards at all to the kiddos walking to and from school everyday. We moved to Lake Dallas 8 years ago so we could have that small town feel were neighbors know each other and kids go outside and play and ride bikes. Rather than adding more apartments and shopping centers and office buildings we should repair and fix up what already exists in this amazing little town so many of us call home.

R.R.J.: I am trying to avoid to go on Swisher rd in the morning at least until 9:00am because of the traffic. Then afternoon is almost impossible to drive through Shady Shores Rd. Long parade of cars coming from south and then going on the Toll bridge. They are tired to stay in traffic on the highway so they taking the first exit to LD and cutting through the town. The bridge was maybe good idea, but the traffic is ruining our streets , adding traffic in housing areas and endangering children. Something needs to be done.

Tony C: I move to Lake Dallas 12 yrs ago and what had drawn me to this little town is slowly disappearing. Every morning and afternoon we fight the toll bridge traffic that floods the neighborhoods. The Swisher road/I35 intersection needs to be improved to accommodate the rush hour mess before any further developments add to it in my opinion.

R.R.J.: Tony, I agree with you ! I move to LD 32 years ago. I see very, very big change. The Toll bridge was big plus for Little Elm and Frisco, but our City really suffers with this. Especially when in the morning and afternoon they cutting and speeding through the housing areas. I just wonder how they would like that if every day we would speeding up front their houses. The roads deteriorating very quickly especially with all those 18 wheelers and other gigantic vehicles. The roads was built for small city traffic. Our City don't have money for constant repairs. Maybe at least start with some kind off signs.

Debra L.: I will be working. But am opposed to putting more traffic on the crumbling roads in our neighborhood!

Facebook

Trey Griffith: It it's where I think it is.. make a traffic study happen and and traffic light put up before this gets going off ground

Gary Allan Seward: Is this across from LCMUA towards Little Elm?

Kimber Corbitt Sanchez: Yay.. all we need is more traffic cutting off of 35 down overly, to shady shores to get to these apartments 

Taryn Brown: How do we address the city council on this matter? We live in the Oaks off Swisher and every single day people are speeding through the neighborhood cutting through to the bridge. It's not safe for our children and families. We are outside waving at vehicles to slow down. Putting out cones to deter speeding. Today at 5:30 turning into our neighborhood off of swisher there was a line down the street with most drivers on their cell phones. An 18 wheeler hauling brick and building materials... its ridiculous. This must be addressed.

Kimber Corbitt Sanchez: Taryn Brown we experience the same thing in Kings Manor... I have reached out to the chief of police for close patrol for morning and evening rush hour but it only happened for a bit. We can't even walk in the mornings or evenings anymore. It's ridiculous

Lauren Barriner Kimber: I completely agree. It is so irritating to have to sit in a stand still on shady shores just to turn into overly to get onto Kings Manor neighborhood because of impatient people who can't wait on the service road/swisher light trying to get to that damn toll bridge. The traffic is ridiculous but I don't really see how they could fix it. It's a public street   

Jennifer Cooper: Do residents get a vote on this? I have to agree that traffic has already become a nuisance since the bridge was built. Not to mention the nightmare when it floods; Or if there's a major accident on I 35 and everyone wants to cut through. We already added a reasonable apartment complex. Now there's new apartments nearby in Corinth off of Dobbs road which is congesting traffic over there too. I don't have a problem with apartments, I have a problem adding that many more people and more cars to a space that's already overflowing. Adding more people will not make this area more affordable or more stable. It just taxes resources.

Karen-Harold Walker: No! Swisher and Shady Shores cannot take anymore traffic. This will not lower our property taxes. Why can't our existing roads be repaired or replaced? Carlisle has more and more traffic every day, including big trucks. We have lived here over 21 years and other than the new Main Street, nothing else has happened to fixing existing roads. Some of Shady Shores was repaired. What part of we are full don't people understand

Karen-Harold Walker: The City of Lake Dallas, Texas I am all for growing our little town. I lived in Irving all my life until we built out here. It is just a concern that we take care of our infrastructure first. Thank you for listening

Heath Garner: Nope

Kristine Burgan-Beard: Heath Garner yeah the traffic is already a nightmare!

Steve Lindamood: When can we view the proposed site development plan?

Jackson Ralston: More traffic? More apartments? This town's population bubble is going to burst. Just voicing my concerns out there to be counted as those against.

Sharon Bogle-Patrick: Don't need apartments!

Pete Holland: Anyone who has ever worked in public service knows what comes with apartments. If this goes through, calls for police and fire service will increase. Factor that in when considering "what do you gain/what do you lose."

Lynne Tom Maguire: This is ridiculous!! It seems more and more like the city is doing it's best to force locals out of their own town!! I live right down the street from where this proposed building site is. The traffic in this area is already out of control. What's more is that it truly feels like the city would rather bring in multi-family homes to make more money for the city with no regard for how it'll affect the quality of life for those of us who have been here 25+ years and more!

Those of us who have helped build this town are now being driven out!
We moved to Lake Dallas because we DIDN'T want to live in the city!

Shannon Barnes: We don't actually need more retail or housing, do we? Don't we have enough? Just stop already.

Margaret McCarty: I think beyond the traffic problems there needs to be someone looking at water sewer gas and electric problems and what will be added to already over loaded systems not to mention how old they all are. Then the roads are already a mess in all of Lake Dallas. Do not see how allowing this project has any positives for the city, I am against it and believe most of the city is. Maybe the board should let citizens vote on this time.

Jackson Ralston: Swisher is going to be like pushing a watermelon through a sippy straw. Looking forward to more traffic.

Facebook Comments outside of the City's Facebook

Lake Dallas Citizens For Change

Glynn Vrba: Planning and Zoning considered a proposal for a 300 unit apartment complex with some commercial at the corner of Shady Shores and Swisher. The area is currently zoned as single family/commercial. I am not sure what the recommendation was but I believe city council would have to be the one to approve the zoning change. My obvious concern is the increased "rush hour" traffic both on Swisher and through the rest of the town from people cutting through. I plan to ask council to take their time considering this and not act until we have a full understanding of the additional burden on our roads, traffic, public services, etc... I encourage y'all to do the same.

Andrew Bottorff: No not a good idea that road is already complete gridlock anywhere near rush hour

Randy King: That's another 600 cars trying to sneak through Lake Dallas morning and evening to an already overburdened crumbling infrastructure, well said Glen!

Heath Winnett: Unfortunately our little town is not very desirable to retail and commercial business'. And Lake Dallas will probably take whatever they can get to create more revenue for the city. So as much as I agree that they should not add more apartments in that area. I would be surprised if it didn't happen.

Rex Brown: Heath Winnett we can use the money. Great revenue for Lake Dallas

Wanda Dooley Ham: They should consider widening Shady Shores and adding a sidewalk . There are too many bikers using it. It's dangerous especially during the forth of July.

Jessamy Czerniecki: Don't forget about the I-35/swisher northbound cluster . We need to have a continuous right turn , the backup is horrendous.

Jason Amanda Hughes: Need to come up with a fun lake vibe for our town not more apartments to overcrowd our schools create more traffic and raise our taxes! How do and when can we vote no on this! It's already so crowded people cut thru our neighborhoods to get to the new bridge! Build nice restaurants or something that will benefit our community for the future! Not apartments that will be run down in 15 20 years and bring more chaos to our community!

Karen-Harold Walker: That area is not upscale! It is very hard for us to attend these meetings. My 98-1/2 year old Mama lives with us and we don't get to get out a lot, especially at night. I do think a vote should be a requirement for this

Glynn Vrba: How does the city ensure they are "high end" and that they stay that way?

What's Happening Lake Cities

Jodie De Santis: That's going to make traffic even more interesting over there.

Wendy Flowers Orosco: No more apartments.

Catie Lochabay: Plummer Please don't. Traffic is already bad there.

Joanna May: Before the city council votes to add more, maybe they should look at how to change the current landscape of the city. What can be changed about the current zoning to attract and encourage growth.

Roger Fritz: Joanna May i guess they thought apartments would be good. Could have been developed into something special.

Of course that would be progressive.

Steve Marx: They will throw up more apartments but a dog park is ridiculous? Cmon

Paty Gomez Flores: Steve Marx I agree, we need a dog park for sure

Glynn Vrba: I believe Planning and Zoning just makes the recommendation. I hope the council spends some time and does some research before deciding whether to approve the zoning change.

Karen-Harold: Walker Glynn Vrba just more congestion on Swisher. Shady Shores certainly can't take on more traffic. That area should not be apartments! And do something about Carlisle. Potholes are getting worse. Let's take care of things before more people move here!

Michael Clark: Big picture..apartments are usually declining assets. Jam up schools and traffic. After 3 to 4 owners and management companies and 10 yrs plus later. Many decline ..not every case of course..just visit Lewisville and Carrollton.

Laird Lind: We have all identified the traffic problems here in LD now as the Lewisville Toll Bridge and new folks add to the congestion. I have seen some suggestions about adding turn lanes and streamlining the DCTA crossings. I don't know what, if anything, the City can do as the traffic count increases. Short of widening Main Street, Swisher, Hundly, and Shady Shores Road (to add capacity) what can be done? I don't think that widening some of the major arteries is even feasible/viable.

January 6, 2020

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RE: Rezoning of 502 N Shady Shores Drive (Zoning Case Z-2020-01)

City of Lake Dallas Planning and Zoning Commission:

It is NTTA's goal to work with our corridor cities to minimize any unintended consequences as a result of new residential development along our roadways and in this case, specifically related to noise.

It is our understanding that the proposed development described as a 300-unit multifamily development is a residential land use and is located adjacent to the Lewisville Lake Toll Bridge. The sound wall locations and design requirements along the Lewisville Lake Toll Bridge were determined in accordance with the National Environmental Policy Act (NEPA) and documented in the Final Environmental Impact Statement approved by the Federal Highway Administration as well as subsequent environmental approvals. The documents analyzed noise impacts and abatement in accordance to all applicable federal and state regulations for the existing configuration.

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We appreciate our longstanding partnership with the City. If you have any questions, please do not hesitate to contact me at (214)224-2157 or emow@ntta.org.

Respectfully,



Elizabeth Mow, P.E.

Assistant Executive Director of Infrastructure

CITY OF LAKE DALLAS, TEXAS

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE CITY OF LAKE DALLAS ZONING ORDINANCE AND ZONING MAP, AS AMENDED, RELATING TO THE USE AND DEVELOPMENT OF 22.233± ACRES OUT OF THE NATHANIEL FRENCH SURVEY, ABSTRACT NO. 424, DESCRIBED IN EXHIBIT “A” HERETO, BY CHANGING THE ZONING FROM R-1-10000 SINGLE FAMILY DWELLING DISTRICT AND C-1 COMMERCIAL DISTRICT TO PD - PLANNED DEVELOPMENT DISTRICT FOR MULTI-FAMILY RESIDENTIAL AND RETAIL USES; ADOPTING DEVELOPMENT AND USE REGULATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED 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 Lake Dallas, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the City of Lake Dallas Zoning Ordinance and Zoning Map of the City of Lake Dallas, Texas, as previously amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. CHANGE OF ZONING CLASSIFICATION

The City of Lake Dallas Zoning Ordinance (“the Zoning Ordinance”) and the Zoning Map of the City of Lake Dallas, Texas, as previously amended, be further amended relating to the use and development of 22.233± acres out of the Nathaniel French Survey, Abstract No. 424, City of Lake Dallas, Denton County, Texas described in Exhibit “A” attached hereto and incorporated herein by reference (“the Property”), by changing the zoning of the Property from R-1-10000 Single Family Dwelling District and C-1 Commercial District to PD - Planned Development District for Multi-Family Residential and Retail Uses subject to Section 2 of this Ordinance.

SECTION 2. DEVELOPMENT AND USE STANDARDS

The Property shall be developed and used in accordance with the applicable provisions of the Zoning Ordinance subject to the following:

- A. Base Zoning:** Subject to the modifications or conditions set forth in this Section 2:

1. Tract 1A as designated on the Concept Plan attached hereto as Exhibit “B” and incorporated herein by reference (“Concept Plan”) shall be developed and used in accordance with the provisions of the Zoning Ordinance applicable to the R-3 Multifamily Residence District;
2. Tract 1B, as designated on the Concept Plan, shall be developed and used in accordance with the provisions of the Zoning Ordinance applicable to the C-1 Retail District; provide, however, the second, third, and fourth floors of the building constructed on Tract 1B, other than the club house building, may be used for multi-family purposes; and
3. Tract 2, as designated on the Concept Plan, shall be developed and used in accordance with the provisions of the Zoning Ordinance applicable to the C-1 Retail District.

B. Site Plan:

1. Tracts 1A and 1B shall be used and developed substantially in accordance with the Site Plan attached hereto as Exhibit “C” and incorporated herein by reference (“the Site Plan”). The size, number, and location of buildings, driveways, and parking areas constructed on the Property shall comply with the Site Plan. Any significant additions, modifications or amendments to the Site Plan (including, but not limited to, future site development of the remainder of undeveloped land, increase in size of floor plan or site, changing or adding ingress/egress to public rights-of-way, changing building orientation, and similar modifications) shall not be authorized unless and until approved as an amendment to this Ordinance.
2. No building permit shall be issued for the construction of any building to be located on Tract 2 until a development plan that complies with Section 122-634 of the Lake Dallas Municipal Code has been approved as an amendment to this Ordinance.

C. Architectural Design and Buildings:

- (1) The exterior of the structures constructed on the Tracts 1A and 1B shall be designed and constructed to appear substantially as shown on the Building Elevations attached hereto as Exhibit “D” and incorporated herein by reference (“the Elevations”).
- (2) The buildings constructed on Tracts 1A and 1B shall be no more than four (4) stories and shall not exceed fifty-five feet (55.0’) in height.
- (3) All buildings on the Property shall be designed and constructed to provide for horizontal and vertical building articulation, varied exterior materials, balconies, and canopy roofs.

D. Density and Dwelling Unit Mix

- (1) There shall be a total of no more than three hundred (300) multi-family dwelling units constructed on Tracts 1A and 1B, with a total density not to exceed 20 multi-family dwelling units to one (1) acre.
- (2) The mix of dwelling units shall be as follows:
 - (a) Efficiency and one-bedroom multi-family dwelling units shall not be less than 70% of the total number of dwelling units constructed;
 - (b) Two-bedroom multifamily dwelling units shall not exceed 25% of the total number of dwelling units constructed; and
 - (c) Three-bedroom multifamily dwelling units shall not exceed 5% of the total number of dwelling units constructed.

E. Screening:

- (1) All fencing and screening shall be located as shown on the Site Plan. Construction of all required fencing and screening must be completed prior to issuance of a Certificate of Occupancy for any building constructed on the Property.
- (2) An eight foot (8.0') tall masonry wall shall be constructed along the north, west, and east property lines of Tracts 1A and 1B at the locations shown on the Site Plan and completed prior to issuance of a Certificate of Occupancy for any building constructed on the Property.

F. Parking: All parking spaces shall comply with the location, dimensions, and minimum numbers shown on the Site Plan subject to the following:

- (1) No fewer than two (2) parking spaces shall be provided for each multi-family dwelling unit constructed on Tracts 1A and 1B;
- (2) Of the parking spaces required in relation to the number of multi-family dwelling units:
 - (a) No fewer than 146 spaces shall consist of covered carports; and
 - (b) No fewer than 110 spaces shall be contained in an enclosed detached garage.

Notwithstanding the foregoing, the number of required covered carports may be reduced by one (1) for each additional enclosed garage space constructed in excess of 110.

- (3) No fewer than eighty (80) surface parking spaces shall be located on Tract 1B for retail uses.

G. Landscaping and Sidewalks:

- (1) Landscaping shall be installed on Tracts 1A and 1B in the locations shown on the Site Plan and shall other comply with Chapter 122, Article XXII of the Lake Dallas Municipal Code.
- (2) Prior to installation of any landscaping on the Property, a landscape plan shall be submitted to the City and approved by the Director of Community Development in accordance with Section 122-1225 of the Lake Dallas Municipal Code.
- (3) Prior to issuance of a certificate of occupancy for any building located on the Tracts 1A or 1B, all sidewalks shall be constructed and installed as shown on the Site Plan or otherwise required by Chapter 94 of the Lake Dallas Municipal Code.
- (4) The construction of sidewalks on Tract 2 shall be deferred until the time of development of Tract 2.

H. Common Areas:

- (1) *East Common Area:* The area located on the east side of Tract 1A labeled on the Site Plan as “Area Designated for Storm Water Management” (“East Common Area”) shall be preserved as open space and used only for stormwater management and installation of site amenities, such as a walking trail and dog park. Walking trails and dog parks installed on the East Common Area shall be open to the public by pedestrian access from the street or adjacent parking areas. Screening fences and/or walls shall be provided as shown on the Site Plan.
- (2) *Northwest Common Area:* The area generally located on the northwest corner of Tract 1A labeled on the Site Plan as “Area Designated for Storm Water Management” (“Northwest Common Area”) shall be preserved as open space and used only for stormwater detention and private passive recreation. Screening walls and/or fences shall be provided as shown on the PD Site Plan.
- (3) *Southwest Common Area:* This area generally located on the southwest corner of Tract 1A (“Southwest Common Area”) as shown on the Site Plan shall be used for passive open space only.

I. Trees: The preservation, removal, and mitigation (i.e. replacement of removed trees) shall at all times comply with applicable provisions of Chapter 122, Article XXII of the Lake Dallas Municipal Code, as from time to time amended or replaced.

J. Traffic and Access:

- (a) Ingress and egress into and out of Lot 1A may be controlled by an automatic private gate provided such gate is equipped with a Knox Box or other means approved by the Fire Marshall to allow entry of public safety vehicles and personnel into Lot 1A without the need for contacting the owner or property manager for entry.
- (b) A traffic impact analysis relating to the Property and related uses shall be completed by the owner or developer of the Property concurrently with application for the first preliminary plat of any portion of the Property.

SECTION 3. CONFLICTS.

To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Lake Dallas governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling. In the event there is an irreconcilable conflict within the text of this Ordinance, including any exhibits attached hereto, relating to the applicable standard to be enforced with respect to development of the Property, the strictest standard shall be controlling unless the City Council determines by approval of a motion or resolution that the less stringent standard is to apply.

SECTION 4. SEVERABILITY CLAUSE.

Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the City of Lake Dallas 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 City of Lake Dallas Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 5. SAVINGS CLAUSE.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of Lake Dallas Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. PENALTY.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its passage and final publication in accordance with the Charter of the City of Lake Dallas and/or applicable state law and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS ON THIS THE 28TH DAY OF MAY 2020.

APPROVED:

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:5/26/2020:115815)

[illegible]

Ordinance No. 2020-____
Exhibit B – Concept Plan



Ordinance No. 2020-____ Exhibit C – Site Plan



Ordinance No. 2020-____

Exhibit D – Elevations

Lakeway at Swisher
Lake Dallas, TX

BUILDING ELEVATIONS

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
5505 Regatta Rd., Suite 500, Dallas, TX 75206 | (214) 227-8800 | www.humphreys.com



NOTE: THESE ARE CONCEPTUAL ELEVATIONS. CHARACTER AND STYLE WILL BE SIMILAR TO ACTUAL BUILDINGS. THESE ELEVATIONS ARE DEPICTING A (3) STORY BUILDING. LAKEWAY AT SWISHER IS PROPOSING A (4) STORY BUILDING.

PARAPET ROOF (TPO FLAT ROOF)
MASONRY
METAL CANOPY ROOF
HORIZONTAL FIBER CEMENT SIDING
VERTICAL FIBER CEMENT SIDING



CITY COUNCIL
AGENDA MEMO

AGENDA ITEM 7

Prepared By: David R. Gattis, FAICP, Interim Dir. of Development Services

May 28, 2020

Consider and make recommendation on a zoning change request for 14.853 acres of land out of the T.White Jr. Survey Abstract A-1376 from R-1-7200 to R-PD Residential Planned Development District to allow for construction of 73 single family houses on a minimum of 5,750 square foot lots. The property is more commonly known as 707 N. Shady Shores Drive. (Case Z-2020-04)

DESCRIPTION:

Consider and make recommendation on a zoning change request for 14.853 acres of land out of the T.White Jr. Survey Abstract A-1376 from R-1-7200 to R-PD Residential Planned Development District to allow for construction of 73 single family houses on a minimum of 5,750 square foot lots. The property is more commonly known as 707 N. Shady Shores Drive. The applicant is Skorburg Company, Inc. (Case Z-2020-04)

BACKGROUND INFORMATION:

Mr. Bryan Holland ("Applicant") of Skorburg Company, Inc. has applied to rezone a 14.853-acre tract at 707 N. Shady Shores Drive. Mr. Holland is proposing to subdivide the two tracts into 74 lots, 73 for single family residences and one common area for drainage purposes, to be known as Falcon Place. There will be two different sets of lots, Lot Type B will be 60-foot wide and 6,900 square feet (SF) in size and will be located on the south and west edges of the development adjacent to other developed subdivisions. Lot Type A will consist of 50-foot wide lots and 5,750 SF and will be in the interior and along the north border adjacent to less developed properties.

The area regulations proposed are:

	Existing R-1-7200 standards	Proposed Type-A PD regulations	Proposed Type B PD regulations
Front yard	25 feet	20 feet	20 feet
Side yards	7 feet	5 feet	5 feet
Rear yards	30 feet	10 feet	10 feet
Lot Width	60 feet	50 feet	60 feet
Lot Depth	100 feet	115 feet	115 feet
Lot Area:	7,200 square feet	5,750 square feet	6,900 square feet
Minimum dwelling size	1,500 square feet	1,500 square feet	1,500 square feet

Staff recommends that an architectural control committee be included in a set of deed restrictions, since the State legislature has limited a city's ability to enforce building materials and aesthetic regulations. A stormwater detention pond has been proposed which may have park-like amenities

A PD ordinance is a negotiated set of regulations where the developer gets some flexibility in development standards in exchange for higher development standards and/or additional public amenities. The Commission will need to determine whether the public interest is served by the proposed development.

CONFORMANCE WITH COMPREHENSIVE PLAN

The recently-adopted Lake Dallas Vision 2030 Comprehensive Plan shows the property as “single family residential”, which is intended for residential detached developments that generally range between 0.5 and 7 dwelling units per acre. The proposed project would have a density of approximately 4.9 dwelling units per acre. The project generally conforms to the Comprehensive Plan.

ADJACENT ZONING AND LAND USE:

The existing zoning on the subject property is R-1-7200 Single Family Residential. The zoning and existing land use on the subject property and adjacent property is as follows:

DIRECTION	ZONING	EXISTING USE
<i>Subject Property</i>	<i>R-1-7200 Single Family Residential</i>	<i>One single family house</i>
North	<i>R-1-7200 Single Family Residential</i>	Large lot Single Family Dwellings
South	<i>R-1-7200 Single Family Residential</i>	Single family dwellings
West	R-1-7200 Single Family Residential	Single family dwellings
East	City of Shady Shores	Single family dwellings, manufactured homes

PLANNING ANALYSIS

Land Use:

The proposed project provides single family residential and has a proposed density (4.9 units per acre) within the general range for single family (0.5 to 7 units per acre) in the Comprehensive Plan. There does not appear to be any significant conflicts with adjacent land uses.

Traffic

The project is not large enough to require a traffic impact analysis. The proposed development is providing two points of access.

Drainage

The property generally drains from the southwest to the northeast, with a small pond on the property. The 100-year floodplain does not appear to affect this property, though the 500-year flood from Lake Lewisville is close to the northeast corner of the property. Any on-site drainage will be addressed during platting and site plan review.

Regulatory Issues

The property will need to be platted in accordance with the Subdivision Ordinance and a final plat approved before any construction or building permits can be issued.

FINANCIAL CONSIDERATION: The proposed development, when built out, would generate additional property and sales taxes. It would also require additional costs in police, fire and other city services. The City has not made a detailed fiscal assessment of the impact of the development.

UNAPPROVED P&Z MINUTES FROM FEBRUARY 20, 2020

- 7. Consider and make recommendation on a zoning change request for 14.853 acres of land out of the T. White Jr. Survey A-1376 from R-1-7200 Single family Residential to R-PD to allow the construction of 73 single family houses on 5.750 SF minimum lots. The property is more generally known as 707 N. Shady Shores Road. The applicant is Skorburg Company, Inc.**

John Cabrales, City Manager introduced Mr. Bryan Holland (Applicant) of Skorburg Company, Inc. to make a presentation on the proposed Falcon Place project. According to Mr. Holland, the Skorburg Company is:

- Local Privately owned development firm with 35 years of experience
- Over 90 development projects in more than 25 different cities around the DFW metroplex,
- More than 25 current projects in active development
- Reputation for building high quality, long lasting communities
- Projects range from small, infill locations to 800-acre master plans.

According to Mr. Holland, the purpose and intent of Falcon Place is to:

- Create a beautiful timeless community that upholds and enhances the quality of the surrounding environment and adheres to the vision of Lake Dallas through its Comprehensive Plan.
- Design a community that minimizes the impact on adjacent property owners by the implementation of professionally engineered storm water facilities, including detention, to handle the flow of water coming onto the property from neighboring lands and existing storm water system.
- Falcon Place will provide needed increase in tax revenue to support city service and additional residents to help boost the local commercial, retail and philanthropic efforts and activities of Lake Dallas.

Bryan Holland also discussed:

- Subject Property
- Zoning Request
- Architectural Features
- Screening Plan
- Landscaping Plan
- Representative Product

John Cabrales, City Manager, addressed questions regarding the comparison of the zoning change and Type A and Type B lots. He suggested five (5ft.) sidewalks and the time frame for the sidewalks to be completed within 2 years starting date when the first house is completed. One tree proposal to be put on the city property but suggested to have the trees put on private property and go ahead and put in the sidewalks on the front of the development.

Public hearing opened at 10:10 pm.

Bruce Smith, Dan Buckerfield, JoLynne Buckerfield, Devin Ewart, Mike Rakes, Rick Allen, and Donna Hammond spoke concerning the number of houses, the building heights and how the changes were going to affect their neighborhood known as Thousand Oaks.

There was a discussion about the Public Notices had the wrong address. John Cabrales explained even though the address was wrong the legal description was right after talking to the city attorney.

Public hearing closed at 10:29pm

Motion: Jayme Potter moved to deny the proposal. Lester Rayburn second the motion. .

Ayes: Lester Rayburn, and Jayme Porter.

Nays: Jayme Moore, Melody Parlett, and Ben Gilbert.

Motion failed.

Second motion was made by Melody Parlett to approve the proposal with the following:

- Maximum building height reduced from 40 feet to 35 feet.
- Rear setback to be 15 feet.
- Five-foot sidewalks with a 2-year time frame to be completed starting when the first house is completed.
- Eight-foot fence between the project and the Thousand Oak subdivision.

John Moore second the motion.

Ayes: Ben Gilbert, Melody Parlett, John Moore.

Nays: Jayme Potter and Lester Rayburn.

Motion carried 3-2

RECOMMENDED SAMPLE MOTION:

After holding a public hearing, staff and P&Z recommends the following motion:

I move to adopt the Ordinance to approve the proposed Residential PD zoning, subject to any additional conditions that the City Council may wish to impose.

ATTACHMENTS:

Attachment 1 – Proposed Development Plan

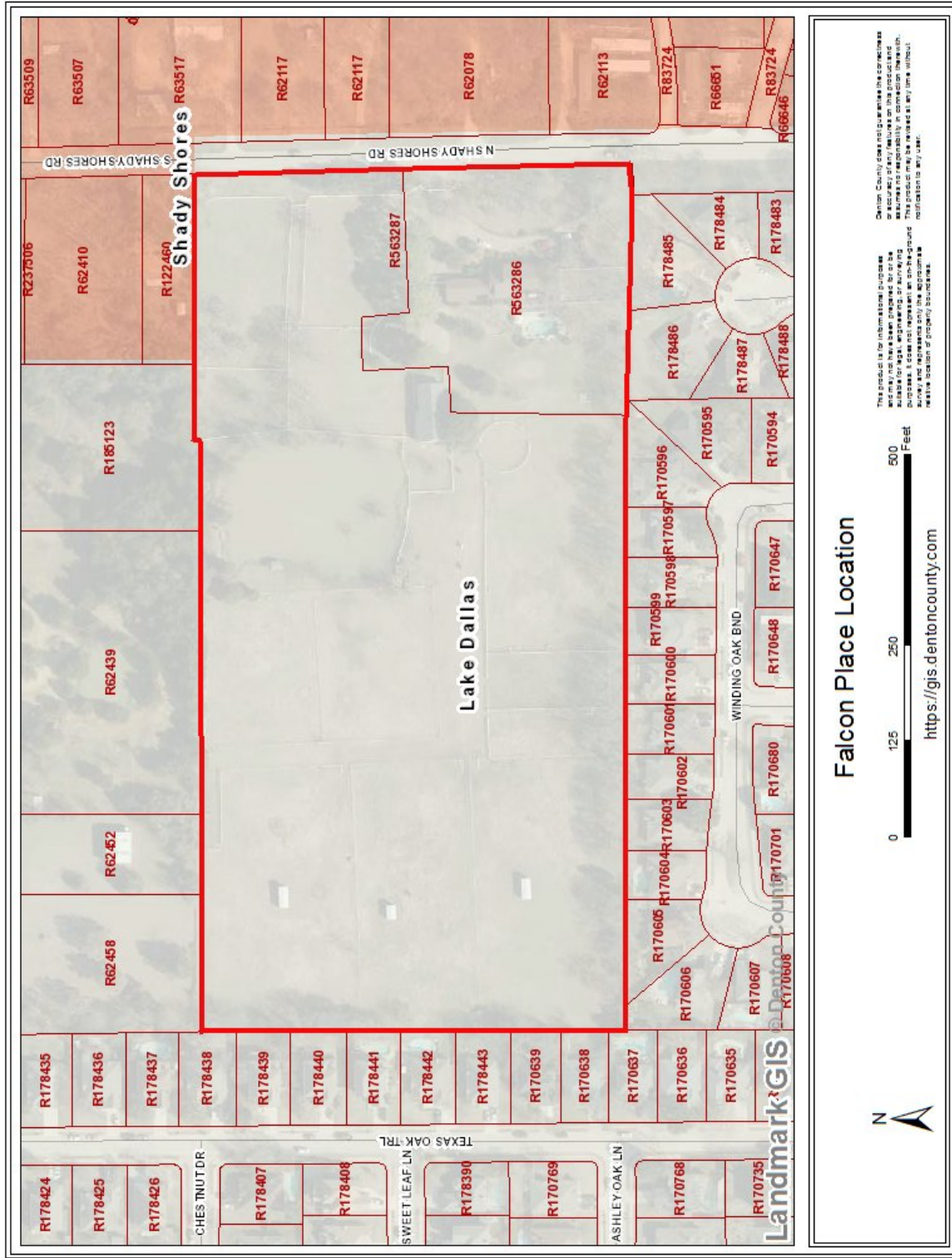
Attachment 2 – Proposed PD Development Regulations

Attachment 3 – Aerial Overhead Perspective

Attachment 4 – Aerial Perspective

Attachment 5 – FEMA FIRM Map

VICINITY MAP:



CITY OF LAKD DALLAS, TEXAS

ORDINANCE NO. 2020 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE CITY OF LAKE DALLAS ZONING ORDINANCE AND ZONING MAP RELATING TO THE USE AND DEVELOPMENT OF LOTS 1 AND 2, BLOCK A, MARTIN-KENNEDY ADDITION, BY CHANGING THE ZONING FROM R-1-7200 SINGLE FAMILY DWELLING DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. ____ (PD-____) FOR RESIDENTIAL USES; ADOPTING DEVELOPMENT REGULATIONS AND A SITE PLAN; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED 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 Lake Dallas, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the City of Lake Dallas Zoning Ordinance and Zoning Map of the City of Lake Dallas, Texas, as previously amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. CHANGE OF ZONING CLASSIFICATION

The City of Lake Dallas Zoning Ordinance as set forth in Chapter 122 of the Lake Dallas Municipal Code, and the Zoning Map of the City of Lake Dallas, Texas, (collectively “the Zoning Ordinance”) as previously amended, be further amended relating to the use and development of Lots 1 and 2, Block A, Martin-Kennedy Addition, an addition to the City of Lake Dallas, Denton County, Texas, according to the plat thereof recorded as Instrument No. 2013-46, Plat Records, Denton County, Texas, as shown in Exhibit “A,” attached hereto and incorporated herein by reference (“the Property”), by changing the zoning from a R-1-7200 Single Family Dwelling District to Planned Development District No. ____ (PD-____) for Residential Uses subject to Section 2 of this Ordinance.

SECTION 2. LAND USE AND DEVELOPMENT STANDARDS

The Property shall be developed and used in accordance with the applicable provisions of the Zoning Ordinance, as amended, subject to the following modifications:

- A. Base Zoning.** The Property shall be used and developed in accordance with the use and development regulations of the R-1-7200 Single Family Dwelling District, except as modified by this Ordinance.

- B. Planned Development Site Plan:** The Property shall be used and developed substantially as depicted on the Planned Development Site Plan attached hereto as Exhibit “B” and incorporated herein by reference (“Site Plan”). The City Manager may authorize minor changes to the Site Plan as provided in Section 122-636 of the Zoning Ordinance.
- C. Lot and Dwelling Development Standards.** The Property shall be developed with no more than seventy-three (73) single-family residential lots. The lots developed on the Property and the Dwelling Units constructed on the lots within the Property shall comply with the following development standards:

<u>Lot Type*</u>	<u>Type A</u>	<u>Type B</u>
Minimum Lot Area/Variety	5,750 sq. ft.	6,900 sq. ft.
Maximum Number of Lots	36	37
Minimum Lot Width ¹	50 feet	60 feet
Minimum Lot Depth	115 feet	
Lot Coverage	Maximum 65%	
Minimum Front Yard Setback ²	20 feet ¹	
Minimum Side Yard Setback (interior/corner)	5 feet	
Minimum Side Yard Setback (adjacent to street)	10 feet	
Minimum Rear Yard Setback	15 feet	
Minimum House Size	All homes will exceed $\geq 1,500$ square feet of air-conditioned living area.	
Maximum Height	35 feet	

Notes:

1. Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may have the front lot width reduced, provided that the lot width will be met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to 10% but shall meet the minimum lot size for each lot type.
2. The Director of Community Development or his designee may grant a reduction in the required 20-foot front yard building setback of up to five (5) feet for lots situated along cul-de-sacs or curvilinear streets, or where a 20-foot front yard building setback would create an undue hardship on the property.

- D. Architectural Design:** The architectural style of the main structures constructed on each lot within the Property shall be generally representative of the building elevations set forth in Exhibit “B,” attached hereto and incorporated herein by reference (the “Elevations”), subject to the following:

- (1) Homes shall contain articulated front entrances with no single face front elevations permitted. Minimum of two (2) front articulations and two (2) front-height plate variations are required.

- (2) Shutters, if installed, will be sized and shaped to match the associated openings.
- (3) A minimum roof pitch of 8:12 (inches of rise per inches of run) from side to side will apply to predominant roof, except a tile or slate roof may have a minimum roof pitch of 5:12 from side to side. A variety of roof pitches may be incorporated into the roof design provided that the predominant roof has at least an 8:12 pitch. Porches, covered patios and sunrooms shall have a minimum of 4:12 pitch. Dormers may be 3:12.
- (4) The exterior facades for dwelling units will vary within every four (4) contiguous lots. When a dwelling unit is constructed, the same combination of brick, stone, masonry-like materials and paint will not be used within six (6) houses on either side of the house.
- (5) Front porches shall not be required. The covered front porch of a dwelling unit shall have an area of not less than fifty (50) square feet. A covered porch may encroach into the front yard setback or side yard setback not greater than five (5) feet.
- (6) Garages may be oriented in a front entry configuration with a minimum driveway length of twenty (20) feet.

E. Utility, Service and Mechanical Equipment

- (1) All equipment related to utilities and cable television intended to serve one Lot shall be located underground if possible subject to applicable provisions of Chapter 94 of the Lake Dallas Municipal Code.
- (2) Ground-mounted mechanical equipment, such as HVAC units, shall be screened from view and grouped together away from street and public view.
- (3) Private, surface-mounted mechanical equipment, air conditioners, condensers, compressors, pool equipment, switches, etc. should be placed behind the side yard fence of a Lot.

F. Screening Walls and Fences: The rear yard of all residential lots will be fenced with a minimum six (6') feet high wood privacy fences and will comply with the following:

- (1) Fence planks or pickets must be at least 5/8-inch-thick and shall be either spruce or cedar. Pine pickets and planks are prohibited;
- (2) The fence shall be stained and sealed on both sides with medium brown stain;
- (3) The bottom of the wood fence shall be constructed with no ground to wooden plank contact; provided, however, the ground-to-fence separation shall not exceed four (4) inches;
- (4) A kick board made of material that is suitable for ground contact may be installed to cover the gap between the ground and the bottom of the fence planks; provided,

however, such kick board shall be installed such that surface drainage is not impeded or blocked;

- (5) All vertical posts shall be a minimum 2-3/8 inch outside diameter by .095 (Schedule 20) galvanized steel and shall be capped using a galvanized cap designed for this type of application;
- (6) All materials will be securely fastened with galvanized steel (i.e. vertical boards to horizontal stringers, stringers to vertical posts) and be free from rot, rust, vandalism, and other sources of decay;
- (7) Fences constructed adjacent to a public street, right-of-way, open space, trail or other designated public area, or lots within the Thousand Oaks subdivision shall have the exposed posts and rails oriented toward the inside of the property and away from public view; and
- (8) Notwithstanding anything herein to the contrary, rear yard fences for all residential lots that back up to the Thousand Oaks subdivision be not less than eight (8') feet high in height installed at the time of development of the Property and completed prior to the issuance of the first building permit of dwelling unit to be constructed on any lot adjacent to the Thousand Oaks subdivision.

G. Landscaping:

- (1) Except where expressly modified by this Ordinance, development of the Property shall comply with all landscaping regulations applicable to residential developments within the Zoning Ordinance.
- (2) Landscaping shall be planted within common areas and dedicated landscape easements as shown on Exhibit "C" attached hereto and incorporated herein by reference ("Landscape Plan") and must be completed prior to issuance of a building permit for any building constructed on the Property being developed.
- (2) A fifteen-foot (15.0') wide common area lot for landscaping and five foot (5.0') wide wall maintenance easement as shown on the Site Plan shall be dedicated along Onward Road at the time of platting. All turf and trees within said common area shall be irrigated and maintained by a homeowners'/property owners' association established prior to the approval of the final plat for any portion of the Property.
- (3) The Property shall be developed with 0.75± acres of open space generally as set forth on the Landscape Plan. Any open space within the development may be used as a detention pond or retention pond. Open space areas shall be equipped with amenities which shall include, as a minimum, benches, trash cans and sidewalk adjacent to street.
- (4) Prior to issuance of a certificate of occupancy or approval of final inspection for the dwelling unit constructed on a lot:

- (a) No fewer than one (1) tree not less than three (3) caliper inches diameter at the time of planting measured four and one-half feet (4.5') above the top of the root ball shall be planted in the front yard of each lot, but shall not be planted between the sidewalk and curb;
 - (b) No fewer than six (6) three-gallon (3 gal) shrubs shall be planted in the front yard of each residential lot; and
 - (c) Installation of an automatic irrigation system irrigating all lawn and landscape areas shall be completed.
- (5) Landscaping and related automatic irrigation systems will be installed by the developer at the entry to the subdivision and in common areas, including within the right-of-way for N. Shady Shores Road as set forth on the Landscape Plan.
- (6) At least one (1) subdivision monument sign designed and constructed generally as shown in the Landscape Plan will be constructed at the intersection of Street ____ and N. Shady Shores Road as shown on the Site Plan. Final design and location of any entry feature shall be reviewed and approved by the Director of Community Development with the Preliminary Plat application. Construction of the required entry sign must be completed prior to issuance of a certificate of occupancy or approval of the final inspection for the first dwelling unit constructed on any lot within the Property.
- (7) A screening wall not less than six foot (6.0') in height and shall be constructed along the Property boundary line adjacent to N. Shady Shore Road of masonry or masonry and tubular steel as depicted on the Landscape Plan. Construction of the such screening wall must be completed prior to issuance of a certificate of occupancy or approval of the final inspection for the first dwelling unit constructed on any lot within the Property.

H. Sidewalks: Sidewalks with a width of not less the five feet (5.0') shall be constructed within the Property in accordance with the City Design Manual subject to the following:

- (1) Except as provided in paragraph (3), below, construction of sidewalks on each residential lot shall be completed prior to issuance of a certificate of occupancy or approval of final inspection relating to construction of the dwelling unit on said lot;
- (2) Prior to issuance of a certificate of occupancy or approval of final inspection relating to construction of the first dwelling unit constructed on the Property. construction of sidewalks must be completed:
 - (a) Adjacent to all common areas; and
 - (b) Along the eastern perimeter of the Property adjacent to and within the right-of-way of N. Shady Shores Road.

- (3) If construction of sidewalks on all residential lots within the Property has not been completed on or before the second (2nd) anniversary of issuance of a first building permit for the first dwelling unit constructed on the Property:
- (a) The developer requesting this zoning amendment shall obtain two (2) competing bids for the cost of constructing the sidewalks on all remaining undeveloped lots within the Property from contractors acceptable to the City and developer;
 - (b) Said developer shall then escrow with City an amount equal to the average of such bids;
 - (c) If all remaining sidewalks are not installed on lots within the Property on or before the third (3rd) anniversary of issuance of the building permit for the first dwelling unit constructed on the Property, the City shall notify developer that construction of all remaining sidewalks must be completed within sixty (60) days of the date of such notice;
 - (d) If the developer does not complete, or cause the completion of, construction of the remaining sidewalks within said sixty-day period, the City shall use the escrowed funds to have the remaining sidewalks constructed;
 - (e) Any escrowed funds not used for the construction of the remaining sidewalks shall be returned to developer within thirty (30) days after completion of construction of the remaining sidewalks;
 - (f) If the amount of said escrowed funds is insufficient to pay for the construction of the remaining sidewalks, the developer shall pay to the City any such shortage being installed throughout the development not later than fifteen (15) days after the City delivers written demand for such funds.

The City may withhold the issuance of any building permits for undeveloped lots until City receives payment of the escrowed funds described in paragraph (b) and the funds to be paid to the City pursuant to paragraph (f) of this Section 2.H.(3).

- I. **Retaining Walls:** Retaining walls will be designed and constructed in accordance with the City Design Manual of approved stone.
- J. **Homeowners'/Property Owners' Association:** Prior to approval of the a 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, 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 developer 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 acceptable to the City 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 acceptable to the City to ensure 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, common 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 reasonable 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. CONFLICTS.

To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Lake Dallas governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling. In the event there is an irreconcilable conflict within the text of this Ordinance, including any exhibits attached hereto, relating to the applicable standard to be enforced with respect to development of the Property, the strictest standard shall be controlling unless the City Council determines by approval of a motion or resolution that the less stringent standard is to apply.

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An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of Lake Dallas Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. PENALTY.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its passage and final publication in accordance with the Charter of the City of Lake Dallas and/or applicable state law and it is accordingly so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS,
TEXAS ON THIS THE 28TH DAY OF MAY 2020.**

APPROVED:

Michael Barnhart, Mayor

ATTEST:

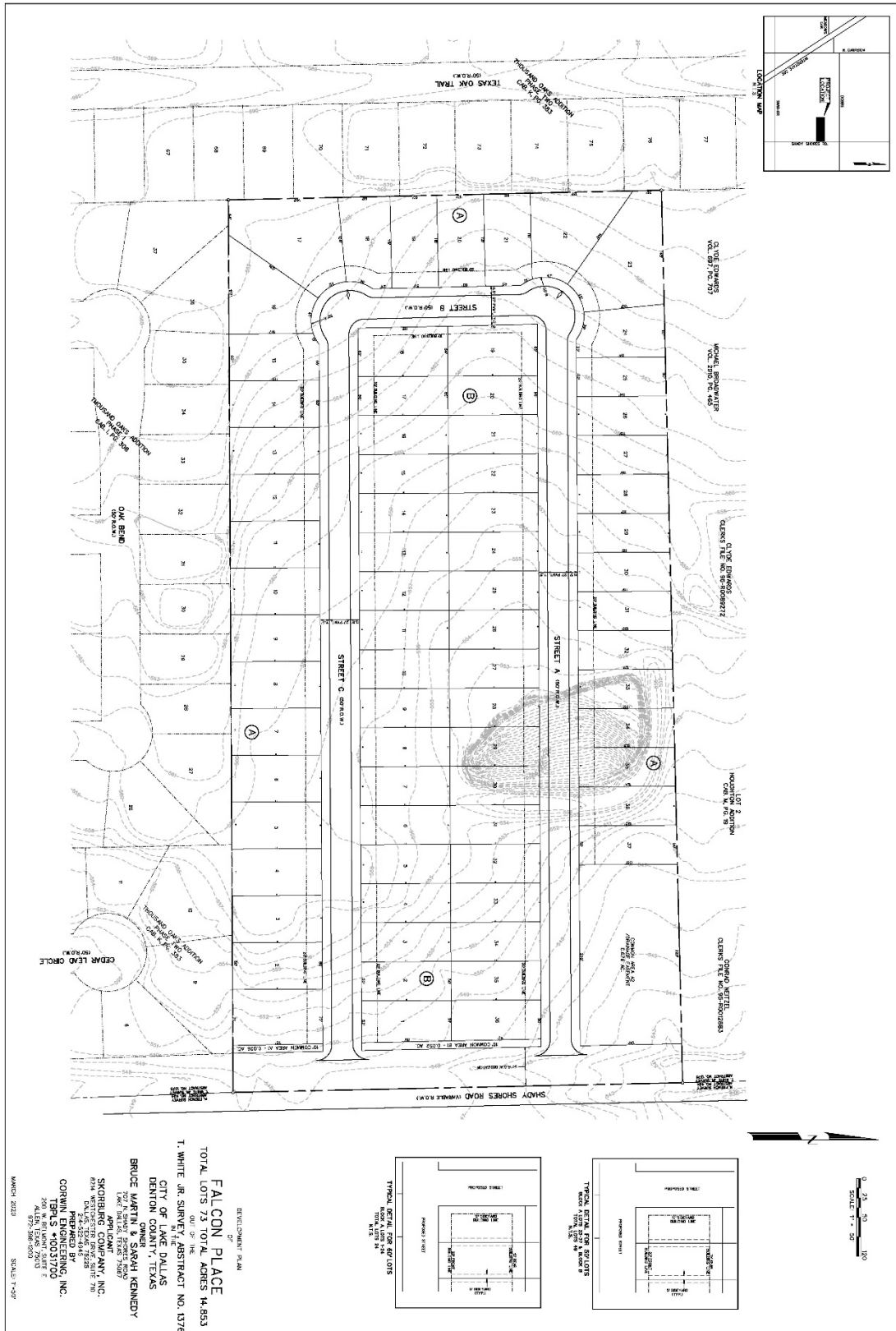
Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:5/22/2020:115766)

EXHIBIT A

DEVELOPMENT SITE PLAN



Ordinance No. 2020-____

**EXHIBIT B
ELEVATIONS**

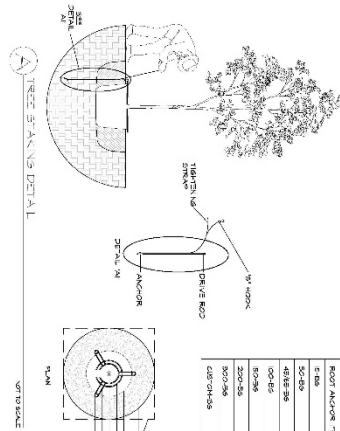


[illegible]

Ordinance No. 2020-____
EXHIBIT C
LANDSCAPE PLAN (cont.)

OPTIONAL NOTES:

- [illegible]

[illegible]

D. E.

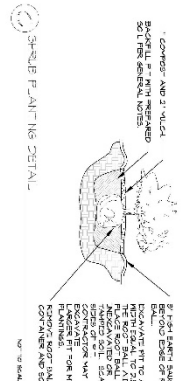
- Place tree in planting pit.
 - Place anchor with ring side down against top of root ball.
 - Center root anchor a finger width around trunk of tree.
 - Align drive rods at closest positions to outside edges of U-anchors.
- STEP 2:**
- Drive anchor straight down into undisturbed adjacent soil.
 - Drive anchor to recommended depths per tree size.

- Remove drive ro

- * Repeat steps 4, 2 for all three 3rd anchor locations.
- * All back on strap appear 3" for the web and/or 6" to 14" for the web and/or to an anchor into a horizontal or vertical concrete. A 5/8" x 10' is required to install in setting the anchor.
- * Place 3" concrete over the end of the anchor.
- * All straps are vertical and not over the edge into the top of the wall and a 4" diameter core testing can on top of the wall seal.
- * To release strap off to the 4" bracket all doing enough "strapping strap to adjust" (less if necessary).

NOTES:

- [illegible]



NOT TO SCALE

**Know what's below.
Call before you dig.**
(@ least 48 hours prior to digging)

[illegible]

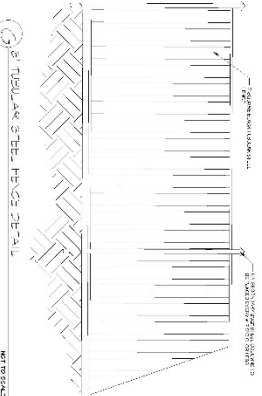
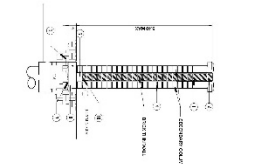
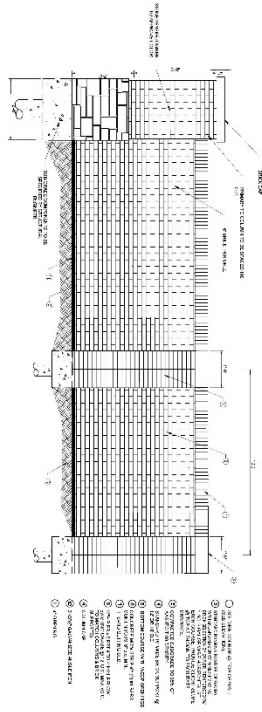
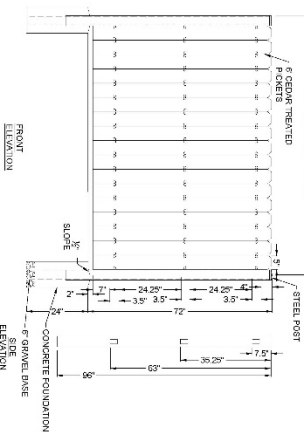
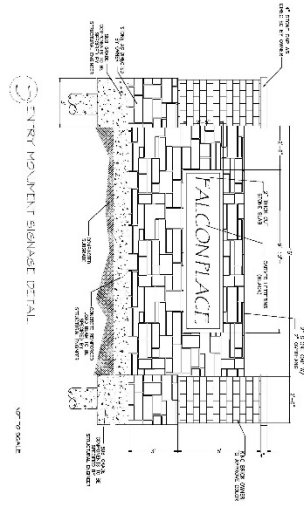
FALCON PLACE
LAKE DALLAS, TEXAS

LANDSCAPE NOTES



7401 North Mitchell Road | Dallas, TX 75238 | 817.842.2091 | 817.842.2055 fax
www.mitchell-engineering.com

Ordinance No. 2020-____
EXHIBIT C
LANDSCAPE PLAN (cont.)

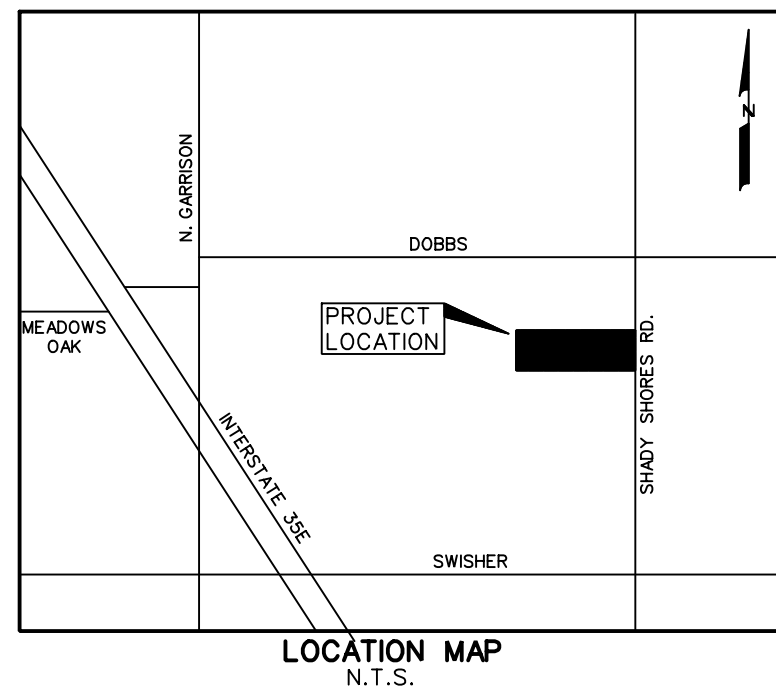


811
 Know what's below.
 Call before you dig.
 (800) 485-4869 (toll free in TX only)

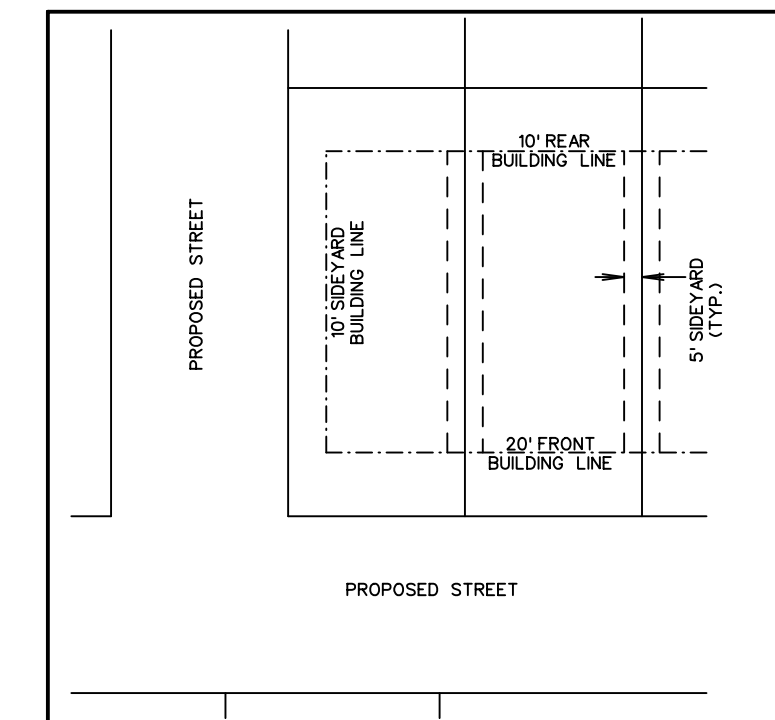
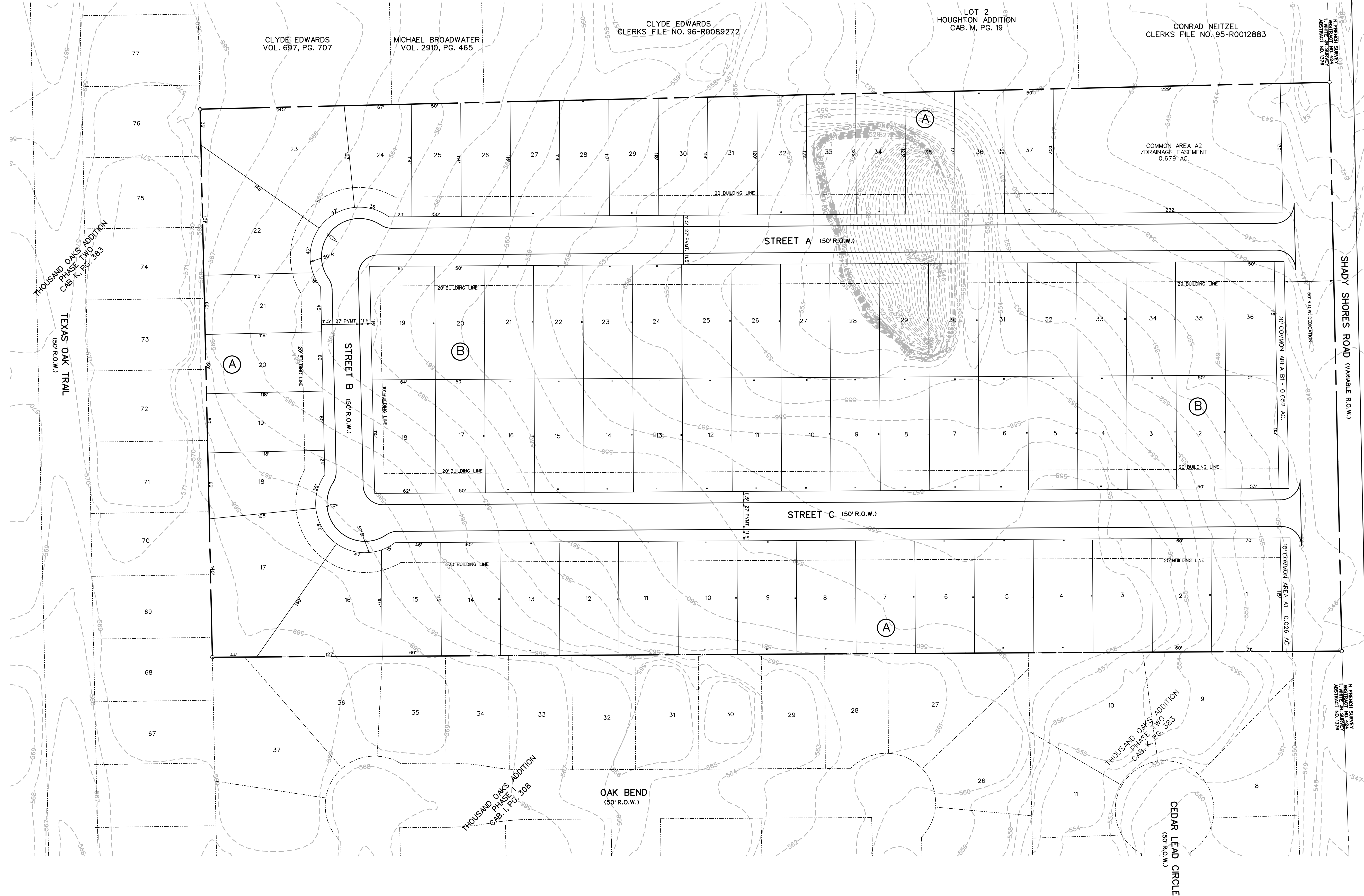
NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/17/21	NO. 1296-20-02-C21		

FALCON PLACE
 LAKE DALLAS, TEXAS
HARDSCAPE DETAILS

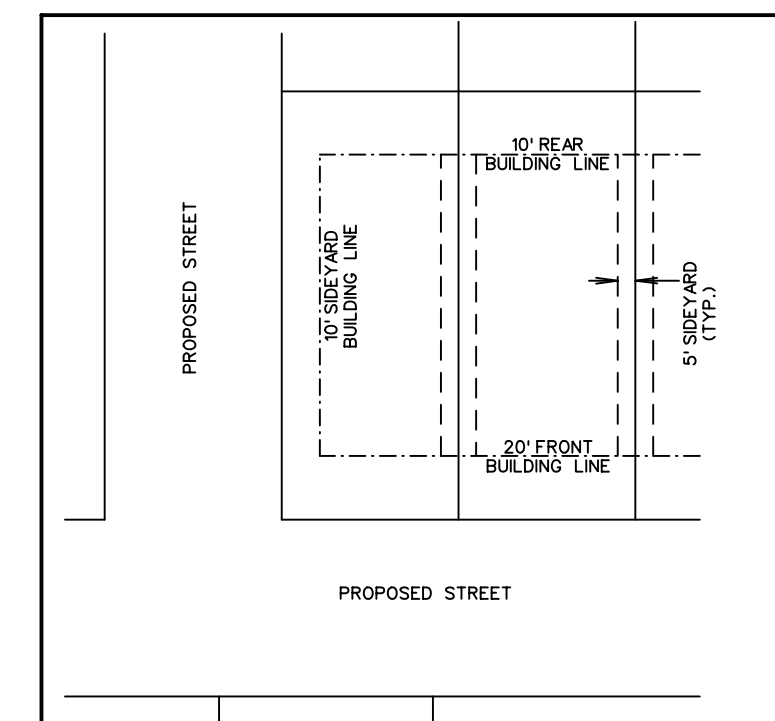
BANNISTER
 ENGINEERING
 240 West Walnut Road | Suite 100 | Dallas, TX 75241 | 817.642.3551 | 817.642.3552 (TX)
 REGISTRATION # 1296 (TX-045)



0 25 50 120
SCALE: 1" = 50'



TYPICAL DETAIL FOR 50' LOTS
BLOCK A LOTS 25-37 & BLOCK B
TOTAL LOTS 49
N.T.S.



TYPICAL DETAIL FOR 60' LOTS
BLOCK A, LOTS 1-24
TOTAL LOTS 24
N.T.S.

DEVELOPMENT PLAN
OF
FALCON PLACE
TOTAL LOTS 73 TOTAL ACRES 14.853
OUT OF THE
T. WHITE JR. SURVEY, ABSTRACT NO. 1376
IN THE
CITY OF LAKE DALLAS
DENTON COUNTY, TEXAS
OWNER
BRUCE MARTIN & SARAH KENNEDY
707 N. SHADY SHORES ROAD
LAKE DALLAS, TEXAS 75067
APPLICANT
SKORBURG COMPANY, INC.
8214 WESTCHESTER DRIVE, SUITE 710
DALLAS, TEXAS 75225
214-522-4945
PREPARED BY
CORWIN ENGINEERING, INC.
TBPLS #10031700
200 W. BELMONT, SUITE E
ALLEN, TEXAS 75013
972-396-1200

“Falcon Place” Planned Development
Lake Dallas, Texas

Falcon Place shall be subject to the restrictions, terms and conditions set forth in the Development Plan and the Planned Development standards, attached hereto and as stated below.

1) *Property location and size.*

Falcon Place is to be established on property located south of Dobbs Road and west of N. Shady Shores Road. The property is comprised of two (2) tracts of land consisting of a 2.342-acre tract and a 12.512-acre tract which combine for 14.854 gross acres.

2) *Purpose and Intent.*

- a.) To create a beautiful, timeless community that upholds and enhances the quality of the surrounding environment and adheres to the vision of the City through its Comprehensive Plan.
- b.) Design a community that minimizes the impact on adjacent property owners by the implementation of professionally engineered storm water facilities, including detention, to handle the flow of water coming onto the property from neighboring lands and exiting the property into the existing storm water system.
- c.) Increase the City’s ad-valorem tax base significantly through the development of new homes and provide additional residents to help boost local commercial, retail and philanthropic efforts and activities.
- d.) Establish a mandatory homeowner association (HOA) to enforce the HOA restrictions and maintain at a high level the common areas within the development.

3) *Zoning.*

Falcon Place shall be zoned Planned Development (“PD”) for a maximum of seventy-three (73) single family residential lots as reflected on the attached Development Plan which equates to an overall gross residential density of approximately 4.9 units per acre. Unless specifically provided by this Planned Development ordinance, the development standards stipulated by the R-1-7200 Single-Family Dwelling District are applicable to all development on the *Subject Property*.

4) *Development Plan.*

Falcon Place shall be developed in accordance with the provisions of the attached Development Plan which shall be binding upon the applicant thereof, his successors and assigns, and shall

limit and control all building permits.

5) *Lot Composition and Layout.*

The lot layout and composition shall generally conform to the *Development Plan* and stated in *Table 1*, which is as follows:

Table 1: Lot Composition

<i>Lot Type</i>	<i>Approx. Lot Size (FT)</i>	<i>Lot Size (SF)</i>
A	50' x 115'	5,750 SF
B	60' x 115'	6,900 SF

6) *Development Standards.*

All lots shall conform to the standards depicted in *Table 2*, which is as follows:

Table 2: Lot Dimensional Requirements

<i>Lot Type (see Development Plan) ►</i>	<i>A</i>	<i>B</i>
<i>Minimum Lot Width/Frontage ⁽¹⁾</i>	50'	60'
<i>Minimum Lot Depth</i>	115'	115'
<i>Minimum Lot Area</i>	5,750 SF	6,900 SF
<i>Minimum Front Yard Setback ⁽²⁾</i>	20'	20'
<i>Minimum Side Yard Setback</i>	5'	5'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i>	10'	10'
<i>Minimum Length of Driveway Pavement</i>	20'	20'
<i>Maximum Height</i>	40'	40'
<i>Minimum Rear Yard Setback</i>	10'	10'
<i>Minimum Area/Dwelling Unit (SF)</i>	1,500 SF	1,500 SF
<i>Maximum Lot Coverage</i>	65%	65%

General Notes:

¹: Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may have the front lot width reduced, provided that the lot width will be met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to 10% but shall meet the minimum lot size for each lot type as referenced within *Table 1*.

²: The Director of Planning or his designee may grant a reduction in the required 20-foot front yard building setback of up to five (5) feet for lots situated along cul-de-sacs or curvilinear streets, or where a 20-foot front yard building setback would create an undue hardship on the property.

7) *Community Architectural Controls.*

The pictures are shown as a representation only and will vary.



A) Architectural attributes for this residential development will consist of the following:

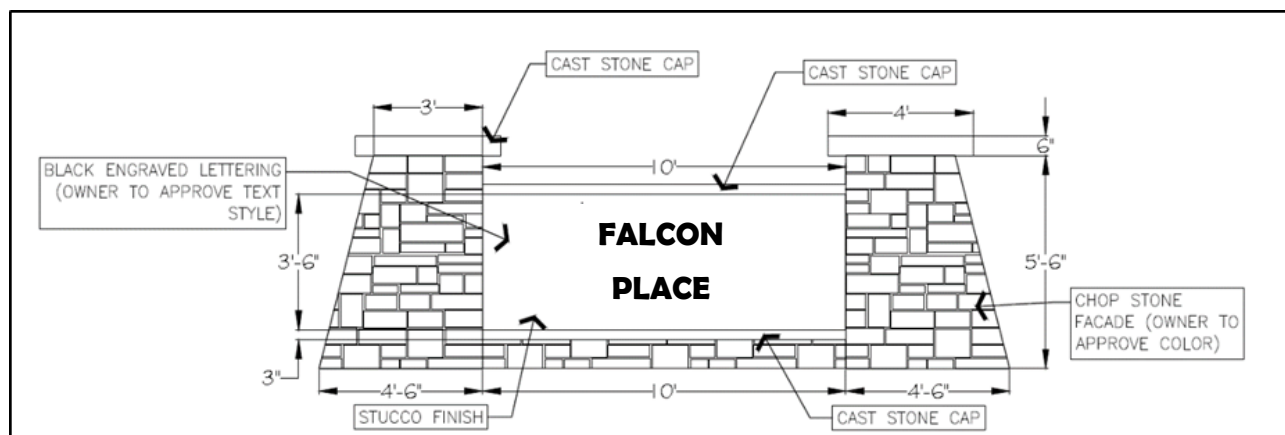
- 1) Facades will avoid large expanses of uninterrupted single exterior materials and must be broken up by changes in plane through architectural attenuation, accented with the effects of window placement, window trim, or material type and color changes.
- 2) Shutters, if provided, will be sized and shaped to match the associated openings.
- 3) Gutters, if provided, will be exposed or painted copper, galvanized steel, or aluminum if exposed to the street.
- 4) All asphalt roof shingles will be laminated architectural shingles with a three-dimensional appearance and warranted for at least thirty (30) years.
 - a) *Roof Materials.*
 - i. All roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).
- 5) A minimum of overall 8:12 roof pitch is required on all structures except for sunrooms,

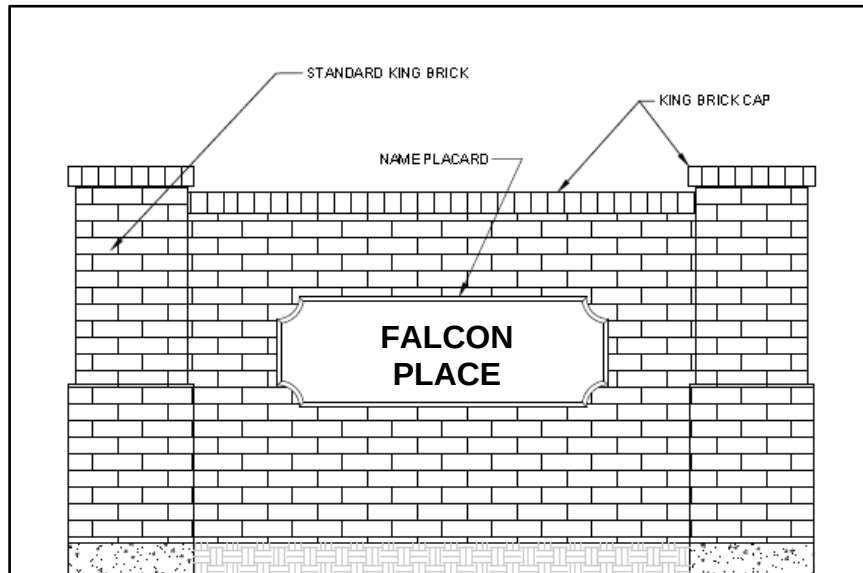
- covered patios, and porches, which shall have a minimum of a 4:12 roof pitch. Front and rear elevations may have 6:12 roof pitch.
- 6) In order to encourage variety on a continuous block, no duplicate house elevations may be built on a lot within four (4) lots of a house with the same elevations located on the same side of a street.
 - 7) The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this PD the masonry requirement shall be limited kiln fired clay brick, natural stone, stucco and cast stone. Cementaceous fiberboard, horizontal lap-siding (*e.g. HardyBoard or Hardy Plank and Hardy Stucco Board*) may all be used in addition to the masonry requirement. Wood, vinyl siding and Exterior Insulated Finishing Systems (“EIFS”) materials shall no be used for exterior walls.
 - 8) Front porches shall not be required. However, any home that incorporates a covered front porch, such porch shall be at least fifty (50) square feet in total size to allow this space to be usable. A covered porch may encroach into area designated as front yard or side yard not greater than five (5) feet to help improve the architecture of the home and the character of the street.
 - 9) Garages shall be oriented in a front entry configuration with a minimum driveway length of 20-feet.
 - 10) Utility, Service and Mechanical Equipment
 - a) All equipment related to utilities intended to serve one Lot shall be installed by the Owner of the Lot and shall be located underground if possible.
 - b) All services to the Lot, including pre-wiring for cable television, must be installed underground if available.
 - c) Ground-mounted mechanical equipment, such as HVAC units, shall be screened from view and grouped together away from street and public view. Private, surface-mounted mechanical equipment, air conditioners, condensers, compressors, pool equipment, switches, etc. should be placed behind the side yard fence of a Lot.
 - 11) Lot Fencing. fencing on individual lots shall conform to the following minimum standards and the UDC or the following standards:
 - a) The side yards and rear yards of all residential lots shall have a minimum six-foot (6’) high wood fence to be installed by the builder and maintained by homeowner. Lot Fencing cannot be in front of the front façade of the building.
 - b) All Lot Fencing shall be constructed of a standard wood fencing material and use fasteners that are hot dipped galvanized or stainless steel.
 - c) Generally, the Lot fencing shall be spruce or whitewood, with a maximum height of 6 feet, with metal posts.
 - d) Lot Fencing facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street.
 - 12) Article III. R-1-7200 Single Family Dwelling District, Section 122-93 (c) (1), (4) and (5) shall not apply specifically unless a waiver is requested to Article III. R-1-7200 Single Family Dwelling District, Section 122-93 (a) or as amended herein.

8) *General conditions.*

A) *Landscaping and Open Space.*

- 1) The City's Landscaping ordinance will supersede where this ordinance is silent. This ordinance will supersede to resolve any conflicts.
- 2) Falcon Place shall be developed in accordance with the attached landscape plan (the "Landscape Plan").
- 3) The development shall consist of approximately .75 acres of open space and shall generally conform to the Landscape Plan. Any open space within the development may be used as a detention pond or retention pond. At a minimum, amenities shall include benches, trash cans and sidewalk adjacent to street.
- 4) There will be a minimum of one (1) 3" caliper tree per residential lot located in the front yard and installed by the homebuilder. For purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a roadway immediately adjoining the front yard of the lot.
- 5) There will be a minimum of 6 three-gallon (3 gal) shrubs per residential lot located in the front yard.
- 6) All lawns and landscaping for all lots will be irrigated.
- 7) Landscaping will be installed by the developer at the entry to the subdivision and in common areas, including within the right-of-way for N. Shady Shores Road and all landscaping shall be irrigated
- 8) The entry of the subdivision will include a minimum of one (1) entry statement at the connection with N. Shady Shores Road. This will serve as a permanent subdivision identification sign and will generally conform to the signage as depicted on the Landscape Plan. Final design and location of any entry feature shall be reviewed and approved with the Preliminary Plat. The following sketches are representations of what may be installed at the entry to the subdivision:





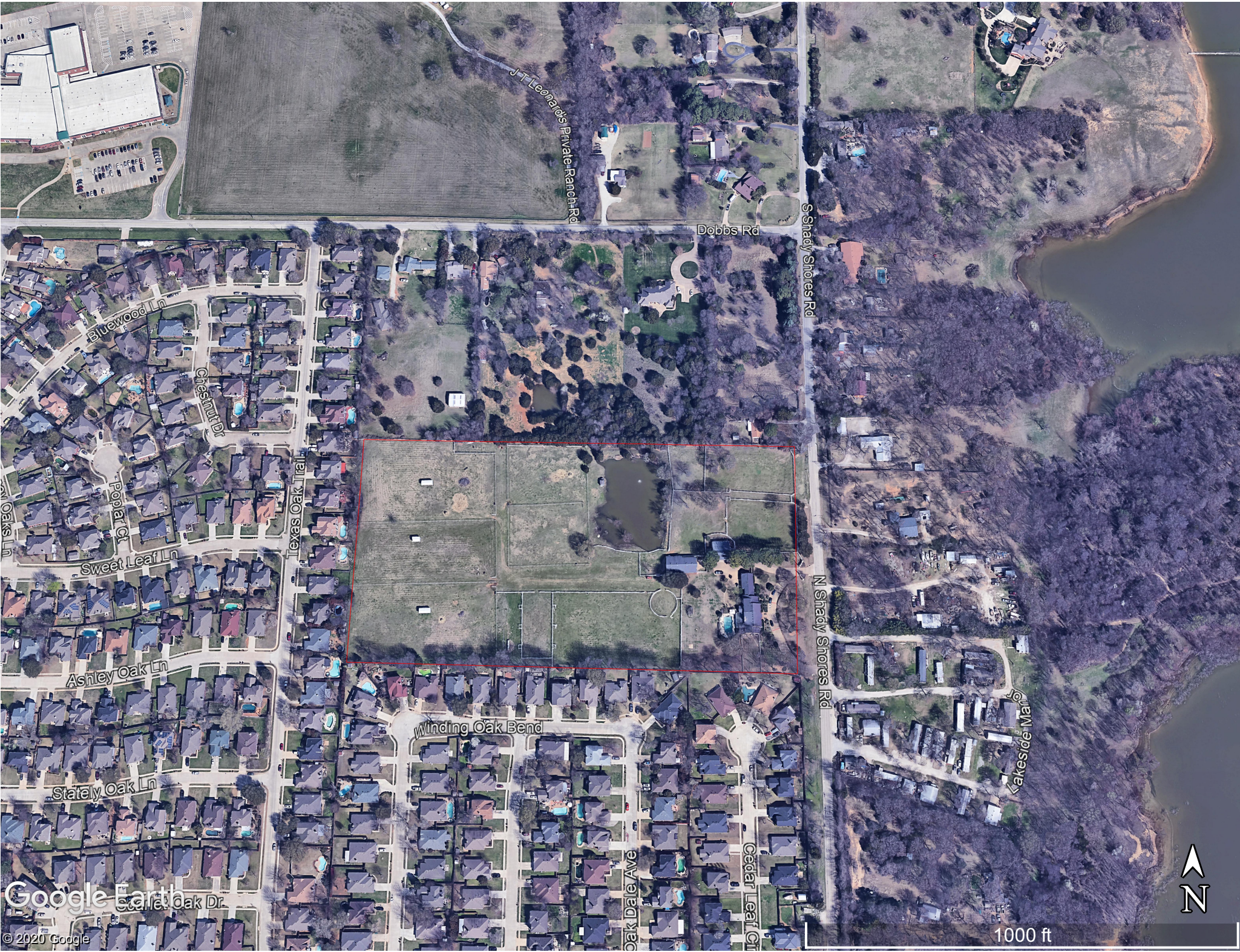
- 9) Landscaping installed by the developer shall be maintained by the Homeowners' Association (HOA).
- 10) *Perimeter Walls/Screening.* The perimeter fencing adjacent to N. Shady Shores Road will be a minimum of 6' in height and be constructed of masonry and/or masonry and tubular steel as depicted on the Landscape Plan.

B) Sidewalk Requirements.

- 1) Sidewalks will be required throughout the development. If not installed by the developer, sidewalks along residential lots (front yards and side yards) are to be constructed by the home builder at the time of home construction for each residential lot.
- 2) Sidewalk adjacent to common areas shall be installed by the developer.
- 3) The developer shall install sidewalk along the eastern perimeter of Falcon Place adjacent to and within the right-of-way of N. Shady Shores Road.
- 4) All sidewalks shall be a minimum of four (4) feet in width.

- C) *Retaining Walls.* Any retaining wall shall be constructed of approved stone. The use of wood or tie walls will not be allowed. Retaining walls greater than 4-feet in height shall be designed by an engineer licensed in the State of Texas.

- D) *Homeowners Association.* A mandatory homeowner association (HOA) shall be created to enforce the HOA restrictions at the expense of the property owners of the development. The HOA shall maintain the common areas within the development. Prior to recordation of the first final plat, HOA documents shall be submitted to the Planning Department for review.



Google Earth

© 2020 Google



1000 ft



Google Earth

© 2020 Google

400 ft



Legend

SPECIAL FLOOD HAZARD AREAS

With BFE or Depth *Zone AE, AO, AH, VE, AR*

 Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

 **Future Conditions 1% Annual
Chance Flood Hazard** *Zone X*

 Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*

 Area with Flood Risk due to Levee *Zone D*

NO SCREEN Area of Minimal Flood Hazard *Zone X*

Effective LOMRs

OTHER AREAS

Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

— — — Channel, Culvert, or Storm Sewer

5 | | | | | | | Levee, Dike, or Floodwall

20.2 Cross Sections with 1% Annual Chance
17.5 Water Surface Elevation

⑧ — — Coastal Transect

~~~~~ 513 ~~~~~ **Base Flood Elevation Line (BFE)**

### Limit of Study

**Jurisdiction Boundary**

--- Coastal Transect Baseline

## OTHER FEATURES

— Profile Baseline

**Hydrographic Feature**

 Digital Data Available

 No Digital Data Available

 No Digital D

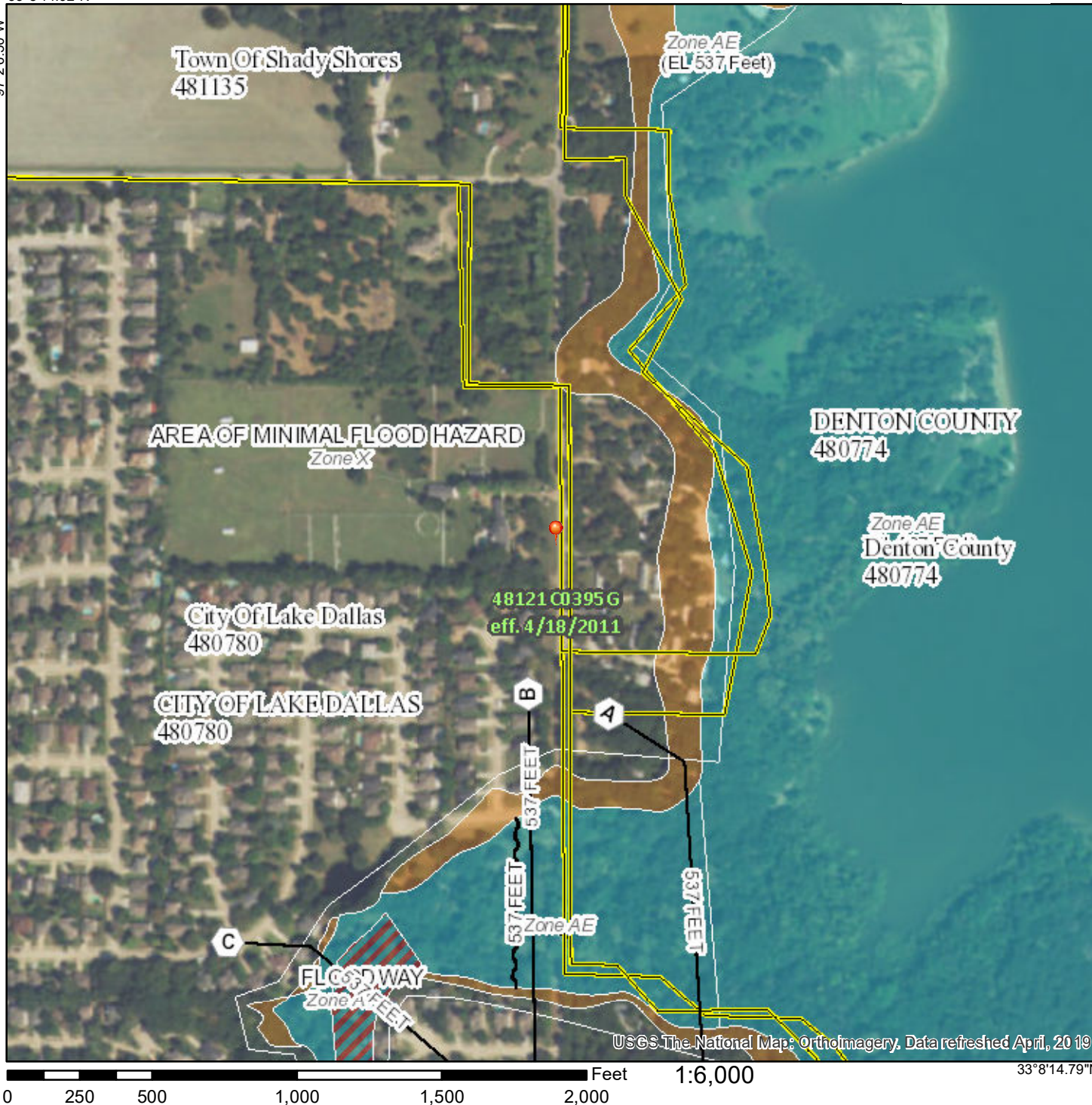
## MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

**This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards**

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **2/13/2020 at 3:27:53 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.







**CITY COUNCIL  
AGENDA MEMO**

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Prepared By: David R. Gattis, Interim Director of Development Services

May 28, 2020

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**Conduct a public hearing to consider amending Chapter 94, "SUBDIVISIONS"**

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**DESCRIPTION:**

Conduct a public hearing and consider an Ordinance of the City Council of the City of Lake Dallas, Texas, amending in its entirety Chapter 94 "Subdivisions" of the Lake Dallas Code of Ordinances setting forth regulations governing the subdivision of land within the city and its extraterritorial Jurisdiction, regulations governing the design and construction of public improvements and certain private improvements with said territory.

**BACKGROUND INFORMATION:**

Staff has prepared amendments to Chapter 94-Subdivisions to clarify procedures required by HB3167 of the last Texas legislature regarding timelines; added additional and clarified requirements for inclusion on preliminary and final plat submittals; and added additional planning standards in addition to the recently-adopted Engineering Standards. Because the revisions were throughout the existing ordinance, it is recommended that the new ordinance be adopted to replace the existing ordinance. More specifically, the revisions include:

1. Add definitions related to administrative processes and the newly-adopted City Design Standards,
2. Clarified responsibilities for the review and approval of plat applications,
3. Referenced requirements in the City Design Standards,
4. Incorporated the new approval requirements required under HB 3167 recently adopted by the State Legislature, which limits the City to a single review and must reference specific ordinance requirements, requires approval within 30 days for the Planning and Zoning Commission and the City Council,
5. Clarifies the 10-day application administrative completeness review time period,
6. Adds and clarifies the requirements for submittal of a preliminary plat,

7. Adds and clarifies the requirements for the submittal of a final plat,
8. Adds provision of general design principles, including
  - a. Conformance to comprehensive plan,
  - b. Provision for future subdivision,
  - c. Prohibition of reserve strips,
  - d. Required access to lots (i.e. no land-locked lots),
  - e. Requires logical extension of streets and utilities,
  - f. Requires two points of access for development of 20 lots or more,
  - g. Additional provisions for easements, including
    - i. Mandatory provision of 10-foot easements,
    - ii. Public open space easements for sight visibility at street intersections,
    - iii. 24-foot emergency access easements for fire lanes, and
    - iv. Cross-access easements between adjacent commercial lots,
  - h. Clarification on plat names and street names,
  - i. Prohibition of one-way streets,
  - j. Allowance for a four-year sidewalk bond,
  - k. Requirements for fire lane construction standards,
  - l. Clarified maximum block lengths,
  - m. Clarification on design of corner lots,
  - n. Limitation on lots backing up to creeks and public parks,
  - o. Revision of drainage to conform to requirements in City Design Manual, plus
    - i. Clarified need to design detention to the 1-year, 25-year and 100-year storm,
    - ii. Prohibition of new development in the 100-year floodplain,
    - iii. Prohibition of increasing runoff over natural conditions,
    - iv. Additional requirements for drainage easements,
    - v. Requirement to dedicate 100-year floodplain as an easement with restrictions,
  - p. Requirement for new utilities to be underground, and for pressurized lines to be outside of pavement,
  - q. Additional requirements on design and construction of screening walls,
  - r. Clarification on the requirements to construct public improvements and provision to post financial assurance, and
  - s. Clarification on as-built plans.

### **FINANCIAL CONSIDERATION:**

None

**RECOMMENDED MOTIONS:**

I move to **APPROVE/DENY** an ordinance amending in its entirety Chapter 94 “Subdivisions” of the Lake Dallas Code of Ordinances setting fourth regulations governing the subdivision of land within the city and its extraterritorial Jurisdiction, regulations governing the design and construction of public improvements and certain private improvements with said territory.

**ATTACHMENT(S):**

1. Redline version of the current Sign Ordinance
2. Draft Ordinance



**CITY OF LAKE DALLAS, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING IN ITS ENTIRETY CHAPTER 94 “SUBDIVISIONS” OF THE LAKE DALLAS MUNICIPAL CODE SETTING FORTH REGULATIONS GOVERNING THE SUBDIVISION OF LAND WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION, REGULATIONS GOVERNING THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS AND CERTAIN PRIVATE IMPROVEMENTS WITH SAID TERRITORY, ; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000) PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Council of the City of Lake Dallas, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, have concluded that Chapter 94 “Subdivisions” of the Lake Dallas Municipal Code, should be amended in its entirety.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:**

**SECTION 1.** Chapter 94 “Subdivisions” of the Lake Dallas Municipal Code is amended in its entirety to read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 94-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administratively Complete Application means a plat application that has been determined by the City Manager or Director of Development Services to be accompanied by all documents and information required by and prepared in accordance with the requirements of this chapter and all application, review, and impact fees as may be enacted from time to time by the City Council that must be paid at time of filing the plat application have been paid.

Alley means a minor way, dedicated to public use, which is used primarily for vehicular access to the back or the side of properties otherwise abutting on a street.

Block means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, etc., or such features in combination.

City Design Standards means the design standards and specifications for various public works and other public facilities as set forth in that certain document titled *Engineering Standards – City of Lake Dallas, Texas* dated September 2019 and prepared by Halff Engineering, as adopted pursuant by resolution of the City Council of the City of Lake Dallas, Texas, on March 12, 2020, and any revisions or replacements thereto as adopted from time to time by resolution of the City Council, a true and correct copy of which is on file in the Office of City Secretary and incorporated herein by reference.

City plan or Comprehensive Plan means the *Lake Dallas Vision 2030 Comprehensive Plan* adopted by the City Council pursuant to Ordinance No. 2018-26 on July 21, 2018, setting forth, among other things, the general locations recommended for the major thoroughfares, streets, parks, public buildings, zoning districts, and other public improvements within the City.

Commission means the Planning and Zoning Commission of the City of Lake Dallas.

Cul-de-sac means a street having one end open to traffic and being permanently terminated by a vehicle turnaround.

Dead-end street means a street, similar to a cul-de-sac, but providing no turnaround at its closed end.

Director means City's Director of Development Services or such other person appointed by the City Manager to perform the duties of Director of Development Services.

Easement means a grant by the property owner to the public, a corporation, or persons, for the use of a strip of land for specific purposes.

Improvements means street pavements, with curbs and sidewalks, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, trees and other appropriate items.

LCMUA means the Lake Cities Municipal Utilities Authority.

Lot means a portion of a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.

Official Filing Date means the date a plat application has been determined to be administratively complete and accepted for filing.

Plat application means an application for any of the following submitted pursuant to this ordinance: preliminary plat, final plat, replat, minor plat, and amended plat.

Resubdivision means the division of an existing subdivision, together with any change of lot size, or with the relocation of any street lines.

Setback lines or building lines means lines on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.

Street means a right-of-way dedicated to public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

Subdivider means a person undertaking the subdividing or the resubdividing of a lot, tract or parcel of land into two or more lots, or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines.

Subdivision means a division of a lot, tract or parcel of land into two or more lots or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines; however, divisions of land for agricultural purposes into parcels or tracts of five acres or more, and not involving any new street or easement of access, shall not be deemed a subdivision.

## **Sec. 94-2. Laying out under direction of city.**

Except as otherwise provided in this Chapter, all property not subdivided into lots, blocks and streets within the City shall be laid out under the direction of the Commission, subject to the approval of the City Council; and no other subdivision will be recognized by the City. Prior to a plat application being placed on an agenda for consideration and recommendation by the Commission and approval by the City Council, the plat application must be determined by the Director of Development Services to be administratively complete.



**Sec. 94-3.      Approval required.**

- (a) All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the land intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting on or adjacent to the land, and plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting on or adjacent to the land which is not intended to be platted into lots or other designated tracts, or any addition or plan of streets or public ways, located within the city and the extraterritorial jurisdiction of the city, shall be submitted to the Commission for its consideration; and its recommendation shall then be submitted to the City Council for its official consideration and action. Except as provided in Section 94-3(c) or as otherwise required by law, no plat or replat shall be filed with the county clerk, as provided by law, until such plat or replat shall have endorsed on it the fact that it has first been submitted to the Commission and the City Council and approved by the City Council.
- (b) It is unlawful for any owner or agent of any owner to lay out, subdivide or plat any land into lots, blocks and streets within the city which do not conform to the provisions of this Chapter, including, but not limited to, the City Design Standards, or to sell property which has not been laid off, subdivided and platted according to this Chapter, the City Design Standards, or other applicable ordinances relating to the subdivision of real property within the City or its extraterritorial jurisdiction.
- (c) The city manager or his designee shall have the authority to approve:
  - (1) Minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; and
  - (2) Amending plats submitted:
    - (A) To correct an error in a course or distance shown on the preceding plat;
    - (B) To add a course or distance that was omitted on the preceding plat;
    - (C) To correct an error in a real property description shown on the preceding plat;
    - (D) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

- (E) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (F) To correct any other type of scrivener or clerical error or omission previously approved by the city council, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (G) To correct an error in courses and distances of lot lines between two adjacent lots if:
  - (i) Both lot owners join in the application for amending the plat;
  - (ii) Neither lot is abolished;
  - (iii) The amendment does not attempt to remove recorded covenants or restrictions; and
  - (iv) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (H) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (I) To relocate one or more lot lines between one or more adjacent lots if:
  - (i) The owners of all those lots join in the application for amending the plat;
  - (ii) The amendment does not attempt to remove recorded covenants or restrictions; and
  - (iii) The amendment does not increase the number of lots;
- (J) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
  - (i) The changes do not affect applicable zoning and other regulations of the city;

- (ii) The changes do not attempt to amend or remove any covenants or restrictions; and
  - (iii) The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area; or
- (K) To replat one or more lots fronting on an existing street if:
  - (i) The owners of all those lots join in the application for amending the plat;
  - (ii) The amendment does not attempt to remove recorded covenants or restrictions;
  - (iii) The amendment does not increase the number of lots; and
  - (iv) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (d) The city manager shall not disapprove a plat application submitted under the foregoing subsection and shall refer any such application that he refuses to approve to the Commission for review and recommendation to the City Council. The city manager or his designee shall act on plat application not later than thirty (30) days after application has been determined to be administratively complete and may, for any reason, elect to present the plat or replat to the Commission for review and recommendation to the City Council. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat or minor plat by the city manager or his designee. As used elsewhere in this Chapter, plats and replats approved by the city manager or his designee in accordance with this section shall be construed as having been approved by the City Council.

**Sec. 94-4. Withholding improvements until approved.**

- (a) All city improvements and services of whatsoever nature shall be withheld from property for which a plat has not been approved as required by this Chapter.
- (b) No officer or employee of the city shall do or cause to be done any work upon any street or in any addition or subdivision of the city unless all requirements of this chapter and other regulations have been complied with by the owner of the addition or subdivision.



**Sec. 94-5. Scope.**

In the subdivision or resubdivision of land within the City, the owner or developer shall align and locate streets in relation to other existing or planned streets, provide for adequate drainage, provide for the safe and expedient flow of traffic, and provide for roadway surface, utilities and recreation, all in accordance this Ordinance, the City's Comprehensive Plan and compliance with the City's Design Standards.

**Sec. 94-6. Construction of Public Improvements.**

After a plat has been approved as required by this Chapter and recorded in the map or plat records of Denton County, approved financial assurance has been provided, all plans and specifications relating to the public improvements to be constructed with respect to the development of such subdivision have been approved by the City Engineer, and the City Engineer has issued a notice to proceed, construction of all public improvements required to be constructed in relation to development of such property may begin. No building permit shall be issued for a building within such subdivision until completion of construction or installation of all streets, alleys, public water lines, sanitary sewer lines, storm sewers, drainage improvements, street lights, street signs, and such other public improvements as may be required to be constructed or installed in accordance with this Chapter and the City Design Standards.

**Sec. 94-7. Waivers and exceptions.**

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions, that the strict application of the requirements contained in this chapter would result in real difficulties and substantial hardships or injustices, the city council may waive or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interest of the city and surrounding area are protected and the general intent and spirit of this chapter is preserved.

**Section 94-8 Application Processing**

- (a) Filing of Plat Application. Every plat application shall be filed in the Office of Development Services accompanied by the required fees and all information required by this Chapter.
- (b) Complete Application Determination. Every plat application received in the Office of Development Services shall be subject to a determination of administrative completeness by the City Manager or Director of

Development Services. No plat application shall be accepted for processing unless it is determined to be an administratively complete application.

- (c) Development Review Committee. For the purposes of assisting the Director of Development Services in the review of a plat application, there is hereby established a Development Review Committee, chaired by the Director of Development Services and composed of those City employees, city engineer, county employees and utility company representatives selected by the City Manager to serve because of their specialized or technical knowledge of urban development issues.
- (d) Incompleteness as Grounds for Conditional Approval or Denial. The processing of a plat application by any City official or employee prior to the time the application is determined to be administratively complete shall not be binding on the City as the official acceptance of the application for filing, and the incompleteness of the plat application shall be grounds for conditional approval, denial or revocation of the application. A determination of administrative completeness shall not constitute a determination of compliance with the substantive requirements of this Chapter.
- (e) Pre-application Conference. A property owner may request a pre-application conference with the Director of Development Services for purposes of identifying requirements that apply to a proposed plat application. The request shall be made in writing on a form prepared by the Director of Development Services and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan of development or plat application. The type of plat (i.e. amending plat, minor plat, or standard final plat) for which application will be made, and whether such application will be approved administratively or by City Council action shall be determined initially during the pre-application conference.
- (f) Time for Making Determination. Following submission of a plat application, the City Manager or Director of Development Services shall make a determination in writing whether the plan or plat application is administratively complete not later than the tenth (10th) business day after the date the application is submitted. The determination shall specify the documents or other information needed to complete the plat application and shall state the date the application will expire if the documents or other information is not provided.
- (g) Deemed Complete. A plat application shall be deemed complete on the expiration of the tenth (10th) business day after the application has been received if the applicant has not otherwise been notified that the application is not administratively complete.

- (h) Time for Completing Application. If a plat application is not determined to be administratively complete on or before the 45th calendar day after the application is initially submitted to the City for processing the application in accordance with his or her written notification, the plat application will be deemed to have expired and it will be returned to the applicant together with any accompanying documents. Thereafter, a new plat application must be submitted. The City may retain any fee paid for reviewing the application for completeness.
- (i) Vested Rights. No vested rights accrue solely from the filing of a plat application that has expired pursuant to this Section, or from the filing of an administratively complete plat application that is subsequently denied.
- (j) Official Filing Date. The time period established by state law or this Chapter for processing or deciding a plat application shall commence on the official filing date.
- (k) Action by Commission. The City Manager or Director of Development Services shall place a plat application on a scheduled meeting of the Commission prior to the expiration of 30 days following the official filing date of the application. The Commission shall recommend the City Council approve, approve with conditions, or disapprove the final plat application. If the Commission recommends the plat application be approved with conditions or disapproved, the Commission shall identify requirements set forth in this Chapter and/or other provisions of the Code of Ordinances which must be satisfied to obtain unconditional approval of such application. The Commission may not table the consideration of any plat application. The applicant may elect to withdraw the application at any time prior to the action of the Commission and may resubmit the project with no additional fees if the plat application is resubmitted within 60 days. Any resubmission will be treated as an original application. Failure of the Commission to act on a plat application within 30 days of the official filing date shall be deemed to constitute the Commission's recommendation of approval of the application to the City Council.
- (l) Action by City Council. The City Council shall act to approve, approve with conditions, or deny a plat application not later than 30 days after the date the Commission votes to make its recommendation on the action the City Council should take on the plat application.

**Sec. 94-9.      Violation; penalty.**

Any person violating any provision of the chapter shall be punished upon conviction by a fine not to exceed \$2,000.00 for each offense, and each day such violation continues shall constitute a separate offense.



## **ARTICLE II. PRELIMINARY PLATS**

### **Sec. 94-21. Contents.**

An application for a preliminary plat shall be accompanied by no fewer than five (5) copies of the drawing, and one electronic copy, setting forth the proposed subdivision of the property that is the subject of the application. The preliminary plat shall be drawn to a scale of one hundred feet to one inch or larger on a twenty-four by thirty-six inch (24" by 36") standard sheet sizes. An alternate scale may be acceptable upon approval by the city planner. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The preliminary plat shall show or be accompanied by the following information:

- (1) A metes and bounds description of the boundary of the property to be subdivided prepared by a Texas registered professional land surveyor;
- (2) The proposed name of the subdivision, which shall not have the same spelling as, or be pronounced similar to, the name of any other subdivision located within the city or its extraterritorial jurisdiction;
- (3) Names, recording information and lot patterns of contiguous subdivisions and recording information thereof, and description of contiguous parcels of unsubdivided land;
- (4) The existing lot patterns, streets, and easements within two hundred feet of the proposed subdivision shall be clearly indicated;
- (5) The names and addresses of the owner, subdivider-developer and the engineer, surveyor or landscape architect responsible for the survey and design;
- (6) The telephone number of the developer, or his designated representative, surveyor and/or engineer;
- (7) The location of subdivision boundary lines, indicated by heavy lines, their relation to established section lines or fractional section lines, and the computed acreage of the subdivision;
- (8) The location and width of existing, recorded and proposed rights-of-way, streets, roads, lots (approximate dimensions) and alleys, building lines, easements, school sites, and other features of the proposed subdivision;

- (9) The location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision; The plan shall show the outline of adjacent properties for a distance of at least 100 feet, and how the streets, alleys or highways in the proposed subdivision may connect with those adjacent which are of record;
- (10) A number or letter identifying each lot or site and each block;
- (11) Front building setback lines on all lots and sites. Side yard building setback lines at street intersections and access and/or drainage easements;
- (12) If there are no adjacent subdivisions, a map on a smaller scale, presented to show the nearest subdivision, and how the streets, alleys or highways in the subdivision submitted may connect with those in the nearest subdivision;
- (13) A survey showing physical features of the property, including watercourses, ravines, bridges, culverts, present structures and other features of importance to lot and street layout. Topography of the tract shall be shown on the preliminary plan by means of contours of two-foot intervals. Contours and all grades in the addition must be referred to a U.S. Coast and Geodetic Survey benchmark;
- (14) The location, dimensions, descriptions, and flowline of existing water courses and drainage structures within the subdivision or on contiguous tracts;
- (15) The approximate location of the floodway and the one hundred-year floodplain and all lots, or any part of a lot, that lies within the floodway or one hundred-year floodplain as shown on the current flood insurance rate map;
- (16) Approximate gradients of streets and centerline profiles of proposed streets;
- (17) Designation of the proposed uses of land within the subdivision;
- (18) North arrow, graphic scale and, date of preparation;
- (19) Location of city limits line, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary;

- (20) A vicinity map at a small scale showing the location of the proposed subdivision within the city, existing subdivisions, streets, parks and public facilities in the general locality of the proposed subdivision. The vicinity map shall have a scale and north arrow;
- (21) A preliminary drainage study is to be submitted concurrent with the submittal of any preliminary plat to the city, unless expressly waived by the city staff. The study shall include a drainage area map designating drainage areas and summary of calculation of sufficient detail to assess preliminary sizing of major drainage facilities. Also, all areas outside of drainage easements or street rights-of-way that will be inundated by the 100-year flood shall be shown;
- (22) A preliminary layout of water, sewer, storm sewer, and paving improvements and proposed fire hydrant locations is to be submitted concurrent with the submittal of any preliminary plat to the city, unless expressly waived by city staff;
- (23) A tree inventory and preliminary tree mitigation calculations; and
- (24) Such other additional information as may be required by the City Design Manual.

**Sec. 94-22. Final plat approval required.**

Approval of a preliminary plat does not constitute acceptance of the subdivision but is merely an authorization to proceed with preparation of the final plat for record. No grading of streets or construction shall be conducted on property before a final plat of the subdivision is approved by the City Council except upon consent of the City Council.

**ARTICLE III. FINAL PLATS**

**Sec. 94-41. Contents.**

An application for a final plat shall be accompanied by no fewer than five (5) copies of the drawing setting forth the proposed subdivision of the property that is the subject of the application, which drawing shall comply in all respects with the approved preliminary plat and any conditions to approval of the preliminary plat that were to be satisfied at the time of approval of the final plat. The final plat drawing shall be a scale of 100 feet to the inch, shall be drawn on a sheet size of 24 inches by 36 inches or the current size as required by the Denton County Clerk's Office, if different. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The final plat shall show or be accompanied by the following information:



- (1) A title, including name, address and phone number of the subdivision owner or owners;
- (2) The name and registration number of the registered professional land surveyor or registered professional engineer responsible for preparing the plat;
- (3) The scale and location of the subdivision with reference to original land grants or surveys, and the graphic scale and north arrow;
- (4) The date of preparation, and date of latest revision of the plat drawing;
- (5) "FINAL PLAT" Designation listed on face of all copies;
- (6) The name of the subdivision and adjacent subdivisions, the names of streets (to conform wherever possible to existing street names), and the numbers of lots and blocks, in accordance with a systematic arrangement;
- (7) An accurate boundary survey of the property, with bearings and distances, referenced to section or fractional section corners, and showing (in dotted lines) the lines of immediately adjacent streets and alleys rights-of-way with their widths and names; The tract designation and other description according to the real estate records of the county;
- (8) The location of all permanent monuments and control points described as to size and material. Primary control points or descriptions, and ties to such control points to which all dimensions, angles, and bearings shall be referred. Such primary control points shall be either a city recorded monument or a USGS monument, if such monument is within two thousand feet of the proposed subdivision;
- (9) Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length and radii of all curves, and with all other information necessary to duplicate the plat on the ground;
- (10) Each proposed street within the subdivision area shall be labeled with names that comply with Section 94-63;
- (11) The location and dimensions of existing and proposed public utilities easements;

- (12) The location and dimensions of existing and proposed storm drainage easements;
- (13) The limits of the one hundred-year floodplain shall be shown and encompassed in a dedicated easement;
- (14) Minimum finished floor elevations at least two feet above the one hundred-year water surface elevations shall be shown on any lot adjacent to the floodplain, channel, sump inlets or drainage facilities;
- (15) The location of proposed blocks, lots, and other sites within the proposed subdivision; A number shall be used to identify each lot, site or block; The area of each lot, in square feet, and outside dimensions, in feet;
- (16) Location of city limits line and the outer border of the city's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary;
- (17) The location, dimensions and identification of all existing pipeline easements;
- (18) A list of the proposed restrictive covenants, conditions, and limitations to govern the nature and use of the property being subdivided;
- (19) Data specifying the gross area of the subdivision, the proposed number of residential lots and area thereof, and the area in parks and in other nonresidential uses;
- (20) All land intended to be dedicated for public use or reserved in the deeds for the use of purchasers or owners of lots in the proposed subdivision, together with the purpose of conditions or limitations of such dedications, if any;
- (21) The location of building setback lines on all streets, and the location and dimension of utility and drainage easements and other public rights-of-way or access;
- (22) A location map of the proposed subdivision showing existing and proposed streets and thoroughfares covering an area of at least one-half mile outside the proposed subdivision to adequately indicate the location of the subdivision;

- (23) Subdivision boundary lines of the total area proposed for subdivision and the computed acreage of the total area;
- (24) Bearing and length or curve data (radius, central angle, chord bearing and distance) of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be placed on the plat. The source of all bearings shall be the Texas State Plane Coordinate System (North Central Zone, 1983 NAD) and shall be noted on the plat. The point of beginning for land in a subdivision described by metes and bounds should be clearly defined on the plat, and any plat shall be clearly related to the survey, tract, or subdivision of which it is a part;
- (25) Certification of ownership and dedication of all streets, public highways, alleys, parks and other land intended for public use, signed and acknowledged before a notary public by the owner or owners, and by all other parties who have lease rights, mortgage or lien interest in the property, together with any restrictions which are to apply to lots, and a complete and accurate description of the land subdivided and the streets dedicated;
- (26) Dedication Instrument: A statement signed and acknowledged by the owner dedicating to the City all streets and alleys as perpetual public easements and all easements, parks and other open spaces to the public, and the developer's certification that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged and sworn to by said developer before a notary public. The dedication instrument must appear on the face of the plat. When applicable, an agreement showing the subdivider has made provision for perpetual maintenance thereof to the inhabitants of the subdivision should be shown or referenced on the face of the plat. For a phased development the dedication shall be only for the section approved. An example of such a dedication instrument would read as follows:

|                     |   |                               |
|---------------------|---|-------------------------------|
| STATE OF TEXAS      | ) |                               |
|                     | ) | <u>OWNER'S ACKNOWLEDGMENT</u> |
|                     | ) | <u>AND</u>                    |
|                     | ) | <u>DEDICATION</u>             |
| COUNTY OF<br>DENTON | ) |                               |



I (we), (Owners name or corporation name), the undersigned, owner(s) of the land shown on this plat within the area described as follows:

(Metes and Bounds Description of Boundary or description of previously platted lots, including total acreage according to surveyor) and designated herein as the \_\_\_\_\_ subdivision to the City of Lake Dallas, Texas, and whose name is subscribed hereto, hereby dedicate to the public in fee simple all streets, alleys, rights-of-way and parks, and dedicate to the public forever all water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Owner: \_\_\_\_\_ (title)

Date: \_\_\_\_\_

|                  |   |
|------------------|---|
| STATE OF TEXAS   | ) |
| COUNTY OF DENTON | ) |

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public \_\_\_\_\_  
\_\_\_\_\_ County

- (27) Certification by a registered surveyor to the effect that the plat represents a survey made by him, and that all the necessary boundary survey monuments are correctly shown on the plat; A statement, including the original seal and the original signature of the surveyor responsible for surveying the subdivision area:

|                  |   |                       |
|------------------|---|-----------------------|
| STATE OF TEXAS   | ) |                       |
|                  | ) | STATEMENT OF SURVEYOR |
| COUNTY OF DENTON | ) |                       |

I, the undersigned, a public surveyor in the State of Texas, hereby state that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor's Seal) \_\_\_\_\_  
Registered Professional Land Surveyor, Number \_\_\_\_\_  
Date: \_\_\_\_\_

- (28) The following full statement of restrictions shall be placed in the dedication instrument of any subdivision plat that contains land designated as part of a one hundred-year floodplain by FEMA:

“Floodplain Restriction: No construction shall be allowed within a floodplain easement unless specifically approved by the City of Lake Dallas. Where construction is permitted, all finished floor elevations shall be a minimum of two (2) foot above the base flood elevation (100-year flood or one percent probability flood elevation.) Any existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots. The City of Lake Dallas will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing adjacent to his property clean and free of debris, silt, or any substance which would result in unsanitary conditions and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage channel, as in the case of all natural drainage channels, is subject to storm water overflow and natural bank erosion to an extent that cannot be definitely defined. The City of Lake Dallas shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structures within the natural drainage channels. The natural drainage channel crossing each lot is shown by the floodplain easement line as shown on the plat.”;

- (29) Except for residential replats of less than six lots or two acres, whichever is less, Texas State Plane Coordinates shall be provided for at least two corners of the plat must be shown on the face of the plat. The reference monuments and method of determining the coordinates (such as triangulation of city monuments or global positioning system techniques) shall be provided;
- (30) All distances shown on the final plat shall be horizontal ground lengths. The plat shall state the Texas State Plane Coordinate System combined scale factor that is to be used to convert ground lengths to grid lengths;

- (31) A notation shall be placed on the final plat referencing the tree preservation and mitigation plan on file with the city planning department;
- (32) A waiver of claim for damage occasioned by the establishment of grades or the alteration of the surface of any portion of the streets and alleys;
- (33) A notation on the face of the plat indicating that "Any franchised public utility, including the City of Lake Dallas shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of the easements shown on the plat. Any franchised public utility including the City of Lake Dallas, shall have the right at all times of ingress and egress to and from and upon such easements for the purposes of constructing, reconstructing, inspection, patrol, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone";
- (34) Public open space easements (P.O.S.E.) shall be indicated on all lots adjoining two intersecting public streets or otherwise affected by the P.O.S.E. Public open space easements shall be indicated on all lots adjoining one public street and an alley and/or an approved private street and shall have a minimum dimensions in accordance with the City Design Manual. A notation of restrictions within P.O.S.E.s shall appear on the face of the plat;
- (35) If the final plat is approved by the City Council, a certificate of approval to be signed by the mayor following approval of the City Council shall be placed on the final plat by the subdivider:

CITY OF LAKE DALLAS

Approved by City Council:

Mayor: \_\_\_\_\_

Attested by City Secretary: \_\_\_\_\_

Date of Approval: \_\_\_\_\_

- (36) Such other information as may be required by the City Design Manual.



## ARTICLE IV. DESIGN REQUIREMENTS

### Sec. 94-51. - General design principles.

- (a) The quality of design of the city is dependent on the design quality of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the community. Therefore, the design of each subdivision shall be prepared in accordance with the design principles, concepts and standards in the comprehensive plan, and in accordance with the following provisions:
  - (1) The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Trees and native vegetation should be preserved. The system of streets and sidewalks, and the layout and arrangement of blocks and lots should be designed to take advantage of the natural and scenic qualities of the area. Land which the city finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth formation, utility or pipeline easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surroundings, shall not be developed unless adequate methods are formulated by the developer and approved by the planning and zoning commission that will solve the problems created by the unsuitable land conditions.
  - (2) The following general design requirements are intended to facilitate that the proposed subdivision is coordinated with its immediate neighbors with respect to land use, street connections, utilities, drainage facilities, and the possible dedication of parks and open spaces:
    - (i). *Conformity with Comprehensive Plan.* The subdivision shall conform to the comprehensive plan and elements thereof;
    - (ii) *Provision for Future Subdivision.* If a tract is subdivided into parcels larger than ordinary building lots, such lots shall be so arranged as to permit the logical location and opening of future streets and possible resubdivision of lots with provision for adequate utility easements and connections;
    - (iii) *Reserve Strips Prohibited.* There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use;

- (iv) *Access to Lots.* Each lot shall abut on a dedicated public street or an approved private street;
- (v) *Public Improvements.* All public improvements shall be designed and constructed in a manner to meet or exceed the City Design Manual for streets, drainage and other public improvements;
- (vi) *Continuity of Streets and Utilities.* The subdivision plat shall provide for the logical extension of abutting and proposed streets, utilities and drainage easements and improvements in order to provide for system continuity and to promote future development of adjacent areas; and
- (vii) *Access to Subdivision.* Each subdivision having more than twenty lots shall be designed to have at least two points of access.

**Sec. 94-52. Easements.**

(a) *General Policy.*

- (1) Easements should normally be provided along the front, rear or side lot lines.
- (2) Utility easements shall be a minimum of ten feet in width, unless otherwise specified in this chapter or approved by the city planner.
- (3) Easements can be required by the city to be highly restrictive. In such cases the city will draw the easement instrument to be executed by the subdivider prior to approval of the plat.
- (4) When the city finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or to provide utilities, the subdivider shall obtain such easement.
- (5) Drainage easements shall generally be located along the existing drainageway and should be of sufficient width for the designed improvements to be installed and enough extra width for maintenance equipment to be able to work.
- (6) All drainage easements shall be so designed to allow maintenance equipment to enter the easement and be able to perform the necessary work.

- (7) Employees of the City and its agents shall have the authority to enter premises at any time for the purpose of inspecting, repairing or constructing within any easement.
- (b) *Public Open Space Restriction.*
  - (1) A triangular public open space easement (P.O.S.E.) is required on corner lots at the intersection of two streets (including alleys and private streets) as required by the City Design Manual.
  - (2) Such open space easements will remain in effect unless vacated by the City Council.
- (c) *Access Easements.*
  - (1) Emergency access easements and fire lanes will be provided where required by the fire marshal and shall be a minimum of twenty-four feet in width, have a minimum height clearance of fourteen feet, and have a minimum inside turning radius of twenty-five feet. Any emergency access and fire lane easement more than one hundred feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of eighty feet with an additional distance of ten feet on all sides clear of permanent structures. These easements shall be paved to design standards and specifications recommended by the city engineer.
  - (2) Cross access easements shall be required from one commercial lot to the adjacent commercial lot to allow circulation without entering the public street.

**Sec. 94-53. Streets, Alleys, and Sidewalks - Generally.**

- (a) Except as otherwise authorized in this Article, the location, arrangement, design, width, and construction of streets, alleys, and sidewalks shall comply with the City Design Manual. To the extent of any conflict between a provision of this Chapter and the City Design Manual, whichever standard or requirement is more stringent shall control unless, when resolving the conflict, a different standard or requirement is approved by the City Council.
- (b) The system of streets designated for a subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions. Where no adjacent connections are platted, new streets must generally be the reasonable projection of streets in the nearest subdivided tracts and must be continued to the boundaries of the tract subdivided so that other subdivisions may connect with the subdivision being platted.

- (c) If a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged to permit the opening of future streets and logical re-subdivision.
- (d) Dead end streets shall not be permitted except as set forth in the City Design Manual.
- (e) One-way streets are prohibited unless approved by the City Council and designed in accordance with the City Design Manual.

**Sec. 94-54, Street Layout.**

The arrangement, classification, character, extent, width, grade and location of all streets shall conform to the thoroughfare plan and the official street construction standards and shall be designed in accordance with the following provisions: adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the city and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.

**Sec. 94-55. - Relation to Adjoining Street System.**

Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall generally be as wide as such existing streets in alignment therewith.

**Sec. 94-56. - Projection of Streets.**

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.

**Sec. 94-57. - Boundary Streets.**

- (a) When land proposed to be subdivided is partially or totally bounded on one or more sides by a street or thoroughfare having a right-of-way width of less than that specified in this section, additional right-of-way shall be dedicated to provide one-half of the ultimate right-of-way width.
- (b) A half-street adjacent to property that has not been subdivided may be shown on the general development plan of an entire subdivision, but no lots



fronting upon such half-street shall be included in the subdivisions that are approved.

- (c) Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the City Council finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided. The other half of the street shall be platted within the adjacent tract at the time it is platted.
- (d) When land proposed to be subdivided is partially or totally bounded on one or more sides by a street way or thoroughfare having a width of less than that specified in this section, such land shall be laid out so as to provide street widths specified in this chapter or the City Design Manual, as applicable.

**Sec. 94-58. - Streets on Comprehensive Plan.**

Where a subdivision embraces a street as shown on the Comprehensive Plan, such street shall be platted substantially in the location and of the width indicated by the Comprehensive Plan.

**Sec. 94-59. - Design of Local Streets.**

- (a) Local streets shall be laid out to serve only local traffic and discourage their use by through traffic.
- (b) Local streets in residential subdivisions shall be designed in a curvilinear manner, except when:
  - (1) the shape or topography of the subdivision, or existing pattern of the adjacent street would make the provision of such curvilinear streets impractical; or
  - (2) The subdivision is part of and conforms to an unexpired preliminary plat approved before June 1, 2020.

**Sec. 94-60. - Adequate Access.**

Each subdivision with more than twenty lots shall have at least two planned points of ingress and egress into the subdivision from a public street.

**Sec. 94-61. - Relation to Lots.**

All streets should be planned so that all resulting lots shall be of sufficient size and shape to conform to applicable zoning regulations. Streets should be platted to allow two tiers of lots between streets when possible.

**Sec. 94-62. - Visibility Triangles.**

Visibility triangles in the form of public open space easements (P.O.S.E.) shall be provided at the intersection of all public streets and the intersection of all public streets and alleys and/or private streets as required in the City Design Manual. The P.O.S.E. shall prohibit any obstruction within the easement from a height of twenty-four inches (24.0") to a height of eleven feet (11.0') above the top of the adjacent curb. Utility poles and guy wires may be located in the P.O.S.E. Other ground-mounted electrical and communication equipment and switch gear may be located within the P.O.S.E. when the location is coordinated with the Director.

**Sec. 94-63. Street Names.**

Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of, or in alignment with existing streets, in which case names of existing streets shall be used. Streets shall be named to provide continuity with existing streets. All streets shall be named, and the name approved by the Director before the final plat is submitted.

**Sec. 94-64. – Boundary Strips Prohibited.**

Reserving strips of land at the end of proposed or existing streets for private ownership with the sole or primary purpose of controlling access to property not included in the subdivision is prohibited.

**Sec. 94-65. – Abandoned Driveway Approach.**

Whenever the use of any driveway approach is abandoned and not used for ingress and egress to the abutting property, the abutting property owner shall restore the curb, the landscaped area back of the curb, and, if there is an existing sidewalk on the property, the sidewalk across the former driveway approach, in accordance with the City Design Manual.

**Sec. 94-66. – Sidewalks.**

- (a) Sidewalks shall be installed at the time of subdivision construction for all commercial, industrial, and multifamily subdivisions.

- (b) In single-family residential subdivisions, sidewalks for each lot may be installed by the home builder at the time of home construction during the first four years after acceptance of the subdivision.
- (c) Prior to approval of the final plat, the applicant shall submit cash, performance bond (or other approved financial assurance instrument) in an amount equal to the cost to construct twenty percent of the required sidewalks within the subdivision. At the end of the four-year period, the developer shall construct the remaining sidewalks in the subdivision, or the city shall exercise the bond and construct them. The city shall refund any funds not required for sidewalk construction at the end of the four-year period.

**Sec. 94-67. - Fire Lanes.**

- (a) Except as provided in this Section and the City Design Manual, fire lanes shall be constructed and marked in accordance with the requirements for fire apparatus access roads pursuant to the Fire Code as adopted pursuant to Chapter 46. In the event of any conflict among the Fire Code, the City Design Manual, and this Section, the most stringent requirement shall apply unless otherwise approved by the City Engineer and the City Fire Marshall.
- (b) Fire lanes shall be located where required by the city fire marshall. No certificate of occupancy shall be issued until the required fire lanes are constructed, inspected and approved.
- (c) Fire lanes shall be constructed of an all-weather pavement designed and maintained to support eighty-thousand pound (80,000 lb) wheel loading. Unless otherwise approved by the city engineer, such pavement shall consist of six-inch thick concrete pavement. In both cases, pavement shall a minimum of five and one-half sack concrete with a minimum compressive strength of three thousand six hundred pounds per inch reinforced with #3 bars on twenty-four inch centers in both directions. In both cases, concrete shall be poured over stabilized subgrade. The developer or contractor shall submit a pavement design for the fire lanes prior to construction and the construction must be inspected. The contractor shall provide test results verifying the strength of the concrete, at the direction of the city inspector.

**Sec. 94-68 - Block lengths.**

Intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing or future streets. Where no existing plats control, blocks shall not exceed 1200 feet in length.

**Sec. 94-69. - Alleys and alley widths.**

Alleys or loading courts must be provided in business blocks unless otherwise not required by the City Council. Alleys are optional in residential zoning districts and are required only where alleys of adjoining subdivisions would be closed or shut off from access by the failure to provide alleys in the new subdivision.

**Sec. 94-70 - Lots.**

- (a) All rectangular lots and all other lots, so far as practicable, shall have the side lines at right angles to the street on which the lot faces, or radial to curved street lines. Lots shall be of width and area to conform to the zoning ordinance of the city. Corner lots shall be at least 15 feet wider than the average lot in the subdivision.
- (b) The layout and design of lots shall be in a manner that prevents lot to lot drainage as prohibited in the City Design Manual.
- (c) Any lots that are contiguous to a major stream channel shall be oriented so that their front faces the creek across a public street.
- (d) No more than fifty percent (50%) of the boundary of a public park may be contiguous to the rear lot line of residential lots. All other residential lots must face the public park across a public street.

**Sec. 94-71. - Utility easements.**

- (a) Where alleys are not dedicated on the plat, easements of not less than ten feet (10.0') wide (or such other width as may be required by the City Design Manual) shall be dedicated or conveyed on each side of rear lot lines and side lot lines where access to an existing or future utility is desirable or where otherwise necessary for the proper location or relocation of public utilities. If necessary for the extension of water or sewer lines or similar utilities, or for surface drainage, easements of greater width may be required along lot lines or across lots. Easements shall connect with any established easements in adjoining property.
- (b) Any franchised or authorized public utility, including the City, shall have the right to move and keep moved all or part of any building, fences, tree, shrub, other growth or improvements which in any way endangers or interferes with the construction, maintenance, or efficiency of its respective systems in any of the easements shown on a plat; and any public utility, including the city, shall have the right at all times of ingress and egress to and from and upon such easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or



removing all or part of its respective systems without the necessity at any time, of procuring the permission of anyone.

## **ARTICLE V. DRAINAGE**

### **Sec. 94-151. - General policy and design standards.**

- (a) The Commission shall not recommend for approval any plat or subdivision which does not make adequate provision for stormwater or floodwater runoff channels or basins; nor shall any building permit, certificate of occupancy or other development, occupancy or use permit be issued by the City for platted or subdivided properties unless adequate provisions for on-site and off-site stormwater or floodwater runoff are made. The provision of adequate drainage of property is necessary to ensure the health and safety of the public and property in times of flood; and such facilities shall not cause excessive increases in flood heights or velocities, particularly to adjacent and downstream properties, and shall ensure a safe and orderly drainage of rainfall, stormwater and floodwater without erosion or damage to property on-site and off-site. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point; and basins shall be used to intercept flow at that point.
- (b) The design and construction of drainage facilities and performance of other activities that may reasonably affect the flow of surface waters on and over a property, the flow of water from one property to another property, and/or the prevention of water from flowing from one property to another property, shall comply with the City Design Manual.

### **Sec. 94-152. Coordination with master plan required.**

Coordination with the comprehensive master drainage plan is required.

### **Sec. 94-153. Off-site drainage.**

- (a) The owner or developer of property to be developed or constructed shall be responsible for all rainfall, stormwater and floodwater drainage flowing on and from his property, including, but limited to, the drainage directed to that property by ultimate development, drainage naturally flowing through the property by reason of topography, and drainage affecting property downstream.
- (b) Where a development, construction or building permit has been refused, as the result of failure to provide adequate drainage facilities pursuant to the City Design Manual, the applicant's sole remedy shall be to perfect an appeal to the City's Board of Adjustment (BOA), whose decision in the

matter shall be final. The Board of Adjustment shall have the authority in such cases to grant special exceptions to the requirements of this article where downstream damage potential is demonstrated to be nominal or insignificant or where the special exception is in the best interest of the City, having due regard to the property rights of the owners of affected property and the general health, safety and welfare of the city.

- (c) The subdivider or developer shall pay for the cost of all drainage improvements required for the development of the subdivision or construction of the proposed improvements, including any necessary off-site channels or storm sewers and acquisition of the required easements.
- (d) Where it is anticipated that additional runoff incidental to the development of a subdivision will overload an existing downstream drainage facility or system, whether natural or manmade, the City Council may withhold approval of the subdivision plat, whether preliminary or final, until improvements, including storm sewer systems, channel grading, driveway adjustments, culvert improvements, etc., are first approved. No development, construction or building permit shall be issued until construction of the approved drainage improvements are completed in accordance with the City Design Manual and any related approved plans.
- (e) Outlet structures shall be designed to intercept sediment and floatables from the twenty-five-year storm. The potential for the impact of sedimentation on the detention facility should be evaluated. A means of access for maintenance of the facility shall be provided.

**Sec. 94-153. -.Drainage easements.**

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat or on a topographical diagram submitted in support of the application for development, construction or building permit. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (b) When a proposed drainage system will carry water across private land outside the subdivision or outside the boundary of the property to be developed, appropriate drainage rights must be secured and indicated on the plat or other instrument as approved by the city attorney. In the case of clear public interest, the City may participate in easement acquisition by power of eminent domain.

- (c) The applicant shall dedicate an appropriate drainage easement either in fee or by drainage easement or by conservation easement of land on both sides of existing watercourses to a distance to be determined by the planning and zoning commission.
- (d) The City Design Manual shall control the requirements for obtaining easements necessary for the construction, operation, and maintenance of drainage channels and/or drainage facilities required to be constructed in association with the development of property.
- (e) Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs as determined by the comprehensive plan and the city manager. Natural waterways and channels should be used wherever practical to carry runoff. Any modification to an existing waterway and channel requires approval by the city engineer and city manager.
- (f) Drainage easements along existing or proposed open channels shall provide sufficient width for the required channel and such additional width as may be required for ingress and egress of maintenance equipment; to provide clearance from fences and space for utility poles; to allow maintenance of the channel bank; and, to provide necessary slopes along the bank.
- (g) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the road right-of-way lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

**Sec. 94-154. - Floodplain Easements.**

Floodplain easements shall be provided along natural drainageways and lakes or reservoirs. Floodplain easements shall encompass all areas beneath the water surface elevation resulting from a storm whose design frequency is one hundred years (or a one-percent annual probability), plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the city engineer.

#### **Sec. 94-155. – Public Water and Sanitary Sewer System.**

All subdivisions shall be constructed with a public water supply and distribution system and a sanitary sewer collection system approved by the LCMUA and connected to the existing LCMUA public water system. The design and construction of such systems shall comply with applicable provisions of the City Design Manual and LCMUA's then current design and construction standards. Fire hydrants shall be installed in accordance with the City Design Manual.

#### **Sec. 94-156. - Utility Lines Under Pavement.**

All water, sewer, and natural gas utility lines and conduit for electrical, telephone, and cable television that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least three feet beyond the edge of the pavement.

#### **Sec. 94-157. - Underground Electrical, Telephone, and Cable Television Utilities.**

All telephone, cable television, and electrical utility lateral and service lines shall be placed underground throughout new subdivisions for which the initial submission of an application relating to the development of the property occurred on or after June 1, 2020, subject to the following:

- (1) All electrical transmission lines, meaning those electrical lines operated at nominal voltages of fifty-nine thousand (59,000) volts or higher, may be placed overhead;
- (2) Any electric distribution lines, meaning those electrical lines that emanate from substations to distribute power throughout an area, may be placed overhead. Subdivisions located within commercial corridors designated on the comprehensive plan shall provide sufficient easement to locate feeders at the rear of lots, away from arterial frontage, wherever possible;
- (3) Lateral electric lines, meaning those electric lines that emanate from an electric feeder line and are used to distribute power to small areas of electric consumers, and service lines, meaning those electric lines which through a transformer connect a lateral line to a customer's service entrance, may be placed overhead only when they are located along rear property lines to provide service from the rear of the lot. Generally perpendicular overhead street crossings are permitted when connecting rear lateral lines in one block to rear lateral lines in an adjacent block;



- (4) Any electric distribution or transmission line crossing any interstate highway may be placed overhead;
- (5) Where electrical service is to be placed underground, electrical service for street or site lighting shall also be placed underground except for the lighting standards;
- (6) Temporary electrical service during construction may be provided by overhead utility lines and facilities prior to activation of the underground service, which temporary overhead electrical service shall be removed not later than sixty (60) days after activation of the underground permanent service;
- (7) The electrical utility company may plan and construct overhead lines on perimeters of subdivisions or property without obtaining a variance. Telephone and cable television lines may be constructed overhead where overhead electric utility lines are permitted;
- (8) Each utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of its underground utilities. Nothing in this chapter shall prohibit or restrict any utility company from recovering the difference in cost of installing overhead facilities and underground utilities from the owner or developer in accordance with the provisions of such utility's approved tariff. No utility company shall be required to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such underground facilities. The City shall not be responsible for any portion of such cost unless specifically authorized by the city council;
- (9) All electrical, cable television and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pad-mounted or placed underground and the difference in cost of such facilities and overhead facilities shall be paid to the installing utility company in accordance with provisions established under paragraph (8) of this section;
- (10) In special or unique circumstances, or to avoid undue hardship, the City Council may authorize waivers in conjunction with plat approval to the requirements to provide underground facilities;
- (11) Nothing contained in this chapter shall be construed to require any existing overhead facilities to be placed underground or to prohibit

the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction; and

- (12) Nothing contained in this chapter shall be construed to alter the intent of any utility franchise agreement or ordinance in effect on the effective date of the ordinance codified in this chapter.

## **ARTICLE VI. IMPROVEMENTS**

### **Sec. 94-201. Installation.**

- (a) Except as provided in Subsection (c), below, no final plat shall be recorded and no building permit shall be issued for construction on a lot located within a subdivision until construction of all public improvements required to be constructed within the subdivision have been completed and accepted by the City.
- (b) All construction work, including but not limited to street grading, street paving, storm sewers, curb and/or gutter work, sanitary sewers and water mains performed by the subdivider, developer, owner or contractor shall be:
  - (1) subject to inspection by the proper authorities of the City; and
  - (2) constructed in accordance with the City Design Manual and other applicable City ordinances.

Notification must be made in accordance with City policies and procedures prior to City inspection of public improvements under construction.

- (c) A Final Plat may be recorded prior to the completion and acceptance by the City of all public improvements required to be constructed in association with the subdivision of land subject to the following:
  - (1) The owner and/or developer provide to the City an itemized list of the work remaining to be completed on the required public improvements and the estimated time to complete such work;
  - (2) The City Manager or designee approves and agrees to the deadline for completion of the required public improvements provided such deadline does not exceed six (6) months after the date the Final Plat is recorded unless a longer period is approved by the City Council;
  - (3) The owner and/or developer provides to the City sufficient security to ensure completion of the required public improvements in the form of either:

- (i) A cash escrow; or
- (ii) An irrevocable letter of credit drawn upon a state or national bank in Denton, Dallas, Tarrant, or Collin County with a term sufficient to cover the completion period plus 60 days, and require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit based on the developer's failure to complete the required public improvements by the agreed deadline; or
- (iii) A performance bond or surety bond for the same time period in a form approved by the City attorney securing performance of the provisions of the development agreement by the developer.

Said security for completion of all public improvements shall be issued in the amount of 100 percent of the funds estimated by the City's engineer to be necessary to pay for all required public improvements for which construction is not yet complete.

- (4) The contractor(s) constructing the required public improvements provide(s) a performance bond and payment bond naming the City as a co-obligee. Such performance and payment bonds shall be equal to the total amount set forth in the contractor's contract.
- (5) The issuer and form of any payment and/or performance bond and/or letter of credit shall be subject to the approval of the City Attorney. The performance and payment bonds must be executed by a corporate surety in compliance with V.T.C.A., Government Code ch. 2253, as amended.
- (d) Notwithstanding the recording of the Final Plat prior to completion and acceptance of all required public improvements associated with a subdivision, no building permit shall be granted for any lot unless and until the City Manager or designee determines that the required public improvements are sufficiently complete to allow fully paved access by police, fire, and emergency medical services, and the lot is being served by water, sanitary sewer, and electric utility services.

**Sec. 94-202. Approval of plans and specifications required.**

Paper and electronic copies of plans and specifications for the public improvements to be constructed in association with a development must be prepared by a professional engineer licensed to practice in the State of Texas must be

submitted in accordance with the City Design Manual, accompanied by any required fees to be paid in association with the review and approval of such plans and specifications.. Such plans and specification must be approved by the City and, in the case of public water and sanitary sewer facilities, the LCMUA prior to the developer commencing construction of any public improvements required by this Article.

**Sec. 94-203. Required improvements.**

The following public improvements must be designed and constructed in in compliance with the City Design Manual and other applicable city ordinances in association with the development of the property within the City, and, in the case of public water and sanitary sewer facilities, in compliance with applicable requirements of the Lakes Cities Municipal Utility Authority:

- (a) Curb and gutter on all streets and set to proper line and grade with other necessary drainage and drainage structures necessary to properly drain the area;
- (b) All streets and alleys;
- (c) Sidewalks.
- (d) Public water distribution system;
- (e) Sanitary sewer facilities to service the subdivision;
- (f) All services for utilities, made available for each lot in such a manner as will obviate the necessity for disturbing the street pavement, gutter, curb and drainage structure when connections are made;
- (g) At least one street sign at each intersection;
- (h) Street lighting;
- (i) All utility services, including electric and telephone, which shall be placed underground except for facilities that must necessarily be at grade or for which the City is prohibited by law or order of the Texas Public Utility Commission prohibited from requiring be placed underground.

**Sec. 94-204. Inspection and acceptance.**

A city representative shall make such inspections of drainage structures, utilities, sidewalk and pavement construction as is deemed necessary to assure



compliance with the specifications. No improvements will be accepted by the city until a city representative has performed a final inspection and given written recommendation for approval by the city. Any request for inspection must be made not less than one (1) business day prior to the date on which the inspection is requested.

**Sec. 94-205. As-built plans.**

The engineer representing the subdivider must present to the City reproducible, complete as-built plans for all paving, drainage, structures, water line and sewer facilities not later than 30 days after completion of each contract and acceptance of the improvements by the City. The as-builts will also be submitted in an electric format which includes a PDF and Computer-Aided Design (CAD) files or in such other format as may be required by the City Design Manual.

**Sec. 94-206. Monuments; survey.**

Survey markers and monumentation for all plats and other documents setting the boundaries of lots, easements, or other features in relation to a plat or dedication to the City that requires the establishment of boundaries by survey shall be established and marked in accordance with City Design Manual.

**SECTION 2.** An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the ordinances of the City of Lake Dallas, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 3.** Should any article, paragraph, subdivision, clause or provision of this ordinance, or the Lake Dallas Municipal Code as hereby amended be adjudged or held invalid or unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so declared to be invalid or unconstitutional.

**SECTION 4.** Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lake Dallas, Texas, shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense. Each and every day said violation is continued shall constitute a separate offense.

**SECTION 5.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and Charter in such cases provide and shall be applicable to application initially submitted on and after such effective date.

**PASSED AND APPROVED this the 28<sup>th</sup> day of May 2020.**

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Michael Barnhart, Mayor

ATTEST:

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Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

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Kevin B. Laughlin, City Attorney  
(kbl:5/20/2020:113873)



CITY COUNCIL  
AGENDA MEMO

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Prepared By: Michele Sanchez

May 28, 2020

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**Contract with Zac Tax**

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**DESCRIPTION:**

Consider and authorize a license agreement with Eight 20 Consulting, LLC to use the Zac Tax web-based sales tax analysis service.

**BACKGROUND INFORMATION:**

ZacTax is a web-based sales tax analysis application that helps local governments that collect a local sales and use tax, economic development sale tax, or other type of sale tax to easily analyze its sales tax collections by taxpayer, industry, and geography.

**FINANCIAL CONSIDERATION:**

The annual cost for a license to use the ZacTax service is \$3,000 and can be canceled at any time. Staff has already made a presentation to the Lake Dallas Community Development Corporation board of directors, who only agreed to pay half of the annual license fee if the City would pay the other half. Because of the benefits the City and the LDCDC can receive from the raw data and reports that are available through the ZacTax services, City staff recommends the City fund the remaining \$1,500 of the license fee. Funds for this purchase will come from the Due & Membership line item in the Administration Budget.

**RECOMMENDED MOTIONS:**

***If approving:*** I move to authorize negotiation and execution of a license agreement with Eight 20 Consulting, LLC for use of the ZacTax web-based sales tax analysis services and to pay one-half of the annual license fee, not to exceed \$1,500, subject to the remaining one-half of the license fee being paid by the Lake Dallas Community Development Corporation.

***If denying:*** I move to deny execution of a license agreement for use of the ZacTax application.

**ATTACHMENT(S):** None



CITY COUNCIL  
AGENDA MEMO

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Prepared By: Daniel Carolla, Chief of Police

May 28, 2020

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**Ordinance Amending the Lake Dallas Municipal Code to Revise Certain Regulations Relating to Tow Services and Add the Maximum Fees to be Charged for Certain Tow Services to the Master Fee Schedule**

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**DESCRIPTION:**

Consider and Act on an ordinance amending Chapter 114 "Vehicles for Hire" Article II Tow Services" by amending Section 114-31 "Definitions" to add and delete certain definitions, Section 114-33 "Selection of Service" relating to the authority to select a tow service to respond under certain circumstances; and Section 114-36 "Fees Charged by Services; Bills" relating to the maximum rates that may be charged by tow services in certain instances and invoicing for same; and amending the City's Master Fee Schedule by adopting the maximum fees that may be charged for certain services provided by tow services.

**BACKGROUND INFORMATION:**

The Lake Dallas Police Department routinely responds to calls for service or requires the towing of a vehicle for other reasons. Staff is recommending revisions to the following sections of Chapter 114 of the Lake Dallas Municipal Code:

- Sec. 114-31 is amended by adding definitions for "heavy duty tow", "light duty tow," and "medium duty tow" to establish categories of vehicles to be towed by weight consistent with state regulations relating to tow services. This classification will determine the equipment called for service as well as the maximum towing fees that may be charged when the tow is initiated by the Police Department.
- Sec. 114-31 is also amended to replace the definition of "Licensed Vehicle Storage Facility" with the revised definition for "Vehicle Storage Facility" that will now conform to the definition found in state law.
- Sec. 114-33 is amended to more clearly distinguish owner/operator-initiated towing of a vehicle from a police officer initiated tow and adding language stating that the police department shall have primary authority to call the tow service when a quick and efficient response is required to clear roadway hazards that pose an imminent danger to the vehicle occupants, public safety workers, or other motorists



- Sec. 114-36 is amended to move the fees set out in the section to the Master Fee Schedule and to clarify that the fees that are regulated are only those for police-initiated tows.

The ordinance further amends the Master Fee Schedule to add the proposed maximum fees for police-initiated towing calls.

### **FINANCIAL CONSIDERATION:**

Staff recommends setting the maximum tow fees which may be charged for a light duty tow or towing of a motorcycle at \$145.00, a medium duty tow at \$200.00, and a heavy-duty tow at \$450.00. Staff also recommends the maximum fee for use of a dolly be \$45.00 plus the towing charge.

### **RECOMMENDED MOTIONS:**

I move to **approve/deny** as presented an ordinance amending Chapter 114 Article II of the Lake Dallas Municipal Code relating to the regulation of tow services and the City's Master Fee Schedule to provide to the maximum fees to be charged for certain towing services.

### **ATTACHMENT(S)**

1. Proposed Ordinance

## Chapter 114 - VEHICLES FOR HIRE<sup>(1)</sup>

### Footnotes:

--- (1) ---

**State Law reference**— Municipal regulation of taxicabs, V.T.C.A., Local Government Code § 215.004; municipal regulation of vehicles carrying passengers or freight for compensation, V.T.C.A., Local Government Code § 215.073; tow truck regulation by municipalities, V.T.C.A., Transportation Code § 643.201.

### ARTICLE I. - IN GENERAL

Secs. 114-1—114-30. - Reserved.

### ARTICLE II. - TOW SERVICES

#### DIVISION 1. - GENERALLY

Sec. 114-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Consent tow* means the towing of a vehicle with the consent of the owner or operator of the vehicle.

*Day towing* means towing services between the hours of 7:00 a.m. and 6:00 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday which are not official state or federal holidays.

*Heavy duty means vehicles 25,001 lbs. gross weight or more.*

*Hookup* means the application and first connection of a chain hook from the tow service truck to the towed motor vehicle.

*Licensed vehicle storage facility* means a facility licensed by the state for the storage of vehicles under the Vehicle Storage Facility Act (Vernon's Ann. Civ. St. art. 6687-9a).

*Light duty means vehicles 10,000 lbs. or less gross weight.*

*Medium duty means vehicles 10,001-25,000 lbs. gross weight or more.*

*Night, weekend and holiday towing* means towing service at all times other than day towing.

*Tow service* means a person engaged in the business of a wrecker or towing service, whereby motor vehicles are towed or otherwise removed at the direction of officers of the city police department by the use of a wrecker or motor vehicle designed for that purpose.

*Wrecked motor vehicle* means a motor vehicle not capable of or safe for self-propulsion.

(Ordinance 89-01, § 1; Code 1989, § 5.28.010(B)—(E), (G), (H); Ordinance 91-02, § 1, 1992)

Sec. 114-32. - Police rotation list established.

- (a) The chief of police is authorized to establish a rotation list of tow services desiring to provide tow services upon request of police officers. The tow services which desire to be placed upon and remain on a rotation list shall comply with the requirements of this article and with all other rules and regulations which may be issued by the chief of police regarding tow services requested by personnel of the police department.

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- (b) Tow services which are in compliance with all laws regulating the towing and storage of vehicles, which comply with the requirements of this article, and whose principal place of business and vehicle storage facility are located within the city limits shall be considered preferred tow services and shall be the primary tow services requested by police officers on a rotational basis. If any preferred tow service cannot provide the service requested, the police department is authorized to contact the next available nonpreferred rotational tow service that can provide the requested service. If no tow service on rotation can provide a requested service, the police department may contact any tow service that can provide the service requested.

(Ordinance 89-01, § 2; Code 1989, § 5.28.020; Ordinance 92-03, § 1, 1992; Ordinance 96-07, § I, 6-13-96)

Sec. 114-33. - Selection of service.

- (a) *By owner.* In all ~~owner-initiated police-initiated~~ towing of vehicles, the operator of the vehicle, if present and not incapacitated, shall have the right to select a tow service of his or her choice to perform the service.
- (b) *By police officer.* If the operator of the vehicle to be towed is not present, ~~or is incapacitated,~~ is in the custody of the police department or has no preference as to any tow service, the police officer ordering the tow shall request that the tow service be performed by the tow service then first on the rotation list maintained in the police communications center. When emergency circumstances exist which require the immediate removal of a vehicle from the roadway, the police officer may request towing service from the tow service nearest to the scene of the emergency. A police officer may also request towing service from any company operating medium duty or heavy duty equipment, including large cranes or other heavy equipment if such equipment is necessary to remove traffic obstructions involving large trucks, or heavy equipment, or other circumstances requiring the use of medium duty or heavy duty equipment.
- (c) If the vehicle to be towed is creating a roadway hazard that is causing imminent danger to the vehicle occupants, public safety workers, or other motorists, police officers may call for a tow service and the owner shall not have the right to select the service of their choice.

(Ordinance 89-01, § 9; Code 1989, § 5.28.090)

Sec. 114-34. - Duties and responsibilities of services.

- (a) Tow services shall maintain towing equipment which is adequate to perform such tow service in a reasonably workmanlike manner so as to minimize any damage to towed vehicles, as well as appropriate equipment to properly remove any glass or other injurious substance off the roadway resulting from the vehicle being towed or the accident in which the vehicle was involved.
- (b) The tow service will provide 24-hour-a-day, seven-days-a-week, on-call service.
- (c) The tow service will arrive at the location of the vehicle to be towed within 20 minutes after receiving a request from the police department for day towing and within a reasonable time after receiving a request for night, weekend and holiday towing, which time shall not exceed 30 minutes.
- (d) The person operating any tow service shall make every reasonable effort to minimize damage to towed vehicles. Where appropriate, such reasonable effort shall include but is not limited to:
- (1) Use of a dolly or carriage for towing;
  - (2) Disconnection of the drive shaft;
  - (3) Release of brakes; and
  - (4) Towing at a reasonable speed.

(e) Any tow service under this article must keep and maintain for one year from the date of towing the following records:

- (1) The make and model of the vehicle;
- (2) The license number of the vehicle; and
- (3) The date of the tow.

(Ordinance 89-01, § 10; Code 1989, § 5.28.100)

Sec. 114-35. - Prohibited acts.

- (a) No tow service shall arrive at the scene of a police investigation as a result of monitoring or intercepting police calls by radio or other device.
- (b) No towed vehicle may be dismantled, have parts removed or tires deflated except as necessary for towing.

(Ordinance 89-01, § 11; Code 1989, § 5.28.110)

Sec. 114-36. - Fees charged by services; bills.

- (a) ~~The following Towing fees are established as the maximum which may be charged for the indicated service; set forth in the city's master fee schedule.~~
  - ~~(1) Towing of automobiles, vans, pickup trucks, and motorcycles, at all times to include days, nights, weekends, holidays or any other time: \$65.00.~~
  - ~~(12) Responding to tow requests by police department when no tow occurs: no charge, and the canceled towing service will be returned to first place on rotation.~~
  - ~~(3) Use of dolly in towing wrecked vehicle: \$20.00 plus towing charge.~~
  - ~~(24) Tow involving extraordinary labor and expense: Maximum fees may be exceeded if unusual and extraordinary circumstances require additional services at the scene of an emergency.~~
  - ~~(35) All towing and storage charges shall be waived when requested by the police department in unusual circumstances, including but not limited to instances in which a person arrested is released and criminal charges are dropped.~~
- (b) The bill for towing any motor vehicle shall be itemized to reflect services performed, labor or other materials required, and any other charges.

(Ordinance 89-01, § 12; Code 1989, § 5.28.120; Ordinance 99-07, § I, 3-11-99; Ordinance 01-14, § I, 5-10-01)

Sec. 114-37. - Exclusions.

This article does not apply to tow services which are not listed on the police rotation list.

(Ordinance 89-01, § 13; Code 1989, § 5.28.130)

Secs. 114-38—114-70. - Reserved.

DIVISION 2. - PERMIT



Sec. 114-71. - Required.

- (a) No tow service shall engage in the business of towing vehicles at the direction of a police officer without first obtaining a police rotation list privilege permit from the city. Annual permit fees, as set forth in the city's master fee schedule, shall be paid.
- (b) Subsection (a) of this section shall not apply to a tow service that performs only consent tows in the city, unless the owner of the tow service has a place of business in the territory of the city.

(Ordinance 89-01, § 3; Code 1989, § 5.28.030; Ordinance 04-02, § 1, 1-8-04; Ordinance 12-13, § 12, 7-26-12)

Sec. 114-72. - Application.

- (a) Application for a police rotation list privilege permit shall be notarized and shall be made on forms prepared and made available by the police department.
- (b) The application shall contain the following information:
  - (1) The name, home address and business address of each owner, part owner or partner, silent or active;
  - (2) The business address, telephone number, night telephone number, and the location of and telephone number of any storage area;
  - (3) A description of the size and capacity of all tow trucks used by the tow service; and
  - (4) A copy of a certificate of a garage or automobile liability insurance policy insuring the tow service owner and all his employees for liability for death, bodily injury or property damage to third parties in an amount as required by the state department of transportation.
- (c) The application shall be signed by each owner, part owner or partner, active or silent.

(Ordinance 89-01, § 4; Code 1989, § 5.28.040)

Sec. 114-73. - Investigation by chief of police.

Within five business days after receipt of each application for a permit under this division, the chief of police or his representative shall cause an investigation to be made of the applicant and of his operation. Such investigation shall be made for the purpose of verifying the information in the application and to ensure compliance with the provisions of this article. The investigation shall include the following items:

- (1) That all applicants, owners and partners are fit and proper persons to conduct or work in the proposed business and have never been convicted of any theft, felony assault or any other crime involving the taking, use, tampering with or conversion of a motor vehicle.
- (2) That the tow service will use only trucks equipped with adequate emergency lights, which shall be operating during any tow.
- (3) That the tow service will respond to each call for towing services by the police department.
- (4) That the requirements of all governing laws and ordinances will be met.

(Ordinance 89-01, § 5; Code 1989, § 5.28.050)

Sec. 114-74. - Issuance.

The police department shall issue a permit and add a tow service to the rotation list when:

- (1) The police investigation confirms the requirements of section 114-73;
- (2) The insurance policies as required by this article have been produced; and
- (3) The permit fee has been paid.

(Ordinance 89-01, § 6; Code 1989, § 5.28.060)

Sec. 114-75. - Term and renewal.

The police rotation list privilege permit shall be valid for one year from the date of issuance. Each application for renewal shall contain adequate assurances that the applicant continues to comply with all standards, rules and regulations prescribed by this article and all other standards, rules and regulations issued under this article. Such renewals shall be on a form furnished by the police department and shall contain the names of any new owners, part owners or partners and the names of any new employees.

(Ordinance 89-01, § 7; Code 1989, § 5.28.070)

Sec. 114-76. - Revocation and suspension of permits.

- (a) *Grounds.* The chief of police shall revoke or suspend a police rotation list privilege permit issued under this article when he finds any of the following to be true:
  - (1) The permit was procured by fraudulent conduct or false statement of a material fact or that any fact concerning the applicant was not disclosed at the time of application and such fact would have constituted just cause for refusal to issue the permit.
  - (2) The permittee illegally solicited tow or repair services at a police investigation.
  - (3) The permittee has exceeded the fee schedule.
  - (4) The permittee has violated any of the requirements of this article or any of the rules and regulations as established by the police department or the city council.
- (b) *Period of suspension or revocation.* The period of suspension or revocation shall be:
  - (1) For the first violation, not more than 30 days.
  - (2) For the second violation, not more than 90 days.
  - (3) For the third or subsequent violation, such period of suspension as the chief of police may determine, including permanent revocation.

(Ordinance 89-01, § 8; Code 1989, § 5.28.080)

**CITY OF LAKE DALLAS, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING OF THE LAKE DALLAS MUNICIPAL CODE, CHAPTER 114 “VEHICLES FOR HIRE” ARTICLE II “TOW SERVICES’ BY AMENDING SECTION 114-31 “DEFINITIONS” TO ADD AND DELETE CERTAIN DEFINITIONS, SECTION 114-33 “SELECTION OF SERVICE” RELATING TO THE AUTHORITY TO SELECT A TOW SERVICE TO RESPOND UNDER CERTAIN CIRCUMSTANCES; AND SECTION 114-36 “FEES CHARGED BY SERVICES; BILLS” RELATING TO THE MAXIMUM RATES THAT MAY BE CHARGED BY TOW SERVICES IN CERTAIN INSTANCES AND INVOICING FOR SAME; AMENDING THE CITY’S MASTER FEE SCHEDULE BY ADOPTING THE MAXIMUM FEES THAT MAY BE CHARGED FOR CERTAIN SERVICES PROVIDED BY TOW SERVICES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$500 PER VIOLATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, upon recommendation of the City Manager and the Chief of Police, the City Council of the City of Lake Dallas, Texas, finds it to be in the public interest to amend the Lake Dallas Municipal Code to provide for certain amendments relating to the regulation of tow services provided within the City and the setting of rates for such services, and to adopt related amendments to the City Master Fee Schedule.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:**

**SECTION 1.** Chapter 114 “Vehicles for Hire” of the Lake Dallas Municipal Code is amended by amending Article II “Tow Services” as follows:

- A. Section 114-31 “Definitions” is amended by adding definitions for the phrases “Heavy Duty Equipment,” “Light Duty Equipment,” “Medium Duty Equipment,” and “Vehicle Storage Facility” to read as follows:

*Heavy duty tow* means the tows of vehicles with a gross weight greater than 25,000 pounds.

*Light duty tow* means the tows of vehicles with a gross weight of 10,000 pounds or less.

*Medium duty tows* means the tows of vehicles with a gross weight of greater than 10,000 pounds but less than 25,000 pounds.

*Vehicle storage facility* means a vehicle storage facility, as defined by Texas Occupations Code §2303.002, that is operated by a person who holds a license issued under Texas Occupations Code, Chapter 2303 to operate the facility.

- B. Section 114-31 “Definitions” is amended by deleting the definition for the phrase “Licensed Vehicle Storage Facility.”
- C. Section 114-33 “Selection of Service” is amended in its entirety to read as follows:

**Sec. 114-33. - Selection of tow service.**

- (a) *By owner or operator.* In all tows initiated by the owner or operator of the vehicle, the owner or operator of the vehicle, if present and not incapacitated, shall have the right to select a tow service to tow the vehicle.
  - (b) *By police officer.* If the owner or operator of the vehicle to be towed is not present, is incapacitated, in the custody of the police department or other law enforcement agency, or has no preference as to any tow service, the police officer ordering the tow shall request that the tow service be performed by the tow service then first on the rotation list maintained by the police department.
  - (c) *Emergency Clearance Tows.* When emergency circumstances exist that require the immediate removal of a vehicle from or adjacent to a roadway, the police officer may request towing service from the tow service nearest to the scene of the emergency. If a light duty tow will be insufficient to clear the vehicle, a police officer may request a tow from any tow service that has the equipment to perform a medium duty or heavy duty tow, including large cranes or other heavy equipment, if such equipment is necessary to remove traffic obstructions involving large trucks, trailers, heavy equipment, or other heavy obstructions.
  - (d) *Emergency Clearance Tow with Owner/Operator Present.* Notwithstanding subsection (a) of this section, if an incapacitated vehicle is creating a hazard on or near a roadway that is causing imminent danger to any person or property including, but not limited to, the occupants of the incapacitated vehicle, public safety workers, or other motorists, a police officer may select and call for a tow service, in which case the owner and/or operator of the vehicle, even if present at the scene, shall not have the right to select the tow service.
- D. Section 114-36 “Fees Charged by Services; Bills” is recaptioned and amended to read in its entirety as follows:



**Sec. 114-36. - Fees charged by services; invoices.**

- (a) The maximum fees that may be charged by a tow service for a tow initiated by a request from the police department shall be the fees adopted by resolution or ordinance of the City Council and set forth in the City's master fee schedule.
  - (1) No fee shall be charged for responding to tow requests by the police department when no tow occurs, in which case the responding tow service will be returned to first place on rotation list.
  - (2) Tow services may charge for additional services beyond the standard labor and expense relating to the hookup and removal of a vehicle from the scene of an incident if unusual and extraordinary circumstances require such additional services. Fees for such additional services shall not exceed the amount set forth in the City's master fee schedule or, if not set forth in the City's master fee schedule, the general market rate for such additional services charged by tow services in Denton County;
  - (3) All towing and storage charges shall be waived when requested by the police department in unusual circumstances, including, but not limited to, instances in which a person arrested is released and criminal charges are dropped.
- (b) The invoice for tows of any motor vehicle shall be itemized to reflect the services performed, labor or other materials required, and any other charges relating to the removal of the motor vehicle and related debris, if applicable, from the scene of the tow, and transportation of the vehicle to a vehicle storage facility.

**SECTION 2.** The Police Department section of the City Master Fee Schedule is amended to add the following maximum fees that may be charged for tow services as provided in Section 114-36 of the Lake Dallas Municipal Code as amended by this Ordinance:

| Tow Service Provided                                       | Fees                        | Code Reference |
|------------------------------------------------------------|-----------------------------|----------------|
| Light duty tow ( $\leq$ 10,000 lbs. GVW)                   | $\leq$ \$145                | 114-36         |
| Medium duty tow ( $>$ 10,000 lbs. but $<$ 25,000 lbs. GVW) | $\leq$ \$200                |                |
| Heavy duty tow ( $\geq$ 25,000 lbs. GVW)                   | $\leq$ \$450                |                |
| Motorcycle tow                                             | $\leq$ \$145                |                |
| Use of Vehicle Dolly                                       | $\leq$ \$45 plus tow charge |                |

**SECTION 3.** All provisions of the Ordinances of the City of Lake Dallas, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense as set forth in Section 1-16 of the Code of Ordinances.

**SECTION 7.** This ordinance shall take effect on the first day of the calendar month following its passage and publication in accordance with the provisions of the state law and the Charter of the City of Lake Dallas.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS  
ON THE 28<sup>TH</sup> DAY OF MAY 2020.**

APPROVED:

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Michael Barnhart, Mayor

ATTEST:

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Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

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Kevin B. Laughlin, City Attorney  
(kbl:5/21/2020:115733)



**CITY COUNCIL  
AGENDA MEMO**

Prepared By: Michele Sanchez, Finance Director

May 28, 2020

**Budget Workshop**

**DESCRIPTION:**

Receive a report and hold a discussion regarding the Fiscal Year (FY) 2019-20 and the Proposed Budget and Tax Rate for FY 2020-21, including impacts from changes in law by the Texas Legislature.

**BACKGROUND INFORMATION:**

The purpose of this item is to provide the City Council with revenue and expenditure trending for fiscal year (FY) 2019-20.

Section 7.02 of the City Charter requires the City Manager to submit the proposed budget to the City Council and the City Secretary on or before the fifth day of August, unless the City Council has granted an extension. Below is the proposed calendar of dates that staff is planning to hold budget workshops, public hearings and adoption of the budget.

|                  |                                                                         |
|------------------|-------------------------------------------------------------------------|
| May 28           | Budget Workshop (Current Trends & Election Timeline)                    |
| June 11          | Budget Workshop (Revenue Projections & Proposed for Next Fiscal Year)   |
| June 25          | Budget Workshop (Expenditures Projects & Proposed for Next Fiscal Year) |
| July 09          | Budget Workshop (Special Revenue Funds & Capital Improvement Funds)     |
| July 20          | Proposed Budget Sent to City Council and Filed with Clerks Office       |
| July 23          | Budget Workshop (Proposed Budget)                                       |
| August 13        | Budget Workshop (Proposed Budget)                                       |
| August 13        | Public Hearing on Tax Rate                                              |
| August 13        | Public Hearing on Budget                                                |
| <b>August 20</b> | <b>Adoption of Tax Rate and Budget (Special Called Meeting)</b>         |

August 24      Last Possible Day to adopt tax rate that would exceed Voter Approval Rate, but does not exceed De Minimis Rate

**FINANCIAL CONSIDERATION:**

FY 2019-20 Proposed Budget will contain the projected revenues and expenses for the City.

**RECOMMENDED MOTIONS:**

None, discussion only

**ATTACHMENT(S):**

None





**CITY COUNCIL  
AGENDA MEMO**

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Prepared By: Cindy Uber - Animal Services Manager

May 28, 2020

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**Lake Dallas Animal Services Department Accomplishments**

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**DESCRIPTION:**

Receive a report, hold a discussion, and give staff direction regarding the Lake Dallas Animal Service's accomplishments and goals for the upcoming fiscal year.

**BACKGROUND INFORMATION:**

This is a report to discuss the goals, accomplishments, and challenges of the Lake Dallas Animal Services for FY 2019-2020 and the goals for FY 2020-2021.

**FINANCIAL CONSIDERATION:**

None.

**RECOMMENDED MOTIONS:**

No motions, discussion only.

**ATTACHMENT(S):**

1. PowerPoint presentation



**CITY COUNCIL  
AGENDA MEMO**

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Prepared By: Daniel Carolla, Chief of Police

May 28, 2020

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**Lake Dallas Police Department Accomplishments**

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**DESCRIPTION:**

Receive a report, hold a discussion, and give staff direction regarding the Lake Dallas Police Department's accomplishments and goals for the upcoming fiscal year.

**BACKGROUND INFORMATION:**

This is a report to discuss the goals, accomplishments, and challenges of the Lake Dallas Police Department for FY 2019-2020, and goals for FY 2020-2021.

**FINANCIAL CONSIDERATION:**

None.

**RECOMMENDED MOTIONS:**

No motions, discussion only.

**ATTACHMENT(S):**

1. PowerPoint presentation



**CITY COUNCIL  
AGENDA MEMO**

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Prepared By: John Cabrales Jr, City Manager

May 28, 2020

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**City of Corinth Five Year Contract for Fire and EMS Services**

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**DESCRIPTION:**

Receive a report and hold a discussion regarding the City of Corinth's proposal for services and cost for fire and emergency medical services from the Lake Cities Fire Department.

**BACKGROUND INFORMATION:**

The City of Lake Dallas, along with the Town of Hickory Creek and Town of Shady Shores, have entered an Interlocal Agreement (ILA) with the City of Corinth for fire protection, fire suppression, firefighting and rescue services, emergency medical and fire prevention services. The five (5) year contract began on October 1, 2016 and expires on September 30, 2021. The cost for each year for this service is listed below in the Financial Considerations section.

The agreement requires each party to give notice to the other party no later than October 1, 2019, of the party's intention to renew the agreement beyond the current term. The notice of intent is not binding, but it is required in order for the City of Corinth to provide the City of Lake Dallas no later than January 15, 2020, cost projections for the new agreement term. On September 26, 2019 the Lake Dallas City Council approved the Notice of Intent, and on January 9, 2020 the City of Corinth submitted the cost projections for the next five (5) year contract 2021-2026. If we come to terms on an agreement for the next five (5) years, this must be accomplished by July 1, 2020 under the terms of the current agreement.

The City of Corinth is proposing a reduction in the Cost Allocation percentage to the City of Lake Dallas from the current **20.10%** to **19.89%**. The Cost Allocation are based on the same cost drivers used in 2008, 2012 and 2016, which is based on the number of calls, the population and the assessed value for each city. The City of Corinth used the North Central Council of Governments population estimates, Denton Central Appraisal District valuations, and the LCFD call statistics to determine the five (5) year average of these cost drivers for 2015-2019 and the City of Lake Dallas showed the following averages.

|                |        |
|----------------|--------|
| Calls          | 25.11% |
| Population     | 20.82% |
| Assessed Value | 13.76% |

In FY 2022-23, LCFD plans to replace a medic unit with an annual lease of \$41,667 and do a radio upgrade at a cost of \$487,000. They also plan to replace the Quint in FY 2023-24 with an annual lease of \$145,455. LCFD is also proposing the addition of three (3) firefighters in FY 2024-25 with a \$257,466 fiscal impact in year one.

The revenue projections are listed below and beginning with FY 2021-22 the City of Corinth is not including the EMS Grant because this revenue source is probably going away. Also, the Staffing for Adequate Fire and Emergency Response (SAFER) grant ends in FY 2021-22. The Full-Time Equivalents (FTE) for LCFD increased from 44 to 53 as a result of the SAFER grant, and they plan to add three (3) FTE's in FY 2024-25 for a total of 56.

|                               |                  |                |         |
|-------------------------------|------------------|----------------|---------|
| FY 2016-17                    | \$899,952        |                |         |
| FY 2017-18                    | \$865,710        | Percent change | (0.038) |
| FY 2018-19                    | \$803,112        | Percent change | (0.072) |
| FY 2019-20 (budgeted)         | \$1,268,911      | Percent change | 0.580   |
| FY 2020-21 (projected)        | \$1,067,740      | Percent change | (0.159) |
| <b>FY 2021-22 (projected)</b> | <b>\$757,422</b> | Percent change | (0.290) |
| <b>FY 2022-23 (projected)</b> | <b>\$697,000</b> | Percent change | (0.080) |
| <b>FY 2023-24 (projected)</b> | <b>\$697,000</b> | Percent change | 0.000   |
| <b>FY 2024-25 (projected)</b> | <b>\$697,000</b> | Percent change | 0.000   |
| <b>FY 2025-26 (projected)</b> | <b>\$697,000</b> | Percent change | 0.000   |

The expenditure projections are listed below. Costs increased significantly in FY 2019-20 due to the addition of nine (9) firefighters. The increase in expenses in the proposed five years averages to 2.68% per year.

|                               |                    |                       |              |
|-------------------------------|--------------------|-----------------------|--------------|
| FY 2016-17                    | \$5,494,361        |                       |              |
| FY 2017-18                    | \$5,937,279        | Percent change        | 0.081        |
| FY 2018-19                    | \$6,293,782        | Percent change        | 0.060        |
| FY 2019-20 (budgeted)         | \$6,928,640        | Percent change        | 0.101        |
| FY 2020-21 (projected)        | \$7,145,670        | Percent change        | 0.031        |
| <b>FY 2021-22 (projected)</b> | <b>\$7,345,304</b> | <b>Percent change</b> | <b>0.028</b> |
| <b>FY 2022-23 (projected)</b> | <b>\$7,536,652</b> | <b>Percent change</b> | <b>0.026</b> |
| <b>FY 2023-24 (projected)</b> | <b>\$7,536,803</b> | <b>Percent change</b> | <b>0.000</b> |
| <b>FY 2024-25 (projected)</b> | <b>\$7,981,335</b> | <b>Percent change</b> | <b>0.059</b> |
| <b>FY 2025-26 (projected)</b> | <b>\$8,147,984</b> | <b>Percent change</b> | <b>0.021</b> |

Staff had a discussion with the City Council on February 12, 2020 regarding the contract proposal. There was also a joint council meeting of the four lake cities on March 3, 2020 where the proposal was discussed.

On March 12, 2020, City Council meeting, staff discussed the items that LCFD submitted as a follow up to the March 3 joint council meeting. Staff has since emailed additional information

requested by council that was provided by the City of Corinth. Based on direction given by the council, staff requested Corinth to provide cost projections earlier in the new contract in order to have ample time to decide if another contract might be best for Lake Dallas, or explore other options for fire and emergency medical services. Corinth is proposing the following language in Section 2:

**RENEWAL:** Corinth shall provide Lake Dallas with estimated cost projections not later than January 30, 2024 to enable the parties to reach an agreement on rates for Fire Services for the renewal term. No later than Oct. 1, 2024, each party shall give notice to the other party of its intention to renew this Agreement for an additional term. A renewal Agreement shall be approved by both parties not later than July 1, 2025.

Council also directed staff to investigate getting notice from Corinth when they make any decision that could add significant costs to a future contract. The following wording is being proposed in Section 4.

**PROVISION OF SERVICE:** Corinth shall have the exclusive right to prescribe the manner and method of giving the alarm for fire or other emergency service within Lake Dallas.

Corinth shall provide advance notification of any major purchases or decisions made for the Fire Department, that could have a significant financial impact to the City of Lake Dallas on future fire service contracts.

The City of Corinth is offering up two payment options and a monthly adjustment in Section 3:

**COMPENSATION:**

**A. Payments.**

1. Option #1: Lake Dallas agrees to make Annual Payments to Corinth pursuant to this Section. The following amounts shall be due to Corinth for each year of this Agreement:

|                                       |             |
|---------------------------------------|-------------|
| October 1, 2021 to September 30, 2022 | \$1,310,607 |
| October 1, 2022 to September 30, 2023 | \$1,360,694 |
| October 1, 2023 to September 30, 2024 | \$1,360,724 |
| October 1, 2024 to September 30, 2025 | \$1,449,160 |
| October 1, 2025 to September 30, 2026 | \$1,482,314 |

2. Option #2: Lake Dallas agrees to make Annual Payments to Corinth pursuant



to this Section. The Annual Payment for Fire Services will be a five-year fixed payment of \$1,392,699.

3. Monthly Adjustments: Corinth shall make the following adjustments to the Lake Dallas Payments on a monthly basis beginning October 1, 2024:

- a. Wages & Benefits – New Firefighters: The amount budgeted for the three new firefighter positions will be credited to Lake Dallas monthly during the period of time the positions remain unfilled. The monthly credit will be equal to \$1,422 per firefighter or \$4,267 for all three firefighters.

In compliance with the Interlocal Cooperation Act, all payments to be made under this Agreement shall be made from current revenues legally available to the paying party. The parties understand and agree that the payments made hereunder are compensation to Corinth for providing Fire Services and that title to any and all vehicles and equipment leased, purchased, owned or controlled by Corinth utilizing funds paid to Corinth under this Agreement shall vest solely in Corinth, and Lake Dallas shall have no legal or equitable interest in assets purchased, leased, owned or controlled by Corinth.

#### **FINANCIAL CONSIDERATION:**

The figures shown below represent the amount that the City of Lake Dallas has paid or is projected to pay the City of Corinth for the fire and ems service ILA.

##### **Current Agreement**

|                                       |           |                |       |
|---------------------------------------|-----------|----------------|-------|
| October 1, 2016 to September 20, 2017 | \$957,179 |                |       |
| October 1, 2017 to September 30, 2018 | \$961,025 | Percent change | 0.004 |
| October 1, 2018 to September 30, 2019 | \$978,607 | Percent change | 0.018 |
| October 1, 2019 to September 30, 2020 | \$977,911 | Percent change | 0.001 |
| October 1, 2020 to September 30, 2021 | \$979,605 | Percent change | 0.002 |

##### **Proposed Agreement**

|                                              |                    |                       |              |
|----------------------------------------------|--------------------|-----------------------|--------------|
| <b>October 1, 2021 to September 20, 2022</b> | <b>\$1,310,607</b> | <b>Percent change</b> | <b>0.338</b> |
| <b>October 1, 2022 to September 30, 2023</b> | <b>\$1,360,694</b> | <b>Percent change</b> | <b>0.038</b> |
| <b>October 1, 2023 to September 30, 2024</b> | <b>\$1,360,724</b> | <b>Percent change</b> | <b>0.000</b> |
| <b>October 1, 2024 to September 30, 2025</b> | <b>\$1,449,160</b> | <b>Percent change</b> | <b>0.065</b> |
| <b>October 1, 2025 to September 30, 2026</b> | <b>\$1,482,314</b> | <b>Percent change</b> | <b>0.023</b> |

If you recall the Finance Director, presented a proposal to earmark \$400,000 from the FY 2019 Reserve Fund Balance (\$1,868,099) into a Fire Contract Investment Fund. This fund will be used to stabilize future budgets by drawing down from this fund as needed to cover the payment due to Corinth (see attached).

**RECOMMENDED MOTIONS:**

None, discussion only

**ATTACHMENT(S):**

1. ILA with Corinth for Fire and EMS Services (Sept. 22, 2016)
2. Corinth Proposed ILA
3. Fire Contract Finance Proposal

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF CORINTH, TEXAS AND THE CITY OF LAKE DALLAS, TEXAS  
FOR FIRE SERVICES**

This Agreement is made on this 22nd day of September, 2016, between the City of Corinth, Texas (hereinafter "Corinth") and the City of Lake Dallas, Texas (hereinafter "Lake Dallas"), municipal corporations authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791 to enter into joint agreements for the performance of governmental functions and services such as fire protection, emergency medical and fire prevention services.

**WHEREAS**, Lake Dallas desires to enter into a contract with Corinth for the furnishing of fire protection, fire suppression, firefighting and rescue services, emergency medical services, fire prevention services and emergency management services as set forth in **Exhibit "A"** attached hereto and incorporated herein, within Lake Dallas for a period commencing on October 01, 2016, and ending at midnight on September 30, 2021;

**NOW, THEREFORE**, the parties agree as follows:

1. **TERM:** For the period beginning October 1, 2016 and expiring at midnight, September 30, 2021, (the "Term"), Corinth shall furnish fire protection, emergency medical and fire prevention services [all such services set forth in Exhibit "A" hereto and hereinafter referred to as "Fire Services"], utilizing firefighters employed by Corinth and firefighting apparatus and equipment owned by Corinth, all as the Fire Chief of Lake Cities Fire Department may determine in his sole discretion, to Lake Dallas within the corporate limits of Lake Dallas.
2. **RENEWAL:** Not later than Oct 1, 2019, each party shall give notice to the other party of its intention to renew this Agreement for an additional term. If both parties give notice of intent to renew, Corinth shall provide Lake Dallas with cost projections not later than January 15, 2020 to enable the parties to reach an agreement on rates for Fire Services for the renewal term and to approve a renewal Agreement not later than July 1, 2020.

3. **COMPENSATION:**

**A. Payments.**

1. Option #1: Lake Dallas agrees to make Annual Payments to Corinth pursuant to this Section. The Annual Payment for Fire Services shall increase by one percent (1%) each year during the term of this Agreement. The following amounts reflect the one percent (1%) increase and shall be due to Corinth for each year of this Agreement:

|                                            |           |
|--------------------------------------------|-----------|
| October 1, 2016 to September 30, 2017..... | \$957,179 |
| October 1, 2017 to September 30, 2018..... | \$961,025 |
| October 1, 2018 to September 30, 2019..... | \$978,607 |
| October 1, 2019 to September 30, 2020..... | \$977,911 |
| October 1, 2020 to September 30, 2021..... | \$979,605 |

2. Option #2: Lake Dallas agrees to make Annual Payments to Corinth pursuant to this Section. The Annual Payment for Fire Services will be a five year fixed payment of \$970,865.

3. Monthly Adjustments: Corinth shall make the following adjustments to the Lake Dallas Payments on a monthly basis:

- a. Wages & Benefits – New Firefighters: The amount budgeted for the three new firefighter positions will be credited to Lake Dallas monthly during the period of time the positions remain unfilled. The monthly credit will be equal to \$1,251 per firefighter or \$3,754 for all three firefighters.
- b. Corinth Station # 3: The lease amount for Corinth Station #3 will be included in the monthly payment made by Lake Dallas when the station is fully operational at an amount of \$1,028 per month.

In compliance with the Interlocal Cooperation Act, all payments to be made under this Agreement shall be made from current revenues legally available to the paying party. The parties understand and agree that the payments made hereunder are compensation to Corinth for providing Fire Services and that title to any and all vehicles and equipment leased, purchased, owned or controlled by Corinth utilizing funds paid to Corinth under this Agreement shall vest solely in Corinth, and Lake Dallas shall have no legal or equitable interest in assets purchased, leased, owned or controlled by Corinth.

4. **Payments Quarterly or Monthly.** Lake Dallas shall make Annual Payment in the amounts specified in Section A above; provided however that in the discretion of Lake Dallas, Lake Dallas may elect to pay such sums to Corinth in equal payments made on either a monthly or quarterly basis. All payments shall be due no later than the fifteen (15th) day of each applicable month or quarter preceding delivery of Fire Services under this Agreement.

C. **Default for Non-Payment.** Should Lake Dallas fail to timely make its monthly payment as required by subsection G hereof, then Lake Dallas shall be in default under this Agreement and interest shall accrue and become payable to Corinth in accordance with the percent of interest authorized by the Texas Prompt Payment Act (Chapter 2251, TEX. GOV'T. CODE, as amended). In such event, Corinth may suspend services until completion of the mediation process described in **Section 10.B.**

4. **PROVISION OF SERVICE:** Corinth shall have the exclusive right to prescribe the manner and method of giving the alarm for fire or other emergency service within **Lake Dallas.**

5. **AUTHORITY OF FIRE CHIEF:** The Fire Chief or other officers designated by the

Fire Chief shall, immediately upon arriving at the scene of any alarm or emergency, have the exclusive authority to direct the firefighting, rescue, fire prevention activities and emergency operations.

6. **APPLICABLE FIRE CODE:** All Fire Services provided pursuant to this contract shall be in accordance with the current International Fire Code, together with such amendments and subsequent editions as may be adopted by Lake Dallas from time to time and the Standard Operating Procedures of the Corinth Fire Department. Lake Dallas agrees that citations and criminal charges for Class C Misdemeanors issued by the Fire Chief for violations and offenses occurring within the territorial limits of Lake Dallas shall be filed and prosecuted in the Municipal Court for Lake Dallas.
7. **LIABILITY OF PARTIES:**
  - A. To the extent provided by law, all expenses of maintaining equipment, apparatus, salaries, insurance premiums, and any other expenses connected with the Fire Services to be performed by Corinth under this Agreement shall be at Corinth's expense, provided that each party shall be responsible for claims, demands, losses, damages and liabilities associated with the negligence of that party except Lake Dallas shall be responsible for any civil liability [including, but not limited to, attorney's fees in defending Corinth] that does not arise from Corinth's negligence and for which Lake Dallas would have otherwise been responsible if Lake Dallas were furnishing their own Fire Services in the absence of this Agreement (e.g. Lake Dallas issues a building permit for a structure designed in violation of the Fire Code and Corinth is sued for damages arising from a fire because of an error of the Lake Dallas Building Official).
  - B. If all or part of any civil liability (judgment or settlement) of Lake Dallas above is paid by a risk pool or insurance company with which Corinth has contracted for coverage, such risk pool or insurance company shall not be entitled to subrogation against Lake Dallas.
  - C. This Section 7 is in accordance with Section 791.006 (a-1), TEX. GOV'T. CODE, as the foregoing assignment of liability is intended to be different than the liability otherwise assigned under subsection (a) of Section 791.006, TEX. GOV'T CODE.
8. **NO WAIVER OF IMMUNITY:** Nothing in this Agreement shall give any claim or cause of action to any person or party not a party to this Agreement, nor create any claim or cause of action against Corinth or Lake Dallas which would not exist in the absence of this Agreement. Nothing in this Agreement shall add to or change the liability limits or immunities otherwise available to each party to this Agreement, and nothing in this Agreement shall be deemed or construed to waive any defense, privilege, or immunity of any of the parties to this Agreement nor of any of their elected officials, officers or employees, as to any claim or cause of action brought by any person or entity. This Agreement is not intended to and shall not be construed so as to



create a joint enterprise between the parties hereto.

9. **INTERLOCAL COOPERATION ACT:** This Agreement is made and entered into pursuant to the Texas Interlocal Cooperation Act.

10. **REMEDIES FOR DEFAULT:**

A. Either party to this Agreement can expect and may require the other party and its officials and employees to carry out, respect and enforce the terms and obligations of this Agreement. Should any party to this Agreement be in default under this Agreement, the other party shall provide thirty (30) days' written notice to remedy the default, after which notice such party shall promptly cure the default. Should the defaulting party fail to cure the default within the thirty-day period following notice, and after mediation, the parties fail to agree to continue this Agreement, the non-defaulting party may 1) terminate this Agreement or 2) reduce its monthly or quarterly payments, as applicable, in an amount commensurate with the cost of providing the service(s) that gave rise to the default

B. The parties agree that should any notice of default be given for any default (other than a default for nonpayment) and it is not cured to the satisfaction of the non-defaulting party within 30 days, the parties agree to submit to nonbinding mediation. Each party will name at least two and no more than three potential mediators (complete with resume) who are located in Texas. If the parties cannot mutually agree on a mediator, each party may strike all but one of the other party's proposed mediators, leaving a total of two names. The parties shall then select a name by coin toss. It is the intent of the parties that mediation be scheduled as soon as practical once the mediator is determined. The cost of the mediator shall be divided evenly by the parties whether or not the mediation results in resolution of the matters in controversy. Payments shall continue to be made until the mediation process is completed.

C. The foregoing remedies shall be cumulative; the election of one remedy shall not preclude pursuit of another.

D. All negotiations pursuant to this section are confidential and shall be treated as compromise and settlement negotiations for purposes of applicable rules of evidence to the extent allowed by law.

11. **AGREEMENT IS CONTINGENT ON LEASE:** Lake Dallas understands that Corinth plans to provide services contracted for under this Agreement in part from the Lake Dallas Fire House and that performance obligations under and the continuation of this Agreement is contingent upon the execution and continuation of the lease between the parties for Corinth's use of the Lake Dallas Fire House.

12. **AMENDMENT/TERMINATION:** This Agreement may only be amended or terminated by mutual written consent of the parties through resolutions approved by the

respective city councils for Corinth and Lake Dallas.

13. **NOTICES:** All notices required or permitted by this Agreement shall be made to the following individuals and addresses:

City of Corinth  
% City Manager  
3300 Corinth Parkway  
Corinth, TX 76208

City of Lake Dallas  
% City Manager  
212 Main Street  
Lake Dallas, TX 75065

14. **SEVERABILITY:** If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.
15. **VALIDITY AND ENFORCEABILITY:** If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and shall operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement shall continue in full force and effect.
16. **ENTIRE AGREEMENT:** This Agreement sets forth the entire agreement and understanding between Corinth and Lake Dallas as to the subject matter hereof and merges all prior discussions between them.

**IN WITNESS** whereof, the parties have executed same on the date set forth above by their respective officers, each of whom represents and attests that he/she has requisite to execute this Agreement on behalf of the appropriate party.

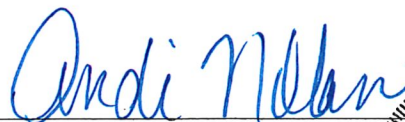
CITY OF CORINTH



MAYOR



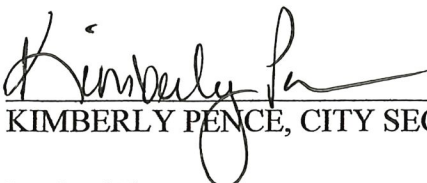
CITY OF LAKE DALLAS



MAYOR



ATTEST:



KIMBERLY PENCE, CITY SECRETARY

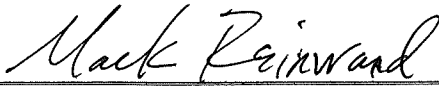
ATTEST:



JONI VAUGHN, CITY SECRETARY

APPROVED AS TO FORM:

APPROVED AS TO FORM:



CITY ATTORNEY

CITY ATTORNEY

### EXHIBIT "A" - FIRE SERVICES

1. *"Fire Services"* under and as used in the Agreement shall mean all of the following:

Fire protection, including firefighting, fire suppression and fire rescue services; emergency medical services including ambulance and paramedic services; fire prevention services, including, but not limited to, to building inspections (pertaining to compliance with fire codes), public education and assistance services, and arson investigations by a licensed arson investigator; emergency management services, such services to include but are not limited to the development, design and implementation of disaster and catastrophe protection and safety plans, emergency evacuation plans, and coordination with other emergency management coordinators, personnel and agencies.

2. *Service Levels, Benchmarks.* Corinth shall provide Fire Services at a minimum level comparable to that which is currently provided so long as the entity leasing Fire House No. 1 to the City of Corinth is not in default under such lease and/or such fire station is fit for human habitation and safe for housing of fire apparatus and equipment. Corinth's provision of Fire Protection Services and no action by Lake Dallas shall at any time result in a negative impact to the ISO rating for the Lake Cities (Corinth, Lake Dallas, Shady Shores and Hickory Creek) and none of the Lake Cities (by reason of similar Interlocal agreements) shall take any action that will have a negative impact on such ISO rating.

3. *Personnel, Equipment, Emergency Calls.* Corinth shall on each day, except when firefighters are involved in training or other scheduled functions, maintain a minimum staffing level of 9 firefighters and 1 captain per shift and at least 1 paramedic on each ambulance. Two fire apparatus and 2 ambulances shall be operational each day for fire services purposes except when such vehicles are being used for training or other scheduled functions. All firefighters shall be certified as such by the Texas Commission on Fire Protection. An expansion or increase in Lake Cities Fire Department, including the addition of facilities, equipment, vehicles, or personnel, shall not affect service levels.

4. *Mutual Aid.* In the provision of Fire Services, Corinth shall enter into such mutual aid agreements with adjacent and nearby firefighting, suppression, EMS and rescue service providers as Corinth may deem necessary and appropriate.

5. *Reporting.* Corinth shall furnish to Lake Dallas, reports indicating the number and nature

of calls for service, response times, inspections, and other information deemed pertinent to show service levels and other fire protection services activities. Upon request by Lake Dallas, Corinth shall make available within a reasonable time such information.

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF CORINTH, TEXAS AND THE CITY OF LAKE DALLAS,  
TEXAS FOR FIRE SERVICES**

This Agreement is made on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between the City of Corinth, Texas (hereinafter "Corinth") and the City of Lake Dallas, Texas (hereinafter "Lake Dallas"), municipal corporations authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791 to enter into joint agreements for the performance of governmental functions and services such as fire protection, emergency medical and fire prevention services.

**WHEREAS**, Lake Dallas desires to enter into a contract with Corinth for the furnishing of fire protection, fire suppression, firefighting and rescue services, emergency medical services, fire prevention services and emergency management services as set forth in **Exhibit "A"** attached hereto and incorporated herein, within Lake Dallas for a period commencing on October 01, 2021, and ending at midnight on September 30, 2026;

**NOW, THEREFORE**, the parties agree as follows:

1. **TERM:** For the period beginning October 1, 2021 and expiring at midnight, September 30, 2026, (the "Term"), Corinth shall furnish fire protection, emergency medical and fire prevention services [all such services set forth in Exhibit "A" hereto and hereinafter referred to as "Fire Services"], utilizing firefighters employed by Corinth and firefighting apparatus and equipment owned by Corinth, all as the Fire Chief of Lake Cities Fire Department may determine in his sole discretion, to Lake Dallas within the corporate limits of Lake Dallas.

2. **RENEWAL:** Corinth shall provide Lake Dallas with estimated cost projections not later than January 30, 2024 to enable the parties to reach an agreement on rates for Fire Services for the renewal term. No later than Oct. 1, 2024, each party shall give notice to the other party of its intention to renew this Agreement for an additional term. A renewal Agreement shall be approved by both parties not later than July 1, 2025.

3. **COMPENSATION:**

**A. Payments.**

1. **Option #1:** Lake Dallas agrees to make Annual Payments to Corinth pursuant to this Section. The following amounts shall be due to Corinth for each year of this Agreement:

|                                            |             |
|--------------------------------------------|-------------|
| October 1, 2021 to September 30, 2022..... | \$1,310,607 |
| October 1, 2022 to September 30, 2023..... | \$1,360,694 |
| October 1, 2023 to September 30, 2024..... | \$1,360,724 |
| October 1, 2024 to September 30, 2025..... | \$1,449,160 |
| October 1, 2025 to September 30, 2026..... | \$1,482,314 |

2. **Option #2:** Lake Dallas agrees to make Annual Payments to Corinth pursuant



to this Section. The Annual Payment for Fire Services will be a five-year fixed payment of \$1,392,699.

3. **Monthly Adjustments:** Corinth shall make the following adjustments to the Lake Dallas Payments on a monthly basis beginning October 1, 2024:

a. **Wages & Benefits – New Firefighters:** The amount budgeted for the three new firefighter positions will be credited to Lake Dallas monthly during the period of time the positions remain unfilled. The monthly credit will be equal to \$1,422 per firefighter or \$4,267 for all three firefighters.

In compliance with the Interlocal Cooperation Act, all payments to be made under this Agreement shall be made from current revenues legally available to the paying party. The parties understand and agree that the payments made hereunder are compensation to Corinth for providing Fire Services and that title to any and all vehicles and equipment leased, purchased, owned or controlled by Corinth utilizing funds paid to Corinth under this Agreement shall vest solely in Corinth, and Lake Dallas shall have no legal or equitable interest in assets purchased, leased, owned or controlled by Corinth.

B. **Payments Quarterly or Monthly:** Lake Dallas shall make Annual Payment as specified in Section A above; provided however that in the discretion of Lake Dallas, Lake Dallas may elect to pay such sums to Corinth in equal payments made on either a monthly or quarterly basis. All payments shall be due no later than the fifteen (15th) day of each applicable month or quarter preceding delivery of Fire Services under this Agreement.

C. **Default for Non-Payment.** Should Lake Dallas fail to timely make its monthly payment as required by subsection G hereof, then Lake Dallas shall be in default under this Agreement and interest shall accrue and become payable to Corinth in accordance with the percent of interest authorized by the Texas Prompt Payment Act (Chapter 2251, TEX. GOV'T. CODE, as amended). In such event, Corinth may suspend services until completion of the mediation process described in Section 10.B.

4. **PROVISION OF SERVICE:** Corinth shall have the exclusive right to prescribe the manner and method of giving the alarm for fire or other emergency service within **Lake Dallas**.

Corinth shall provide advance notification of any major purchases or decisions made for the Fire Department, that could have a significant financial impact to the City of Lake Dallas on future fire service contracts.

5. **AUTHORITY OF FIRE CHIEF:** The Fire Chief or other officers designated by the Fire Chief shall, immediately upon arriving at the scene of any alarm or emergency, have

the exclusive authority to direct the firefighting, rescue, fire prevention activities and emergency operations.

6. **APPLICABLE FIRE CODE:** All Fire Services provided pursuant to this contract shall be in accordance with the current International Fire Code, together with such amendments and subsequent editions as may be adopted by Lake Dallas from time to time and the Standard Operating Procedures of the Corinth Fire Department. Lake Dallas agrees that citations and criminal charges for Class C Misdemeanors issued by the Fire Chief for violations and offenses occurring within the territorial limits of Lake Dallas shall be filed and prosecuted in the Municipal Court for Lake Dallas.

7. **LIABILITY OF PARTIES:**

- A. To the extent provided by law, all expenses of maintaining equipment, apparatus, salaries, insurance premiums, and any other expenses connected with the Fire Services to be performed by Corinth under this Agreement shall be at Corinth's expense, provided that each party shall be responsible for claims, demands, losses, damages and liabilities associated with the negligence of that party except Lake Dallas shall be responsible for any civil liability [including, but not limited to, attorney's fees in defending Corinth] that does not arise from Corinth's negligence and for which Lake Dallas would have otherwise been responsible if Lake Dallas were furnishing their own Fire Services in the absence of this Agreement (e.g. Lake Dallas issues a building permit for a structure designed in violation of the Fire Code and Corinth is sued for damages arising from a fire because of an error of the Lake Dallas Building Official).
- B. If all or part of any civil liability (judgment or settlement) of Lake Dallas above is paid by a risk pool or insurance company with which Corinth has contracted for coverage, such risk pool or insurance company shall not be entitled to subrogation against Lake Dallas.
- C. This Section 7 is in accordance with Section 791.006 (a-1), TEX. GOV'T. CODE, as the foregoing assignment of liability is intended to be different than the liability otherwise assigned under subsection (a) of Section 791.006, TEX. GOV'T CODE.
8. **NO WAIVER OF IMMUNITY:** Nothing in this Agreement shall give any claim or cause of action to any person or party not a party to this Agreement, nor create any claim or cause of action against Corinth or Lake Dallas which would not exist in the absence of this Agreement. Nothing in this Agreement shall add to or change the liability limits or immunities otherwise available to each party to this Agreement, and nothing in this Agreement shall be deemed or construed to waive any defense, privilege, or immunity of any of the parties to this Agreement nor of any of their elected officials, officers or employees, as to any claim or cause of action brought by any person or entity. This Agreement is not intended to and shall not be construed so as to create a joint enterprise between the parties hereto.

9. **INTERLOCAL COOPERATION ACT:** This Agreement is made and entered into pursuant to the Texas Interlocal Cooperation Act.

10. **REMEDIES FOR DEFAULT:**

- A. Either party to this Agreement can expect and may require the other party and its officials and employees to carry out, respect and enforce the terms and obligations of this Agreement. Should any party to this Agreement be in default under this Agreement, the other party shall provide thirty (30) days' written notice to remedy the default, after which notice such party shall promptly cure the default. Should the defaulting party fail to cure the default within the thirty- day period following notice, and after mediation, the parties fail to agree to continue this Agreement, the non-defaulting party may 1) terminate this Agreement or 2) reduce its monthly or quarterly payments, as applicable, in an amount commensurate with the cost of providing the service(s) that gave rise to the default
- B. The parties agree that should any notice of default be given for any default (other than a default for nonpayment) and it is not cured to the satisfaction of the non-defaulting party within 30 days, the parties agree to submit to nonbinding mediation. Each party will name at least two and no more than three potential mediators (complete with resume) who are located in Texas. If the parties cannot mutually agree on a mediator, each party may strike all but one of the other party's proposed mediators, leaving a total of two names. The parties shall then select a name by coin toss. It is the intent of the parties that mediation be scheduled as soon as practical once the mediator is determined. The cost of the mediator shall be divided evenly by the parties whether or not the mediation results in resolution of the matters in controversy. Payments shall continue to be made until the mediation process is completed.
- C. The foregoing remedies shall be cumulative; the election of one remedy shall not preclude pursuit of another.
- D. All negotiations pursuant to this section are confidential and shall be treated as compromise and settlement negotiations for purposes of applicable rules of evidence to the extent allowed by law.

11. **AGREEMENT IS CONTINGENT ON LEASE:** Lake Dallas understands that Corinth plans to provide services contracted for under this Agreement in part from the Lake Dallas Fire House and that performance obligations under and the continuation of this Agreement is contingent upon the execution and continuation of the lease between the parties for Corinth's use of the Lake Dallas Fire House

12. **AMENDMENT/TERMINATION:** This Agreement may only be amended or terminated by mutual written consent of the parties through resolutions approved by the respective councils for Corinth and Lake Dallas.

13. **NOTICES:** All notices required or permitted by this Agreement shall be made to the following individuals and addresses:

City of Corinth  
City Manager  
3300 Corinth Parkway  
Corinth, TX 76208

City of Lake Dallas  
City Manager  
212 Main Street  
Lake Dallas, TX 75065

14. **SEVERABILITY:** If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.
15. **VALIDITY AND ENFORCEABILITY:** If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and shall operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement shall continue in full force and effect.
16. **ENTIRE AGREEMENT:** This Agreement sets forth the entire agreement and understanding between Corinth and Lake Dallas as to the subject matter hereof and merges all prior discussions between them.

**IN WITNESS** whereof, the parties have executed same on the date set forth above by their respective officers, each of whom represents and attests that he/she has requisite to executethis Agreement on behalf of the appropriate party.

CITY OF CORINTH

CITY OF LAKE DALLAS

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MAYOR

ATTEST:

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY ATTORNEY



## **EXHIBIT "A" - FIRE SERVICES**

1. "Fire Services" under and as used in the Agreement shall mean all of the following:

Fire protection, including firefighting, fire suppression and fire rescue services; emergency medical services including ambulance and paramedic services; fire prevention services, including, but not limited to, to building inspections (pertaining to compliance with fire codes), public education and assistance services, and arson investigations by a licensed arson investigator; emergency management services, such services to include but are not limited to the development, design and implementation of disaster and catastrophe protection and safety plans, emergency evacuation plans, and coordination with other emergency management coordinators, personnel and agencies.

2. Service Levels, Benchmarks. Corinth shall provide Fire Services at a minimum level comparable to that which is currently provided so long as the entity leasing Fire House No. 1 to the City of Corinth is not in default under such lease and/or such fire station is fit for human habitation and safe for housing of fire apparatus and equipment. Corinth's provision of Fire Protection Services and no action by Lake Dallas shall at any time result in a negative impact to the ISO rating for the Lake Cities (Corinth, Lake Dallas, Shady Shores and Lake Dallas) and none of the Lake Cities (by reason of similar Interlocal agreements) shall take any action that will have a negative impact on such ISO rating.

3. Personnel, Equipment, Emergency Calls. Corinth shall on each day, except when firefighters are involved in training or other scheduled functions, maintain a minimum staffing level of 9 firefighters and 1 captain per shift and at least 1 paramedic on each ambulance. Two fire apparatus and 2 ambulances shall be operational each day for fire services purposes except when such vehicles are being used for training or other scheduled functions. All firefighters shall be certified as such by the Texas Commission on Fire Protection. An expansion or increase in Lake Cities Fire Department, including the addition of facilities, equipment, vehicles, or personnel, shall not affect service levels.

4. Mutual Aid. In the provision of Fire Services, Corinth shall enter into such mutual aid agreements with adjacent and nearby firefighting, suppression, EMS and rescue service providers as Corinth may deem necessary and appropriate.

5. Reporting. Corinth shall furnish to Lake Dallas, reports indicating the number and nature of calls for service, response times, inspections, and other information deemed pertinent to show service levels and other fire protection services activities. Upon request by Lake Dallas, Corinth shall make available within a reasonable time such information.

# Funding Plan

Ending Fund Balance from FY2019: \$1,868,099

Expenditure Budget for FY2020: \$5,122,124.65

Recommended Fund Balance 25%: \$1,280,531.16

Ending Fund Balance FY2019: \$1,868,099

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Recommended Fund Balance FY2020: \$1,280,531.16

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Difference: \$587,567.84

# Funding Plan

1. Open an additional Investment Account for Fire Contract
2. Take \$400,000 of fund balance and move it to Fire Contract Investment Fund
3. Use this fund to stabilize our budget moving forward
  - We will account for as much of the increase as can with projected revenues
  - The difference will come from the Fire Contract investment fund and will show up as a revenue on the General Fund budget

Increase 2020-2021 to 2021-2022: \$331,002

Increase 2021-2022 to 2022-2023: \$50,087

Increase 2022-2023 to 2023-2024: \$30

Increase 2023-2024 to 2024-2025: \$88,436

Increase 2024-2025 to 2025-2026: \$33,154

**Total Increases: \$502,709**

