



City of Lake Dallas

City Council

Regular Meeting

City Hall

212 Main Street, Lake Dallas, TX 75065

Thursday, June 10, 2021 at 5:30 p.m.

EARLY WORK SESSION

City Council Chambers- 5:30 P.M.

1. Clarification of Consent or General Items listed on Today's City Council Meeting Agenda for June 10, 2021.
2. Hold a discussion regarding the Budget Overview, Employee Compensation, Administration, and Library Services for the proposed Fiscal Year (FY) 2021-22.
3. Receive a report, hold a discussion, and give staff direction regarding directional signage in the city including the relocation of kiosks to the Sign Central Kiosk program.
4. Receive a report, hold a discussion, and give staff direction regarding to initiate a one-year pilot program and feasibility study regarding the use of drones to enhance public safety in the City of Lake Dallas.
5. Receive a report, hold a discussion, and give staff direction regarding the Lake Cities 4th of July event.
6. Receive a report, hold a discussion, and give staff direction regarding the City Manager search process.

(Items discussed during Early Work Session may be continued or moved to Open Session if time does not permit holding or completing discussion of the item during Early Work Session.)

OPEN SESSION

City Council Chambers- 7:00 P.M.

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 or another City Board or Commission at a later date. In order to address the Council, please complete a Public Meeting Appearance Card and present it to the City Secretary prior to the start of the Council meeting. The Texas Open Meeting Act prohibits deliberation by the City Council of any subject which is not on the posted agenda, therefore the Council will not be able to discuss or take any action on items brought up during the citizen presentations. Citizen presentation will be limited to five (5) minutes per person. Persons wishing to provide comments on an item appearing on this agenda must complete a Public Meeting Appearance Card and present it to the City Secretary prior to the item being called on the agenda and wait until recognized by the Mayor or other presiding officer before speaking on the item when that item is called up for discussion.

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, or member of the public submits a Public Meeting Appearance Card identifying the item on which such person wished to comment prior to this item being called on the agenda, 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 for the regular council meeting held on May 27, 2021.
- B. Consider on second reading a resolution authorizing a project of the Lake Dallas Community Development Corporation requiring an expenditure exceeding \$10,000 pursuant to Texas Local Government Code Section 505.158 relating to the purchase of real property for future re-development.

Section III – Planning & Development:

6. Conduct a public hearing and consider an ordinance granting a Special Use Permit “contractor’s shop/yard” use on property described as Lot 1, Block A, Advantage Mechanical Addition, commonly known as 411 Goliad Avenue (SUP-21-001).
7. Conduct a public hearing and consider an ordinance amending the zoning regulations applicable to the development and use of a 2.752± acres in the M. Wright Survey, Abstract No. 1355 generally located at 440 Betchan Street from R-1-6000 Single Family (R-1-6000) to Planned Development Residential R-1-6000 (Case Z-21-003).

Section IV- General Items- None

Section V – Elected Official Requested Items

8. 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. A closed executive session will also be conducted for the following purposes:

9. Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate the duties and responsibilities of the Interim City Manager.

Section VII – Return to Open Session

10. 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 June 7, 2021 at 5:00 p.m.



Codi Delcambre, TRMC
City Secretary

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.

EARLY WORK SESSION



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Mike Wilson, Interim City Manager

June 10, 2021

Budget Work-Session

DESCRIPTION:

Hold a discussion regarding the Budget Overview, Employee Compensation, Administration, and Library Services for the proposed Fiscal Year (FY) 2021-22.

BACKGROUND INFORMATION:

N/A

RECOMMENDED MOTIONS:

No motion required.

ATTACHMENT(S):

- PPT - City of Lake Dallas June 10, 2021 Work session



CITY COUNCIL AGENDA MEMO

Prepared By: Daniel Rusnak, Code Compliance Officer

June 10, 2021

Directional Signage

DESCRIPTION:

Receive a report, hold a discussion, and give staff direction regarding directional signage in the city including the relocation of kiosks to the Sign Central Kiosk program.

BACKGROUND INFORMATION:

On January 28, 2021 staff delivered a detailed report to City Council regarding locations of sign kiosks. City Council agreed upon seven proposed locations and gave approval to proceed with installation. City Council had concerns with proposed locations of five kiosks and directed staff to return with alternative options for their consideration.

Staff worked with Sign Central over the past few months to determine alternate locations and has the following recommendations.

SIGN #	CURRENT LOCATION	PROPOSED NEW LOCATION	STATUS
1	WEST SIDE S. LD DRIVE BY MONUMENT	MOVE TO EAST SIDE IN FRONT OF SILVA'S	PENDING APPROVAL
2	EAST SIDE S. LD DRIVE BY RAIL	MOVE CLOSER TO INTERSECTION	PENDING APPROVAL
3	WEST SIDE SHADY SHORES NEAR MAIN	NO CHANGE	COMPLETE
4	EAST SIDE SHADY SHORES NEAR HUNDLEY	MOVE CLOSER TO INTERSECTION	COMPLETE
5	EAST SIDE I-35 FRONTAGE	MOVE CLOSER TO INTERSECTION	COMPLETE
6	SW CORNER SWISHER/SS	NO CHANGE	COMPLETE
7	SWISHER - SWISHER COURTS	MOVE WEST CLOSER TO SS INTERSECTION	COMPLETE
8	NEW	FRONT OF SWISHER COURTS	PENDING APPROVAL
9	NEW	MAIN IN FRONT OF CITY HALL	PENDING APPROVAL
10	NEW	CORNER LAKEVIEW WEST & LAKEVIEW	APPROVED PENDING INSTALL
11	NEW	SW CORNER HUNDLEY & LAKEVIEW	COMPLETE
12	NEW	HUNDLEY AND S LD DRIVE	PENDING APPROVAL

FINANCIAL IMPACT:

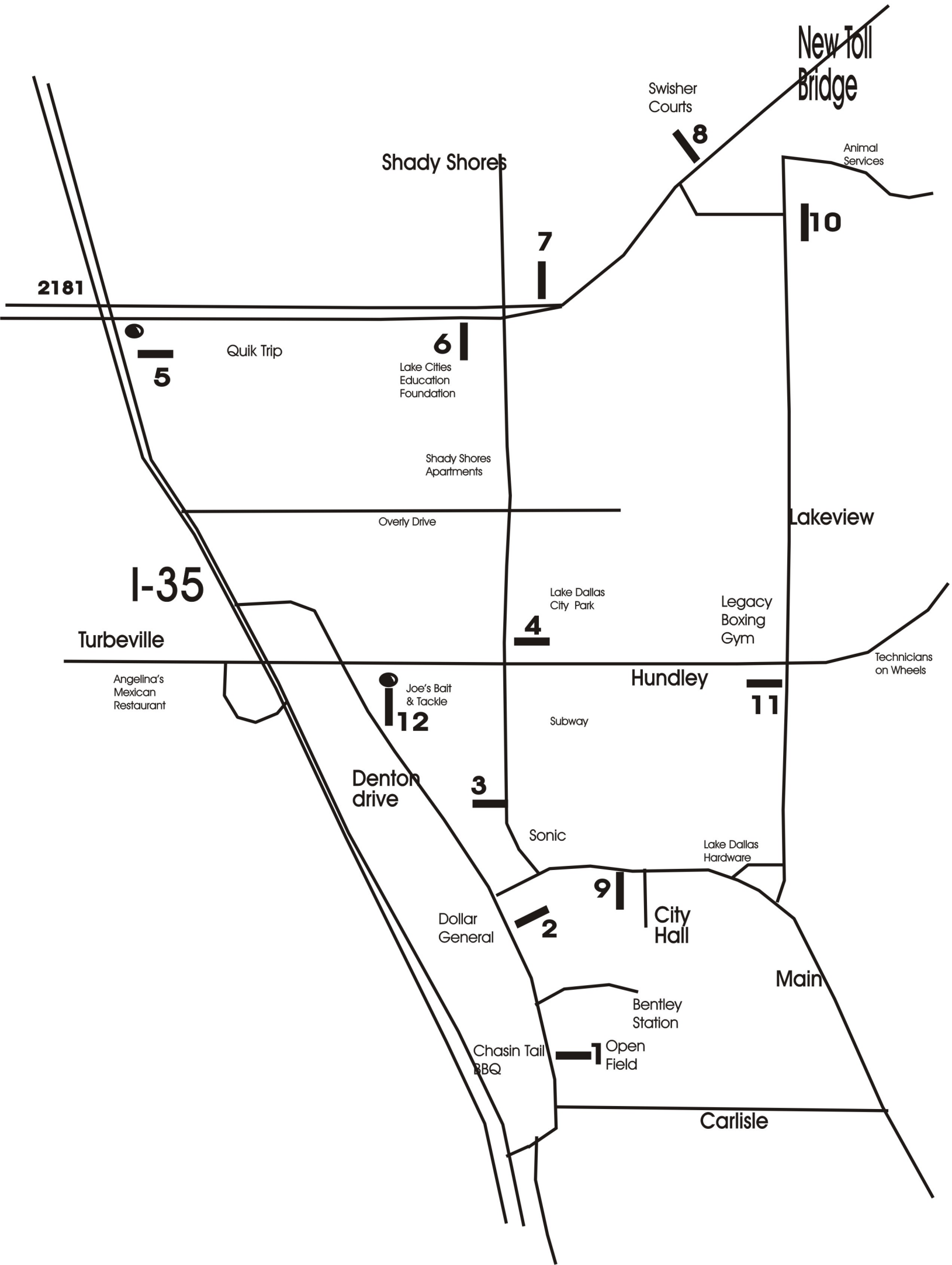
None

RECOMMENDED MOTION:

None, discussion only.

ATTACHMENT(S):

1. Power Point Presentation
2. Map of existing and proposed locations



SIGN CENTRAL INFORMATIONAL KIOSKS

CITY OF LAKE DALLAS

MAY 27, 2021

DANIEL RUSNAK, CODE
COMPLIANCE OFFICER



Sign Central Kiosks

- Sign kiosk vendor for City of Lake Dallas since June 2019
- Seven existing sign kiosks, now expanding to twelve
- Opportunity to better brand City of Lake Dallas and direct traffic to businesses, especially in downtown overlay district
- Presented options to council on January 28th.
- Council shared some specific concerns which Staff reviewed with Sign Central.
- Staff has directed Sign Central to proceed with installation of seven sign kiosks which Council shared no concerns.

Carlisle & S. LD Drive – Sign #1

- Council has concerns that proposed location is too far from intersection.
- Option 2 moves sign approximately 100 feet closer.
- Would prefer sign be closer to intersection.
- Visibility concerns for those egressing from Carlisle onto S. LD drive.



Carlisle & S. LD Drive – Sign #1

- View from NB S. LD Drive traffic.



Main & S. Lake Dallas Drive – Sign #2

- Council direction to move closer to intersection and out of ditch.
- Option #2 moves kiosk approximately 100 feet closer.
- Suggestion to combine & relocate “stop sign ahead”, turn only & “no train horn” in effort to reduce sign clutter



Swisher & Lakeview West – Sign #8

- Council has concerns about proposed location on SE corner of Lakeview West & Swisher not visible enough to WB Swisher traffic coming from Little Elm.
- Option 2 moves sign across street in front of Swisher Courts.



City Hall – Sign #9

- Concerns with proposed locations visibility for those egressing onto Main from City Hall.
- Option 2 moves sign to west side of City Hall parking lot entrance.



City Hall – Sign #9

- View of east bound Main Street traffic.



Hundley & S. LD Drive – Sign #12

- Council has concerns that proposed location doesn't afford enough visibility to EB Hundley traffic and SB S. LD Drive traffic



Hundley & S. LD Drive – Sign #12

- View of SB S. LD Drive traffic at intersection



Hundley & S. LD Drive – Sign #12

- Option 2 – Relocate sign to SW corner of Hundley and S. LD Drive
- No view for SB S. LD Drive vehicles.



Hundley & S. LD Drive – Sign #12

- Option 3 – Relocate sign to NW corner of Hundley and S. LD Drive.
- Increases visibility to SB S. LD Drive traffic.
- Removes visibility for EB Hundley traffic.



Hundley & S. LD Drive – Sign #12



QUESTIONS?



CITY COUNCIL
AGENDA MEMO

Prepared By: Mark Stone, Lieutenant of Police

June 10, 2021

Discussion of Proposed Pilot Program: Use of Drones by the Police Department

DESCRIPTION:

The Lake Dallas Police Department proposes to initiate a one-year pilot program and feasibility study regarding the use of drones to enhance public safety in the City of Lake Dallas. This pilot program would include the operational use of drones during special events and other instances as outlined below.

BACKGROUND INFORMATION:

Many Public Safety agencies have implemented Unmanned Aerial Systems (UAS), commonly known as "Drones", to enhance public safety in recent years. With recent advances in safety, technology and regulation, drones have proven themselves to be a safe, efficient, and low cost means of carrying out a variety of public safety functions that previously were manpower intensive, cost prohibitive, and often not possible.

By providing an overall live aerial view to personnel on the ground, drones can enhance a variety of public safety capabilities to include:

- Search and Rescue
- Recovery of Missing Children
- Damage and Hazard Assessment
- Crowd Control
- Traffic Control
- Accident Investigation
- Event Planning

While law enforcement criminal investigations can benefit from the use of drones, those operations must be conducted under strict legal constraints and are not the primary objective of this study.

Several metroplex agencies already have successful drone programs in place with proven track records. These agencies include Little Elm, The Colony, North Richland Hills, Farmers Branch, Allen, Flower Mound, Irving, Frisco, and Burleson.

FINANCIAL AND OTHER CONSIDERATIONS:

Our pilot program can be initiated with little to no cost to the City. The Police Department already owns a suitable drone, which was awarded as abandoned property. (This unit may require minor refurbishment such as batteries, etc.) Additionally, two members privately own suitable drones which they have volunteered to use in the program. We are currently investigating liability insurance costs and requirements through the Texas Municipal League.

Drones are regulated by the Federal Aviation Administration in all operations. As such the City will need to apply for a Certificate of Authority (COA) from the FAA. This is a relatively simple, no cost application which will allow us to conduct drone operations under specific flight rules suitable for a public entity. Attached is a sample letter certifying that we are a public entity, which will accompany our application. In addition to the Certificate of Authority, drone pilots will have to operate under the direct supervision of a person holding an FAA UAS Commercial Pilot's License. The Police Department has one member who currently holds that license, and another who is in the process of obtaining it.

RECOMMENDATIONS:

It is recommended that the Lake Dallas Police Department conduct a one-year pilot study to determine the feasibility and benefits of instituting a permanent drone program in Lake Dallas. It should be emphasized that the primary objective is to enhance the safety of the public. This pilot program will terminate on June 30th, 2022 at which time it will either become a permanent program, extended, or discontinued as the results dictate.

ATTACHMENT(S)

Public Entity Declaration for Certificate of Authorization.



212 Main Street · Lake Dallas, Texas 75065 · (940) 497-2226 · (940) 497-4485 Fax

Federal Aviation Administration
Air Traffic Manager
Unmanned Aircraft Tactical Operations, AJV-115
490 L'Enfant Plaza SW Suite 7105
Washington DC 20024

6/4/2021

Re: Certificate of Authorization for the City of Lake Dallas, Texas – Public Declaration Letter

Dear Sir/Madame:

I am the Interim City Manager for the City of Lake Dallas, TX. Police Department. The City is a Texas home-rule municipality and a political subdivision of the State of Texas. With reference to 49 U.S.C. 40125(a)(41)(c) and 49 U.S.C. 40125(b) the City is a duly incorporated political subdivision of the State of Texas, pursuant to Article XI, Section 5 of the Texas Constitution and Section 5.004 of the Texas Local Government Code. The City is located in Denton County, Texas. The City will not operate any drones for compensation or hire and as such, will only conduct Unmanned Aircraft Operations that meet the definition of 49 U.S.C. 40125(b).

If I may be of further assistance to you, or if any additional documentation is necessary, please do not hesitate to contact me at the address or phone number listed above.

Very truly yours,

Michael Wilson
Interim City Manager
Lake Dallas Police Department

cc: email to: 9-AJV-115Organization@faa.gov



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Mike Wilson, Interim City Manager

June 10, 2021

Lake Dallas City Manager Search

DESCRIPTION:

Receive a report, hold a discussion, and give staff direction regarding the City Manager search process.

BACKGROUND INFORMATION:

On March 18, 2021, the City of Lake Dallas entered into an agreement with the Lion Strategy Group (LSG) to perform the search process for City Manager for the City of Lake Dallas. The purpose of this discussion is to inform council of the process, discuss timelines, and solicit feedback.

RECOMMENDED MOTIONS:

No motion required.

ATTACHMENT(S):

- Proposed City Manager Job Description

REGULAR SESSION

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

The Lake Dallas City Council met in a regular called meeting on May 27, 2021, in the Lake Dallas City Hall, 212 Main Street, with notice of the meeting given, as required by Title 5, Chapter 551.041 of the Texas Government Code. Mayor-Tem Price called the meeting to order at 6:02 p.m.

1. Roll Call

Charlie Price
Megan Ray
Brian Bailey
Cheryl McClain
Adam Peabody

Mayor Pro-Tem
Councilmember 1
Councilmember 2
Councilmember 3
Councilmember 5

Absent: None

Staff Present: City Secretary Codi Delcambre, City Attorney Kevin Laughlin, Public Works Superintendent Layne Cline, Lt. Alan Sawyer, Director of Library Services Rachel Hadidi, Development Services Director Angie Manglaris, Community Development Coordinator Lancine Bentley, Interim Finance Director Jennifer Fung, Animal Services Director Cindy Uber, and Interim City Manager Mike Wilson.

Early Work Session

2. Clarification of Consent or General Items listed on Today's City Council Meeting Agenda for May 27, 2021.

Council reviewed the Consent or General Items listed on Today's City Council Meeting Agenda for May 27, 2021.

3. Receive a report, hold a discussion and provide staff direction regarding the initiation of a Yard of the Month campaign and on how to roll-out to the public.

Council received a presentation Hayden Scarnato regarding the initiation of a Yard of the Month campaign and on how to roll-out to the public. Council directed staff to move forward with Yard of the Month campaign.

4. Receive a report and hold a discussion regarding the status and priority of the reconstruction for Dobbs Road.

Council received an update from Public Work Superintendent Layne Cline regarding the status and priority of the reconstruction for Dobbs Road.

5. Receive a report, hold a discussion, and give staff direction regarding the Lake Cities 4th of July event.

Council received an update from Community Development Coordinator Lancine Bentley regarding the Lake Cities 4th of July event.

6. Receive a report, hold a discussion, and give staff direction regarding the replacement of the Mayor.

City Attorney Kevin Laughlin presented the options to Council on how to move forward with replacement of the mayor. Council decided to take application from resident who would like to serve as Mayor. The application will be posted for two weeks. The applicants will be interviewed at the June 24, 2021 City Council Meeting.

Open Session

1. Call to Order & Determination of Quorum.

Mayor-Tem Price called the meeting to order at 7:04 p.m.

2. Invocation and Pledges of Allegiance

Pastor Lucas Pinckard led the invocation and the pledges.

3. Announcements & Special Recognitions.

a. City Manager's Report

- Angie Manglaris received her AICP certification
- Recognize James McComick for cleaning up the front desk.
- Jordyn Wallace for helping a customer at the front counter sign up for benefits.

4. Citizen Agenda & Public Comments

Mayor Barnhart opened the Visitors/Citizens Agenda.

Andi Nolan of 510 Addison Street stated that the date on the July 4th banner doesn't make it clear that it's going to be held on July 3rd. She stated that we need to promote that it be held on July 3rd not the 4th.

5. Consider and Act on the Consent Agenda

- **Approval of the FY 2021 First Quarter Financial Report.**
- **Approval of minutes for the regular council meeting held on May 13, 2021.**
- **Consider on second reading a resolution authorizing a project of the Lake Dallas Community Development Corporation requiring an expenditure exceeding \$10,000 pursuant to Texas Local Government Code Section 505.158**

relating to the demolition of buildings located on various properties owned by the LDCDC.

- **Consider on second reading a resolution authorizing a project of the Lake Dallas Community Development Corporation requiring an expenditure exceeding \$10,000 pursuant to Texas Local Government Code Section 505.158 relating to the purchase of real property for future re-development.**
- **Consider and act on a resolution approving a funding agreement between the City and Community Development Corporation.**
- **Consider and Act on a Resolution awarding a contract to Daniel's Air. Co. and plumbing for the replacements of HVAC units and duct work at various facilities.**

Motion: to approve a consent agenda item 5A, 5B, 5C, 5D, 5E and 5F was made by Councilmember Ray and second by Councilmember Bailey.

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

Noes: None

Motion Passed 5-0.

6. **Consider and approve a resolution amending the authorized signatories on the City's financial institution accounts.**

Motion: to approve resolution amending the authorized signatories on the City's financial institution accounts was made by Councilmember Ray and second by Councilmember McClain.

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

Noes: None

Motion Passed 5-0.

7. **Consider and Act on a Resolution to participate in the Texas Cooperative Liquid Assets Securities System Trust (Texas CLASS).**

Motion: to approve a Resolution to participate in the Texas Cooperative Liquid Assets Securities System Trust (Texas CLASS) was made by Councilmember Ray and second by Councilmember Price.

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

Noes: None

Motion Passed 5-0.

8. **Consider and Act on a Resolution authorizing a contract with Pave It, Inc. to resurface and restripe the parking lots at City Park and City Hall.**

Motion: to approve a Resolution to participate in the Texas Cooperative Liquid Assets Securities System Trust (Texas CLASS) was made by Councilmember Ray and second by Councilmember McClain.

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

Noes: None

Motion Passed 5-0.

9. Consider and act upon a resolution for an interlocal cooperation agreement for consulting services to identify broadband service providers by and among the City of Corinth, the City of Lake Dallas, the Town of Hickory Creek, and the Town of Shady Shores.

Council acted on item 9 and 10 together.

10. Consider and act upon a resolution for an interlocal cooperation agreement for consulting services to evaluate broadband service providers by and among the City of Corinth, the City of Lake Dallas, the Town of Hickory Creek, and the Town of Shady Shores.

Motion: to approve a resolution for an interlocal cooperation agreement for consulting services to identify broadband service providers by and among the City of Corinth, the City of Lake Dallas, the Town of Hickory Creek, and the Town of Shady Shores and resolution for an interlocal cooperation agreement for consulting services to evaluate broadband service providers by and among the City of Corinth, the City of Lake Dallas, the Town of Hickory Creek, and the Town of Shady Shores was made by Councilmember Ray and second by Councilmember McClain.

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

Noes: None

Motion Passed 5-0.

11. Consider on first reading a resolution authorizing a project of the Lake Dallas Community Development Corporation requiring an expenditure exceeding \$10,000 pursuant to Texas Local Government Code Section 505.158 relating to the purchase of real property for future re-development.

Motion: to approve the first reading a resolution authorizing a project of the Lake Dallas Community Development Corporation requiring an expenditure exceeding \$10,000 pursuant to Texas Local Government Code Section 505.158 relating to the purchase of real property for future re-development was made by Councilmember Ray and second by Councilmember Bailey.

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

Noes: None

Motion Passed 5-0.

12. Mayor & Council Member Announcements

- Councilmember McClain- Security Camera
- Councilmember Peabody- Promotion of July 4th on the 3rd.
- Mayor Pro-Tem Price- Cell phone app

13. 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.

Council convened into Executive Session at 7:40 p.m.

- Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate the duties and responsibilities of the Interim City Manager.

Council reconvened into open session at 8:41 p.m.

14. Return to Open Session

No action taken.

15. Adjournment

Mayor Barnhart adjourned the meeting at 8:42 p.m.

Approved:

Charlie Price, Mayor Pro Tem

Attest:

Codi Delcambre, City Secretary



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Lancine Bentley, Community Development Coordinator

June 10, 2021

DESCRIPTION:

Consider on second reading a resolution authorizing a project of the Lake Dallas Community Development Corporation requiring an expenditure exceeding \$10,000 pursuant to Texas Local Government Code Section 505.158 relating to the purchase of real property for future re-development.

BACKGROUND INFORMATION:

The Lake Dallas Community Development Corporation (CDC) is a Type B Economic Development Corporation established by the City of Lake Dallas pursuant to the Development Corporation Act, Texas Local Government Code, Chapters 501-507, as amended (the "Act"). Specifically, the Corporation possesses the powers granted by Chapter 505, Texas Local Government Code. The CDC has determined that a program of purchasing small tracts of real property within the City at strategic locations for the purpose of consolidating those tracts into a larger parcel for redevelopment will promote new and expanded business enterprises within the City and constitutes a "project" in accordance with Section 505.158 of the Act.

The CDC has identified the property located at 1004 S. Stemmons Freeway as property that can be consolidated and redeveloped as described above, the purchase of which will be an eligible project expense as authorized by the Act. The CDC has been presented the opportunity to purchase this property at a reasonable price. The CDC has previously purchased the properties to the east located along S. Lake Dallas Drive, and presently has under contract to purchase the property to the north of 1004 S. Stemmons.

The "Act" requires that the CDC Board hold a public hearing on the expenditure of funds for the project. The CDC Board held the public hearing at a Special Called Meeting on May 25, 2021. The Board proceeded to approve a resolution authorizing an agreement to purchase the property located at 1004 S. Stemmons Freeway.

Section 505.158 of the Act requires the City Council approve by resolution, following two separate readings, projects performed by a Type B Economic Development Corporation pursuant

to Section 505.158 that requires an expenditure exceeding \$10,000. The CDC's purchase of the Property will require an expenditure exceeding \$10,000. The resolution presented this evening for consideration is the first reading.

FINANCIAL CONSIDERATION:

The purchase of the identified property will require an expenditure of approximately \$168,000 plus closing costs.

RECOMMENDED MOTIONS:

I move to **approve/deny** a resolution authorizing the Board of Directors of the Lake Dallas Community Development Corporation to proceed and take such action as deemed by the Board reasonable and necessary to conduct a project requiring an expenditure exceeding \$10,000 involving purchasing the property located at 1004 S. Stemmons Freeway, Lake Dallas, Texas, in an amount exceeding \$10,000.

ATTACHMENT(S):

1. Resolution

**CITY OF LAKE DALLAS TEXAS
RESOLUTION NO.05272021-36**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AUTHORIZING A PROJECT OF THE LAKE DALLAS COMMUNITY DEVELOPMENT CORPORATION REQUIRING AN EXPENDITURE EXCEEDING \$10,000 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 505.158 RELATING TO THE PURCHASE OF REAL PROPERTY FOR FUTURE RE-DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Lake Dallas Community Development Corporation (“the Corporation”) is a Type B Economic Development Corporation established by the City of Lake Dallas (“City”) pursuant to the Development Corporation Act, Texas Local Government Code, Chapters 501-507, as amended (the “Act”), specifically with the Corporation to possess the powers granted by Chapter 505, Texas Local Government Code; and

WHEREAS, City’s population is less than 20,000; and

WHEREAS, the Corporation’s Board of Directors (“the Board”) has determined that a program of purchasing small tracts of real property within the City at strategic locations for the purpose of consolidating those tracts into a larger parcel for redevelopment will promote new and expanded business enterprises within the City and constitutes a “project” in accordance with Section 505.158 of the Act (the “Project”); and

WHEREAS, the Board has identified the property located at 1004 S Stemmons Freeway as property that can be consolidated and redeveloped as described above, the purchase of which will be an eligible project expense as authorized by the Act; and

WHEREAS, the Board finds it to be in the best interest of the Corporation and the City and in furtherance of its purpose as Type B Economic Development Corporation to take the action necessary to purchase the above-identified property which will require an expenditure exceeding \$10,000; and

WHEREAS, Texas Local Government Code §505.158 requires the City Council to approve by resolution, following two separate readings, projects performed pursuant to said Section 505.158 that require an expenditure exceeding \$10,000; and

WHEREAS, the City Council of the City of Lake Dallas, Texas, finds it to be in the public interest to approve the proposed project;

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

SECTION 1. The Corporation is hereby authorized to proceed and take such action as it deems reasonable and necessary to conduct the Project including, but not limited to, purchasing the property located at 1004 S Stemmons, Lake Dallas, Texas, in an amount exceeding \$10,000.

SECTION 2. This Resolution shall be effective immediately upon its passage and it is accordingly so resolved.

PASSED AND APPROVED on FIRST READING this the 27th day of May 2021.

PASSED AND APPROVED on SECOND READING this the 10th day of June 2021.

APPROVED:

Charlie Price, Mayor Pro-Tem

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney



CITY COUNCIL
AGENDA MEMO

Prepared By: Angie Manglaris, Director of Development Services

June 10, 2021

Specific Use Permit – 411 Goliad

DESCRIPTION:

Conduct a public hearing and consider a Special Use Permit request to allow for the use “contractor’s shop/yard” for 3-H Concrete, a business to be located on a .44 acre tract of land, being located at Block A, Lot 1, Advantage Mechanical Addition, being located in the City of Lake Dallas, Denton County, Texas, the property is more commonly known as 411 Goliad Avenue (SUP-21-001).

EXISTING CONDITIONS:

The property, Lot 1, Block A, Advantage Mechanical Addition at 411 Goliad is zoned Retail (C-1) with a Downtown Overlay. The property owner and applicant, Mr. Joe Flowers, recently demolished an existing single-family home on the property. The home was used by the previous owners as office space. There remains a storage building on the property and several mature trees.

ADJACENT LAND USES AND ZONING:

North: Single-family Residence Zoned R-1-6000 with a Downtown Overlay

East: Goliad Right-of-Way

South: Betchan Right-of-Way and Z-Floor Zoned C-1

West: Alamo Right-of-Way

BACKGROUND INFORMATION:

411 Goliad has existed as an HVAC contractor’s office in the past and has recently been purchased by Mr. Joe Flowers to be used as 3-H Concrete’s professional office and contractor’s shop/yard. The site will be used for professional office space and material storage (note: per Code of Ordinances, all materials and equipment shall be screened from public view). The long-term plan for this site is to construct a facility that will be able to house 3-H concrete and have additional office space available for lease to commercial/retail businesses.

The use “contractor’s shop/yard’ is prohibited in the Downtown Overlay District. In April 2021, this site was considered as part of a Downtown Overlay Boundary Adjustment. At the City Council meeting, the site was not removed from the Downtown Overlay and Council indicated they would rather have the project submitted as a Special Use Permit application rather than removing the property from the Downtown Overlay District.

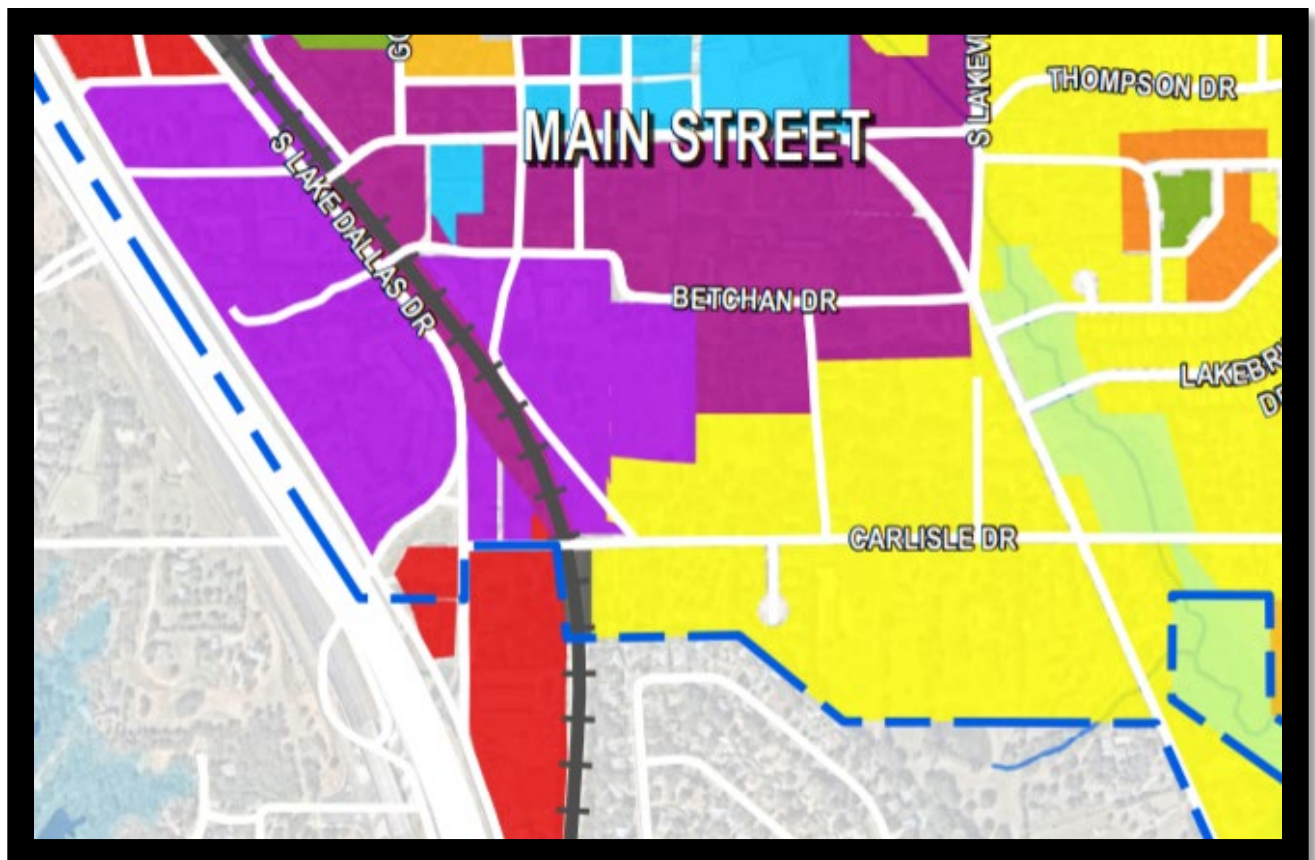
Following the meeting, Mr. Flowers submitted the application for a Special Use Permit for 411 Goliad to allow the use Contractor's Shop/Yard.

Special Use Permits (SUP) are a specific type of permit that is considered on a case-by-case basis. Rather than being allowed by right in a zoning district, these uses are reviewed in relation to surrounding land uses for compatibility. The Planning and Zoning Commission reviews the SUP application and makes a recommendation to City Council, who will then vote to approve or deny the use.

The City of Lake Dallas Code of Ordinances allows for the consideration of an SUP for any use not expressly allowed in a zoning district if deemed appropriate by City Council after recommendation by the Commission (Sec. 122-691 (19)).

CONFORMANCE WITH COMPREHENSIVE PLAN

Lake Dallas Vision 2030 Comprehensive Plan designates the area "Mixed-Use Development", which is intended to include a mixture of uses (vertically or horizontally) including residential, retail, commercial and office uses in a walkable setting.



PLANNING ANALYSIS

Land Use:

The intent of the SUP application is to allow for the land use “Contractor’s Shop/Storage at this location. The Zoning of the property will not be altered.

Traffic

This makes no change to existing permitted uses such that traffic is impacted.

Drainage

The proposed SUP does not result in a change in use of the property. At the time of site plan review, the drainage of the property will be reviewed for compliance with the Engineering and Design Standards Manual.

Regulatory Issues

Should the SUP application be approved, the next step in the project will be the submittal of the Site Plan Application. The site plan will encompass the lot configuration, drainage patterns, landscaping, parking, screening, and tree preservation. Per the Lake Dallas Municipal Code of Ordinances, site plans must be reviewed by the Planning and Zoning Commission and City Council for compliance prior to approval.

FINANCIAL CONSIDERATION:

None.

PLANNING AND ZONING COMMISSION RECCOMENDATION :

The City of Lake Dallas Planning and Zoning Commission considered this request at their May 20, 2021, regular meeting. Discussion was held and a motion was made to approve the Special Use Permit as presented. The motion was seconded and carried by a vote of four (4) in favor to none (0) opposed.

RECOMMENDED MOTION:

After conducting the public hearing, City staff recommends the following motion:

I move to recommend City Council **APPROVE/DENY** a Special Use Permit request to allow for the use “contractor’s shop/yard” for 3-H Concrete, a business to be located on a .44-acre tract of land, being located at Block A, Lot 1, Advantage Mechanical Addition, City of Lake Dallas, Denton County, Texas (SUP-21-001).

ATTACHMENTS:

- Draft Ordinance

**CITY OF LAKE DALLAS, TEXAS
ORDINANCE NO. 2021-_____**

AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LAKE DALLAS, TEXAS, AS HERETOFORE AMENDED BY GRANTING A SPECIAL USE PERMIT FOR A CONTRACTOR'S SHOP/YARD ON LOT 1, BLOCK A, ADVANTAGE MECHANICAL ADDITION, GENERALLY LOCATED AT 411 GOLIAD AND PRESENTLY ZONED AS C-1 COMMERCIAL RETAIL DISTRICT WITH THE DOWNTOWN OVERLAY DISTRICT; PROVIDING A CONFLICTS RESOLUTION CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR TERMINATION OF THIS ORDINANCE UNDER CERTAIN CONDITIONS.

WHEREAS, the Planning and Zoning Commission of the City of Lake Dallas and the governing body of the City of Lake Dallas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, have given requisite notice by publication and otherwise, and after holding due public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. The Comprehensive Zoning Ordinance and Map of the City of Lake Dallas, Texas, heretofore duly passed by the governing body of the City of Lake Dallas, as heretofore amended (collectively, the "Zoning Ordinance"), be, and the same are hereby amended by granting a Special Use Permit authorizing Lot 1, Block A, Advantage Mechanical Addition, an addition to the City of Lake Dallas, Texas, according to the plat thereof recorded as Document No. 2016-2233, Plat Records, Denton County, Texas ("the Property"), generally located at 411 Goliad, to be developed and used as a for Contractor's Shop/Yard subject to Section 2, below.

SECTION 2. The Property shall continue to be developed and used in accordance with the provisions of the Zoning Ordinance applicable to property located within the C-1 Commercial Retail District that is subject to the Downtown Overlay District ordinance; provided, however, if the Property is developed and use for a Contractor's Shop/Yard as authorized by Section 1, above, no such use shall commence until an amendment to this Ordinance has been enacted adopting a detailed site plan and such other conditions and regulations relating to the development and use of the Property for a Contractor's Shop/Yard.

SECTION 3. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Lake Dallas and the provisions of this ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 4. 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 Comprehensive Zoning Ordinance as a whole.

SECTION 5. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lake Dallas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. 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 provides.

SECTION 8. This Ordinance and the right to use and develop the Property for the purposes authorized by Sections 1 and 2, above, shall expire and terminate if:

- A. If on or before the second (2nd) anniversary of the effective date of this Ordinance (1) a detailed site plan for the Property has not been adopted in accordance with Section 2, above, and (2) a certificate of occupancy for the use of the Property as a Contractor's Shop/Yard has not been issued; or
- B. If, after commencement of the use of the Property for a Contractor's Shop/Yard, fire, windstorm, or other type of event causes substantial damage or destruction to the building located on the Property sufficient to prevent the building from being used for a Contractor's Shop/Yard, and reconstruction the building(s) on the Property is not completed and use of the Property for a Contractor's Shop/Yard has not recommenced on or before the last day of the 18th full calendar month after the date of the event that caused the damage or destruction.

PASSED AND APPROVED this ____ day of _____ 2021.

Mayor

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:5/17/21:122519)



CITY COUNCIL
AGENDA MEMO

Prepared By: Angie Manglaris, Director of Development Services

June 10, 2021

Planned Development - 440 Betchan Street

DESCRIPTION:

Conduct a public hearing and consider on a Zoning Change request for a ±2.752 acre tract of land situated in the M. Wright Survey, Abstract No. 1355, in the City of Lake Dallas, Denton County, Texas, and being all that certain tract of land conveyed to Thomas Edward Deeb recorded in Document Number 2015-8131 of the Real Property Records of Denton County, Texas, (R.P.R.D.C.T.) and being more particularly described; generally located at 440 Betchan Street from R-1-6000 Single Family (R-1-6000) to Planned Development Residential R-1-6000 (Case Z-21-003).

EXISTING CONDITIONS:

The property is zoned Residential R-1-6000. The subject tract is undeveloped and consists of open pasture with several mature trees on site.

ADJACENT LAND USES AND ZONING:

North: Betchan Street Right-of-Way

East: Single-family Residences zoned R-1-6000

South: Single-family Residence zoned R-1-6000

West: Undeveloped parcels zoned R-1-6000 and C-1 Retail

BACKGROUND INFORMATION:

The applicant, Mr. Paul Perry, has applied to rezone the front portion of 440 Betchan Street from Residential R-1-6000 to Planned Development R-1-6000. The lot is approximately 2.52 acres, the portion being considered for rezoning is along Betchan Street and is 1.39 acres. Mr. Perry is the owner of the property and intends to develop the lot with nine (9) residential homes and one (1) lot for detention/retention contingent upon the results of a detailed engineering study.

The proposed rezoning would change the zoning of the lot to Planned Development R-1-6000. The intent of the proposal is to construct craftsman-style, single-family homes on lots smaller than what is typically found in R-1-6000. The project will include a stub for future connectivity to the back portion of the property, which is to remain unimproved at this time. At the time of future development, the rear portion of the property will have access off Betchan Street.

The regulations proposed as part of the planned development compared to what is typically required in R-1-6000 are as follows:

	Existing R-1-6000 standards	Proposed PD regulations
Front yard	25 feet	20 feet
Side yards	5 feet	5 feet from side yard (10 feet separation between homes)
Rear yards	30 feet	10 feet
Minimum Lot Width	50 feet	35 feet
Minimum Lot Depth	100 feet	124 feet
Minimum Lot Area:	6,000 square feet	4,340 square feet
Minimum dwelling size	1,500 square feet	1,600 square feet

The intent of the development is to build Craftsman-Style homes along Betchan Street, the homes will be compatible with the design and character of homes constructed further east along Betchan Street. The applicant has included architectural requirements for the Planned Development that each home shall meet to achieve the desired aesthetics of the development. The applicant shall confirm at the time of building permit submittal that the proposed residences provide no less than four (4) of the architectural requirements:

- Corbels
- Gable pediments
- Craftsman-style front door
- Horizontal/staggered edge siding
- Carriage style garage doors accented with architectural windows
- Hardware, shutters on front elevation windows
- Front porch columns

CONFORMANCE WITH COMPREHENSIVE PLAN

The recently adopted Lake Dallas Vision 2030 Comprehensive Plan designates this area as a "Mixed-Use Development," which is intended to include a mixture of uses (vertically or horizontally) including residential, retail, commercial and office uses in a walkable setting. The proposed concept plan could be compatible with the future land use plan as sidewalks are installed and can provide linkages along Betchan and Main Street.



PLANNING ANALYSIS

Land Use:

The proposed project is compatible with a higher-density development that is typical of mixed-use areas as designated in the Future Land Use Plan. The proposed development would provide linkages to the Lake Dallas Downtown area as well as residences along Betchan Street, helping to create a walkable community environment.

The developer has indicated they are open to the installation of sidewalks as part of this development. Per Section 2.06 of the Lake Dallas Engineering and Design Standards Manual, sidewalks shall be constructed along all streets, in all zoning classifications, except in agriculturally zoned areas. The installation of sidewalks as part of this development would further advance the City's vision of having a walkable Downtown region.

Planned Development:

Per Article XV. Special Districts- Division 1. Planned Development of the Lake Dallas Code of Ordinances, Planned Developments are appropriate for lots an acre or greater in area and are intended for single or mixed uses, to encourage innovative subdivisions or site plans, and promote superior development that is compatible with existing land uses.

Traffic

The project is not large enough to require a traffic impact analysis.

Drainage

The property is situated in an area of minimal flood hazard. As part of the preliminary and final platting processes, the developer will be required to submit a detailed drainage study for review.

Regulatory Issues

The property will need to be platted in accordance with the Subdivision Ordinance and proposed Planned Development Regulations prior to any building permits being approved. As part of the final plat, the applicant will be required to procure an access easement to the back portion of the lot for future development to avoid creating a land-locked parcel of land.

At the time of preliminary plat, the applicant will be required to provide a detailed drainage study to City staff for review and confirmation that the proposed development is compliant with the City of Lake Dallas Code of Ordinances and Engineering and Design Standards Manual.

In accordance with Section 94-66 of the City of Lake Dallas Code of Ordinances, City staff suggests any motion for approval of the rezoning request include the stipulation the developer construct sidewalks along the frontage of Betchan at the time of development.

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.

Planning and Zoning Commission Recommendation:

The City of Lake Dallas Planning and Zoning Commission considered this request at their May 20, 2021, regular meeting. Discussion was held regarding the proposed development and a motion was made to approve the zoning change request as presented. The motion was seconded and carried by a vote of four (4) in favor to none (0) opposed.

Recommended Motion:

After conducting the public hearing, staff recommends Planning and Zoning Commission make the following motion:

I make a motion to **APPROVE/DENY** an ordinance amending the development and use regulations applicable to the property described as A1355A Wright Survey, TR 93 & 97, generally located at 440 Betchan Street Lake Dallas, Texas, by changing the zoning classification from Residential R-1-6000 to Planned Development Residential R-1-6000 and adopting a site plan and development regulations (Z-21-003).

Attachments:

- Draft Ordinance
- Applicant Proposal
- Applicant Draft Regulations
- Public Hearing Responses

CITY OF LAKE DALLAS, TEXAS

ORDINANCE NO. 2021 –

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 2.752± ACRES IN THE M. WRIGHT SURVEY NO. 1355 DESCRIBED IN EXHIBIT “A” HERETO, BY CHANGING THE ZONING FROM RESIDENTIAL R-1-6000 TO PLANNED DEVELOPMENT DISTRICT FOR RESIDENTIAL R-1-6000 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 2.752± acres out of the M. Wright Survey, Abstract No. 1355, City of Lake Dallas, Denton County, Texas, more particularly described and depicted in Exhibit “A” attached hereto and incorporated herein by reference (“the Property”), by changing the zoning from Residential R-1-6000 to Planned Development District for Residential R-1-6000 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-1-6000 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 lots developed and the Dwelling Units constructed on Tract 1 (as designated on the Site Plan) shall comply with the following development standards:

Minimum Lot Area	4,340 sq. ft.
Maximum Number of Lots	10
Minimum Lot Width ¹	35 feet
Minimum Lot Depth	124 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback (interior/corner)	5 feet; but with not less than 10-foot separation between dwelling units
Minimum Rear Yard Setback	10 feet
Minimum House Size	All homes shall exceed 1,600 square feet of air-conditioned living area.

D. Architectural Design. The architectural style of the main structures constructed on each lot within the Property shall be generally representative of the Craftsman-style building elevations set forth in Exhibit “C,” 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 is required.
- (2) Shutters, if installed, will be sized and shaped to match the associated openings.
- (3) Each dwelling unit must be designed and constructed with at least four (4) of the following architectural features:
 - (a) Corbels
 - (b) Gable pediments
 - (c) Craftsman-style front door
 - (d) Horizontal/staggered edge siding
 - (e) Carriage style garage doors accented with architectural windows
 - (f) Hardware, shutters on front elevation windows

(g) Front porch columns

- E. **Sidewalk.** With respect to each lot developed within the Property, prior to issuance of a certificate of occupancy or approval of the final inspection, whichever is applicable, for a dwelling unit constructed on a lot, construction of a five foot (5.0') wide sidewalk must be completed on the lot.
- F. **Development of Tract 2.** No permits for the construction of any public or private improvements shall be granted for the development of all or any portion of Tract 2 as designated on the Site Plan until development regulations and a detailed site plan setting forth the details of the development of Tract 2 have been approved as an amendment to this ordinance in the same manner as required for the adoption of zoning regulations.
- G. **Platting of the Property.** No plat for all or any portion the Property shall be approved unless such plat contains a dedication of a public street right-of-way that providing access to Tract 2 from Betchan Street that complies with the standards required by Chapter 94 of the Lake Dallas City Code, as amended. The minimum lot width set forth in Section 2.C. of this Ordinance does not apply to Tract 2.

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 ____ DAY OF _____ 2021.**

APPROVED:

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:5/13/21:121696)

**EXHIBIT A
DESCRIPTION OF THE PROPERTY**

Being a 2.752 acre tract of land situated in the M. Wright Survey, Abstract No. 1355, in the City of Lake Dallas, Denton County, Texas, and being all that certain tract of land conveyed to Thomas Edward Deeb recorded in Document Number 2015-8131 of the Real Property Records of Denton County, Texas, (R.P.R.D.C.T.) and being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod found at the Northeast corner of said Deeb 2.752 acre tract and being at an intersection of an East-West road commonly known as Betchan Street and a North-South road commonly known as Sargent Street;

THENCE South 04 degrees 37 minutes 23 seconds East, with the East line of Deeb 2.752 acre tract and the West right-of-way line of Sargent Street a distance of 124.55 feet to a 1/2" iron rod with red cap stamped Alliance found at a Southeast corner of Deeb 2.752 acre tract and being at a Northeast corner of Lot 1, Block A of Frank E. Barnard Addition recorded in Cabinet 2, Page 206 of the Plat Records of Denton County, Texas;

THENCE North 88 degrees 41 minutes 30 seconds West with a South line of Deeb 2.752 acre tract and a North line of Lot 1 of said addition a distance of 198.26 feet to a 1/2" iron rod with orange cap stamped 3941 set at a West edge of a square bois-d-arc fence post, said corner being at an ell corner of Deeb 2.752 acre tract and at a Northwest corner of Lot 1;

THENCE South 01 degrees 27 minutes 58 seconds East, with an East line of Deeb 2.752 acre tract and a West line of Lot 1 passing a 5/8" iron rod found at a distance of 67.00 feet and being east of said line continuing with an East line of Deeb 2.752 acre tract and a West line of Lots 2, 3 and 4 of Frank E. Barnard Addition a distance of 275.45 feet to a bois-d-arc fence post found at a Southeast corner of Deeb 2.752 acre tract and at a Southwest corner of Lot 4 of said addition, and being in a North line of a called 2.3756 acre tract conveyed to Stanley Lovelace and Carianne Lovelace recorded in Document Number 2017-100802 R.P.R.D.C.T.;

THENCE South 89 degrees 58 minutes 05 seconds West, with a South line of Deeb 2.752 acre tract and a North line of Lovelace 2.3756 acre tract and near a barbed wire fence line a distance of 207.57 feet to a point lying in a 36" pecan tree and being in a barbed wire fence intersection, said corner being at a Southwest corner of Deeb 2.752 acre tract and at a Northwest corner of Lovelace 2.3756 acre tract and in an East line of Lot 2-A of Gatlin Addition recorded in Document Number 20190220000221 R.P.R.D.C.T.;

THENCE North 00 degrees 56 minutes 28 seconds West, with a West line of Deeb 2.752 acre tract and an East line of Lot 2-A a distance of 284.88 feet to a flagged 2" metal chain link fence post found at an ell corner of Deeb 2.752 acre tract and at a Northeast corner of Lot 2-A;

THENCE North 89 degrees 44 minutes 38 seconds West, with a South line of Deeb 2.752 acre tract and a North line of Lot 2-A a distance of 94.38 feet to a 3/8" iron rod found in concrete next to a chain link fence intersection, said corner being at a Southwest corner of Deeb 2.752 acre tract and at a Southeast corner of Lot 3 of Bishop Addition, an addition recorded in Cabinet E, Page 23 of the Plat Records of Denton County, Texas;

Ordinance No. 2021-_____

**EXHIBIT A
DESCRIPTION OF THE PROPERTY**

THENCE North 00 degrees 25 minutes 12 seconds East, with a West line of Deeb 2.752 acre tract and an East line of Lot 3 of Bishop addition passing at a distance of 121.65 feet a 3/8" iron rod found in concrete next to a chain link fence turn, said corner being at a Northeast corner of Lot 3 continuing in all a total distance of 139.50 feet to a mag nail set at the Northwest corner of Deeb 2.752 acre tract and lying in Betchan Street and a South line of a called 1.171 acre tract conveyed to City of Lake Dallas recorded in Volume 743, Page 237 of the Deed Records of Denton County, Texas;

THENCE South 89 degrees 36 minutes 45 seconds East, with the North line of Deeb 2.752 acre tract and with the South line of City of Lake Dallas 1.171 acre tract and a called 0.9962 acre tract conveyed to Bob J. Cook recorded in Volume 4340, Page 1388 R.P.R.D.C.T. a distance of 94.12 feet to a mag nail within asphalt set at a Northeast ell corner of Deeb 2.752 acre tract;

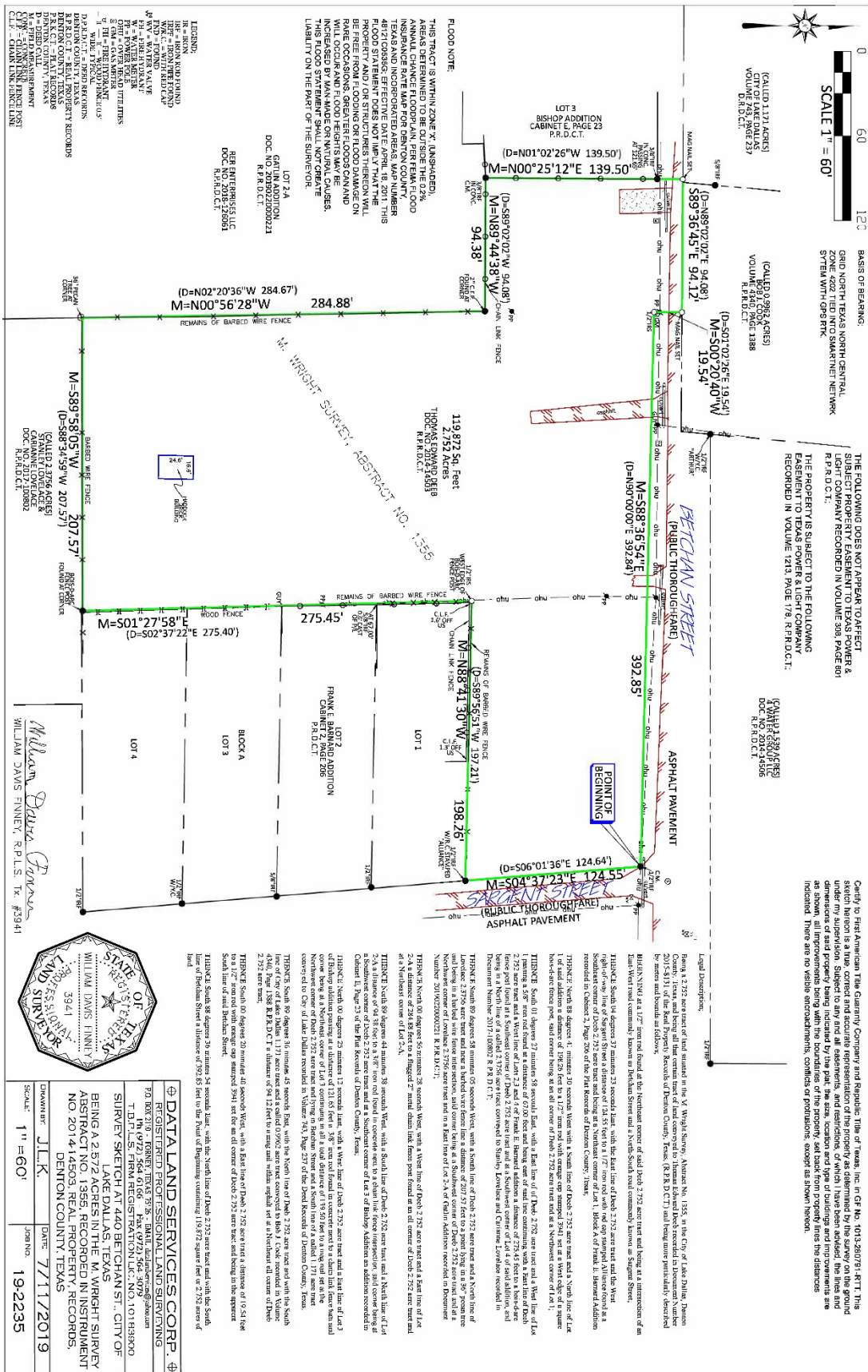
THENCE South 00 degrees 20 minutes 40 seconds West, with an East line of Deeb 2.752 acre tract a distance of 19.54 feet to a 1/2" iron rod with orange cap stamped 3941 set for an ell corner of Deeb 2.752 acre tract and being in the apparent South line of said Betchan Street;

THENCE South 88 degrees 36 minutes 54 seconds East, with the North line of Deeb 2.752 acre tract and with the South line of Betchan Street a distance of 392.85 feet to the Point of Beginning containing 119,872 square feet or 2.752 acres of land.

Ordinance No. 2021-_____

EXHIBIT A

DESCRIPTION OF THE PROPERTY





THENCE South 88 degrees 36 minutes
line of Betchan Street a distance of 392
land.

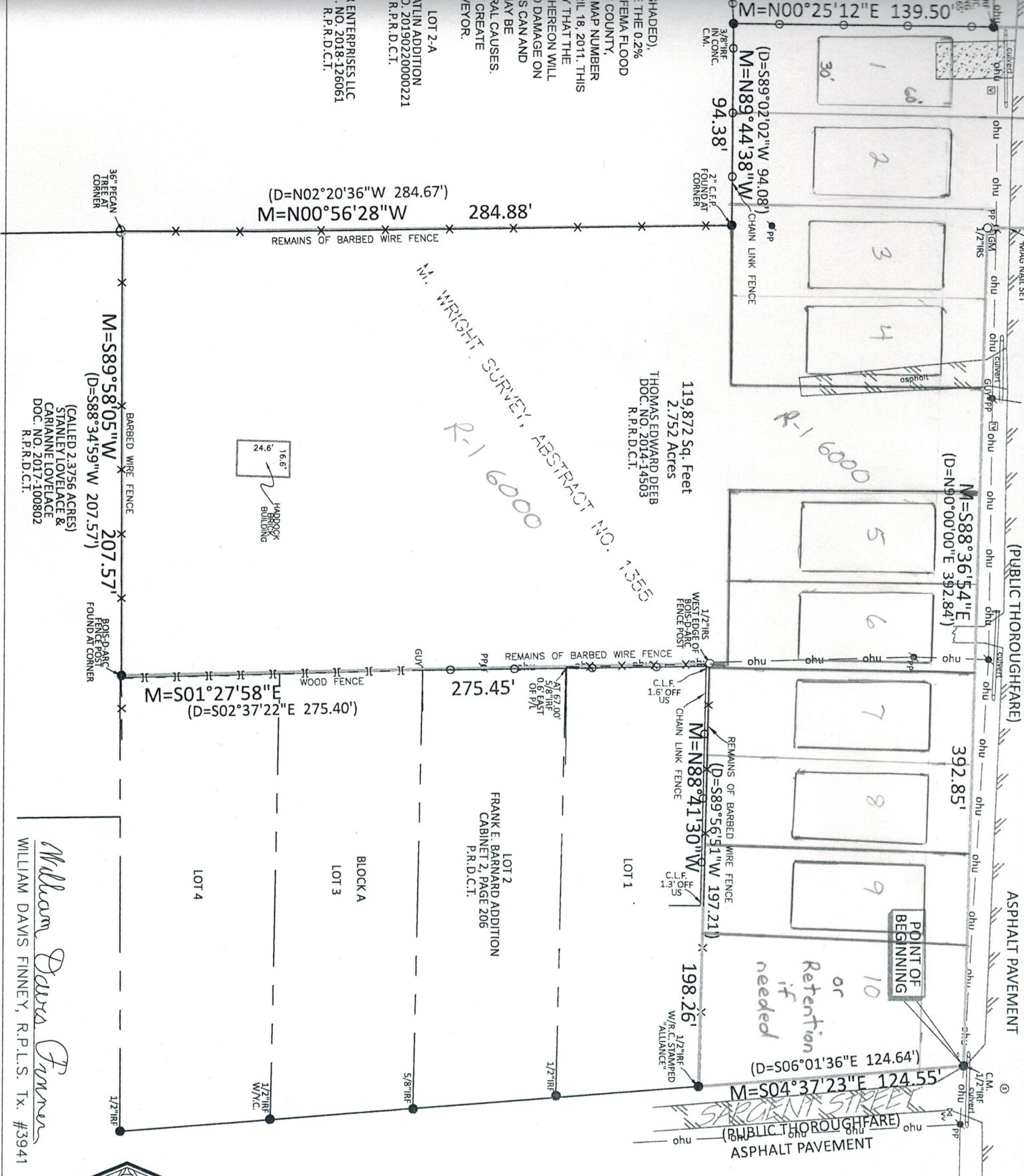
**EXHIBIT C
ELEVATIONS**



Ordinance No. 2021-____

**EXHIBIT C
ELEVATIONS**





County, Texas, and being all that certain 2015-8131 of the Real Property Record by metes and bounds as follows:
 BEGINNING at a 1/2" iron rod found East-West road commonly known as Bishop's Road, and being all that certain right-of-way line of Sargent Street at the Southeast corner of Deeb 2.752 acre tract recorded in Cabinet 2, Page 206 of the THENCE North 88 degrees 41 minutes 1 of said addition a distance of 198.26 bois-d-arc fence post, said corner being THENCE South 01 degrees 27 minutes 1 passing a 5/8" iron rod found at a distance of 2.752 acre tract and a West line of Lot 10 fence post found at a Southeast corner being in a North line of a called 2.3756 Document Number 2017-100802 R.P.R.D.C.T. THENCE South 89 degrees 56 minutes 2-A a distance of 284.88 feet to a Flagge at a Northeast corner of Lot 2-A; THENCE North 89 degrees 44 minutes 2-A a distance of 94.38 feet to a 3/8" iron rod found at a Northeast corner of Deeb 2.752 acre Cabinet E, Page 23 of the Plat Records THENCE North 00 degrees 25 minutes of Bishop addition passing at a distance corner being at a Northeast corner of L Northwest corner of Deeb 2.752 acre tract conveyed to City of Lake Dallas record THENCE South 89 degrees 36 minutes line of City of Lake Dallas 1.171 acre line 4340, Page 1388 R.P.R.D.C.T. a distance 2.752 acre tract; THENCE South 00 degrees 20 minutes to a 1/2" iron rod with orange cap stam South line of said Betchan Street; THENCE South 88 degrees 36 minutes line of Betchan Street a distance of 392 land.



Updated Date: 4-29-2021

From Applicant: Paul & Teresa Perry
2309 Creekeledge Court, Corinth, TX 76210

Regarding: Zoning Change Application for 440 Betchan Street:

Per the attached layout concept, we are proposing to plat 9-10 residential lots, with 10th lot potentially serving as retention or detention, pending a civil engineer design/study of the parcel to be considered for a PD.

The attached layout concept illustrates a section between lots 4 & 5 that would remain undeveloped and wide enough to accommodate a future paved street or a private drive to the remaining area to the rear, noted as R-1 6000 on the drawing. This rear section of land could be a future single family lot or a phase 2 PD with more single family residential lots similar in size to phase 1.

- Gross acreage of the lots along Betchan Street: 1.438 acres, 62,666 sq.ft
- Detention/retention for drainage if needed is speculated to be at the corner of Sargent & Betchan Street.
- If Detention/retention is not needed, this area will be used as another residential lot, lot 10.

Minimum Lot size:

Smallest width 40 ft
Smallest depth 124 ft
Minimum lot area 4960 sq. ft.

Setbacks:

Front 10 ft, (assuming 10-12 foot ROW, with approx. 25 foot driveway from road)
Side 5 ft min.
Rear 10 ft

Home minimum sq. ft.:

1600 HVAC

Maximum allowable lot coverage (impervious):

30x60 house footprint plus estimated driveway 25x16 = 2200 sq. ft. impervious max.

Landscaping Requirements:

8-10 shrubs, plus some flowers, at front elevation flower bed, 1 tree off to the side, given limited front elevation view.

Architectural Requirements:

Each home will be an architectural style described as Craftsman. The front elevations will incorporate 4 or more elements of the following: Corbels, gable pediments, Craftsman style front door, multiple Hardie/LP Smartside exterior surfaces including horizontal, staggered edge, & Board and Batten, Carriage style garage doors accented with architectural windows and hardware, shutters on front elevation windows, front porch columns if applicable that follow a Craftsman look.

Homes will be single family residential, with 2 car garage. They will be 1, 1.5 or 2 story or combination.

Sidewalks:

We are open to discussing installing a 5ft wide city sidewalk parallel to Betchan Street. However it should be noted that the current drainage ditches that are in place throughout Lake Dallas, are not conducive to city sidewalks. City sidewalks would end up being in an unusual location, far into homeowner's front yard. Additionally a city sidewalk on this parcel would be isolated. Each end would not tie into anything. Typical city sidewalks are seen when there are streets in place with curb & storm sewer/gutter construction.



212 Main Street · Lake Dallas, Texas 75065 · (940) 497-2226 · Fax (940) 497-4485
www.lakedallas.com · lakedallas@lakedallas.com

May 10, 2021

Dear Sir or Madam:

This letter is to inform you that a property owner in your area has requested approval to rezone their property from R-1-6000 Single Family Residential (R-1-6000) to Planned Development Residential R-1-6000 providing for development of nine (9) single-family residential homes. You are being notified by State law because you own one or more properties that are within 200 feet of the property for which this application has been requested.

Notice is hereby given that the City of Lake Dallas Planning and Zoning Commission will conduct a public hearing on May 20, 2021 at 7:00 p.m. and the Lake Dallas City Council will conduct a public hearing on June 10, 2021 at 7:00 p.m. to receive public comment and act on the following item:

1. A Zoning Change request for a ± 2.752 acre tract of land situated in the M. Wright Survey, Abstract No. 1355, in the City of Lake Dallas, Denton County, Texas, and being all that certain tract of land conveyed to Thomas Edward Deeb recorded in Document Number 2015-8131 of the Real Property Records of Denton County, Texas, (R.P.R.D.C.T.) and being more particularly described; generally located at 440 Betchan Street from R-1-6000 Single Family (R-1-6000) to Planned Development Residential R-1-6000 (Case Z-21-003).

By state law, if the owners of twenty percent (20%) of the area of the property within two hundred feet (200') of the subject property are opposed to the rezoning request permit application, then an affirmative vote of three-fourths of the City Council is required to approve the rezoning request permit application. For your opposition to count, it must be written and must be signed. Emails do not count as official written opposition. Signatures must be in accordance with the official tax roll for the City of Lake Dallas. For example, because Texas is a community property state, the tax roll typically lists both spouses as the owners of a residence. Therefore, individual original signatures from both spouses must be on the written opposition for the opposition to be valid. ***Please note that written opposition toward initiating the super-majority (three-fourths) vote shall only be applicable to property owners receiving notice within the two hundred-foot (200') distance in accordance with State law.*** The attached location map will indicate the subject property and two hundred-foot (200') notification buffer.

Both meetings will be at the Lake Dallas City Hall, 212 Main Street, Lake Dallas, Texas 75065. The public is invited to attend these hearings and make comments. Information and instructions on how to participate in the public hearings virtually will be included with the agendas for the respective Planning and Zoning and City Council Meetings which will be posted on the City's website not later than 5:00 p.m. on Monday, May 17, 2021, and Monday, June 7, 2021 at: <https://www.lakedallas.com/AgendaCenter>

You may return this form with your written comments or attend the public hearing virtually. Instructions on how to attend the public hearing can be found below. You may scan and email this form to the email address below, drop it off in person at 212 Main St., or mail it to City Hall:

Lake Dallas City Hall

Attn: Angie Manglaris

212 Main St.

Lake Dallas, Texas 75065

amanglaris@lakedallas.com

These forms are used to calculate the percentage of land that support and oppose the request within 200' of the subject property. The City Council and Planning and Zoning Commission are informed of the percent of responses in support and in opposition.

Please circle one:

In favor of request

Neutral to request

Opposed to request

Comments:

I opposed if the houses being built
because of my privacy and for the City
best interest. Thank u

Signature:

Sandra McCutcheon

Printed Name:

Sandra McCutcheon

Mailing Address:

317 Carlisle Dr.

City, State Zip:

Lake Dallas Tx 75065

Telephone Number:

940-577-2098

Physical Address of Property within 200 feet:

317 Carlisle Dr.

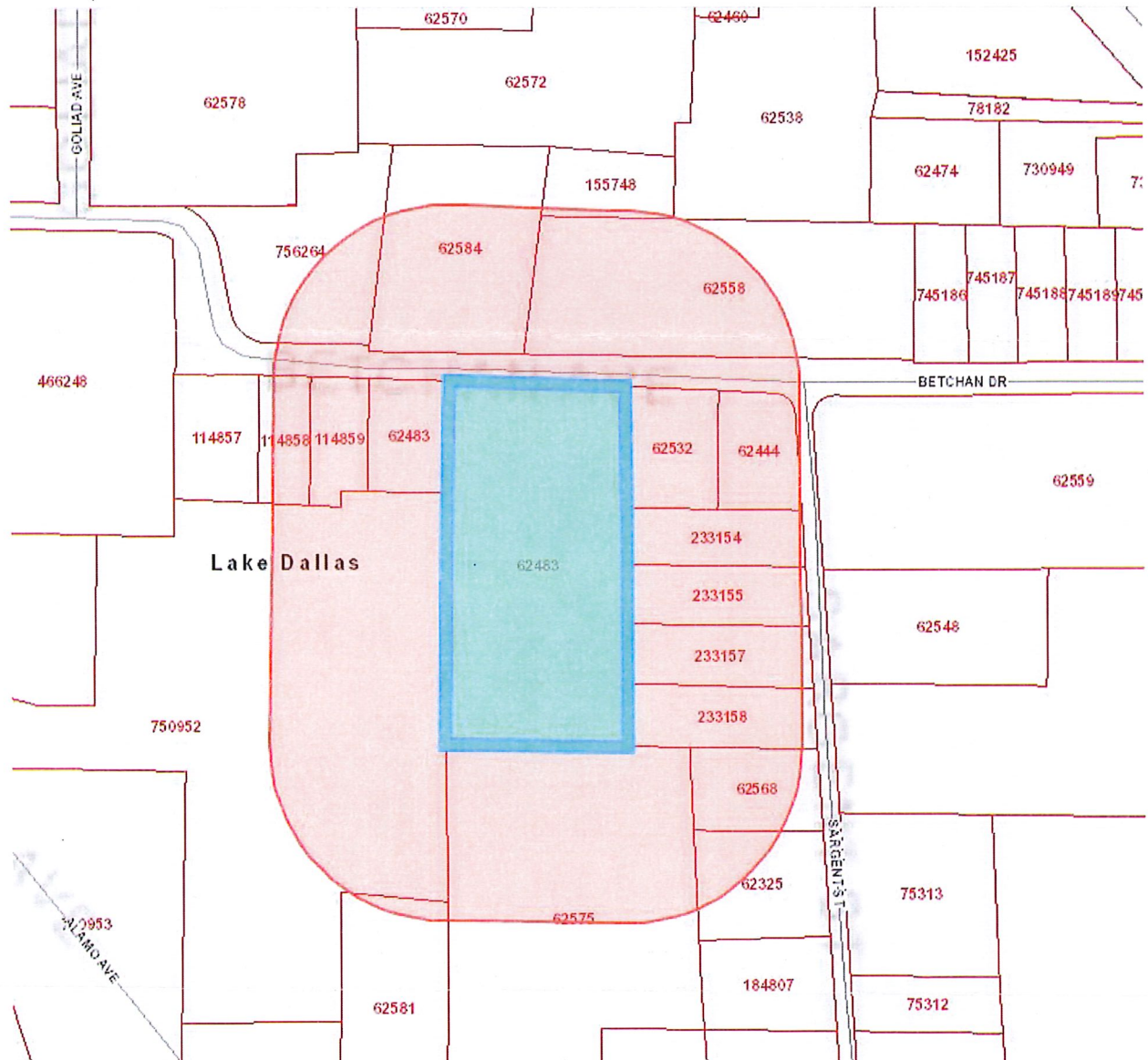
If you have questions prior to these meetings, please contact the Department of Development Services at (940) 497-2226, Ext. 401, or by email at amanglaris@lakedallas.com.

Thank you,

Angie Manglaris

Director of Development Services

Vicinity Map





212 Main Street · Lake Dallas, Texas 75065 · (940) 497-2226 · Fax (940) 497-4485
www.lakedallas.com · lakedallas@lakedallas.com

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Sandra McCutcheon

Printed Name:

Sandra McCutcheon

Mailing Address:

317 Carlisle Dr.

City, State Zip:

Lake Dallas Tx 75065

Telephone Number:

940-577-2098

Physical Address of Property within 200 feet:

317 Carlisle Dr.

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Thank you,

Angie Manglaris

Director of Development Services

Vicinity Map

