



City of Lake Dallas

City Council

Regular Meeting

City Hall

212 Main Street, Lake Dallas, TX 75065

Thursday, September 8, 2022, at 7:00 p.m.

EARLY WORK SESSION

City Council Chambers - 6:00 P.M.

- 1. Clarification of Consent or General Items listed on Today's City Council Meeting Agenda for September 8, 2022.**
- 2. Receive an update on the Denton County, Shady Shores Bridges Road project.**
- 3. Discuss modification of schedule for administrative office hours of operation.**
- 4. Receive a report and hold a discussion regarding minimum lot sizes required by the Zoning Ordinance.**

(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. Proclamation for Keep Lake Dallas Beautiful Governors Award

B. Proclamation for Eagle Scout Jeremy Durbin.

C. 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 on this agenda. In order to address the Council, a Public Meeting Appearance Card must be completed and presented 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 presentations 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 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. Consider and take appropriate action on the July 28, 2022, August 11, 2022 and August 25, 2022 City Council minutes.
- b. Consider and take appropriate action to excuse Mayor Nolan 's absence from the July 28, 2022, and August 25, 2022, regular meeting
- c. Consider an ordinance amending Lake Dallas Municipal Code Chapter 26- Business by adding Article VI "Smoke-Free Businesses", establishing regulations relating to smoking within certain businesses and other places within the City.

Section III – Planning & Development:

6. Consider a resolution approving a Site Plan for Lot 2-A, Block A, Gatlin Addition, generally located north of Carlisle Drive and east of the DCTA Rail Trail, relating to the development of 224 storage spaces for recreational vehicles.
7. Conduct a public hearing and consider an ordinance changing the zoning relating to the use and development of 24.414± acres in the H.H. Swisher Survey, Abst. No. 1220 and Nathaniel French Survey, Abst. No. 424; generally located northeast of the intersection of E. Swisher Road and North Shady Shored Road from “C-1” Retail to Planned Development No. 2022-01 for “R-3” Multi-Family and “C-1” Retail.

Section IV- General Items:

8. Consider and act on a Resolution supporting Denton County’s Transportation Road Improvement Program- 2022 (Trip -22).

Section VI – Elected Official Requested Items

9. 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 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 September 2, 2022, at 5:00 p.m.



Codi Delcambre
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: Layne Cline, Public Works Superintendent

September 9, 2022

Shady Shores Road Bridges Update

DESCRIPTION:

Receive a report and hold a discussion regarding a status update for the Denton County, Shady Shores Bridges Road project.

BACKGROUND INFORMATION:

The City of Lake Dallas has contributed \$700,000.00 for this project through the issuance of debt from Certificates of Obligation in 2019.

Staff attended a stakeholder meeting in March 2022, and discussed project updates, design, and scheduling.

John Polster with Innovative Transportation Solutions, Inc. will be in attendance to provide an project overview and update.

FINANCIAL CONSIDERATION:

None. Discussion Only.

RECOMMENDED MOTIONS:

None. Discussion Only.

ATTACHMENT(S):

1. Stakeholder Meeting Minutes
2. Project Schedule 3-29-22

MEETING MINUTES

To: All Attendees **Attendees:** Denton County/ITS:
From: Connor Guerrero
David Burkett John Polster
Barry Heard (Virtual)
Lisa Polster (Virtual)
Tina Massey (Virtual)
Robert White (Virtual)
Buz Elsom (Virtual)
Subject: Shady Shores Road
Stakeholder Meeting
Meeting Date: March 29, 2022 Town of Shady Shores:
Cindy Aughinbaugh
Richard Arvizu (B&B representing Shady
Shores)
Wendy Withers
Michael Nowels
Location: Shady Shores Town Hall/
Microsoft Teams
Minutes Date: April 1, 2022 City of Lake Dallas:
Layne Cline
Cheryl McClain
Kandace Lesley
Halff AVO: 36886
Court Order: 20-0566 TxDOT:
Rachel Twiggs (virtual)
Halff:
David Burkett
Connor Guerrero
Russell Marusak
Logan Arthur (Virtual)
Cara Rouvaldt (Virtual)
Levi Hein (Virtual)
Becky Franz (Virtual)

Item	Description
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	The purpose of this meeting was to inform stakeholders of the current status of the Shady Shores Road Project, the current design and the schedule moving forward.
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A. Project Status

1. Halff stated that design survey, Geotech borings and recommendations, and traffic analysis has been completed.
2. Halff explained that in coordination with TxDOT, the project limits shown on the schematic had been modified to only show the portion of the project which is to be federally funded and approved.

3. Halff recapped past discussions regarding the roadway design elevation, and that a roadway elevation that clears a 25-year flood is the design that was selected considering available funding and practicality.
4. Halff described the roadway, sidewalk and bridge typical section.
 - Halff explained that 14' wide shared use lanes are required by TxDOT to provide bicycle access.
5. Halff described and showed the areas where prescriptive right-of-way and temporary construction/grading easements would need to be acquired.
 - The Town of Shady Shores expressed concern that residents had already been getting calls from law offices regarding right-of-way being obtained from their property and wanted to confirm if property owners had been notified.
 - Denton County/ITS said it is common practice for lawyers to start contacting residents anytime there is a project in the vicinity.
 - Halff clarified that no right-of-way would be acquired that is not already part of the existing roadway footprint.
 - There has been no communication from the project team beyond the stakeholder/council meetings with the public at this point.
6. Halff gave an update on coordination with TxDOT. Halff has submitted a 60% schematic and received comments. The schematic itself has been resubmitted for approval to move forward with environmental (pending). Halff is currently working to update bridge layout sheets and prepare hydraulic reports for submittal to TxDOT in mid-April.
 - A copy of the 60% schematic should also be provide to the USACE Lake Office for review. This milestone serves as a good opportunity to move forward with USACE permitting.
7. Anticipated project construction costs are as follows
 - Federally funded project: \$16.8M
 - Non-federal project: \$7.2M
 - The Town of Shady Shores asked for clarification on what the non-federal project would contain.
 - Halff clarified that the non-federal project will be the same design typical section and be seamless with the federal project once constructed.
 - Timing of the non-federal project is dependent on the County bond program and coordinating the timing of construction with the federal project.
 - Halff said that project should be able to be built largely within the existing prescriptive right-of-way.

8. Halff gave an update on USACE Regulatory coordination (i.e. Section 404 permitting) and that it is not anticipated that USACE permitting be the critical path for getting to construction.

NOTE: At this point in the meeting, there was a temporary power outage and the TxDOT review status could not be provided by the task manager that was attending virtually. The attendees via Teams would not be reconnected for the rest of the meeting.

9. The following serves an update on Environmental coordination with TxDOT relative to the meeting agenda.
 - TxDOT environmental kick off meeting held on 3-8-2022.
 - The anticipated approval will be via a (d)(13) categorical exclusion.
 - Cultural resources will be coordinate through TxDOT review process. Once completed, it will be included as a required attachment for the Section 404 pre-construction notification.
 - Halff proposes coordinating de minimis Section 4(f) with the USACE Lake Office.
 - Public involvement documentation and public hearing needs are to be determined.

B. Schedule

1. Halff to move schedule to the top of the agenda in future meetings.
2. Halff gave an update on the schedule (attached) with an anticipated construction start date of March 2023 for the federal project.
3. There were questions about how long it would be until construction was finished, Halff said that they reasonably expect 18-24 months.
 - a. The Town of Shady Shores expressed concern about the roadway being closed for that long, or if the construction would be phased to allow partial access.
 - i. Halff explained that it will be necessary for the road to be shut down completely for bridge construction to be done as quickly as possible.
 - ii. It will be faster and cheaper for the construction sequence to not be dictated by the Engineer, and for the Contractor to do how they see fit; however, it is possible to include some sequencing requirements if the team decides to do so. This will be done later in project development.

C. Questions/Open Discussion

1. The Town of Shady Shores asked, have utility relocations have been planned?
 - a. Halff answered, SUE will not be completed until the next design phase (after schematic approval).

- b. Denton County/ITS asked that Halff get in contact with Mike Fairfield at Lake Cities Municipal Utility Authority (LCMUA) to get input on their planned relocations.
 - c. Franchise utilities in corridor are to be determined but do include fiber lines and possible power lines in addition to LCMUA lines.
2. The Town of Shady Shores asked if people will be prevented from fishing off bridges
 - a. Halff said that “no fishing” signs could be included during PS&E design.
 - b. The Town of Shady Shores asked if sidewalks could be constructed separate from bridge traffic even if it was funded separately.
 - c. This would be difficult due to the limited roadway easement and result in further impacts to USACE property.

Action Items

- Halff to provide 60% Schematic to USACE Lake Office.
- Halff/TxDOT to confirm (d)(13) categorical exclusion.
- Halff to get in touch with Mike Fairfield regarding utilities.
- Halff to get a summary of public engagement requirements for the project.

This concludes the Meeting Minutes. Our goal is to provide a complete and accurate summary of the proceedings of the subject meeting in these minutes. If you feel that any of the items listed above are not correct, or that any information is missing or incomplete, please contact Halff Associates so that the matter can be resolved, and a correction issued if necessary. These minutes will be assumed to be correct and accepted if we do not hear from you within ten (10) calendar days from your receipt.

PRELIMINARY ENGINEERING SERVICES SCHEDULE
SHADY SHORES ROAD PRELIMINARY DESIGN

TASK No.	TASK DESCRIPTION	Duration (Months)	2020				2021												2022												2023												2024																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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Critical Path



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Codi Delcambre, City Secretary

September 9, 2022

Lot Size

DESCRIPTION:

Receive a report and hold a discussion regarding minimum lot sizes required by the Zoning Ordinance.

BACKGROUND INFORMATION:

Councilmember Peabody has requested to have a discussion regarding lot size.

FINANCIAL CONSIDERATION:

None. Discussion Only.

RECOMMENDED MOTIONS:

None. Discussion Only.

ATTACHMENT(S):

None.

REGULAR SESSION



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Daniel Rusnak, Code Compliance Officer

Date: September 8, 2022

GOVERNOR'S AWARD OF EXCELLENCE PROCLAMATION

DESCRIPTION:

The intent of this agenda item is to promote the recognition of the Keep Lake Dallas Beautiful Committee and the City of Lake Dallas.

BACKGROUND INFORMATION:

The City of Lake Dallas and the Keep Lake Dallas Beautiful Committee are recipients of the prestigious Governor's Community Achievement Award of Excellence which is reserved for organizations which score 90 or higher in the application process. The City is one of only 57 in the State of Texas to receive this recognition.

FINANCIAL CONSIDERATION:

None

RECOMMENDED MOTIONS:

None

ATTACHMENT(S):

Proclamation



PROCLAMATION

RECOGNITION OF GOVERNOR'S COMMUNITY ACHIEVEMENT AWARD OF EXCELLENCE

WHEREAS, the City of Lake Dallas' environmental program was judged by Keep Texas Beautiful on achievements in seven areas including Community Leadership and Coordination, Public Awareness and Outreach, Environmental Education and Youth Engagement, Beautification and Community Improvement, Litter Prevention and Cleanup, Solid Waste Management, Litter Law and Illegal Dumping Enforcement, and

WHEREAS, The City of Lake Dallas' environmental program received a score of 90 out of possible 100, and

WHEREAS, The City of Lake Dallas is a SILVER star affiliate of the Keep Texas Beautiful program, and

WHEREAS, The City of Lake Dallas' staff, Board and Committee members and residents are actively engaged and committed to Keep Lake Dallas Beautiful

NOW THEREFORE, BE IT PROCLAIMED THAT, I, Andi Nolan, Mayor of the city of Lake Dallas, Denton County, Texas, do hereby recognize the Keep Lake Dallas Beautiful Committee for being awarded the 2022 GOVERNOR'S COMMUNITY ACHIEVEMENT AWARD OF EXCELLENCE for preserving a clean and beautiful environment in the great State of Texas to be enjoyed now and by future generations.

IN WITNESS WHEREOF, we hereto set our hands and cause the Seal of the city of Lake Dallas, Denton County, Texas to be affixed on September 8, 2022.

Andi Nolan, Mayor
City of Lake Dallas

Proclamation

by the

Mayor of the City of Lake Dallas, Texas

WHEREAS: the mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law, and

WHEREAS: the designation of Eagle Scout is the highest achievement in the Boy Scouting program, which was founded over 100 hundred years ago and only four percent of Boy Scouts are granted this distinguished rank, as each is required to earn at least 23 merit badges and demonstrate Scout Spirit, leadership, and service.

WHEREAS: Jeremy Durbin, a member of Boy Scout Troop 208, has completed the requirements, earned 27 badges, and was examined by the Eagle Scout Board of Review which found him worthy of the rank of Eagle Scout; and

WHEREAS: the Boy Scouts of America encourage Eagle Scout candidates to complete projects to improve their neighborhoods and communities, and;

WHEREAS: Jeremy's Eagle Scout project was to build four little libraries that where install at Community Park, City Park, River Oaks Park and S. Lakeshore Drive; and

WHEREAS: Jeremy Durbin serves as an example to the youth of our community through his high level of personal achievement, leadership and community service and has made the City of Lake Dallas very proud.

NOW, THEREFORE, I, Andi Nolan, Mayor of the City of Lake Dallas, do hereby recognize and congratulate Jeremy Durbin for his outstanding accomplishment and extend to him our appreciation for his dedication and hard work and wish him the best in his future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Lake Dallas, Texas to be affixed this the 8th day of September, 2022.

ANDI NOLAN, MAYOR

ATTEST:

CODI DELCAMBRE, CITY SECRETARY



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Codi Delcambre, City Secretary

September 8, 2022

Excusing Mayor's Nolan Absence

DESCRIPTION:

Consider and take appropriate action to excuse Mayor Nolan's absence from the July 28, 2022, and August 22, 2022, regular meeting.

BACKGROUND INFORMATION:

Lake Dallas Municipal Code Section 2.53 requires that the City Council take up the absense of a councilmember at the next regularly scheduled meeting following the absence and vote to determine if the absence is excused. Mayor Nolan's was on vacation and was absent from the July 28, 2022 and August 22, 2022 council meeting.

FINANCIAL IMPACT:

None

RECOMMENDED MOTIONS:

Motion to approve or deny Mayor Nolan's absence from the July 28, 2022, and August 22, 2022, regular meeting.

ATTACHMENT(S):

None



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Kandace Lesley, City Manager

Date: September 8, 2022

Smoke-Free Businesses Ordinance

DESCRIPTION:

The intent of this agenda item is to hold discussion and act on amending Chapter 22. "Businesses" by adding Article VI. "Smoke-Free Businesses."

BACKGROUND INFORMATION:

A few business owners approached the city requesting the City Council adopt a smoke-free regulation for all businesses located in city limits.

FINANCIAL CONSIDERATION:

Although enforcement does have a personnel cost related to it, this ordinance calls for a fine not to exceed \$2,000/violation/day of violation.

RECOMMENDED MOTIONS:

I move to Approve/Deny an ordinance amending Chapter 22. "Businesses" of the Lake Dallas Municipal Code by adding Article VI. "Smoke-Free Businesses."

ATTACHMENT(S):

Draft ordinance.

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**CITY OF LAKE DALLAS, TEXAS
ORDINANCE NO. 2022-_____**

**AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS,
AMENDING THE LAKE DALLAS MUNICIPAL CODE BY AMENDING
“CHAPTER 26 – BUSINESSES” TO ADD ARTICLE VI. “SMOKE-FREE
BUSINESSES,” ESTABLISHING A REGULATION FOR SMOKE-FREE
BUSINESSES AND RELATED OPERATIONS; PROVIDING A
SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT
TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00);
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, a report of the Surgeon General, “How Tobacco Smoke Causes Disease,” contends that “there is no safe level of exposure to tobacco smoke” and that tobacco smoke is linked to disease and death (<https://www.cdc.gov/tobacco/sgr/2010/pdfs/key-findings.pdf>) ; and

WHEREAS, Chapter 121 Texas Health and Safety Code, provides authority to municipalities to enforce laws and rules that protect public health and ensure safety in accordance with those laws and rules; and

WHEREAS, the City Council of the City of Lake Dallas, Texas, has determined it would be beneficial to the citizens, businesses and workers of those businesses within City limits to promote public health, safety and welfare by adopting a Smoke-Free Business Act; and

WHEREAS, the City Council hereby adopts the Act and incorporates it herein in its entirety for all purposes; and

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

SECTION 1. Chapter 26. “Businesses” of the Lake Dallas Municipal Code is amended by adding Article VI., “Smoke-Free Businesses” to read as follows:

ARTICLE VI. SMOKE-FREE BUSINESSES

Sec. 26-200. - Purpose.

Per the Texas Department of State Health Services, “Studies continue to demonstrate exposure to secondhand smoke (SHS) is causally linked to cancer and other serious health consequences among children and adults. Placing restrictions on smoking in public places is a key strategy to limit the public's exposure to SHS (<http://shsordinances.uh.edu/>)” The purpose of this article is to require local businesses, whether public or private membership, to set a standard for public health by establishing a smoke-free operation for all patrons, vendors and/or employees.

Sec. 26-201. – Definitions.

As used in this article, the following words and phrases shall have the following meanings:

"Bar" means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. A "bar" includes those facilities located within a hotel, motel or other similar transient occupancy establishment.

"Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making or not-for-profit purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

"Electronic vaping device" means any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides, or is manufactured or intended to provide, a vapor of liquid nicotine and/or other substances mixed with propylene glycol and/or other substances delivered or deliverable to the user that the user can inhale in simulation of smoking. This term shall include every version and type of such devices whether they are manufactured or marketed as electronic cigarettes, e-cigarettes, electronic cigars, e-cigars, electronic pipes, e-pipes, electronic hookahs, e-hookahs or under any other product name or design.

"Electronic vaping liquid" also known as "e-juice" and "e-liquid" shall mean any liquid product composed of propylene glycol or other carrier solvent and may contain nicotine and/or any other substance and manufactured for the use with electronic vaping devices.

"Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

"Employer" means any person, partnership, corporation, including a municipal corporation, or nonprofit entity, which employs the services of one (1) or more individual persons.

"Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by walls, windows, or other barrier (exclusive of door or passageways) which extend from the floor to the ceiling.

"Food establishment" means food product or food service establishments as defined in Sec. 54-31 of this Code.

"Minor" means a person younger than eighteen (18) years of age.

"Open display unit" means any device, furniture or furnishing within or upon which electronic vaping devices are displayed to customers, and includes, but is not limited to, any case, rack, shelf, counter, table, desk, kiosk, booth, stand, vending machine and other surface.

"Place of employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a childcare, adult day care or health care facility.

"Possession" means actual care, custody, control or management.

"Private place" means any enclosed area to which the public is not invited or in which the public is not permitted, including, but not limited to, personal or private residences, private social clubs, and personal automobiles.

"Public place" means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks; educational facilities; health facilities; laundromats; public transportation facilities; reception areas; production and marketing establishments; retail service establishments; retail stores; theaters and waiting rooms.

"Retail electronic vaping store" means a retail store utilized primarily for the sale of electronic vaping devices, accessories, and/or electronic vaping liquid or any other article or product that is for use in an electronic vaping device and in which the sale of other products is merely incidental.

"Retail store" means an establishment whose purpose is to offer for sale and sell to consumers, not for resale, goods, wares, merchandise and food, which items are purchased for use and/or consumption off premises, including but not limited to, supermarkets, convenience stores, drug stores, and warehouse stores.

"Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

"Retailer" means a person who engages in the practice of selling electronic vaping devices to consumers in a retail store, retail electronic vaping store, or retail tobacco store.

"Service line" means any indoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

"Smoking" or "smoke" means inhaling, exhaling, burning, possessing, or carrying any lighted cigar, cigarette, pipe, weed, plant or combustible substance in any manner or in any form and/or vaping or the use of any electronic vaping device.

"Sports arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

"Tobacco product" means a cigarette; a cigar; an electronic vaping device; smoking tobacco, including granulated, plug-cut, crimp-cut, ready rubbed and any form of tobacco suitable for smoking in a pipe or as a cigarette; chewing tobacco, including plug, scrap, and any kind of tobacco suitable for chewing, snuff or other preparations of pulverized tobacco; nicotine product; dissolvable nicotine; electronic vaping liquid; or any other article or product that is for use in an electronic vaping device.

"Vaping" means inhaling or exhaling vapors of electronic vaping liquid from an electronic vaping device.

Sec. 26-202. - Places Where Smoking and Vaping Are Prohibited.

Smoking is prohibited in all enclosed public places and enclosed places of employment within the city, including, but not limited to, the following places:

- (1) Elevators;
- (2) Restrooms, lobbies, reception areas, hallways and any other common-use areas;
- (3) Buses, bus terminals, taxicabs, train stations, airports and other facilities and means of public transit, as well as ticket, boarding, and waiting areas of public transit depots;
- (4) Service lines;
- (5) Retail stores;
- (6) All areas available to and customarily used by the general public in all businesses, including but not limited to, attorneys' offices and other offices, banks, laundromats and country and/or private clubs;
- (7) Enclosed facilities within a place of employment;
- (8) Food establishments, nightclubs and bars;

- (9) Galleries, libraries, museums, zoo facilities and their grounds;
- (10) Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance except when smoking is a part of a theatrical performance upon a stage or in the course of a film or television production and smoking is part of the performance or production;
- (11) Sports arenas and convention halls, including bowling and billiard facilities;
- (12) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
- (13) Waiting rooms, hallways, wards, private and semiprivate rooms of physical and mental health facilities, including, but not limited to, clinics, physical therapy facilities, doctors' offices, wellness centers, and dentists' offices;
- (14) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (15) Polling places;
- (16) Bingo games/parlors;
- (17) Hotels and motels, including at least ninety (90) percent of rooms rented to guests;
- (18) Within twenty-five (25) feet of any door, operable window/vent or other opening to an indoor enclosed area.

Sec. 26-203. - Places Where Smoking and Vaping Are Not Prohibited.

Notwithstanding any other provision of this article to the contrary, smoking is not prohibited in the following places:

- (1) Private residences, except when used as a child day care, adult day care or household care facility;

- (2) Personal automobiles;
- (3) Not more than ten (10) percent of hotel and motel rooms rented to guests and designated as smoking rooms provided that:
 - (i) All smoking rooms on the same floor must be contiguous; and
 - (ii) Smoke from these rooms must not infiltrate into areas where smoking is prohibited under provisions of this article; and
- (4) Outdoor places of employment except within twenty-five (25) feet of any door, operable window/vent or other opening to an enclosed area.

Sec. 26-204. - Posting of Signs.

- (a) The owner, manager or other person having control of a building or premise where smoking is prohibited by this article shall post or install a sign clearly stating "no smoking" conspicuously at each public, employee, delivery and restroom entrance of the building or premise.
- (b) "No Smoking" signs required by this section shall have bold lettering of not less than one (1) inch in height. The international "No Smoking" symbol may also be used (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with red bar across it).
- (c) Any owner, manager, or other person having control of any establishment regulated by this article shall be responsible for posting or installing the signs required by this section.

Sec. 26-205. - Enforcement.

- (a) Enforcement of this article shall be implemented by a Code Enforcement Official and/or a designee by the city manager through issuance of a citation.
- (b) Any person may register a complaint under this chapter to initiate enforcement with the City.
- (c) The owner, manager, operator, or person-in-charge of any establishment regulated by this article shall:
 - (1) Post signs in accordance with section 26-204 of this article; and
 - (2) Not provide ashtrays, matches, lighters or other smoking related paraphernalia in a regulated premise; and

- (3) Advise a person who violates this article that smoking is not allowed in the place; and
- (4) Request a person leave the location after that person has been advised that smoking is not allowed, and that person willfully continues to smoke.

SECTION 2. All provisions of the ordinances of the City of Lake Dallas 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 of Lake Dallas not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. 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 Code of Ordinances as a whole.

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. 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 Lake Dallas Municipal Code as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

SECTION 6. This ordinance shall take effect on January 1, 2023, after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS,
ON THE 8TH DAY OF SEPTEMBER 2022.**

APPROVED:

Andi Nolan, Mayor

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:9/1/2022:131312)



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Eric Wilhite, AICP, Consulting Planner

September 8, 2022

**Planned Development For R-3 Multi-Family Residential and C-1 Retail –
H.H. Swisher Survey Abst. No. 1220 & Nathaniel French Survey's, Abst. No. 424**

DESCRIPTION

Conduct a public hearing and consider an ordinance amending the regulations relating to the use and development of 24.414 acres out of the H.H. Swisher Survey, Abstract No. 1220 and Nathaniel French Survey, Abstract No. 424, generally located northeast of the intersection of E. Swisher Road and North Shady Shored Road by changing the zoning from "C-1" Retail to PD - Planned Development District for R-3 Multi-Family Residence and C-1 Retail.

EXISTING CONDITIONS

The property is zoned C-1 Retail and is currently undeveloped land consisting of open pasture with clusters of mature trees in spots of site and along the edges. The property is not within the 100-year floodplain.

ADJACENT LAND USES

North: Manufacture Housing – R-1-4000

East: Single-family residences zoned R-1-7200/PD and C-1 Recreation and Sports Faculty.

South: Apartments R-3/PD

West: Single-family residence zoned R-1-10000

BACKGROUND INFORMATION

The applicant is Charlsie Boliver Rev. Trust, pursuant to an application submitted by Mr. Mathias Haubert of Bohler, request establishment of a Planned Development to allow a mixed-use development to include multifamily and commercial/retail. The Planned Development Narrative submitted by the applicant describes the PD development standards as generally indicated on the concept development plan. development standards and guidelines that will be followed at formal site development plan stage.

The applicant has included a concept site plan with the application. This site plan is for illustrative concept purposes only and has not been reviewed for conformance to the provided project narrative.

PLANNING ANALYSIS

The applicant proposes developing the property into two tracts for purposes of establishing the base zoning to be applied. One tract containing approximately 6 acres is proposed to have a base zoning of C-

1 Retail. An approximately 16 acre tract with have a base zoning of R-3 Multifamily residential. With respect to the R-3 Tract, the primary deviation from the R-3 development standards being requested relate to the off-street parking requirements and overall density for the R-3 Tract. The applicant is requested development of the R-3 Tract with 2.0 parking spaces per dwelling unit. R-3 District provides for 2.5 parking spaces per dwelling unit. With respect to density, the basic R-3 multi-family zoning district permits up to 18 dwelling units (DU) per acre. The applicant proposes establishing a density of 24 DU per acre, a 33% higher density than the base R-3 zoning.

Primary access for both the retail and multi-family is proposed from four drives off East Swisher Road. These access points will require additional review. The development site circulation proposes to maintain shared access and have screening as needed, but maintain continuity and connective as possible, to maintain a mixed-use feel. With further evaluation of site, it may be deemed a Traffic Impact Assessment (TIA) may be required. If the TIA determines a deceleration lane or similar traffic considerations are required, the site plan may be altered.

The permitted uses will be consistent with those established in current City Code.

RECOMMENDATION

After conducting the public hearing, The Planning and Zoning Commission recommended approval by a 5-0 vote with the condition as stated.

Recommend City Council **APPROVE/DENY** the Planned Development Narrative for zoning of approximately 22-acre project located on HH Swisher Survey, Abstract No. 1220 and Nathaniel French Survey with the following conditions:

1. Final Detailed PD Site Plan to follow zoning of Planned Development.

ATTACHMENTS:

1. DCAD Areal indicating subject property;
2. Applicant's Planned Development Narrative;
3. Applicant's proposed PD Development Standards;
4. Concept PD Site Plan;
5. Subject Tract Exhibits.
6. Draft Ordinance

Project Narrative For a Zoning Change Application

**Submitted on behalf of:
Charlsie Boliver Rev. Trust
508 N Shady Shores Rd
Lake Dallas, TX 75065
Ms. Barbara Garrison
940-390-0191**

**Submitted to:

The City of Lake Dallas, Texas
Planning and Zoning
212 Main Street
Lake Dallas, TX 75065**

July 12, 2022

Charlsie Boliver Rev. Trust is pleased to submit this Project Narrative statement along with our application to The City of Lake Dallas in support of a Zoning Change application, by means of a Planned Development. This application, if approved, will allow for the development of a mixed use development consisting of commercial uses and residential multifamily uses on approximately 22 acres, located northeast of the intersection of E Swisher Rd and N Shady Shored Rd.

The project parcel is currently zoned C-1 retail which allows for dense commercial consisting of heavy retail, large grocery stores, and busy medical offices on an already busy street, being Swisher Rd. While the future land use map does include this parcel as Neighborhood retail, there was a large shift away from big box, large scale retail developments of this nature. Big box retailers that can develop 22 acres have either slowed or halted developing new stores in recent years – that was even a pre-pandemic trend. With that decrease in large retail power centers has created an increase in mixed use developments. The mixed use developments are able to create a self-sufficient product, where the retail keeps residential occupancy rates high, and the high occupancy rates keep the retail with a steady customer base. The adjacent retail also helps attract a better quality of tenants, and potentially higher rents as well.

The Planned Development proposes an approximately 6 acre tract with base zoning of C-1 and an approximately 16 acre tract with base zoning of R-3. Based on the results of the citizen input on the 2018 City Comprehensive plan, a large portion of residents thought that pursuing retail should be a priority, both for the residents of Lake Dallas benefit and to be a leading community in Denton County. The benefit of the mixed use development is that the retail typically gets developed faster than if it were stand-alone retail. There will be cost sharing for items like access, utilities, and infrastructure that can help expedite retail construction, but also attract tenants from an earlier stage in the development process. The retail, and development as a whole, also stabilizes quicker since it has the permanent resident base next door. For these reasons, we feel that the Planned Development will assist in addressing resident concerns.

The proposed PD standards establish the City of Lake Dallas standard zoning code where applicable. The two base zoning districts for each tract do not include any additional permitted uses compared to the standard zoning ordinance. Since this is a true mixed use development, our project team truly believes that it should be zoned together rather than through straight zoning. Once the development gets dissected or separated, it tends to lose its mixed use feel and agenda. The Planned Development also allows standards for shared access and screening to be implemented for the development as a whole. The Planned Development will still contain two separate tracts – an approximately 6 acre tract with base zoning of C-1 and an approximately 16 acre tract with base zoning of R-3.

The development will abut a single family residential district to the west, as well as a manufactured home community to the north. The Planned Development standards presented include screening per the zoning ordinance. Any screening walls are proposed to be opaque so that noise, vehicle headlights, and general visibility are limited.

Similar to the self-sufficient nature of the retail and multifamily, the retail does act as an amenity for residents of the residential community. The retail will provide walkable opportunities for residents to

utilize. Even though the retail is on a different tract, this is where the mixed use nature provides benefits to the overall development. This adjacency plus the desire to amenitize the detention pond will achieve the residential open space limits.

The residential tract does contain an increase in residential density, but is similar to other mixed use developments in that regard. The proposed density is based on market research and market demand. The success of the Planned Development hinges on a balance of residential and retail, and the proposed development standards are based on past successes and experiences. Any successful development requires people to flourish, which is what the proposed density allows. With a larger density, certain features are able to be upgraded throughout the community. Larger and nicer amenities, common spaces, and interior finishes are a few examples that are typically able to be enhanced with a larger community. With a lower density, these items are often the first to be removed.

Our team strongly believes that the mixed use zoning changes sought offer a sustainable and stable development for years to come, while still addressing the City resident's request for additional retail. The entire development team looks forward to working with The City of Lake Dallas to make this vision for the parcel a reality, and we respectfully request support of this Zoning Change Request.

Respectfully,

Mathias Haubert, P.E.
Bohler Engineering



Exhibit C

Planned Development Standards

A. BASE ZONING DISTRICT:

1. The portion of the Property shown as Tract 1 shall be developed in accordance with the “C-1” commercial district regulations except as provided herein.
2. The portion of the Property shown as Tract 2 shall be developed in accordance with the “R-3” Multifamily Residence District regulations except as provided herein.

B. SCREENING/FENCING:

1. All screening and fencing in the planned development shall conform to the following specifications:
 - i. A 6-foot tall screening wall shall be provided between multifamily districts and adjacent residential and non-residential districts.
 - ii. All screening walls shall be opaque in nature and may conform with screening alternates as stated in the city zoning ordinance.

C. LANDSCAPING & BUFFERS:

1. All property lines within the development shall have the following landscaped screening as follows:
 - i. Perimeter landscape adjacent to the right of way areas shall have at least 1 tree for every 50 lineal feet of perimeter area.
 - ii. Tree plantings shall be provided at a rate of 1 tree per every 400 square feet of interior landscape area.
 - iii. Landscape buffer
 - a) A 15-foot landscape buffer shall be provided between off-street parking areas and the abutting right-of-way.
 - b) A 10-foot landscape buffer shall be provided where an off-street parking area abuts an adjacent property line. This buffer may be waived provided that an opaque screening wall is installed on said property

line. In the event no screening wall is present, the 10' buffer shall be honored.

D. LOT USE REGULATIONS:

1. Use regulations shall be in accordance with "C-1" Commercial District for Tract 1, subject to the following conditions:
 - i. Access between Developments
 - a) Prior to approval of any plat subdividing the Property, mutual cross-access for vehicular and pedestrian movement over and across all Tracts within the PD shall be granted between and among the respective owner(s) of each Tract or portion thereof.
 - ii. Maximum building height
 - a) Buildings shall not exceed 3 stories or be greater than 50 feet in height.
 - iii. Signage
 - a) Maximum monument signage area shall be 60 square feet.
 - b) Maximum height of a ground sign shall be 12 feet.
 - c) Only one monument sign per lot shall be permitted.
 - iv. Trash enclosures on Tract 1 are permissible in the side and rear setbacks provided they are properly screened with a 6' masonry enclosure.
2. Use regulations shall be in accordance with "R-3" Commercial District for Tract 2, subject to the following conditions
 - i. Sidewalk width
 - a) A 5' public sidewalk shall be provided along the adjacent street back of curb.
 - ii. Maximum Building Height
 - a) Buildings shall not exceed 3 stories or be greater than 45 feet in height.
 - iii. Maximum Permitted Density
 - a) Density shall not exceed 24 dwelling units per acre.
 - b) A parking ratio of 2.0 spaces per dwelling unit shall be provided.
 - iv. Minimum Dwelling Size

- a) The minimum dwelling size for an apartment unit shall be 500 square feet.
- v. Open Space
 - a) Multifamily developments within the PD area shall maintain a minimum of 300 square feet of usable open space for each dwelling unit.
 - b) Required yards and landscaped areas shall be credited as open space area.
 - c) A maximum of 50% of the detention pond area may count as open space provided that the area is amenitized.
- vi. Signage
 - a) Maximum monument signage area shall be 50 square feet.
 - b) Maximum height of a ground sign shall be 8 feet.
 - c) Only one monument sign per lot shall be permitted.

PROJECT DATA SHEET	LAKE DALLAS	390	APARTMENT UNITS		LOCATION: DALLAS, TEXAS			May 13, 2022
UNIT TYPE	UNIT MIX DESCRIPTION	NET AREA	BALCONY / PATIOS	BALCONY STORAGE	GROSS AREA	NO. OF UNITS	% OF UNITS	
E1	1BR/1BATH/LIVING/DINING	580	48	0	628	24	6%	
A1	1BR/1BATH/LIVING/DINING	666	47	0	713	108	28%	
A2	1BR/1BATH/LIVING/DINING	755	64	0	819	48	12%	
A3	1BR/1BATH/LIVING/DINING/STUDY	969	75	0	1,044	36	9%	
B1	2BR/2BATH/LIVING/DINING	1,048	61	0	1,109	90	23%	
B2	2BR/2BATH/LIVING/DINING	1,110	72	0	1,182	84	22%	
TOTAL						390	100%	

Note:

ACCESSIBLE UNIT 'TYPE A' REQUIREMENT = 2% OF TOTAL UNITS	7.8
PER IBC 2015 SEC. 1107.6.2.1.2 TYPE B UNITS IN GROUP R-2 OCCUPANCY =	390

BUILDING ANALYSIS							PARKING ANALYSIS			
UNIT TYPE	BUILDING TYPES	I	II	III	IV	NUMBER OF UNITS	% UNITS PER BEDROOM	TOTAL UNITS PER BEDROOM	PARKING RATIO	TOTAL PARKING
	NUMBER OF STORY	3	3	3	3					
	QUANTITY PER BUILDING TYPE	5	4	2	2					
E1	1BR/1BATH/LIVING/DINING	12				24	55%	216	1.75	378
A1	1BR/1BATH/LIVING/DINING	12	12			108				
A2	1BR/1BATH/LIVING/DINING		6		12	48				
A3	1BR/1BATH/LIVING/DINING/STUDY			12	6	36				
B1	2BR/2BATH/LIVING/DINING	6	12	6		90	45%	174	2	348
B2	2BR/2BATH/LIVING/DINING	12	0		12	84				
	TOTAL UNITS	150	120	60	60	390	TOTAL REQUIRED MULTIFAMILY			726
	TOTAL UNITS PER BUILDING	30	30	30	30		TOTAL PROVIDED			805
							SURFACE APRKING			590
							HC SURFACE PARKING			13
							HC VAN PARKING			2
							CARPORTS			198
							HC CARPORT			2
							GARAGE			0
							HC GARAGE			0
							PARKING RATIO			2.06

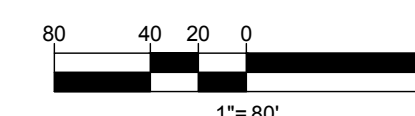
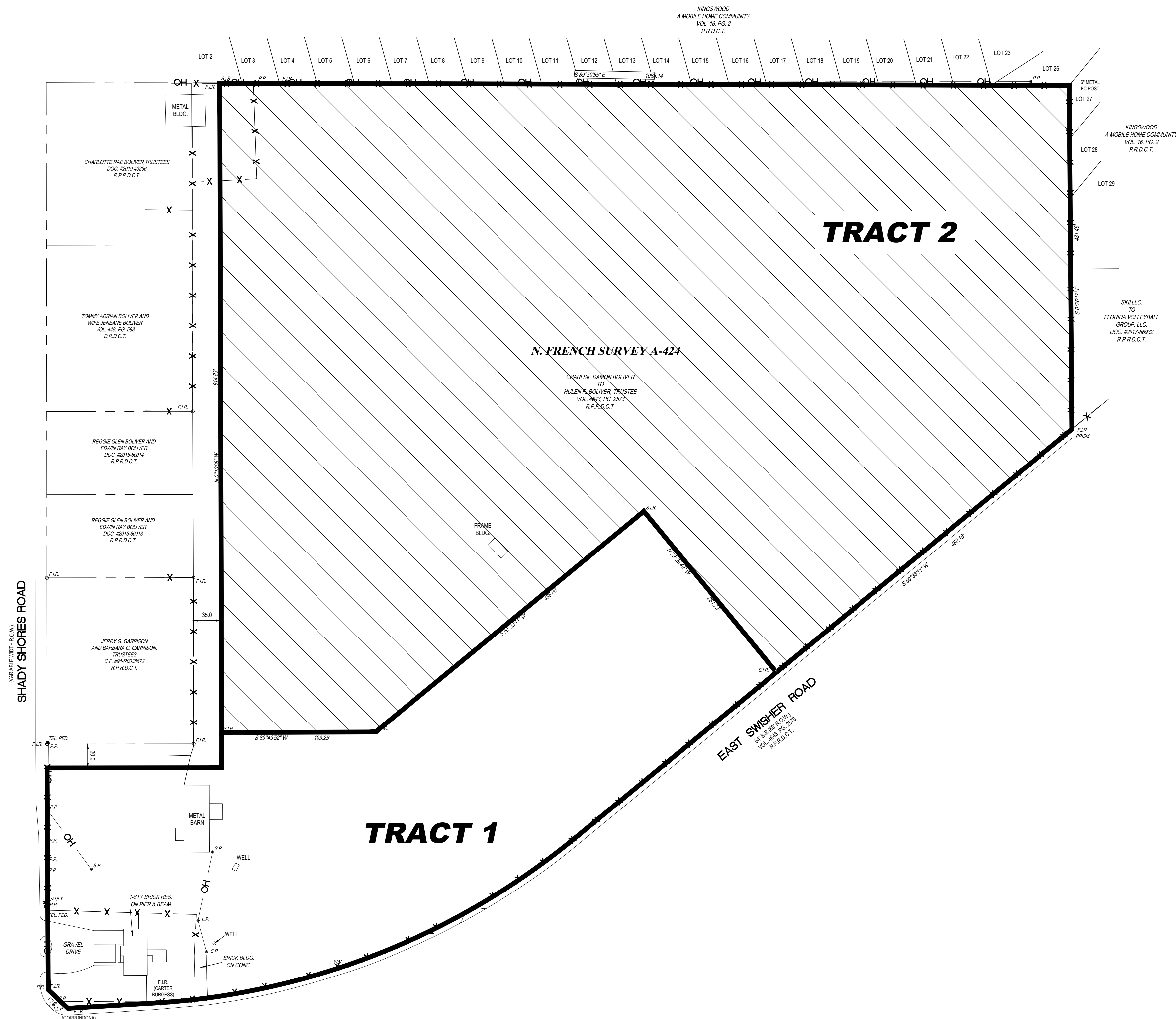
SITE ANALYSIS		
ACTUAL:		
Gross Land Area:	16.38	ACRES
Total Apartment Units:	390	UNITS
Actual Density:	23.81	UNITS /ACRE
REQUIRED:		
DISTRICT: R-2 MULTIFAMILY RESIDENTIAL		

SITE ANALYSIS		
ACTUAL:		
Gross Land Area:	16.38	ACRES
Total Apartment Units:	390	UNITS
Actual Density:	23.81	UNITS /ACRE
REQUIRED:		
DISTRICT: R-2 MULTIFAMILY RESIDENTIAL		

RETAIL PARKING			
RETAIL 1 AND 2	1000 SQFT. EACH	1 SPACE /200 SQFT.	100
QSR	1500 SQFT.	1 SPACE /100 SQFT.	30
GAS STATION	3000 SQFT.	1 SPACE/200 SQFT.	18
TOTAL			148

[illegible]

DATE	5/13/2022
ISSUE	Schematic Design
PROJECT NUMBER	220201
DRAWN BY	VG
PROJECT DATA SHEET	
Sheet Name	

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PROJECT No.:	TXA220069.00
DRAWN BY:	PJC
CHECKED BY:	MJH
DATE:	7/12/2022
CAD I.D.:	

PROJECT:
**LAKE DALLAS
MIXED USE
PLANNED
DEVELOPMENT**



EAST SWISHER ROAD &
NORTH SHADY SHORES ROAD,
LAKE DALLAS, TX 75065

BOHLER//

6017 MAIN STREET
FRISCO, TX 75034
Phone: (469) 458-7300
TX@BohlerEng.com
TBPE No. 18065 | TBPLS No. 1019441

SHEET TITLE:

EXHIBIT B
TRACT
EXHIBIT

SHEET NUMBER

ORG. DATE - 7/12/2022

CITY OF LAKE DALLAS, TEXAS

ORDINANCE NO. 2022-

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, AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF 24.414± ACRES OUT OF THE H. H. SWISHER SURVEY, ABSTRACT NO. 1220 AND NATHANIEL FRENCH SURVEY, ABSTRACT NO. 424, BY CHANGING THE ZONING FROM C-1 RETAIL DISTRICT TO PD - PLANNED DEVELOPMENT DISTRICT FOR R-3 MULTI-FAMILY RESIDENCE AND C-1 RETAIL; ADOPTING DEVELOPMENT 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 24.414± acres out of the H.H. Swisher Survey, Abstract No. 1220 and 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 C-1 Retail District to PD - Planned Development District for R-3 Multi-Family Residence and C-1 Retail 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, the Property shall be developed and used in accordance with the following zoning district regulations:
- (1) The portion of the Property within the boundaries of the area shown on Exhibit “B,” attached hereto and incorporated by reference (the “Tract Exhibit”) identified as Tract 1 (“Tract 1”) shall be developed and used in accordance with regulations applicable to property located within a “C-1” Retail District; and
 - (2) The portion of the Property located within the boundaries of the area identified on the Tract Exhibit as Tract 2 (“Tract 2”) shall be developed and used in accordance with regulations applicable to property located within an “R-3” Multifamily Residence District.
- B. **Concept Plan:** The Property shall be used and developed substantially in accordance with the Concept Plan attached hereto as Exhibit “C” and incorporated herein by reference (“the Concept Plan”). The size, number, and location of buildings, driveways, and parking areas constructed on the Property shall generally 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; provided, however, the Director of Development may approve without further action of the City Council amendments to the Concept Plan comprising of the addition, removal, or relocation of drive entrances providing ingress and egress to Swisher Road.
- C. **Screening:**
- (1) A screening wall or fence that complies with Section 122-1132(a) shall be constructed along the north boundary of Tract 1 as shown on the Tract Exhibit and completed prior to issuance of a Certificate of Occupancy for any building constructed on
 - (2) A masonry screening wall not less than six feet (6.0’) tall shall be constructed along the east, north, and west property lines of Tract 2 as shown on the Tract Exhibit and completed prior to issuance of a Certificate of Occupancy for any building constructed on the Tract 2.
- D. **Landscaping:**
- (1) Every property line of the Property, inclusive of the property lines between Tract 1 and Tract 2, shall be planted with landscaped screening as follows:

- (a) One (1) tree shall be planted adjacent to and along the entire length of the public street right-of-way areas at a distance of not greater than 50 lineal feet apart;
- (b) One (1) tree shall be planted for every 400 square feet of interior landscape area within the Property;
- (c) Landscape buffers shall be established as follows:
 - (i) A 15-foot wide landscape buffer shall be established between all off-street parking areas and the abutting putting right-of-way; and
 - (ii) A 10-foot wide landscape buffer shall be established at all locations on the Property where an off-street parking area abuts an adjacent property line except where an opaque screening wall is installed on the adjacent property line;
- (2) Prior to issuance of a building, paving, grading, or construction permit relating to development of Tract 1, a landscape plan shall be submitted to the City and approved by the Director of Development Services in accordance with Section 122-1225 of the Lake Dallas Municipal Code relating to Tract 1;
- (3) Prior to issuance of a building, paving, grading, or construction permit relating to development of Tract 2, a landscape plan shall be submitted to the City and approved by the Director of Development Services in accordance with Section 122-1225 of the Lake Dallas Municipal Code relating to Tract 2;
- (4) All trees required to be planted on the Property by this Section 2.D., the Zoning Ordinance, and/or the approved landscape plan shall have a trunk diameter of not less than three (3) caliper inches measures four feet (4.0') above the top of the root ball.

E. Tract 1 Development Standards:

Tract 1 shall be developed and used in accordance with the “C-1” Retail District development regulations subject to the following modifications:

- (1) **Cross-Access:** Prior to or concurrently with the approval of a final plat for any portion of the Property, a mutual cross-access easement for vehicular and pedestrian movement over, across, and between all Tracts within the Property shall be granted between and among the respective owner(s) of each Tract or portion thereof;
- (2) **Maximum Building Height:** Buildings shall not exceed three (3) stories or exceed fifty (50) feet in height;

- (3) **Signs:** One (1) monument sign with a sign face of not more than 60 square feet and a height of not more than twelve feet (12.0') may be installed on each lot within Tract 1.
- (4) **Dumpster Enclosures:** Solid waste dumpsters may be located within the side and rear setbacks provided they are screened in accordance with Section 122-1132(c) of the Municipal Code. No certificate of occupancy shall be issued for building on constructed on the Property that will be served by one or more solid waste dumpsters unless and until construction of the required dumpster screening is complete.

F. Tract 2 Development Standards:

Tract 2 shall be developed and used in accordance with the "R-3" Multi-Family Residence District development regulations subject to the following modifications:

- (1) **Density:** No more than three hundred ninety (390) multi-family dwelling units shall be constructed on Tract 2, with a total density not to exceed 24 multi-family dwelling units to one (1) acre.
- (2) **Unit Mix:** The mix of dwelling units shall be set forth on the Concept Plan, provided:
 - (a) Efficiency and one-bedroom multi-family dwelling units shall not be less than 55% of the total number of dwelling units constructed; and
 - (b) Two-bedroom multifamily dwelling units shall not exceed 45% of the total number of dwelling units constructed.
- (3) **Minimum Dwelling Size:** No dwelling unit shall have an area of air conditioned space of less than 500 square feet;
- (4) **Parking:** No fewer than 2.0 parking spaces shall be provided for each multi-family dwelling unit constructed on Tract 2;
- (5) **Sidewalks:** Sidewalks with a width of not less than five feet (5.0') shall be constructed adjacent to E. Swisher Road;
- (6) **Maximum Building Height:** Buildings shall not exceed three (3) stories or exceed forty-five (45) feet in height;
- (7) **Open Space:** Tract 2 shall be developed with open space subject to the following:
 - (a) Not less than 300 square feet of usable open space shall be developed on Tract 2 for each dwelling unit constructed on Tract 2;

- (b) Required yards and landscaped areas shall be credited as open space area; and
- (c) A maximum of 50% of the detention pond area may count as open space provided that the area is amenitized;
- (8) **Signs:** One (1) monument sign with a sign face of not more than 50 square feet on each side of the sign and a height of not more than eight feet (8.0') may be installed on each lot within Tract 2.

G. Detailed Site Plan: No building or other permit shall be granted relating to development of the Property unless and until a development plan in compliance with Section 122-634 of the Municipal Code has been approved for the Property by the City Council in the same manner as required for an amendment to this Ordinance.

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 8TH DAY OF SEPTEMBER 2022.

APPROVED:

Andi Nolan, Mayor

ATTEST:

Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:9/2/2022:131321)

Ordinance No. 2022-____
Exhibit A - Property Boundaries

The Property consists of the following described tracts, which is inclusive of the adjacent portion of Swisher Road approximately to its centerline:

Tract 1:

BEING a tract of land situated in the City of Lake Dallas, Denton County, Texas, being a part of the H.H. Swisher Survey, Abstract No. 1220 and Nathaniel French Survey, Abstract No. 424, being part of a tract of land described in a Warranty Deed to Charlsie D. Boliver Revocable Living Trust, as recorded in Volume 4643, Page 2573, Official Public Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a half inch iron rod found for corner of said Boliver tract of land, said iron rod being in the west line of said of Boliver tract of land and in the east right-of-way line of N. Shady Shores Drive (a variable width right-of-way);

THENCE North 89 degrees 56 minutes 53 seconds East, a distance of 183.85 feet Drive to a point for corner;

THENCE North 00 degrees 06 minutes 58 seconds West, a distance of 14.60 feet to a point for corner;

THENCE over and across said Boliver tract of land, the following courses and distances:

North 89 degrees 52 minutes 5 seconds East, a distance of 228.60 feet to a point for corner;

North 50 degrees 31 minutes 57 seconds East, a distance of 435.48 feet to a point for corner;

South 39 degrees 27 minutes 36 seconds East, a distance of 301.78 feet to a point for corner, said point being in or near the centerline of Swisher Road (80' width right-of-way);

THENCE along the centerline of said Swisher Road, the following courses and distances:

South 50 degrees 33 minutes 02 seconds West, a distance of 328.06 feet to a point for corner;

In a southwesterly direction, a distance of 597.30, having a central angle of 35 degrees 50 minutes 17 seconds, whose radius 954.93 feet a tangent length of 308.78 feet and whose chord bears North 39 degrees 27 minutes 39 seconds West, a distance of 587.61 feet to a point for corner;

South 86 degrees 30 minutes 20 seconds West, a distance of 112.10 feet to a point for corner;

THENCE North 03 degrees 29 minutes 40 seconds West, a distance of 40.00 feet over and across said Swisher Road to a point for corner, said point being at the south end of a corner clip between said Swisher Road and of said N. Shady Shores Drive;

THENCE North 46 degrees 25 minutes 20 seconds West, a distance of 33.93 feet along said corner clip to a point for corner, said point being at the north end of said corner clip and being in the east line of said N. Shady Shores Drive;

THENCE along the east right-of-way line of said N. Shady Shores Drive, the following courses and distances:

North 00 degrees 18 minutes 45 seconds West, a distance of 278.62 feet to a point for corner;

North 00 degrees 8 minutes 52 seconds West, a distance of 30.00 feet to the **POINT OF BEGINNING**, containing 309,277 square feet or 7.100 acres.

Tract 2:

BEING a tract of land situated in the City of Lake Dallas, Denton County, Texas, being a part of the H.H. Swisher Survey, Abstract No. 1220 and Nathaniel French Survey, Abstract No. 424, being part of a tract of land described in a Warranty Deed to Charlsie D. Boliver Revocable Living Trust, as recorded in Volume 4643, Page 2573, Official Public Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a six inch steel fence post found at the northeast corner of said Boliver tract of land;

THENCE South 00 degrees 26 minutes 03 seconds East, a distance of 482.89 feet to a point for corner, said point being in or near the centerline of Swisher Road;

THENCE South 50 degrees 33 minutes 02 seconds West, a distance of 447.70 feet along the centerline of said Swisher Road to a point for corner;

THENCE over and across said Boliver tract of land, the following course and distances:

North 39 degrees 27 minutes 36 seconds West, a distance of 301.78 feet to a point for corner;

South 50 degrees 31 minutes 57 seconds West, a distance of 435.48 feet to a point for corner;

South 89 degrees 52 minutes 5 seconds West, a distance of 228.60 feet to a point for corner, said corner being in the West line of said Boliver tract of land;

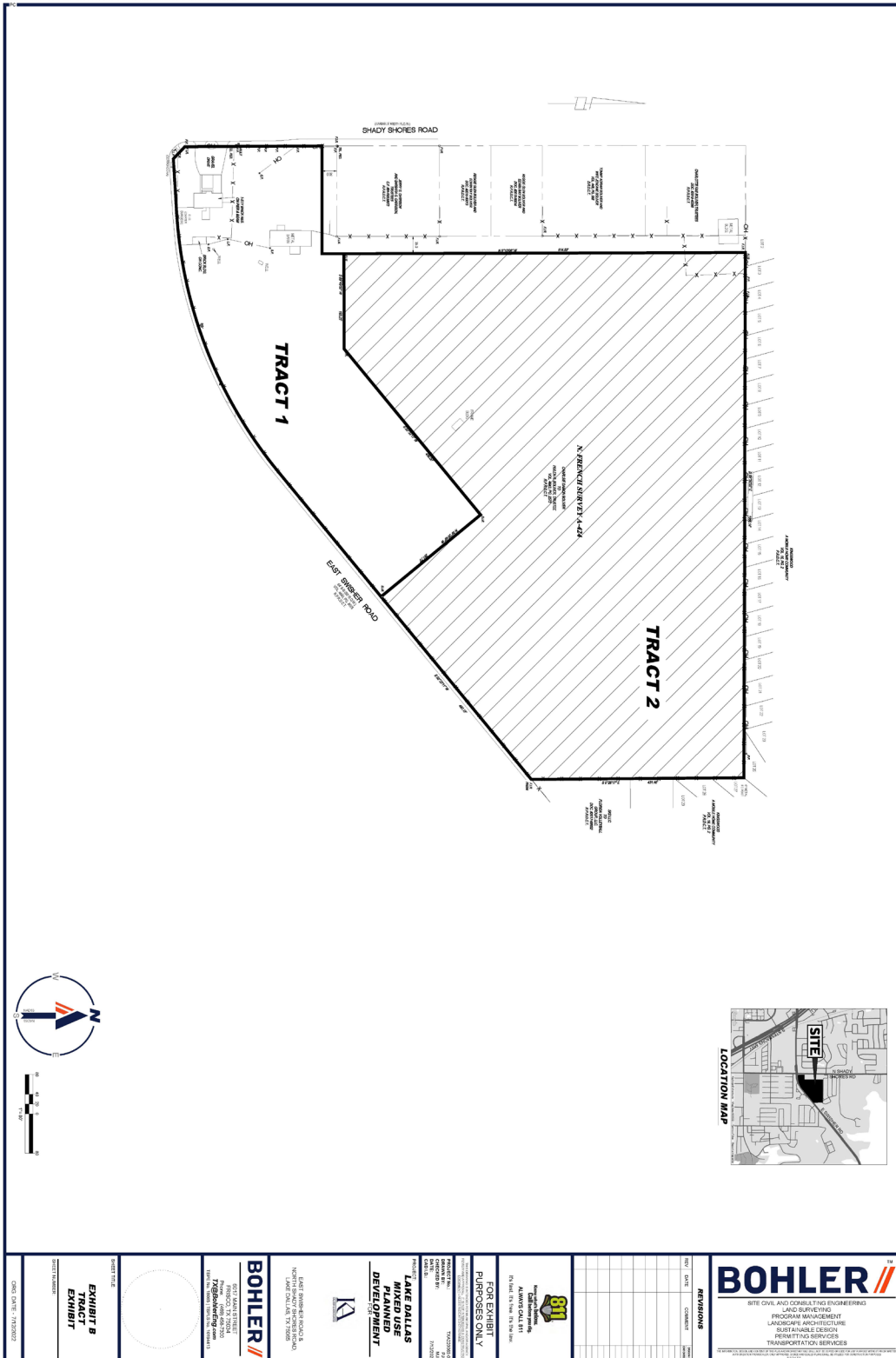
THENCE North 00 degrees 06 minutes 58 seconds West, a distance of 193.93 feet to a point for corner;

THENCE North 00 degrees 14 minutes 23 seconds West, a distance of 104.26 feet to a point for corner;

THENCE North 00 degrees 10 minutes 09 seconds West, a distance of 516.33 feet to a point for corner;

THENCE South 89 degrees 51 minutes 9 seconds East, a distance of 1,100.98 feet to the **POINT OF BEGINNING**, containing 754,181 square feet or 17.314 acres.

JUL 12, 2022
 H:0222ETAA220609-0000EN-CANCERINVOCDRAFWH000EXHIBITSPLAN SETSIXAA220609-30- EXHA-----LAYOUT. TRACT EXHIST



TOTAL REQUIRED MULTI-FAMILY				776
TOTAL PROVIDED				806
STREET PARKING				509
OFF-STREET PARKING				297
TOTAL PARKING				806
C CARPORTS				198
HC CARPORT				2
C CARPORT				0
HC CARPORT				0
TOTAL				206
PARKING RATIO				2.66

TOTAL REQUIRED MULTI-FAMILY				776
TOTAL PROVIDED				806
STREET PARKING				509
OFF-STREET PARKING				297
TOTAL PARKING				806
C CARPORTS				198
HC CARPORT				2
C CARPORT				0
HC CARPORT				0
TOTAL				206
PARKING RATIO				2.66

TOTAL REQUIRED MULTI-FAMILY				776
TOTAL PROVIDED				806
STREET PARKING				509
OFF-STREET PARKING				297
TOTAL PARKING				806
C CARPORTS				198
HC CARPORT				2
C CARPORT				0
HC CARPORT				0
TOTAL				206
PARKING RATIO				2.66

TOTAL REQUIRED MULTI-FAMILY				776
TOTAL PROVIDED				806
STREET PARKING				509
OFF-STREET PARKING				297
TOTAL PARKING				806
C CARPORTS				198
HC CARPORT				2
C CARPORT				0
HC CARPORT				0
TOTAL				206
PARKING RATIO				2.66

TOTAL REQUIRED MULTI-FAMILY				776
TOTAL PROVIDED				806
STREET PARKING				509
OFF-STREET PARKING				297
TOTAL PARKING				806
C CARPORTS				198
HC CARPORT				2
C CARPORT				0
HC CARPORT				0
TOTAL				206
PARKING RATIO				2.66

TOTAL REQUIRED MULTI-FAMILY				776
TOTAL PROVIDED				806
STREET PARKING				509
OFF-STREET PARKING				297
TOTAL PARKING				806
C CARPORTS				198
HC CARPORT				2
C CARPORT				0
HC CARPORT				0
TOTAL				206
PARKING RATIO				2.66

TOTAL REQUIRED MULTI-FAMILY	
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Ordinance No. 2022-____ Exhibit C – Concept Plan

PROJECT DATA SHEET		LAKE DALLAS		390		APARTMENT UNITS		LOCATION: DALLAS, TEXAS		May 13, 2022	
UNIT TYPE	UNIT MIX DESCRIPTION	NET AREA	BALCONY / PATIOS	BALCONY STORAGE	GROSS AREA	NO. OF UNITS	% OF UNITS				
E1	1BR/1BATH/LIVING/DINING	580	48	0	628	24	6%				
A1	1BR/1BATH/LIVING/DINING	666	47	0	713	108	28%				
A2	1BR/1BATH/LIVING/DINING	755	64	0	819	48	12%				
A3	1BR/1BATH/LIVING/DINING/STUDY	965	75	0	1,044	36	9%				
B1	2BR/2BATH/LIVING/DINING	1,048	61	0	1,109	50	13%				
B2	2BR/2BATH/LIVING/DINING	1,110	72	0	1,182	84	22%				
TOTAL						390	100%				

NOTE:
ACCESSIBLE UNIT TYPE A REQUIREMENT = 2% OF TOTAL UNITS
PER IRC 2015 SEC. 1107.6.2.1 TYPE B UNITS IN GROUP R-2 OCCUPANCY = 390

BUILDING ANALYSIS										PARKING ANALYSIS			
UNIT TYPE	BUILDING TYPES	NUMBER OF STORES	QUANTITY PER BUILDING TYPE	BUILDING TYPES				NUMBER OF UNITS	% UNITS PER BEDROOM	TOTAL UNITS PER BEDROOM	PARKING RATIO	TOTAL PARKING	
				I	II	III	IV						
E1	1BR/1BATH/LIVING/DINING	12	12	12	12	12	12	24	55%	216	1.75	378	
A1	1BR/1BATH/LIVING/DINING	6	6	6	6	6	6	36					
A2	1BR/1BATH/LIVING/DINING	6	6	6	6	6	6	36					
A3	1BR/1BATH/LIVING/DINING/STUDY	6	6	6	6	6	6	36					
B1	2BR/2BATH/LIVING/DINING	12	12	12	12	12	12	84	45%	174	2	348	
B2	2BR/2BATH/LIVING/DINING	12	12	12	12	12	12	84					
TOTAL	TOTAL UNITS	150	150	120	60	60	60	390				726	
TOTAL	TOTAL UNITS PER BUILDING	30	30	30	30	30	30	390				726	

SITE ANALYSIS	
ACTUAL:	
Gross Land Area:	16.38 ACRES
Total Apartment Units:	390 UNITS
Actual Density:	23.81 UNITS/ACRE
REQUIRED:	
DISTRICT: R-2 MULTIFAMILY RESIDENTIAL	

RETAIL PARKING			
RETAIL 1 AND 2	1000 SQFT EACH	1 SPACE / 200 SQFT	100
QSR	1500 SQFT	1 SPACE / 100 SQFT	30
GAS STATION	3000 SQFT	1 SPACE / 200 SQFT	18
TOTAL			148

TOTAL REQUIRED MULTIFAMILY			
TOTAL PROVIDED			805
HC SURFACE PARKING			590
HC VAN PARKING			13
CARPPOITS			2
HC CARPORT			198
HC GARAGE			2
HC GARAGE			0
PARKING RATIO			2.06



INVESTWELL ARCHITECTS LLC
DESIGNS FOR LIFE

24285 KATY FREEWAY, SUITE 300
KATY, TX 77484
346-387-7177

LAKE DALLAS

PROJECT ADDRESS:
E Gualther Rd & North Study Drive, Lake Dallas, TX

OWNER NAME:
KAUBER & ASSOCIATES, PC
17101 Preston Rd #110, Dallas, TX 75248

PROJECT DATA SHEET

Sheet Name

PDS

DATE: 5/13/2022

DESIGN: Schematic Design

PROJECT NUMBER: 220201

DESIGNER: VCS

Project Information

Project Name

Project Address

Project Number

Project Date

Project Status

Project Location

Project Description

Project Contact

Project Notes



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Layne Cline, Public Works Superintendent

September 8, 2022

2022 Denton County Bond Election

DESCRIPTION:

Consider a resolution in support of Denton County's Transportation Road Improvement Program, 2022 - TRIP-22.

BACKGROUND INFORMATION:

In partnering with Texas Department of Transportation and the North Central Texas Council of Governments, Denton County continues to invest in roadway transportation, which is a Family Value that improves the quality of life of our residents, decreases congestion on city, county and state roads, provides through traffic on city roads, improves air quality, reduces standing traffic emissions, enhances economic development, keeps tax base strong and increases safety by providing better ambulance service accessibility, reduces dangerously high roadbeds and improves bus routes.

Denton County has effectively managed its road bond debt to maintain its AAA bond rating. Denton County's tax rate has dropped from \$0.2498/\$100 valuation in 2009 to \$0.233/\$100 valuation in 2021. This bond will not increase County taxes.

The Denton County Commissioner's Court has asked the City of Lake Dallas to endorse the 2022 Denton County Bond Election hereby known as the "Transportation Road Improvement Program, 2022 - TRIP-22" as approved by the Denton County Commissioners Court and encourages the residents of Denton County to vote for its passage on the November 8 election.

FINANCIAL CONSIDERATION:

None. Discussion Only.

RECOMMENDED MOTIONS:

I move to approve as presented the resolution endorsing approval of the Denton County bond proposal known as "Transportation Road Improvement Program 2022" or "TRIP-22."

ATTACHMENT(S)

1. Bond Program Presentation
2. Bond Project Master List
3. Resolution

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, SUPPORTING DENTON COUNTY'S TRANSPORTATION ROAD IMPROVEMENT PROGRAM – 2022 (TRIP-22), PROPOSITION A ON THE NOVEMBER 8, 2022, ELECTION BALLOT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Denton County is one of the 10 fastest growing counties in the Nation; and

WHEREAS, an estimated 82 people move to Denton County every day; and

WHEREAS, federal and state funding agencies look for partnerships for leveraging opportunities for new roads; and

WHEREAS, the state and federal gas tax rates have not been increased in 23 years; and

WHEREAS, fuel efficiency is reducing available transportation funding; and

WHEREAS, regional funding requires local government financial participation; and

WHEREAS, investing in roadway transportation is a family value that improves the quality of life of our residents, decreases congestion on city, county and state roads, provides through traffic on city roads, improves air quality, reduces standing traffic emissions, enhances economic development, keeps tax base strong and increases safety by providing better ambulance service accessibility, reduces dangerously high roadbeds and improves bus routes; and

WHEREAS, Denton County Commissioners, working with partners, have utilized the voter-approved proceeds of \$187 million from the 2004 and \$310 million from the 2008 road bond programs to fund and construct more than \$8.4 billion in roadway projects throughout the county that improve the quality of life of every resident; and

WHEREAS, Denton County has effectively managed its road bond debt to maintain its AAA bond rating; and

WHEREAS, Denton County's tax rate has dropped from \$0.2498/\$100 valuation in 2009 to \$0.233/\$100 valuation in 2021; and

WHEREAS, TRIP-22 identifies comprehensive county-wide transportation priorities that will further increase access and mobility within Denton County; and

WHEREAS, the 113 roadway projects in TRIP-22 represents active partnerships between Denton County, State, Region and local entities; and

WHEREAS, TRIP-22 was developed in close cooperation with the Texas Department of Transportation and the North Central Texas Council of Governments; and

WHEREAS, TRIP-22 is estimated to generate billions in leveraged roadway improvements.

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

SECTION 1. The City Council of the City of Lake Dallas hereby strongly endorses the 2022 Denton County Bond Election hereby known as the “Transportation Road Improvement Program, 2022 - TRIP-22” as approved by the Denton County Commissioners Court on August 16, 2022, and encourages the residents of Denton County to vote for its passage on November 8, 2022.

SECTION 2. This resolution shall become effective immediately upon its approval.

PASSED AND APPROVED THIS 8th DAY OF SEPTEMBER 2022.

APPROVED:

Andi Nolan, Mayor

ATTEST:

Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:8/31/2022:131306)