



**Planning and Zoning Commission
Regular Meeting
212 Main Street
City of Lake Dallas, Texas 75065
Thursday, February 16, 2023 at 6:00 p.m.
Agenda**

1. Call to Order and Determination of Quorum

2. Pledges of Allegiance

3. Citizen Agenda & Public Comment

An opportunity for citizens to address the Planning & Zoning Commission on matters which are not scheduled for consideration by the Planning & Zoning Commission. Speakers will be limited to five (5) minutes each. The Texas Open Meeting Act prohibits deliberation by the Planning & Zoning Commission of any subject which is not on the posted agenda, therefore the Planning & Zoning Commission will not be able to discuss or take any action on items brought up during the citizen presentations that are not on the agenda.

4. Approval of the minutes of the October 20, 2022, regular meeting.

5. Conduct a public hearing and consider an ordinance changing the zoning related to the use and development of 0.42+/- acres in the Mary R. Wright Survey Abst. No. 1355; Lots 1 and 2 Tom Atchison Subdivision, generally located at the southeast corner of the intersection of Atchinson Drive and E. Hundley from Retail (C-1) to R-1-6000 Single-family. .

6. Consider and make recommendation to City Council for appointments to various positions on the Planning and Zoning Commission.

7. Announcements

8. Adjourn.

I certify that the above notice of this meeting was posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on or before February 13, 2022, at 4:30 p.m.

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

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

The Lake Dallas City Planning & Zoning Commission met in a regular meeting on October 20, 2022 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. Chairperson Lester Raborn called the meeting to order at 7:01 p.m.

1. Call to Order and Determination of Quorum

Lester Raborn	Chairperson
Annette Fuller	Vice Chairperson
Christian Cline	Member Place 2
Melody Parlett	Member Place 3
Rachel Fitzpatrick	Member Place 1
Steve Dennis	Member Place 4

Absent: Lester Raborn

Staff Present: Codi Delcambre, City Secretary, and Marilyn Rojas, Permits Tech/Administrative Assistant.

2. Pledges of Allegiance

3. Citizen Agenda & Public Comment

An opportunity for citizens to address the Planning and Zoning Commission on matters which are not scheduled for consideration by the Planning and Zoning Commission. The Texas Open Meetings Act prohibits by the Planning and Zoning Commission of any subject which is not on the posted agenda.

No public input was received.

4. Approval of the minutes of the August 18, 2022, regular meeting.

Motion: Approval of the minutes.

Member Place 3 Melody Parlett motioned to approve of the minutes seconded by Member Place 4 Steve Dennis.

Ayes: Rachel Fitzpatrick, Melody Parlett, Christian Cline, Annette Fuller, and Steve Dennis.

Nays: None

Motion_Passed 5-0

5. Hold a public hearing for a request to change the Zoning relating to the development and use of 7.63 acres out of the J.W. Simmons Survey, Abst. No. 1163 in the City of Lake Dallas, Denton County, Texas; generally located north-east of I-35E north bound access road on (FM 2181) at 250 East Swisher Road. (the “Property”) from C-2 Commercial District to Planned Development District for R-3 Multi-Family Residence.

Mr. Eric Wilhite with McAdams Associates, currently the City of Lake Dallas Planner presented details submitted by the applicant OHT Partners requesting of the Planned Development to allow a multi-family residence development. The property is currently owned by QT South LLC. After traffic study the development proposes two primary drive access points from Swisher Road. One on the west will be a shared road with the property contiguous to the west of the subject property and a right deceleration lane constructed. A secondary emergency access only will be created at the south-west corner of the development. While the applicant is requesting a PD for deviations from city code, none are seen as significant. Multi-family acts as a transition land use to the surrounding commercial and retail. The applicant also received a deed restrictions from QT South LLC:

1. as a retail convenience grocery store;
2. as a drug store;
3. as a donut shop;
4. as a coffee shop;
5. as a fast food or quick service restaurant with or without drive-thru service;
6. as a drive-up restaurant;
7. as a smoke shop or other retail outlet selling tobacco products, electronic cigarettes, vapor devices or nicotine-based products as one of its primary uses;
8. as a sexually oriented business for the sale of adult materials;
9. for the retail sale of marijuana/cannabis products or drug paraphernalia;
10. for the retail sale of packaged or carry out beer, wine, liquor, or spirits;
11. for the retail sale of motor fuels; or
12. for the sale of items commonly sold in a convenience store including, but not limited to, candy, chips, donuts, sandwiches, pizza, snacks, coffee, soda, and other carbonated beverages.

Member Place 3 Melody Parlett opened the public hearing at 7:33 pm

Deborah Avellano, 4507 Springtree Rd Corinth, TX 76208 (Jackson Ranch Community) spoke against traffic infrastructure.

Ernesto Mendizabal, 533 Chapel Creek Lake Dallas, TX (Jackson Ranch Community) spoke against traffic infrastructure, crime/drugs, school infrastructure.

Mary Freeman, 308 Owen Oaks Cir Lake Dallas, TX 75065 (Jackson Ranch Community) spoke against traffic infrastructure.

Stacy Chapman, 501 Briaroaks Dr Lake Dallas, TX 75065 (Jackson Ranch Community) spoke against traffic infrastructure, and spoke in favor of small town feel.

Julianna Broch, 417 Brookside Dr Lake Dallas, TX 75065 (Jackson Ranch Community) spoke against traffic to school, neighborhood traffic, and safety concerns.

Alice McKey, 540 Briaroaks Dr Lake Dallas, TX 75065 (Jackson Ranch Community) spoke against traffic infrastructure, internet/power connectivity, and school infrastructure.

Ben Thompson (3203 Windridge Ln Corinth, TX 76208 (Jackson Ranch Community) spoke against traffic infrastructure, and spoke in favor of a stop light.

Debra Gaunett, 502 Briaroaks Dr Lake Dallas, TX 75065 (Jackson Ranch Community) spoke against traffic infrastructure and safety.

John Kendell, spoke on behalf of the applicant to motion petition to consult with traffic engineers and safety study along with comments received from public hearing for the next meeting scheduled on Thursday November 17, 2022 at 6:00pm.

Member Place 3 Melody Parlett closed the public hearing at 8:06 pm

Motion: To recommend Planning and Zoning Commission request the Planned Development for zoning of approximately 6.7-acre project located on Swisher Road to come back and present additional traffic/safety study on next meeting scheduled for Thursday November 17, 2022 at 6:00pm

Discussion items allowed the applicant to receive preliminary comments. Planning and Zoning Commission can take no action or vote and can only act in an advisory capacity in deliberating such items. Application discussed in this section are deemed to incomplete by Planning and Zoning Commission for a formal recommendation to the City Council once the City submittal requirements have been satisfied by the applicant.

Member Place 2 Christian Cline motioned to approve seconded by Member Place 3 Melody Parlett.

Ayes: Rachel Fitzpatrick, Melody Parlett, Christian Cline, Annette Fuller, and Steve Dennis

Nays: None

Motion Passed

5-0

6. Announcements

None

7. Adjournment 8:15 pm

Passed and approved on the _____ day of _____, 2022

Lester Raborn, Chairperson

Marilyn Rojas, Permits Tech/Administrative Assistant



212 Main Street, Lake Dallas, TX 75065
940-497-2226 Ext. 402 Fax 940-497-4485 www.lakedallas.com

City of Lake Dallas Zoning Application

Zoning Change (incl. Planned Development) ☒ Specific Use Permit ☐ Variance ☐
ROW-Easement Vacation (Abandonment) ☐ Special Waiver or Exception ☐

Property Address: 513 ATCHISON Current Zoning: C1 Proposed Zoning: R16000
Legal Description of Property: LOT 3 BLOCK A OF TOMATCHISON SUBDIVISION
Explanation of Request: LIKE CHANG FROM COMMERCIAL TO RESIDENCIAL

Applicant Name: SAMUEL MONTALVO Company: SAM MONTALVO BUILDER OWNER
Address: 602 MYERS DR LAKE DALLAS TX 75065
Phone: 817 239 8543 Email Address: MONTALELECTRIC@aol.com

Property Owner Name: SAMUEL OR JULIA MONTALVO Company: OWNERS
Address: 602 MYERS DR LAKE DALLAS TX 75065
Phone: 817 239 8543 Email Address: MONTALELECTRIC@aol.com

Samuel Montalvo
Applicant's Signature

SAM MONTALVO
Please Print Name

10-24-2012
Date

If you are submitting this application on behalf of the property owner, the following must be completed:

I am authorized to make application for a _____ on behalf of the owner of this property.

Signed: _____ (Agent)

The above person is my representative, authorized to make application for a _____ on my behalf, and I _____, hereby certify that I am owner of the property for which this application is made.

Notary Public Signature

If required, a notification fee of \$250.00 is required for items that require public notice to newspaper and adjacent properties, in addition to the standard fee.

Information listed below to be completed by City Staff:

Date Submitted: _____ Received by: _____ Amount: \$ _____

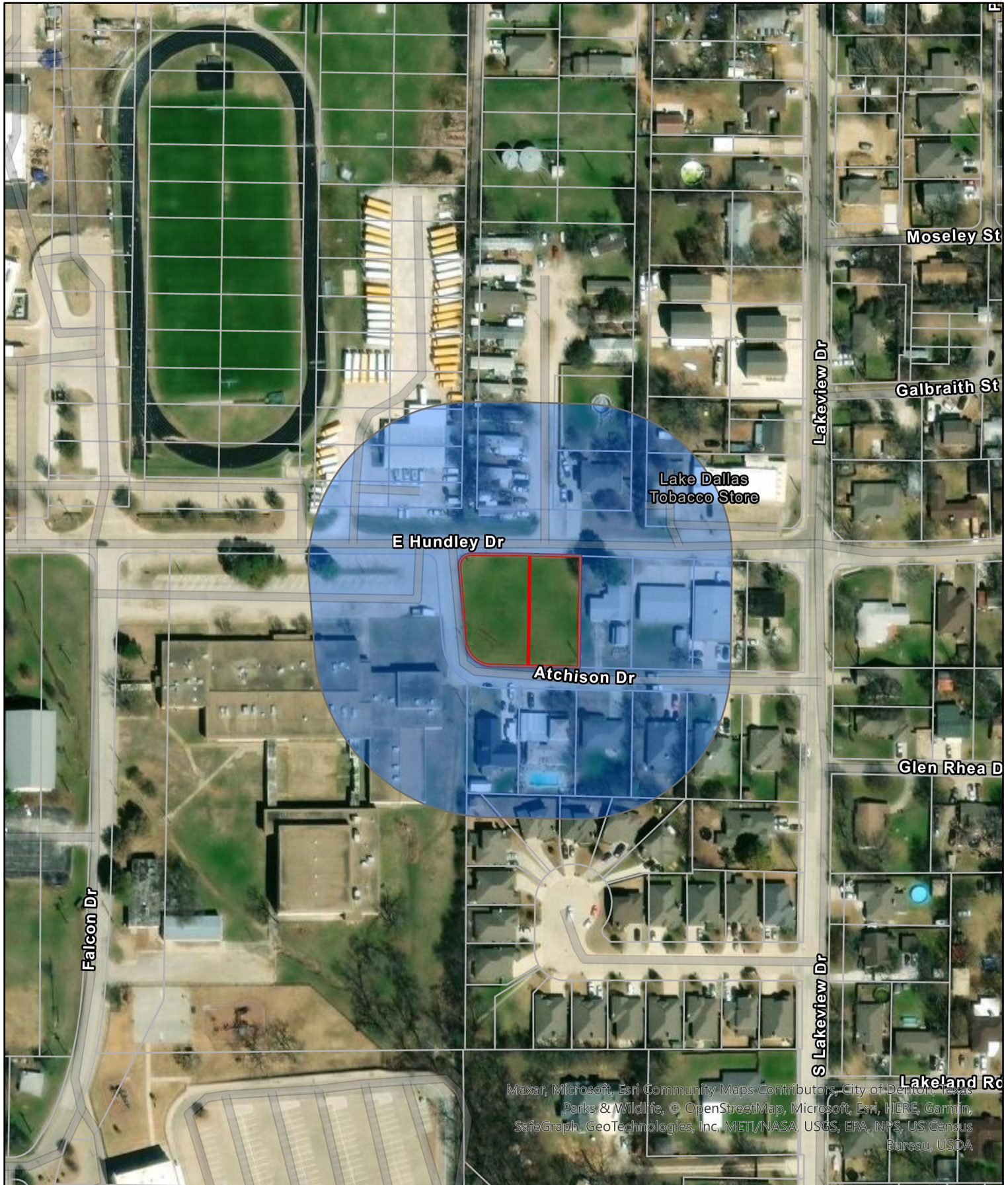
Probable P & Z or BOA Date: _____ Probable City Council Date: _____

For all applications the owner or representative of the property must be present at the Public Hearing whether it is the Board of Adjustment, City Council, or Planning and Zoning Commission.

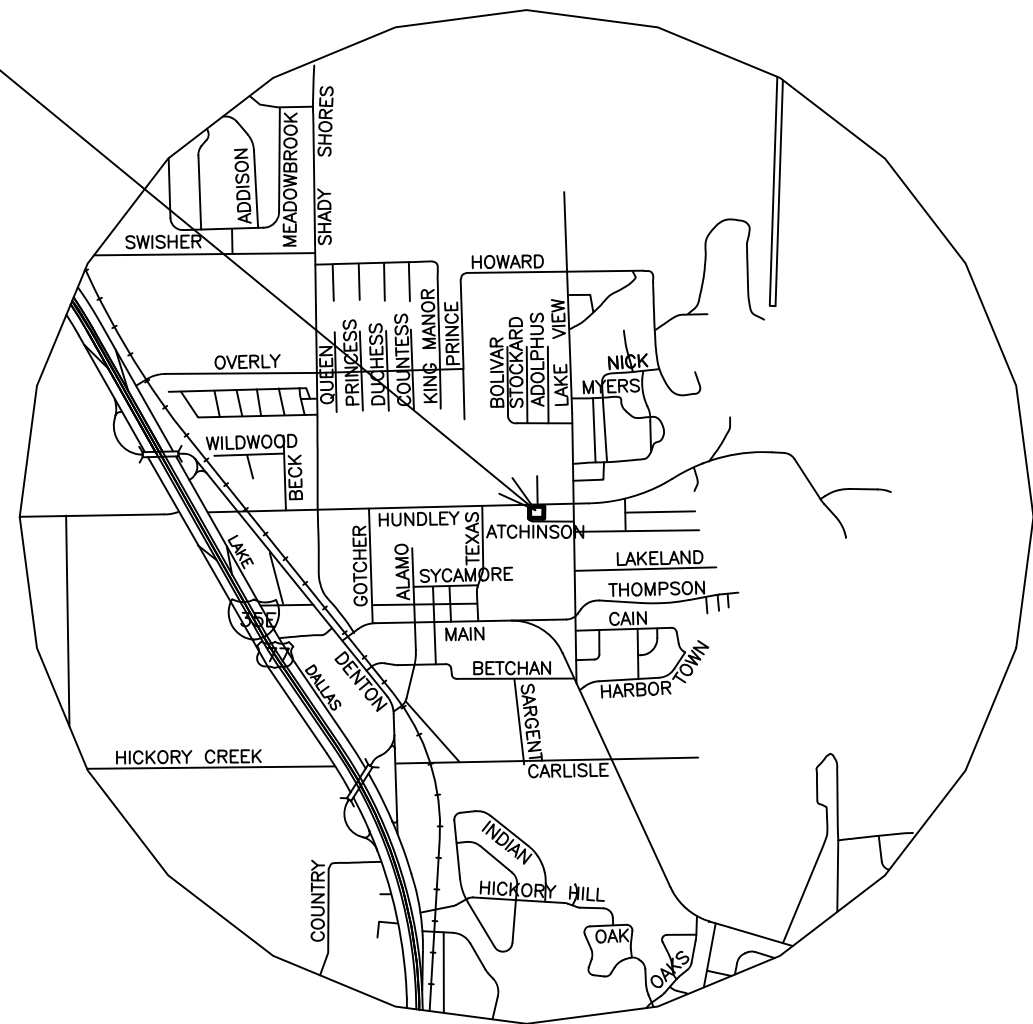
Notice is hereby given that the City of Lake Dallas Planning and Zoning Commission will conduct a public hearing February 16, 2023 at 6:00 p.m. to receive public comment and act on the following item:

A Zoning Change request from C-1 Commercial to R-1-6000 Single-family for 0.42 acres of land being a part of the Mary R. Wright Survey Abstract No. 1355, also known as Lots 1 and 2 of Tom Atchison Subdivision, being located in the City of Lake Dallas, Denton County, Texas; generally located at south-east corner of Atchinson Drive and E. Hundley residential uses.

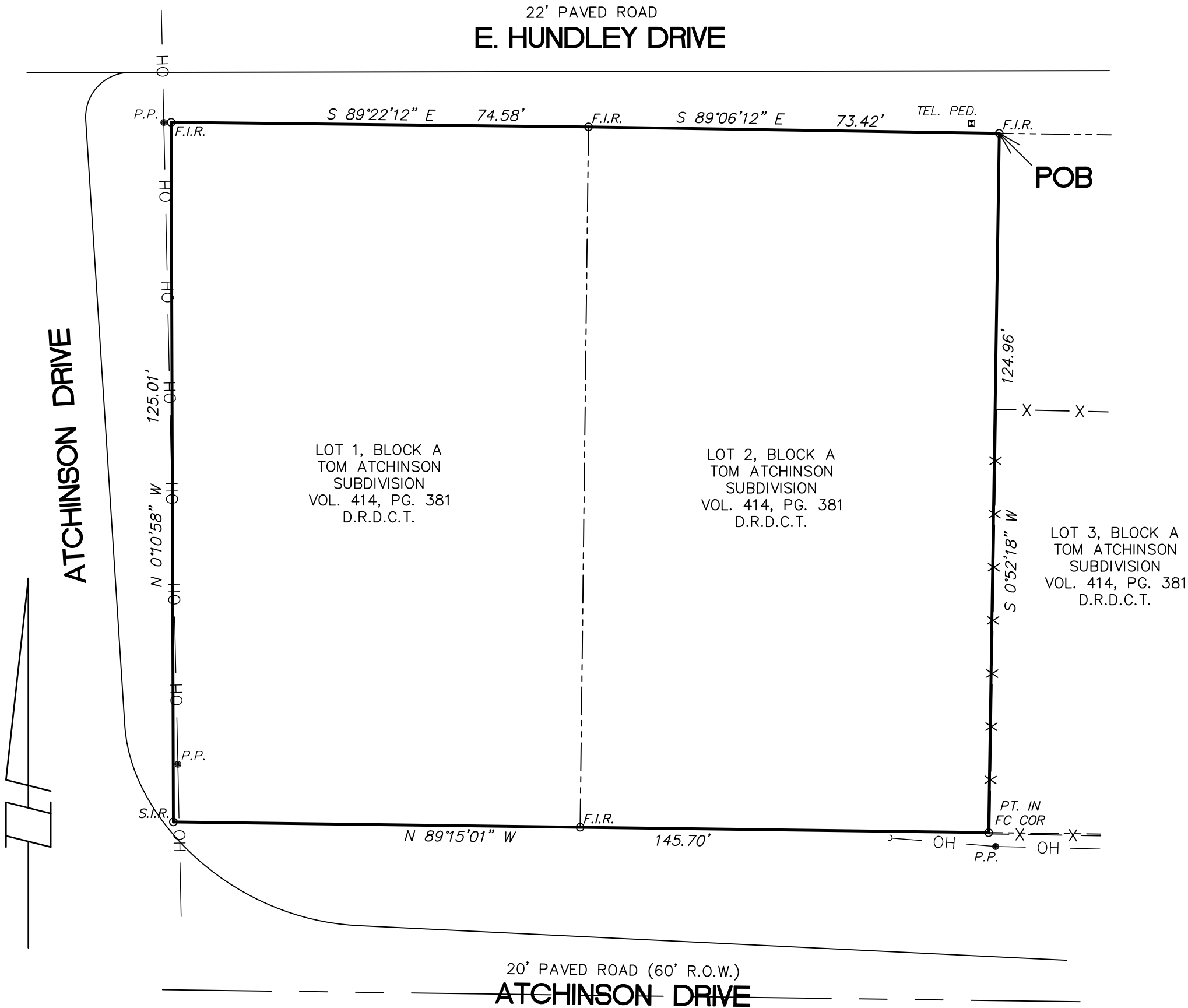
**Zoning Change Request
East Huntley Drive
0.422 Acres
Lake Dallas, Denton County, Texas**



PROJECT LOCATION



VICINITY MAP
SCALE 1" = 2000'



ZONING EXHIBIT
EXISTING ZONING C-1
PROPOSED ZONING R-1-6000
EAST HUNDLEY DRIVE
0.422 ACRE IN THE
MARY R. WRIGHT SURVEY A-1355
CITY OF LAKE DALLAS
DENTON COUNTY, TEXAS

LANDMARK
SURVEYORS, LLC.
4238 I-35 NORTH
DENTON, TEXAS 76207
(940) 382-4016
TX FIRM REGISTRATION NO. 10098600
FAX (940) 387-9784

B.L. = BUILDING LINE	CATV = CABLE TV BOX
CC/P = COVERED PATIO/PORCH	C/D = CONCRETE DRIVE
C/O = SANITARY SEWER CLEANOUT	C/P = CONCRETE PATIO/PORCH
C/W = CONCRETE SIDEWALK	D.E. = DRAINAGE EASEMENT
E.B. = ELECTRIC BOX	F.H. = FIRE HYDRANT
F.I.R. = FOUND IRON ROD	FOC = FIBER OPTIC CABLE
GLM = GAS LINE MARKER	L.P. = LIGHT POLE
P.P. = POWER POLE	S.I.R. = SET CAPPED 1/2" RPLS 4561 IRON ROD
S.P. = SERVICE POLE	SSMH = SANITARY SEWER MANHOLE
STM MH=STORM SEWER MANHOLE	TEL. PED. = TELEPHONE BOX
W/D = WOOD DECK	W/M = WATER METER
W/V = WATER VALVE	U.E. = UTILITY EASEMENT
FENCE = X	OVERHEAD POWER LINE = OH

DRAWN BY: BTH	DATE: 25 OCTOBER, 2022	JOB NO: 226632
SCALE: 1"=20'		

22' PAVED ROAD
E. HUNDLEY DRIVE

FIELD NOTES
0.422 ACRE

BEING all that certain lot, tract, or parcel of land situated in the Mary R. Wright Survey Abstract Number 1355 in the City of Lake Dallas, Denton County, Texas, being all of Lots 1 and 2, Block A of Tom Atchinson Subdivision, an addition to the City of Lake Dallas, Denton County, Texas, according to the plat thereof recorded in Volume 414, Page 381, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found for corner in the south line of East Hundley Drive, a public roadway, said point being the northwest corner of Lot 3 in said Block A of said Tom Atchinson Subdivision;

THENCE S 00° 52' 18" W, 124.96 feet with the west line of said Lot 3 to a fence corner for corner in the north line of Atchinson Drive, a public roadway having a right-of-way of 60.0 feet;

THENCE N 89° 15' 01" W, 145.70 feet with said north line of said Atchinson Drive to a capped iron rod marked RPLS 4561 set for corner at a bend in said Atchinson Drive;

THENCE N 00° 10' 58" W, 125.01 feet with the east line of said Atchinson Drive to an iron rod found for corner in said south line of said East Hundley Drive;

THENCE S 89° 22' 12" E, 74.58 feet with said south line of said East Hundley Drive to an iron rod found for corner;

THENCE S 89° 06' 12" E, 73.42 feet with said south line of said East Hundley Drive to the PLACE OF BEGINNING and containing 0.422 acre of land.

Remove BL line, until zoning change. Or indicate 25' on Atchinson, as it could be front as well. DCAD plat does not indicate on plat.

POB

25' B.L.

124.96'

X — X —

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

LOT 3, BLOCK A
TOM ATCHINSON
SUBDIVISION
VOL. 414, PG. 381
D.R.D.C.T.

LOT 2, BLOCK A
TOM ATCHINSON
SUBDIVISION
VOL. 414, PG. 381
D.R.D.C.T.

LOT 1, BLOCK A
TOM ATCHINSON
SUBDIVISION
VOL. 414, PG. 381
D.R.D.C.T.

Add:
Request
C-1 to R-1-6000

Include a vicinity map.

ZONING EXHIBIT
EAST HUNDLEY DRIVE
0.422 ACRE IN THE
MARY R. WRIGHT SURVEY A-1355
CITY OF LAKE DALLAS
DENTON COUNTY, TEXAS

This is not consistent with Future Land Use Plan, or adjacent land use. Zoning map indicates Z-20-11

B.L. = BUILDING LINE	CATV = CABLE TV BOX
CC/P = COVERED PATIO/PORCH	C/D = CONCRETE DRIVE
C/O = SANITARY SEWER CLEANOUT	C/P = CONCRETE PATIO/PORCH
C/W = CONCRETE SIDEWALK	D.E. = DRAINAGE EASEMENT
E.B. = ELECTRIC BOX	F.H. = FIRE HYDRANT
F.I.R. = FOUND IRON ROD	FOC = FIBER OPTIC CABLE
GLM = GAS LINE MARKER	L.P. = LIGHT POLE
P.P. = POWER POLE	S.I.R. = SET CAPPED 1/2" RPLS 4561 IRON ROD
S.P. = SERVICE POLE	SSMH = SANITARY SEWER MANHOLE
STM MH=STORM SEWER MANHOLE	TEL. PED. = TELEPHONE BOX
W/D = WOOD DECK	W/M = WATER METER
W/V = WATER VALVE	U.E. = UTILITY EASEMENT
FENCE — X —	OVERHEAD POWER LINE — OH —

ANDMARK
SURVEYORS, LLC.
TX FIRM REGISTRATION NO. 10098600

4238 I-35 NORTH
DENTON, TEXAS 76207
(940) 382-4016
FAX (940) 387-9784

DRAWN BY: BTH

SCALE: 1"=20'

DATE: 25 OCTOBER, 2022 JOB NO: 226632

FIELD NOTES
0.422 ACRE

BEING all that certain lot, tract, or parcel of land situated in the Mary R. Wright Survey Abstract Number 1355 in the City of Lake Dallas, Denton County, Texas, being all of Lots 1 and 2, Block A of Tom Atchinson Subdivision, an addition to the City of Lake Dallas, Denton County, Texas, according to the plat thereof recorded in Volume 414, Page 381, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found for corner in the south line of East Hundley Drive, a public roadway, said point being the northwest corner of Lot 3 in said Block A of said Tom Atchinson Subdivision;

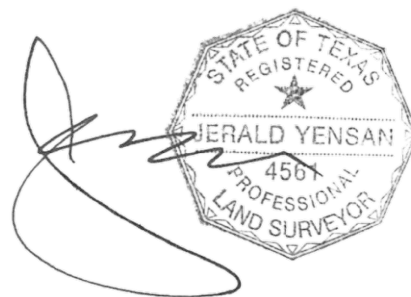
THENCE S 00° 52' 18" W, 124.96 feet with the west line of said Lot 3 to a fence corner for corner in the north line of Atchinson Drive, a public roadway having a right-of-way of 60.0 feet;

THENCE N 89° 15' 01" W, 145.70 feet with said north line of said Atchinson Drive to a capped iron rod marked RPLS 4561 set for corner at a bend in said Atchinson Drive;

THENCE N 00° 10' 58" W, 125.01 feet with the east line of said Atchinson Drive to an iron rod found for corner in said south line of said East Hundley Drive;

THENCE S 89° 22' 12" E, 74.58 feet with said south line of said East Hundley Drive to an iron rod found for corner;

THENCE S 89° 06' 12" E, 73.42 feet with said south line of said East Hundley Drive to the **PLACE OF BEGINNING** and containing 0.422 acre of land.



CITY OF LAKE DALLAS, TEXAS

ORDINANCE NO. 2023 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE LAKE DALLAS ZONING ORDINANCE AND ZONING MAP BY CHANGING THE ZONING REGULATIONS APPLICABLE TO THE USE AND DEVELOPMENT OF LOTS 1 AND 2, BLOCK A, TOM ATCHISON SUBDIVISION, FROM RETAIL (C-1) DISTRICT TO R-1-6000 (SINGLE FAMILY) DISTRICT; 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 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, be, and the same are hereby amended by changing the zoning regulations governing the use and development of Lots 1 and 2, Block A, Tom Atchison Subdivision, an addition to the City of Lake Dallas, Texas, according to the plat thereof recorded in Volume 414, Page 681, Deed Records, Denton County, Texas (“the Property”) from Retail “C-1” District to the R-1-6000 (Single Family) District, the Property being generally depicted in Exhibit “A,” attached hereto and incorporated herein by reference.

SECTION 2. 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 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 Comprehensive Zoning Ordinance as a whole.

SECTION 4. 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 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 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 6. 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS ON THIS THE 9TH DAY OF MARCH 2023.

APPROVED:

Andi Nolan, Mayor

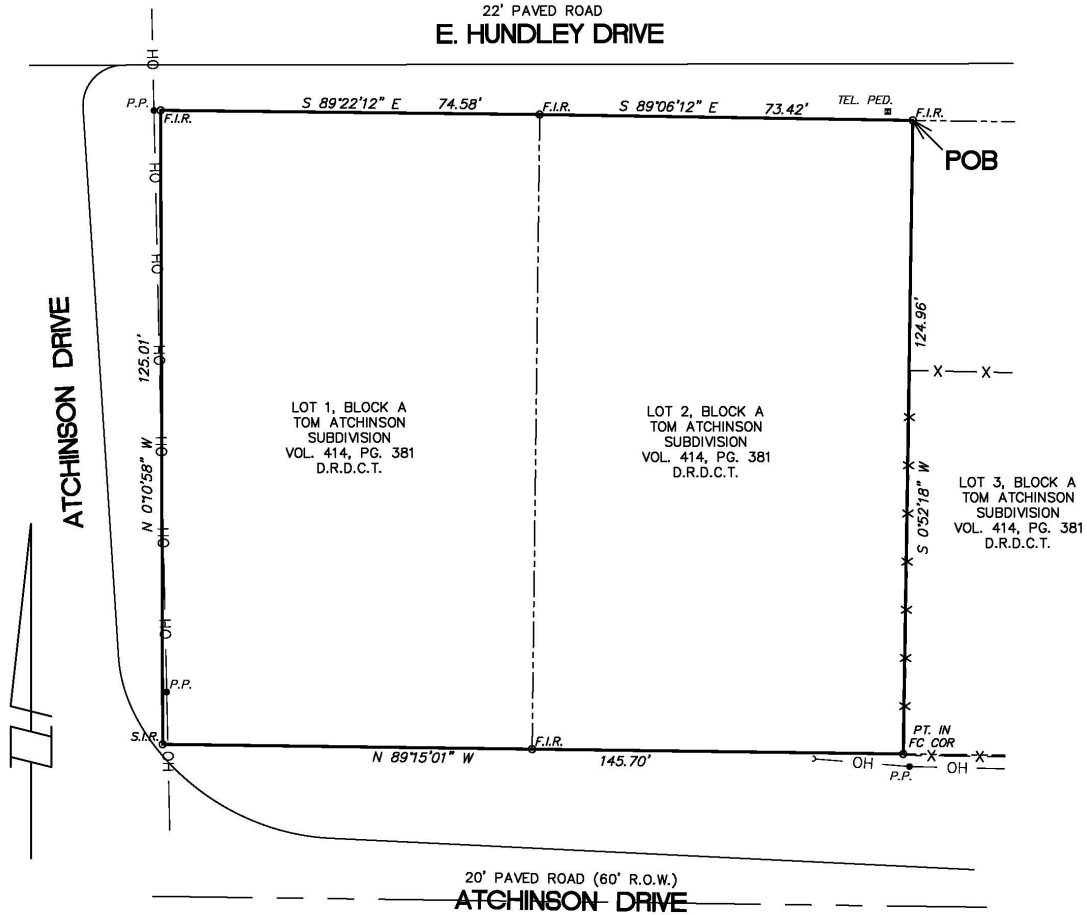
ATTEST:

Codi Delcambre, City Secretary

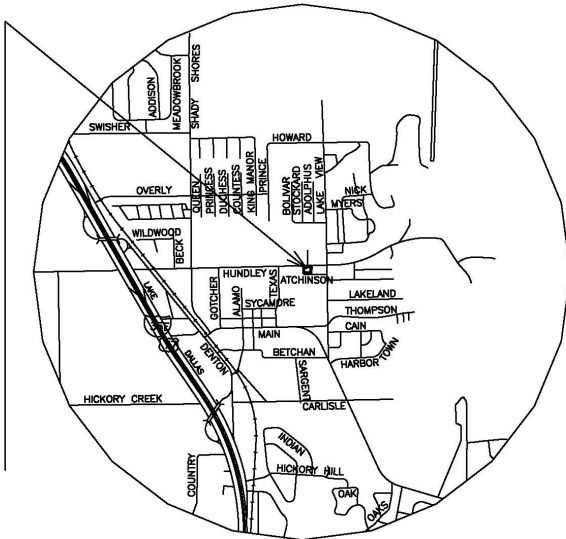
APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:2/9/2023:133560)

Ordinance No. 2023-____
Exhibit "A" – Zoning Exhibit



PROJECT LOCATION



VICINITY MAP
SCALE 1" = 2000'