

State of Texas
County of Denton
City of Lake Dallas

The Planning and Zoning Commission of the City of Lake Dallas met on April 17, 2014 at 7:00 p.m. in the Lake Dallas City Hall located at 212 Main Street, Lake Dallas, Texas with notice of the meeting posted as required by Title 5, Chapter 551.041 of the Texas Government Code.

A. Call to Order

B. Roll Call

Present: Chairperson Ben Gilbert, Commissioners Peggy Shelton, Diane Byers, Clyde Fisher and Jenny Warmbrodt. Staff present: Community Development Director Char DuPree and Planning and Zoning Secretary Khara Sherrill.

C. Pledge of Allegiance

Chairperson Gilbert led the Pledge of Allegiance.

D. Citizen's Agenda

Pat Haggerty, Montserrat, 600 N. Shady Shores in Lake Dallas. He could not make the previous Planning & Zoning meeting regarding the special use permit for Swisher Court. He has met with the applicant and Mr. Baker has agreed to use non-intrusive lighting and contain the noise level during the outdoor entertainment events.

E. Business:

1. Consideration and Action on approval of Minutes for March 20, 2014 meeting.

Motion to approve the minutes for March 20, 2014.

Ayes: Byers, Fisher, Gilbert, Shelton and Warmbrodt

Noes: None

Motion Passed

2. Public Hearing on the proposed Special Use Permit submitted by David Shershen on behalf of the Kingswood Home Owners Association for Kingswood Mobile Home Park, City of Lake Dallas, Denton County, Texas. The request for a Special Use Permit for KMHP would involve an overlay of C-2 Commercial District for the clubhouse at 228 Kingswood Drive for the purpose of allowing an indoor "European style" flea market on Thursday through Sunday from 8 am until 5pm. Chapter 122, Zoning, of the Code of Ordinances of the City of Lake Dallas, Article XVI, Special Use Permits, Section 122-691(19), allows for application to be made. This property is located at Kingswood Mobile Home Park, Kingswood Estates, Lots 1-228, Lake Dallas, Texas.

David Shershen, President of Kingswood Mobile Home Park Home Owners Association (HOA), gave a brief history of the association and the financial issues this HOA is facing. Without doing something to increase revenue, even if every resident pays their association dues, they will not be able to pay all the bills or open the pool. The "European style" flea market would sell fresh produce, antiques, crafts,

etc. not junk. There would be 10 to 15 participating vendors at each sale. The HOA Board anticipates an additional income of \$500 to \$1000 a month. The Board wants to operate the market 4 days a week: Thursday, Friday, Saturday & Sunday. The vendors will be in the clubhouse and right outside of the building in the grass area by the pool. There are 20 parking spots by the clubhouse and the overflow of vehicles would park on the side streets. The vendors would set-up and tear-down the displays themselves.

The Commission members were concerned about the parking situation, liability of the HOA from such a weekly sale, the vague business plan presented and the impact this venue would have on the park residents and close neighborhoods.

Diana Morris, 602 Pembroke Street, owns 3 rental properties in Kingswood Mobile Home Park and feels this usage would be an eye-sore as well as a safety issue for students getting off the school bus on Thursday and Friday. She also feels the HOA funds have been mismanaged in the past and does not feel confident in this HOA Board's ability to manage finances.

Joyce Green, 64 Lakeridge Dr., does not support the approval of the SUP. She feels she does not have access to the pool and clubhouse due to poor management. There are lots of children in the park and the added traffic will be dangerous to those children who have no place to play but in the street.

Laura Green, 524 Meadowbrook, stated this venue is not a professional business and feel this will affect their property value as well as traffic cutting through the Oak Lakes subdivision. She is not comfortable with the flow of strangers through their community on Thursday & Friday when residents are at work and on the weekends during family time.

Richard Morris, 211 Pembroke, while he is sympathetic to the HOA financial circumstances, he is also concerned about the "encroachment" upon the Oak Lakes Subdivision and the negative impact of this issue and the commercialization of Swisher Rd. is going to have on their community. He feels there should be a Lake Dallas public pool for the kids in Lake Dallas. In addition there should be a long term city plan where citizens can participate in the development process and the approval process, and not be so quick to pass or deny a proposal. The City should do something within the community to assist Kingswood Mobile Home Park to improve this situation.

Michael Salas, 579 N. Shady Shores, is directly across the street from the clubhouse and would be greatly affected by approval of this SUP. While he is sympathetic to the mobile home park, it is already difficult to back out of his driveway and the traffic will just get worse. The clubhouse facility is too small for this type of business with insufficient parking.

Scott Willie, 539 Oak Lake, agrees with most of the citizens who spoke, the business plan has a lot of conjecture but not a solid plan. It appears there is no control of the business environment, it is unstructured and there is a lot of gray area.

Candy Jones, 516 Meadowbrook, feels this will increase crime and creates a significant access issue for the fire department. She does not feel the rest of the

community should suffer because the mobile home park residents are not paying their HOA dues.

David Jones, 516 Meadowbrook, agrees with all those who have previously spoken.

Danny Kreps, 513 Meadowbrook, due to the number of children in the park, this creates a dangerous situation and the SUP should be denied.

Josh Marsh, 506 Oak Lake, the business model presented is insufficient and not enough research has been done by the HOA Board. He doesn't feel this business venture would solve the HOA's financial problems.

Cindy Gregg, 40 Lake Vista Circle, also feels this would increase traffic and there are already parking issues during parties held at the clubhouse. She also feels it would increase crime and could create a dangerous environment for the many children who reside within the Park.

Margaret Mccarty, 83 Lakeridge, is a new HOA board member who supports the proposed SUP issuance. She stated most of those present for tonight's meeting have never been to a HOA meeting. This proposal would allow the Board to keep the HOA solvent. Residents need to put in the time and effort needed to turn things around. She announced the next HOA meeting would be held on April 26, 2014.

Kay Dobson, 220 Pembroke, voiced her complaint regarding the City's restriction of the number of garage sales residents are allowed and that a permit is required.

David Shershen reiterated the reasons behind this request and thanked the Commission for their time.

The Commission thanked those who spoke at the public hearing. They felt this proposal was not well thought out and would increase traffic and create safety issues for the mobile home park residents.

Motion to deny the Special Use Permit was made by Clyde Fisher; second by Peggy Shelton.

Ayes: Ben Gilbert, Peggy Shelton, Diane Byers, Clyde Fisher and Jenny Warmbrodt.

Noes: None

Motion Denied

- 3. Consideration and Action to make a recommendation to the City Council to grant/deny a Special Use Permit with or without conditions for the Kingswood Mobile Home Park that would involve an overlay of C-2 Commercial District zoning for the clubhouse at 228 Kingswood Drive for the purpose of allowing a flea market and associated retail activities.**
- 4. Consideration and Action to make a recommendation to the City Council to grant/deny a Special Use Permit with or without conditions to allow outdoor events at the property located at 501 E. Swisher Road.**

Applicant Daniel Baker spoke regarding his request and the expanded business plan resubmitted. In addition, he explained how the maze is constructed; the back corner of the maze in comparison to the Montserrat front door is approximately 280 yards and all events will be private parties except the haunted Halloween event that will be open to the public. He will work Swisher Courts to manage event schedules to prevent parking and traffic issues.

The maze construction uses wooden pallets and is not permanent, but is attached to a wooden pole in the ground to allow secure structure with safe maze isles. They are also flexible in designing the maze and can be changed at will.

Ms. Byers stated the concern of Montserrat was not the noise at the front door but the noise that would affect quiet retreat guests. The Jesuit Priest silent retreat requires silence from Thursday evening after dinner to noon on Sunday. Attendees pay approximately \$300.00 per weekend for the retreat, allowing the Montserrat to cover expenses incurred. There are approximately 30 to 60 retreat attendees.

Mr. Baker replied there would be no music on speakers except during the Halloween event and absolutely no chainsaws would be operated. He wanted to know at what decimal rating that would be a violation of the City Code. The scavenger hunts and laser tag would be quiet events and he would place the areas where Halloween participants would scream etc. further away from the property that abuts to Montserrat.

Mr. Baker expects an average of 2 events per week; one on Saturday and the other on Sunday. He also said the maze isles would be lit by small Christmas type lights that are not obtrusive.

The Commission concerns included traffic, parking and noise. They initially wanted a 3 year SUP authorization; however Mr. Baker insisted a five year SUP period would really be needed to be able to recoup his costs and build the business properly.

Clyde Fisher asked if the SUP was issued and there were problems and code issues for this property and business, what recourse would the City of Lake Dallas have to resolve this issue? Ms. DuPree responded that this is still a business that requires the issuance of a Certificate of Occupancy (C/O). As such, a business C/O can be revoked if there are constant issues. She also stated there had not been any complaints during last year's Halloween event and the SUP could contain certain parameters by which this activity would be regulated. This land is in the 100 year floodplain and would cost too much to develop this property for another use. Mr. Baker is planning on installing a fence between Kingswood Mobile Home Park and this property to prevent event attendees from wondering the Park.

In summary, the Commission was still uncomfortable with a 5 year approval and decided to allow a 5 year SUP permit with a review after 3 years by the P & Z and City Council without an added fee.

Motion to approve the Special Use Permit for a period of five (5) years with a review in three (3) years by the Planning & Zoning Commission as well as the City Council was made by Diane Byers; second by Jenny Warmbrodt.

Ayes: Ben Gilbert, Peggy Shelton, Diane Byers, Clyde Fisher and Jenny Warmbrodt
Noes: None

Motion Passed

F. Future Agenda Items

Char DuPree stated there is a Special Use Permit renewal for the Lake Dallas Point on the next agenda. The initial SUP for the Point was approved for 5 years and that expired in 2011.

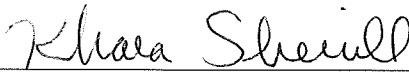
G. Adjournment

Motion to adjourn was made by Diane Byers; second by Peggy Shelton.

The meeting adjourned at 9:10 p.m.



Ben Gilbert, Chair



Khara Sherrill, Planning and Zoning Secretary