

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

The Planning and Zoning Commission of the City of Lake Dallas met on August 21, 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, Clyde Fisher and Jenny Warmbrodt

C. Pledge of Allegiance

Chairperson Gilbert led the Pledge of Allegiance.

D. Citizen's Agenda

No one came forward and Chairperson Gilbert closed the citizen's agenda.

E. Business:

1. Consideration and Action on approval of Minutes for June 26, 2014 meeting.

Motion to approve the minutes for July 17, 2014 was made by Clyde Fisher; second by Peggy Shelton.

Ayes: Fisher, Shelton, Gilbert, Warmbrodt

Noes: None

Char DuPree referenced that the agenda states the date of June 26, 2013 as opposed to July 17 so the motion needs to reference the new date.

Char DuPree then announced that we will be removing from the agenda items 4 and 5 and they will be on the September 18, 2014 Planning and Zoning Meeting and then City Council on September 25, 2014.

2. Consideration and Action to recommend approval of the creation of the Swisher Road Overlay District

Ben Gilbert asked Char DuPree to give a background on this item. Ms. DuPree advised that during meetings with residents regarding the proposed zoning change, residents wanted more use restrictions for this area rather than permitting all the C-1 uses. This is why the Swisher Overlay District was developed. Char DuPree then read through the ordinance of uses permitted and what is prohibited.

Clyde Fisher asked why the lots on Hillcrest were included in the zoning change and Char DuPree answered it was because the owners of the lots wanted them to be changed as well. Commissioner Warmbrodt and Fisher asked if they could exclude those lots from the zoning change and Char DuPree answered that they could. Warmbrodt also questioned what the fencing requirements would be in this ordinance and Char DuPree answered it is a minimum of six feet in height and maximum of eight feet and would be the responsibility of the business owners. Char DuPree reminded the commission that what they are deciding at this time is the creation of the Swisher Overlay District and not the lots to be included.

Motion to approve the creation of the Swisher Road Overlay District was made by Clyde Fisher; Second by Jenny Warmbrodt.

Ayes: Fisher, Warmbrodt, Gilbert, Shelton

Noes: None

- 3. Public Hearings to hear comments on the proposed rezoning of portions of Swisher Road and Hillcrest Street, from R-1-7200 and R-2 to C-1 Swisher Overlay, creating a Special Road District for the following properties: Birdsong Addition, Block A, Lots 1-6; Oak Lakes Addition, Block F, Lots 27-33 and Block K, Lots 19-22; Pralle Addition, Block A, Lots 22a and 22b.**

Char DuPree gave a detailed background on the Swisher rezoning. This is due to the City looking at future development among Swisher Rd and the increased traffic due to the new Toll bridge. She referenced the Farmers Insurance office at 215 Swisher that was recently bought and already rezoned to C-1. The City then met with the surrounding homeowners to get their input and see what they did or didn't want to change. It is inevitable that Swisher Rd will go commercial, whether it changes at this time or not.

The first to speak was Lura Green at 524 Meadowbrook. She voiced her concerns on the three lots on Hillcrest which includes Birdsong Addn Blk A Lots 1 through 3 which she feels impedes on their community. She also submitted a petition signed by eleven of her neighbors who also disagree with the rezoning of those lots.

Next to speak was Dan Powell at 206 Hillcrest. His first concern is also the three lots previously mentioned. He stated he didn't want a busy restaurant, such as Denny's, in his neighborhood. Char DuPree advised him that the Swisher Overlay District does not allow that type of business in that location. His other concern is the dividing fence and his belief that a wooden fence would not be secure enough or properly cared for. The type of fence that would be best is a masonry fence between the commercial and residential properties. He then asked about the restrictions on signs. Ms. DuPree advised pole signs would not be allowed which was his main concern.

Third person to speak was Marvin Chisum at 204 Hillcrest. He reiterated what the other people stated. There needs to be a uniform barrier between the commercial and residential properties. He is not against the Overlay District since he knew this would happen eventually but to change the lots on Hillcrest will devalue their property. Traffic is already an issue with only two entrances in and out of the neighborhood and they don't want to add more traffic.

Kandi Jones, at 516 Meadowbrook, also believes those lots on Hillcrest should not be changed. She believes traffic is already an issue and doesn't want to add more to their neighborhood.

Next to speak was Tim Grisham who owns the lot at 104 Hillcrest. He is concerned that building on Swisher will affect the drainage of the creek on his property. He wants to know the City's requirements regarding drainage. Char DuPree said the City Engineer always reviews the properties and determines then if there are any drainage issues and what would need to be done to remedy any drainage problems during the construction plan review.

Tami Perchez at 106 Hillcrest spoke next. She thought her lot was also going to be included in the zoning change and she wanted to know why it was removed in the request. Char DuPree answered that due to all the opposition by surrounding neighbors those lots were removed. She answered if that was the case then why were those three lots in the Birdsong Addition being rezoned. Char DuPree answered that those lots right at the corner of Swisher and Ridgewood were not big enough in and of themselves to have a commercial property built on them and also the

homeowners requested for them to be rezoned. Ms. Perchez said she did not think this answer was acceptable. Her concern is also drainage issues due to being by LCMUA. She also spoke about the fence concerns and requested a masonry fence be required. Her final request is that any commercial property built to have an entrance off of Swisher and not Hillcrest.

David Jones who lives at 516 Meadowbrook came up next to speak. He is in the construction business and he does not believe TXDOT will allow a curb cut on Swisher Rd within a certain amount of feet on Ridgewood. He also believes a masonry fence should be required.

Dale Tate, 508 Hillcrest St, also expressed his concern on the fence requirements. He also requests an eight foot masonry fence. He believes the only reason those three lots off of Hillcrest are being changed is because they are vacant and those that own them don't even live in Lake Dallas. He also had a question about building height which Char DuPree answered is three stories as allowed in the C-1 Commercial District.

Judy Amstutz owns 5 lots in the zoning change request, including two of the three lots that are being proposed on Hillcrest. She believes the reason they have stayed as a request is because the houses across from them do not directly face Hillcrest. She also believes that those lots on Hillcrest that were removed should be added back on in order to have consistency.

Clyde Knight at 508 Ridgewood believed that no businesses should have an entrance on Hillcrest and should only be on Swisher.

Marvin Chisum spoke again regarding his concern that this rezoning might be considered spot zoning and Chairperson Ben Gilbert assured him this is not. He then asked about the lot right at Ridgewood and Hillcrest which was bought last year and he was under the impression the new owner didn't agree to it. Another person answered that she had changed her mind and agreed to her lot changing to commercial.

Steve Robertson, at 205 Swisher Rd, spoke next asking a question about the fencing requirements and how close to Hillcrest would they be required to be built. Char DuPree answered that it would be determined when the plans are submitted for each project but there are setback requirements already in place in the C-1 Ordinance.

Kenny Day, co-owner and business partner with the previous speaker, stated he is concerned that different businesses putting up various types of fences would not look good in the area as well as only rezoning the three lots on Hillcrest.

Kandi Jones spoke again. She believes to break up the subdivision would not be good for the community and would affect their property values. She also believes a traffic study should be done in her neighborhood to see that traffic is already an issue.

Suzanne Loper at 511 Meadowbrook is concerned with the fact that having commercial traffic in the neighborhood could affect the neighborhood kids safely playing outside.

Tim Grisham spoke again asking about the damaged chain link fence between his lot and LCMUA and what is going to be done to fix it.

Public Hearing Closed

4. **Consideration and Action to recommend approval of an ordinance rezoning of portions of Swisher Road and Hillcrest Street, from R-1-7100 and R-2 to C-1 Swisher Overlay, creating a Special Road District for the following properties: Birdsong Addition, Block A, Lots 1-6; Oak Lakes Addition, Block F, Lots 27-33 and Block K, Lots 19-22; Pralle Addition, Block A, Lots 22a and 22b.**

Jenny Warmbrodt first had a question about the 6 lots on Hillcrest, three of which are the vacant lots proposed to be rezoned in the Birdsong Addition and three that are not. She didn't quite understand how the size of the lots facing Swisher would effect that decision as referred earlier by Ms. DuPree. Ms. DuPree said with those lots, being approximately 6900 square foot, may not be big enough alone to build and have adequate parking but they can be replatted with the surrounding properties. Warmbrodt said it can be a problem when you just rezone a portion of a street. Commissioner Warmbrodt also asked if signs with bright lights are allowed on the back of the commercial buildings. Ms. DuPree answered that there are requirements in the Ordinances that do not allow business owners to have lights shining onto residential properties.

Motion to rezone all lots fronting Swisher Rd be rezoned to C-1 Swisher Overlay District excluding the three lots facing Hillcrest. It is also recommended an eight foot masonry fence be required between the commercial and residential properties. Motion was made by Clyde Fisher; second by Jenny Warmbrodt.

Ayes: Fisher, Warmbrodt, Gilbert, Shelton

Noes: None

Motion Passed

5. **Public Hearings to hear comments on the proposed rezoning of the property A1163a J.W. Simmons, Tract 5, located at 400 N Stemmons, from M-1 Light Industrial to C-1 Retail District.**

Moved to September Agenda

6. **Consideration and Action to recommend approval of an ordinance rezoning of the property A1163a J.W. Simmons, Tract 5, located at 400 N Stemmons, from M-1 Light Industrial to C-1 Retail District.**

Moved to September Agenda

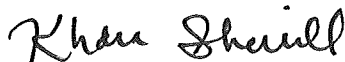
F. Future Agenda Items

The September agenda will include the item removed on this agenda for the rezoning of 400 N Stemmons.

G. Adjournment

Motion to adjourn was made by Peggy Shelton; second by Jenny Warmbrodt.

The meeting adjourned at 8: 15 PM.



Khara Sherrill, Planning and Zoning Secretary



Ben Gilbert, Chair