

State of Texas
County of Denton
City of Lake Dallas

The Planning and Zoning Commission of the City of Lake Dallas met on March 20, 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**

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

E. **Business:**

1. **Consideration and Action on approval of Minutes for January 16, 2014 meeting.**

Motion to approve the minutes for January 16, 2014 was made by Diana Byers; second by Peggy Shelton.

Ayes: Byers, Fisher, Shelton, Gilbert, Warmbrodt

Noes: None

2. **Public Hearing on proposed replat of Tract 15, 16 & 17 of A0958a McCarroll, Lots 1 & 2, of Block D of Barmarchar Sites, and Tract 69 of A1355a Wright, City of Lake Dallas, Denton County, Texas into one (1) lot. This property is at 307 Lake Dallas Drive and is zoned C-3 Commercial District.**

Jim Porterfield, ministry pastor for First Baptist Church, came forward to speak on behalf of the church. He stated they want to replat four lots into one. The main reason is to lessen the amount of paperwork they receive, especially the tax paperwork involved in having four lots. Clyde Fisher asked if the church has any plans to build. Mr. Porterfield advised that building is in the five year plan but it would mean acquiring the adjacent property off of the access road.

No one else came forward and the Public Hearing was closed.

3. **Consideration and Action to approve the proposed replat of Tract 15, 16 & 17 of A0958a McCarroll, Lots 1 & 2, of Block D of Barmarchar Sites, and Tract 69 of A1355a Wright, City of Lake Dallas, Denton County, Texas into one (1) lot.**

Char DuPree stated that even though they receive four tax bills it is actually six lots that need to be replatted into one. Various pieces of property were donated to the church throughout the years.

Motion to approve the proposed replat of Tract 15, 16 & 17 of A0958a McCarroll, Lots 1 & 2, of Block D of Barmarchar Sites, and Tract 69 of A1355a Wright, City of Lake Dallas, Denton County, Texas into one (1) lot by Clyde Fisher; Second by Diane Byers.

Ayes: Fisher, Byers, Warmbrodt, Shelton, Gilbert

Noes: None

Motion passed and it will go to City Council next week on March 27, 2014.

4. **Public Hearing on an application by Daniel Baker, business owner of 13 Steps to Nowhere, for a Special Use Permit to allow outdoor events at the property located at 501 E. Swisher Road, City of Lake Dallas, Denton County, Texas. The legal description of the property is A0424a N. French, Tract 21C, and it is zoned C-1 Commercial District.**

Daniel Baker, of 334 Lakecrest, Lakewood Village, TX came forward to speak about his request for the Special Use Permit. He spoke about the haunted house that he had on the property last year during the Halloween season and its success. He hopes to use the same land for much more than a haunted house including but not limited to Easter egg hunts, mazes, and laser tag. All these things would only require temporary structures. The business would be insured 100%, raise tax dollars for the City and bring more people into Lake Dallas. It would also potentially create more jobs for the community.

Clyde Fisher asked if Mr. Baker would need permission from the City for each event he plans to have and Mr. Baker replied he did not believe that would be needed. He would only need to contact the City if he planned on building a structure where building plans and permits were needed.

Chairperson Ben Gilbert asked how he plans on dealing with the noise issue. Mr. Baker said he plans on having realistic hours so it does not bother the neighbors. He hopes to be open from around 8 AM to 11 PM depending on the day. He does not plan on having something every single night but he wants the option to be open during those hours if needed.

Diane Byers asked where he plans on his customers parking. He replied he has an agreement with Swisher Courts do use their parking lot.

Clyde Fisher asked Char DuPree about any response the City received from the letters sent regarding the SUP. She advised she received several calls from residents regarding their concern about the noise. Most are not at the meeting tonight. She referred to the haunted house last year and the reason it was approved was because it was temporary and only on the weekends. It was clearly defined what they were going to do. Also, there were no complaints to the City regarding noise. The City is now requiring an SUP because there is not a clear zoning type for this kind of business. If it is approved, there has to be clear guidelines stipulated for Mr. Baker to follow and if he doesn't follow the code or he receives several complaints he could be cited. The purpose of the SUP is so there are guidelines for how he operates his business. If he does not follow the guidelines his SUP and certificate of occupancy could be revoked.

Ben Gilbert asked about the age requirements for this business. Mr. Baker said that most of the events would be family friendly and could encompass all ages. For things such as the haunted house the minimum age without adult supervision would be fourteen.

Clyde Fisher referred to the pallets and other trash and debris at the back of the property by Kingswood MHP. Mr. Baker stated most of the trash did not belong to him however he did admit to leaving the stacked up pallets where he hoped they would not be visible.

Diane Byers asked if he planned on doing paintball. Mr. Baker advised he does not want to do that because of the cost involved in ensuring the property is secure for that purpose. The insurance coverage he plans on having is an annual blanket coverage which would list out any possible event that he would host, which includes paintball, but in reality it is very unlikely that would ever happen.

Clyde Fisher asked how the City felt about this SUP. Char DuPree advised they do want more detailed information, for example, age restrictions, noise level, protecting the neighboring property as well as installing fencing. Most of the fences that separate the property are chain link fences. Diane Byers advised the Kingswood HOA does not allow anything but chain link fences but Ms. DuPree replied that Kingswood now goes by the city ordinance. It should not be the resident's responsibility to install the fence to separate the properties.

Diane Byers expressed concern over the amount of traffic and parking at Swisher Courts. She advised there is already a parking issue on nights there are activities and adding another event would make it even worse. Mr. Baker said he is planning on coordinating with Swisher Courts in preparing their schedule so there would not be two major events at the same time.

Ron Boudreaux, director of Montserrat Retreat House, of 600 N Shady Shores came up to speak. His property is adjacent to 501 Swisher. He said most of the guests come to their property from Thursday through Sunday, seeking peace and quiet. He believes this special use permit would not be beneficial to them. He is concerned because the back part of the property is being used as a junk yard. They have spent hundreds of dollars to obstruct the view from that property with plants. Clyde Fisher asked how much of their property actually borders 501 Swisher and he advised he did not know the exact dimensions. Commissioner Fisher advised it appears to be a small part and Mr. Boudreaux advised even though the visibility is small they are still concerned the noise will carry and bother retreat guests.

Tony Webb of 44 Lake Vista Cir came up to express his concerns. He did advise that last year during the haunted house there were some noise issues but it was not intolerable. He is torn by the fact that this will bring revenue to the City but could cause more noise and security issues. He wants to put up a wooden fence but the homeowners association won't allow him to do so. He feels the fence would help the safety issue. He is also concerned there will be drainage issues if they do build on that property.

Mr. Baker responded by stating he understands where both people are coming from. He said the haunted house is just a very small part of what he wants to do. He does not believe that drainage would be an issue and he wants to install a fence so he can control those that come and go on the property.

The Public Hearing was closed by Chairperson Ben Gilbert.

5. Consideration and Action to approve the proposed Special Use Permit to allow outdoor events at the property located at 501 E. Swisher Road.

Ben Gilbert advised they need a more concrete business plan before they can make a decision on allowing the special use permit. Diane Byers added that his business plan is still vague and it is hard to say at this point if it is going to create a problem or be a positive for the City. Gilbert suggested that they table the vote and then next month Mr. Baker can present his business plan to the Commission. The concern is proper fencing for those residents in Kingswood Mobile Home park and Montserrat Retreat Center that border his property as well as specific details including what type of events he is going to offer, age restrictions, hours of business, etc.

Motion to table consideration and action of the Special Use Permit request until Mr. Baker submits a more detailed business plan by Diane Byers, second by Clyde Fisher.

Ayes: Byers, Fisher, Shelton, Gilbert, Warmbrodt

Noes: None

Motion Passed.

6. Discussion on a proposed planned development by John Smith for his property on Betchan.

John Smith of 146 Garth Ln, Hickory Creek, TX came up to speak. He explained this property is the 11 acres just south of Lake Dallas City Hall. Mr. Smith explained this is just an informal discussion and to get feedback from the Commission regarding his tentative plans. This would be a 5 year project and would start with the two commercial buildings at the north side of the property, then the apartment complex, and lastly the storage buildings. Chairperson Ben Gilbert asked if he had any other type of architectural plans and he answered he did not since he was waiting to hear feedback from the Commission. Mr. Smith advised the storage buildings would be metal and he was reminded that even those must be 80% masonry. Mr. Smith explained the apartments would be three stories high and include eight units. The storage building would be behind a high fence except the front, which faces Lake Dallas Dr, would be gated. Mr. Smith referenced the paper he included giving financial estimates to get the property ready for building. Clyde Fisher advised this would be good tax revenue for the City but Ben Gilbert expressed Mr. Smith first needs to include an actual development plan. Diane Byers asked who was going to build the road needed. Mr. Smith responded that he plans on building a concrete road and asking for assistance from the EDC. He added the piece of property has been sitting for a long time and he acquired it in the summer of 2013.

He further explained how the commercial properties would be 1000 sq ft of store front with 5,000 sq ft warehouse. These businesses would be something that would bring sales tax to the city. If a business owner came in and wanted another type of business these structures would be shells and could be changed to accommodate several types of businesses including restaurants or retail. He also stated he has gotten interest from business owners wanting to open an indoor batting range or a gun range. Mr. Smith asked the Commission if the master plan was viable for this piece of property and they said so far it looks good but they need an official development plan to give a more definitive opinion.

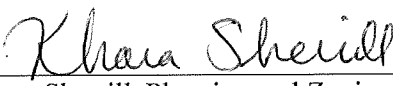
F. Future Agenda Items

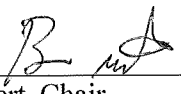
The rezoning of the KWMHP common area is still a possibility. Daniel Baker will be coming back with a business plan regarding the Special Use Permit request.

G. Adjournment

Motion to adjourn was made by Jenny Warmbrodt; second by Clyde Fisher.

The meeting adjourned at 8:16.


Khara Sherrill, Planning and Zoning Secretary


Ben Gilbert, Chair