

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

The Planning and Zoning Commission of the City of Lake Dallas met on January 16, 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 Commissioner Jenny Warmbrodt. Staff present: Community Development 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 August 15, 2013 meeting.

Motion to approve the minutes for August 15, 2013 was made by Clyde Fisher; second by Peggy Shelton.

Ayes: Byers, Fisher, Shelton, Gilbert, Warmbrodt

Noes: None

2. Public Hearing on proposed zoning change to approximately 1.56 acres on Bethany from R-1-6000 to C-2 Commercial District.

Chairperson Gilbert read out loud the legal description of the property which is A1355a Wright, Tr 53, 1.56 Acres, Old Dcad Tr #30.

Mike Lindley, co-owner of BMR Pool and Patio, came forward as the purchaser who wants to build on his site. He currently has 1 acre of property in Lewisville but it has gotten crowded and needs to move part of the operation to a secondary location. This piece of property currently backs up and surrounds several properties that are already zoned C2. He then handed out brochures about his business and showed what the office building looks like on FM407. Their goal is to always create something that looks nice. The business has been open for 15 years. He also explained how he is a retired Fireman and since it is customary for Fireman to do jobs on the side, he has been working in this industry for many years, even before this business was opened.

He then directed everyone to look at a 3D drawing of the plans for the property. This drawing included a larger building on the left of the property which would be for storage and an office. The second picture shows the view from the street. The third picture shows what Mr. Lindley envisions as the final layout of the property. The property would also include two entrances.

The second person to come forward was April Pinto of 601 Sargent. Her property is very close to the property in question. She stated she was hoping to continue seeing horses and donkeys outside her window instead of businesses. She hoped that houses would be built on this property. She is concerned that her property values will plummet and feels that this area should stay a residential property. Her main concern is the trucks driving on Betchan with it being such a small road and asked if there are plans to expand it. Char DuPree asked her if she understood that this piece of property is next door to the apartments and if she understands that all the property in front of her is already commercial. Mrs. Pinto said she did understand and believes this will turn their residential community into an eyesore.

Commissioner Clyde Fisher recused himself since he is Mr. Lindley's realtor but wanted to speak during the public hearing. Mr. Fisher lives at 747 Carlisle which is also very close to the property in question. He believes strongly that the city should support the change for several reasons. For one thing, several pieces of land nearby are already zoned C2 which include a new flooring company and the Lake Dallas public works office. Secondly, he is concerned with the tax base of Lake Dallas and that by adding more businesses it would help to alleviate the residential tax rates. He has been by Mr. Lindley's location in Lewisville and it is very nicely built. Overall this change would be beneficial to Lake Dallas.

Mr. Lindley came back up to address some of the concerns of Mrs. Pinto. He stated he has 2 two ton trucks and 1 one ton truck which they also use on the residential streets of their customers so they shouldn't be an issue. They also have superintendents that drive several pickups. They usually leave in the morning and then come back in the afternoon so there shouldn't be a lot of extra traffic. He understands that Mrs. Pinto wants to look at the animals but this area is now changing. He also explained how he is going to build a fence to surround a portion of the property to screen any business supplies and large trucks. It was stressed again that there are properties already zoned C2 that are even closer to the residential properties than what he is wanting to buy.

No one else came forward and Chairperson Gilbert closed the public hearing.

3. Consideration and Action to approve the proposed zoning change to approximately 1.56 acres on Betchan from R-1-6000 to C-2 Commercial District.

Commissioner Warmbrodt asked Mr. Lindley if there will be adding landscaping in the front of the property as opposed to just leaving it the way it is. He said he will be cleaning that area up and adding the fence to the right side of his primary building. Warmbrodt asked about the hours of operation and he advised they are open Monday through Saturday but they leave in the morning and come back in the evening.

Chairperson Gilbert asked if The City got any responses from the letters and asked how many letters were sent out. Char DuPree said we only got a response from April Pinto and only around 8 letters were sent, since the surrounding properties were such large pieces of land.

Chairperson Gilbert stated they have to not only look at his business but changing the zoning area in general. Commissioner Byers expressed that her main concern is the street Betchan in general. It is such a narrow street and bringing in 1 or 2 ton trucks will only make it worse. She stated she won't go down Betchan even now because she is concerned she could get hit. But with such big trucks on such a narrow road it could only make matter worse.

Clyde Fisher said the other businesses surrounding it including Andersons and Z Floors already require larger trucks to drive through the area. He stated he has lived there 35 years and is familiar with the amount of traffic there and so far it has not been an issue. Mr. Lindley said he understands Commissioner Byer's concerns but with other properties on Betchan already zoned C2, what difference would it make changing this property to the same zoning district. Byers said she just wants to understand what adding this business could mean to the city and if it could possibly mean adding more expenses for the city. Byers asked for clarification of the location of Mrs. Pinto's house and it was explained that her house is across the street and past another empty lot on Sargent.

Char DuPree stated the city does support this zoning change. We see this as the beginning of the changes needed for revitalizing the downtown district. Mr. Lindley's business is not going to be a "rock quarry" so lots of rock won't be stored at the business. As far as Betchan Street's condition, it will probably have to be fixed at some point in order to truly revitalize this area.

Mrs. Pinto had another question so the Public Hearing was reopened.

Mrs. Pinto asked if for some reason Mr. Lindley's business didn't work out what would happen to his property. Char DuPree said it would just be a vacant building and it would be up to the next person that bought the property.

Byers asked for clarification on what the use of this property would be for. This property would be to store the supplies needed to build the pool and patios. The items are obtained using the same trucks that go into the residential streets for their normal day to day business.

Motion to approve the proposed zoning change to approximately 1.56 acres on Betchan from R-1-6000 to C-2 Commercial District was made by Commissioner Warmbrodt; second by Commissioner Peggy.

Ayes: Byers, Shelton, Gilbert, Warmbrodt

Noes: None

Motion passed and it will go to City Council next week on January 24, 2014.

F. Future Agenda Items

There is a possibility that the Kingswood HOA board is looking to rezone the pool and clubhouse area to a commercial district. There is also a possible replat for First Baptist Church to change from 6 lots to 1 lot. It is a simple change but because it is over 4 lots it has to go through the Planning and Zoning Commission.

G. Adjournment

Motion to adjourn was made by Byers; second by Warmbrodt.

The meeting adjourned at 7:32.


Khara Sherrill, Planning and Zoning Secretary


Ben Gilbert, Chair