

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

The Lake Dallas City Planning & Zoning Commission met in a regular meeting on June 20, 2019 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 Ben Gilbert called the meeting to order at 7:00 p.m.

1. Roll Call

Ben Gilbert
Melody Parlett
Ian Bryant
John Moore
Vacant
Peggy Shelton
Lester Rayborn

Chairperson, Member 1
Member Place 2
Member Place 3
Member Place 4
Member Place 5
Alternate 1
Alternate 2

Absent: Melody Parlett and Ian Bryant

Staff Present: Jeremy Tennant, Director of Development Services, and Glenda Cowling, Permit Tech

2. Pledge of Allegiance was led by Ben Gilbert.

3 Approval of minutes for the meeting of April 18, 2019

Motion: Lester Rayborn made the motion to approve the minutes. John Moore second the motion. Motion carried.

Ayes: Ben Gilbert, John Moore, and Lester Rayborn

Nays: None

Motion carried 3-0

4. Approval of minutes for the Meeting of May 16, 2019.

Motion: Lester Rayburn made the motion to approve the minutes. John Moore second the motion. Motion carried.

Ayes: Ben Gilbert, Lester Rayborn, and John Moore

Nays: 0

Motion carried 3-0

5. ZD 06-19 Conduct a public hearing, consider and act on an application to change the zoning designation for 2.00 acres of land out of the Lowry Cobb Survey, Abst. No. 284,

Denton County Texas, from C-1 Retail District to a Planned Development (PD) District with base zoning of C-1 Retail District with the inclusion of storage yard use. The property is commonly known as 314 Carlisle Drive, The applicant is Shepherds of Carlisle, LLC.

Jeremy presented the following Background Information.

The property is located on Carlisle Avenue adjacent to the DCTA Trail path. The property owner, Tree Shepherds is a tree service company that services a large portion of Denton County. The applicant is requesting a zoning change from C-1 Retail District to a Planned Development (PD) District with a base zoning of C-1 Retail District with the inclusion of a storage yard use. The applicant proposes to store fleet vehicles and business equipment behind an eight-foot (8') high wooden fence with six-inch (6'') cedar pickets and metal posts. The applicant proposes to set the fence back eight feet to allow several trees to be planted along the front of the site. The applicant is also proposing to include an inset sliding wooden gate at the entrance along Carlisle Drive.

According to Sec. 22-246(b) fences in the front yard taller than three feet are prohibited; however, chain link fences up to four feet (4') in height are allowed. The applicant is requesting the Planned Development to request allowance for an opaque fence at a height of eight feet (8') within the front of the property to screen and secure a large section of useable property.

The office building is roughly two-thousand one, hundred and eighty-four square feet (2,184 sq. ft.) The Comprehensive Zoning Ordinance requires one (1) off-street parking space for each two-hundred (200 sq. ft.) square feet off-street parking space, requiring eleven (11) off-street parking spaces. The applicant is proposing seven (7) off-street parking spaces. Due to the nature of the business a waiver of the four off-street parking spaces is understandable. However, staff requests updated plans to illustrate where the applicant proposes to park its fleet equipment on the site and the proposed parking surface the fleet vehicles will be situated upon.

The applicant is proposing to utilize the existing gravel driveway and provide additional gravel for on the site. The Comprehensive Zoning Ordinance (CZO) Sec. 122-771 requires that all parking areas and loading areas be paved with concrete or asphalt. Since the property will be screened, staff is amenable to the existing gravel driveway. The applicant is proposing to pave the proposed seven (7) off-street parking spaces. Currently the applicant is not proposing a handicap parking space. One handicap parking space is required for lots with 1 to 25 parking spaces.

Access and Parking:

1. The gravel driveway must be paved with a decomposed gravel or course gravel surface with a minimum depth of six-inches (6'') spread across a compacted and stabilized sub base as approved by the City Engineer, or designee, with such approval to be secured in writing prior to the issuance of a certificate of occupancy. The driveway must also be maintained free of holes, dust, weeds and debris.
2. The off-street parking spaces shall be clearly delineated and one (1) handicap parking space must be provided.

3. The sliding gate must be at least twenty-four feet (24') minimum to allow a fire apparatus to access site.

Screening and Fencing:

1. The screening shall be opaque and properly maintained; at a minimum of eight feet (8') in height.
2. The screening shall encompass the entirety of the lot.
3. Shrubbery and/or small trees shall be planted along the front of the site at least every five (5') feet.
4. All required screening materials shall be maintained in a neat and orderly manner at all times. This shall include but not be limited to pruning, fertilizing, watering, mowing, weeding and other such activities common to the maintenance of landscaping.
5. Appropriate facilities for watering any plant material shall be installed at time of planting.
6. Screening areas shall be kept free of trash, litter, weeds and other such materials or plants not a part of the screening or landscaping.
7. Knox box on gate required.
8. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
9. All plant material that dies shall be replaced with plant material of similar variety and size.

ADJACENT ZONING AND LAND USE:

DIRECTION	ZONING	EXISTING USE
<i>Subject Property</i>	<i>C-1 Commercial District</i>	<i>Predominantly vacant with a primary structure w/ 3 accessory structures</i>
North	<i>C-1 Commercial District</i>	Children's Daycare
South	<i>C-1 Commercial District / Downtown Overlay</i>	Single-Family Dwellings (Hickory Creek residents)
West	R-1-6000 Single Family	Denton County Transportation Authority Trail and Rail
East	R-1-7200 Single Family	Single-Family Residential

Ben Gilbert opened the Public Hearing at 7:14 pm. Meeting closed at 7:15 pm. No one requested to speak.

Motion: Lester Rayburn made the motion for the approval of the zoning designation for 2.00 acres of land out of the Lowry Cobb Survey, Abst. No. 284, Denton County, Texas, from C_1 Retail District to a Planned Development (PD) District with the base zoning of C-1 Retail District with the inclusion of storage yard use. John Moore second the motion. Motion carried.

Ayes: Ben Gilbert, Lester Rayborn, and John Moore

Nays: None

Motion carried 3-0

6. SD 02-19 Conduct a public hearing and act on a Final Plat of River Oak Way Addition, Lots 1 through 14 and Lot 1X, Block A, being 6.75 acres situated within the Thomas White Survey, Abstract No. 1376, City of Lake Dallas, Denton County, Texas. This property is commonly known as being located at the southwest corner of Dobbs Road and River Oak Way. The subject property is zoned R-1 7200. The applicant is Mentor Homes, LLC. Way. The subject property is zoned R-1 7200. The applicant is Mentor Homes, LLC.

Jeremy Tennant presented the following background information:

The petitioned property is zoned R-1-7200 Single-Family Residential District. The property which is owned by Mentor Custom Homes, is proposed to consist of 14 single-family lots, averaging 12,000 square feet and fronting along River Oak Way. River Oak Way is a two-way local thoroughfare within a 50-foot right-of-way. The petitioned property is located at the northwest most portion of the City of Lake Dallas at the intersection of Dobbs Road and River Oak Way.

On March 16, 2017, the Planning and Zoning Commission recommended approval of the preliminary plat for this property. On March 23, 2017, the City Council followed with approval of the applicant's preliminary plan submittal. In July 2017, the final plat was deferred due to the lack of a drainage plan on the site. The applicant resubmitted the final plat in May of 2018 with a hydrology report; however, there were some outstanding items that were not met. Due to the number of continuations, the final plat request was denied by the Planning and Zoning Commission and subsequently by the City Council in November and December of 2018, respectively.

In May of 2019, the applicant submitted all the outstanding information, which included the following:

1. A geotechnical sub-surface report has not been provided
2. The engineer has not provided soil condition assumptions and calculations used to design the retaining wall
3. There are several comments from the third comment review letter and plan that have not been addressed
4. Revised plans (including showing where the floodplain is located) and a plat for final review have not been received

The information was reviewed and approved by the City's Third-Party Engineer firm; hence all outstanding items have been addressed. Within the review process the final plat request has been changed from the platting of 15 lots to 14 lots of record.

ADJACENT ZONING AND LAND USE:

DIRECTION	ZONING	EXISTING USE
<i>Subject Property</i>	<i>R-1-7200</i>	<i>Vacant</i>
North	<i>Town of Shady Shores</i>	Single Family Residences and Elementary School
South	<i>R-1-10000</i>	Single Family Residences being a part of Thousand Oaks Phase III Addition
West	<i>City of Corinth</i>	Single Family Residences
East	<i>R-1-7200</i>	Single Family Residences being a part of Thousand Oaks Phase III Addition

FINANCIAL CONSIDERATION:

In 1997, the applicant has indicated the property's current assessed value is \$30,716.00, generating approximately \$205.20 tax revenue. The expected value of this project is \$4,500,000.00.

Ben Gilbert opened the open meeting 7:21 pm and closed the meeting at 7:24pm. No one present to speak

Motion: John Moore made the motion to recommend approval of the Final Plat of River Oak Way Addition, Lots 1 through 14 and Lot 1X, Block A, being 6.75 acres situated within the Thomas White Survey, Abstract No. 1376, City of Lake Dallas, Denton County, Texas. Lester Raburn

Ayes: Ben Gilbert, John Moore, and Lester Rayborn

Nays: None

Motion carried 3-0

7. Masonry Exception Update.

Jeremy Tennant updated the members regarding House Bill 2439.

In August of 2018, staff was directed by the Planning and Zoning Commission to provide background information into the City of Lake Dallas' current masonry requirements. Staff began the discussion with the Planning and Zoning Commission over three meetings; however, once staff became aware of House Bill 2439 staff limited discussion due to the bill's potential effect on the regulation of building materials, products or methods.

Upon the conclusion of the most recent legislative session, House Bill 2439 was passed. The passage of this bill in effect prohibited the placement of regulations regarding building materials,

products and methods. In essence, a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, or other regulation that prohibits, directly or indirectly, the use of a building product, material, method in construction, renovation, maintenance, or other alteration of a residential or commercial structure if the building product, material, or method is approved for use by a national model code that is adopted by the governmental entity and governs the construction, renovation, use, or maintenance of buildings and building systems. Also, any rule, charter provision, ordinance, order, or other regulation adopted by a governmental entity that is in conflict is void.

With this stated, the continued conversation regarding restrictions or types of exterior surfaces for structures is concluded.

8. Citizens Agenda and Public Comments:

An opportunity for citizens to address the Planning & Zoning Commission on matters which are not scheduled for consideration by the Planning & Zoning Commission. In order to address the Planning & Zoning Commission, please complete a Public Meeting Appearance Card and present it to the City Secretary prior to the start of the meeting. The Texas Open Meeting Act prohibits deliberation by the Planning & Zoning Commission. No one was present to speak.

At this time Jeremy Tennant gave a update of the possibility of future agenda items such as lot sizes and masonry requirements.

9. Adjournment.

Passed and approved on the 19 day of Sept, 2019

Ben Gilbert
Ben Gilbert, Chairperson

Glenda Cowling
Glenda Cowling, Permit Tech