

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

The Lake Dallas City Planning & Zoning Commission met in a regular meeting on August 15, 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 7:02 p.m.

1. Roll Call

Ben Gilbert	Chairperson, Member 1
Melody Parlett	Member Place 2
Ian Bryant	Member Place 3
John Moore	Member Place 4
Vacant	Member Place 5
Peggy Shelton	Alternate 1
Lester Rayborn	Alternate 2

Absent: Lester Rayburn

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 May 29, 2019

Motion: Melody Parlett made the motion to approve the minutes. John Moore second the motion. Motion carried.

Ayes: Ben Gilbert, John Moore, Lester Rayborn and Melody Parlett

Nays: None

Motion carried 4-0

4. Conduct a public hearing, consider and act on an application on a special use permit request to allow a store for the sale of alcoholic beverages in a retail suite totaling 3,600 sq. ft in the Swisher Road Addition North, Block 1, Lot 1 in the City of Lake Dallas, Denton County, Texas 75065. The zoning district is C-1 Retail District. The property is commonly known as 304 Swisher.

Jeremy presented the background check:

The applicant is requesting a special use permit (SUP) for the retail sale of off-premise alcoholic within a portion of a currently vacant structure, formerly Fossil Creek Liquor store at 304 Swisher Road. The property sits across the street from the QT fueling convenience station. The property

owner, Josh Vivek, is proposing to utilize roughly less than half of the structure, 3,500 square feet, to sell package liquor and cigars. The remaining portion of the structure, 3,788 square feet, is proposed to be an entirely different suite. The applicant proposed to place a firewall between both proposed suites.

The existing retail center is compliant with the City of Lake Dallas' Code requirements of the Comprehensive Zoning Ordinance and is compatible with the City's future land use map and the Comprehensive Plan. The City's future land use map designates the area as Neighborhood Retail. The intent and characteristics of the Neighborhood Retail future land use district is to service retail and office land uses located adjacent to neighborhoods. These developments typically are smaller than buildings in the commercial category, have smaller signage, landscaping, and screen parking. As shown in the future land use plan, areas for neighborhood commercial include along Swisher Road and south of Hundley Drive just east of the rail line.

Primary uses within the Neighborhood Retail future land use map are professional office, food sales, convenience stores (not including gas stations), general retail sales, personal services, medical facilities, or restaurants. Secondary uses are institutional uses.

Notices were mailed to adjacent property owners within four hundred feet (400') of the subject property on July 26, 2019. Notice was also published in a local newspaper on July 26, 2019 as required by state law and the City of Lake Dallas Code of Ordinances. At the time of preparing this memo, two statements in favor of the request were received on this request. An update will be provided at the Planning and Zoning Commission meeting should there be any change.

STAFF COMMENTS AND RECOMMENDATIONS:

Staff recommends approval for the SUP amendment request to allow for the retail sale of off-premise consumables at 304 Swisher Road, Suite 100, subject to the following provisos:

1. The Specific Use Permit (SUP) request is non-transferrable.
2. There shall be no service attendants, hawkers, peddlers, or solicitors allowed outside the building.
3. There shall be no drive-thru or drive-thru window.
4. There shall be a Knox box required for emergency access to the building.
5. There shall be no bars on the outside, inside or in between the windows.
6. At no time shall the windows be opaque during business hours of commerce.
7. There shall be no creation of nuisance by odor, noise, glare, litter or unsightly matter.
8. There shall be no outside storage or display.
9. Hours of operation: Monday – Saturday, 10 am to 9 pm and closed on Sunday, Thanksgiving Day, Christmas Day and New Year's Day.
10. Any violations of the terms and conditions of the SUP shall render the same null and void.
11. Applicant shall meet all current building codes prior to the issuance of a Certificate of Occupancy.

ADJACENT ZONING AND LAND USE:

DIRECTION	ZONING	EXISTING USE
<i>Subject Property</i>	<i>C-1 Retail District</i>	<i>Un-occupied structure</i>
North	<i>R-1-7200 Residential</i>	Single-Family Residential
South	<i>C-2 Commercial District</i>	Convenience Station
West	R-1-7200 Single Family	Single-Family Residential
East	DCTA/Hickory Creek	DCTA Line and Hickory Creek

FINANCIAL CONSIDERATION:

N/A

1. The Specific Use Permit (SUP) request is non-transferrable.
2. There shall be no service attendants, hawkers, peddlers, or solicitors allowed outside the building.
3. There shall be no drive-thru or drive-thru window.
4. There shall be a knox box required for emergency access to the building.
5. There shall be no bars on the outside, inside or in between the windows.
6. At no time shall the windows be opaque during business hours of commerce.
7. There shall be no creation of nuisance by odor, noise, glare, litter or unsightly matter.
8. There shall be no outside storage or display.
9. Hours of operation: Monday – Saturday, 10 am to 9 pm and closed on Sunday, Thanksgiving Day, Christmas Day and New Year's Day.
10. Any violations of the terms and conditions of the SUP shall render the same null and void.
11. Applicant shall meet all current building codes prior to the issuance of a Certificate of Occupancy.

Ben Gilbert opened the public hearing at 7:11 pm. Closed the meeting at 7:12 pm.

Motion was made by Melody Parlett to approve the special use permit request to allow a store for the sale of alcoholic beverages in a retail suite totaling 3,600 sq. ft in the Swisher Road Addition North, Block 1, Lot 1 in the City of Lake Dallas, Denton County, Texas 75065. John Moore second the motion. Motion carried.

Ayes: Ben Gilbert, Lester Rayborn, and John Moore and Melody Parlett

Nays: None

Motion carried 4-0

West	R-1-6000 Single Family	Denton County Transportation Authority Trail and Rail
East	R-1-7200 Single Family	Single-Family Residential

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 4-0

5. 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 an update of the possibility of future agenda items such as lot sizes and masonry requirements.

6. Adjournment.

Passed and approved on the 19 day of Sept, 2019

B. Gilbert

Ben Gilbert, Chairperson

Glenda Cowling

Glenda Cowling, Permit Tech