

**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
SPECIAL MEETING  
COUNCIL CHAMBERS - 127 N. COLLINS RD  
MONDAY, SEPTEMBER 26, 2016  
6:00 P.M.**

<b>MAYOR</b>	<b>JIM PHAUP</b>	<b>ABSENT</b>
<b>MAYOR PRO-TEM, &amp; PLACE 2</b>	<b>SAJI GEORGE</b>	<b>ABSENT</b>
<b>COUNCILMEMBER, PLACE 1</b>	<b>KARA RANTA</b>	
<b>COUNCILMEMBER, PLACE 3</b>	<b>MARK EGAN</b>	
<b>COUNCILMEMBER, PLACE 4</b>	<b>JIM WADE</b>	
<b>COUNCILMEMBER, PLACE 5</b>	<b>KAREN HILL</b>	
<b>COUNCILMEMBER, PLACE 6</b>	<b>CHRIS MCNEILL</b>	

**CALL MEETING TO ORDER**

Councilmember Hill called the meeting to order at 6:13 p.m.

**1. DISCUSS AND PROVIDE STAFF DIRECTION ON PERFORMANCE MEASURES AND REPORTING PROCESS.**

Town Secretary Leslie Black presented to Council various performance measures for each department.

Councilmember McNeill arrived at 6:27 p.m. Mayor Phaup and Mayor Pro-Tem George were absent.

Councilmembers made suggestions of data that Council would like from each department.

**ADJOURN**

Councilmember Hill adjourned the meeting at 6:59 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

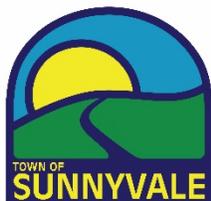
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Mayor Jim Phaup

ATTEST:

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Leslie Black, Town Secretary



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
REGULAR MEETING  
MONDAY, SEPTEMBER 26, 2016  
TOWN HALL - 127 N. COLLINS RD.  
7:00 P.M.**

<b>MAYOR</b>	<b>JIM PHAUP</b>	<b>ABSENT</b>
<b>MAYOR PRO-TEM, &amp; PLACE 2</b>	<b>SAJI GEORGE</b>	<b>ABSENT</b>
<b>COUNCILMEMBER, PLACE 1</b>	<b>KARA RANTA</b>	
<b>COUNCILMEMBER, PLACE 3</b>	<b>MARK EGAN</b>	
<b>COUNCILMEMBER, PLACE 4</b>	<b>JIM WADE</b>	
<b>COUNCILMEMBER, PLACE 5</b>	<b>KAREN HILL</b>	
<b>COUNCILMEMBER, PLACE 6</b>	<b>CHRIS MCNEILL</b>	

**INVOCATION**

Councilmember McNeill led the invocation.

**PLEDGE OF ALLEGIANCE**

Councilmember Hill led the Pledge of Allegiance.

**CALL MEETING TO ORDER**

Councilmember Hill called the meeting to order at 7:05 p.m. Mayor Phaup and Mayor Pro-Tem George were absent.

**PUBLIC FORUM**

Citizen may speak on any matter other than personnel matters or matters under litigation. No Town Council action or discussion will be taken until such matter is placed on the agenda and posted in accordance with law.

None.

**CONSENT AGENDA ITEMS 1 THROUGH 3:**

All items on the consent agenda are routine items and may be approved with one motion; should any member of the Town Council or any individual wish to discuss any item, said item may be removed from the consent agenda by motion of the Town Council.

- 1. MINUTES OF TOWN COUNCIL SPECIAL MEETING – AUGUST 31, 2015.**
- 2. MINUTES OF TOWN COUNCIL SPECIAL MEETING – SEPTEMBER 12, 2016.**
- 3. MINUTES OF TOWN COUNCIL REGULAR MEETING – SEPTEMBER 12, 2016.**

Councilmember McNeill made a motion, seconded by Councilmember Egan, to remove item #3 from the consent agenda and approve items #1 and #2 as presented; with all members voting affirmative, the items passed 5/0. Mayor Phaup and Mayor Pro-Tem George were absent.

Councilmember Ranta stated that in the Minutes of Town Council Regular Meeting – September 12, 2016, on page 21 of the packet it should state, “Town Manager Sean Fox stated he has submitted the next phase of Collins Road (Tripp Rd. to Town East) for funding but it could take 1-2 years to find out if Dallas County will partner with Sunnyvale.”

Councilmember McNeill made a motion, seconded by Councilmember Ranta, to approve item #3 with the changes stated, and with all members voting affirmative, the item passed 5/0. Mayor Phaup and Mayor Pro-Tem George were absent.

### **PUBLIC HEARING**

Open or continue public hearing, consider testimony and other information provided, close public hearing, and take necessary action with respect to the following:

- 4. APPLICANT: BILL FOOSE**  
**AT OR ABOUT: 2718 BELT LINE ROAD APPROX. 11.53 ACRES**  
**REQUEST: FINAL PLAT – BELTLINE VENTURE ADDITION, LOTS 1 & 2, BLOCK A**

The subject property is located at or about 2718 Beltline Road. The applicant requests approval for a proposed final plat for 2 new lots. Lot 2 will be used for the future development of a Salons Elite establishment. The individual building site is approximately 2 acres. The subject property, located within a Local Retail zoning district is 11.53 acres in size. The proposed use is allowed by right within the Local Retail District.

The plat contains 3 easements that will be recorded by separate instrument.

A 60' mutual access easement on the south property line

A 24' fire lane/mutual access easement throughout the interior portions of the property

An off-site detention pond as required by Town development standards

All other details of the proposed plat meet the requirements of the Sunnyvale zoning ordinance and subdivision ordinance.

Notice was published within the Town's Official Newspaper on August 31, 2016. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Nineteen (19) letters were sent. As of the writing of this staff memo, no letters had been returned either in favor or in opposition of the request.

Town staff has the following comments/recommendation for consideration:

Town staff recommends approval contingent to all Town comments being satisfactorily addressed prior to construction.

Applicant Bill Foose, 3129 Hanover, Dallas, Texas, stated he is requesting Council's approval of the plat so construction can begin.

Councilmember Wade asked if the entrance from Beltline Road will connect to the other surrounding properties. Applicant Bill Foose stated yes, it is a mutual access easement.

In response to a question by Councilmember Wade, Applicant Bill Foose stated that if the property to the north were to be developed they would be able to tie into the mutual access easement.

Councilmember Wade asked if the property to the south, on Tripp Road, would be able to tie into the mutual access easement that is located at that point, or if there would be a slip street. Director of Development Services Rashad Jackson stated the mutual access easements have been dedicated primarily for the applicant's two lots. When the property to the south is developed, that developer will have to request permission to put in a cross access in order to continue the slip street.

Councilmember Wade asked if The Town was requiring the setback from Beltline to the applicant's driveway. Director of Development Services Rashad Jackson stated that there is a 25 feet requirement.

Councilmember Hill opened the public hearing. Councilmember Hill closed the public hearing.

Councilmember Wade asked if there would be a requirement for a second entrance off Beltline because this property is over 11 acres. Director of Development Services Rashad Jackson stated a traffic impact analysis could be done to see if a second entrance can be required.

Councilmember Wade stated he is concerned because there is only one entrance and one exit. There is nothing to satisfy the easement requirements in the future.

In response to a question by Councilmember Egan, Engineer Michael Saucedo stated there will be a left hand turn cut.

Councilmember Egan made a motion, seconded by Councilmember Ranta, to approve 2718 Beltline Road approx. 11.53 acres, final plat – Beltline Venture Addition, lots 1 & 2, Block A, subject to staff approval, and with all members voting affirmative, the item passed 5/0. Mayor Phaup and Mayor Pro-Tem George were absent.

**5. APPLICANT: JAMES SNEED**  
**AT OR ABOUT: 321 BARNES BRIDGE ROAD**  
**REQUEST: FINAL PLAT – SNEED ADDITION, LOT 1, BLOCK A**

The applicant is the representative for a residential property located at 323 Barnes Bridge Road. The applicant proposes to subdivide and create a single 5 acre lot (The Sneed Addition) out of an existing 10 acre parcel. The 5 acre lot will be for the future development of a single residence. The preliminary plat for the proposed subdivision was approved in June 2016.

Prior to submission of this plat application, the property received a lot width variance from the Board of Adjustment. The variance, received on May 24<sup>th</sup>, allows for a lot width of 184 feet for the subject property. The proposed final plat has been submitted in accordance with the Board of Adjustment variance approval and all other Town zoning and subdivision ordinance requirements.

Notice was published within the Town's Official Newspaper on Wednesday, August 31, 2016. Letters were also provided to surrounding properties meeting the distance requirements as provided within the zoning ordinance. Eight (8) letters were sent out. As of the writing of this staff memo, one (1) letter had been returned in favor of the request.

Variance from Section 3.7 Area Standards for Detached Single Family Dwellings, Chart 3.2 Area Standards for Residential Lots to reduce the lot width requirement from 250' to 184' for two (2) proposed residential lots located at or about 323 Barnes Bridge Road.

Town staff recommends approval of the final plat. The proposed plat meets the standards set forth in the Zoning Ordinance.

There was no discussion.

Applicant James Sneed stated he was looking forward to moving to Sunnyvale.

Councilmember Hill opened the public hearing. Councilmember Hill closed the public hearing.

Councilmember McNeill made a motion, seconded by Councilmember Ranta, to approve 321 Barnes Bridge Road, final plat – Sneed Addition, Lot 1, Block A, and with all members voting affirmative, the item passed 5/0. Mayor Phaup and Mayor Pro-Tem George were absent.

**6. APPLICANT: COLIN HELFFRICH, P.E.**  
**AT OR ABOUT: APPROX. 30 ACRES SOUTH OF MIDSTREAM AND WEST OF BENWICK DRIVE**  
**REQUEST: FINAL PLAT – STONEY CREEK PHASE 2G**

The applicant is requesting final plat approval for Stoney Creek Phase 2G. The proposed final plat shows a total of 47 single family residential lots ranging in size from 18,000 square feet to 31,633 square feet. One (1) open space lot will also be provided within the southeast corner of the development. The total area of Phase 2G is 30.679 acres. Lots provided around the perimeter of the development do not abut alleyways. However, those lots located within Block E, have an internal alleyway. The right-of-way within the development is 55 feet in width. A 25' open space/landscape buffer area has been provided along the west and south sides of the development.

Town staff has evaluated the proposed development against the Zoning Ordinance, Subdivision Ordinance, and Engineering Design Standards as well as the more specific requirements for a PRO contained within Ordinance No. 463. The table below shows the approved lot totals for Tract 2 of the Stoney Creek development.

Upon review, staff notes phase 2G has been developed in accordance with the Tract 2 requirements. With only phases 2E and 2F of Tract 2 remaining, the development is consistent with the approved lot size and lot count approved for the tract.

#### Density and Lot Count Requirements

The property is zoned SF-3 PRO, Single Family Residential 3 Planned Residential Overlay. Ordinance No. 463 provides further regulations for how Tract 2 of Stoney Creek is to develop.

The total number of dwelling units provided within Tract 2 shall not exceed 472. To date (with 2G included), Tract 2 has a total of 318 lots. The overall maximum density per gross usable acre shall not exceed 1.43 dwelling units per acre.

Setbacks and Lot Size

As per the zoning requirements and the PRO standards, lots within phase 2G are required to be a mix of sizes. The following lot sizes are developed within phase 2G.

Number of Units	Lot Size
0	Greater than or equal to 15,000 square feet
43	Greater than or equal to 18,000 square feet
4	Greater than or equal to 24,000 square feet

Lot width, lot depth, and setbacks are determined based upon the size of the lot provided. In all instances, lot depth must be greater than lot width for the lot sizes noted. Setbacks and lot width requirements for lots within these size ranges are as follows:

Lot Size	Width	Front Setback	Side Setback	Rear Setback
14,000 to 19,999	100	50	20	30
20,000 to 34,999	120	60	30	40

The lots provided for within this phase meet the requirements noted above. No amendments or waivers are necessary.

Landscaped Buffer Areas and Open Space

Perimeter buffering is required for Tract 2. Along the south and west sides of the proposed phase, an open space area has been provided. This area is twenty-five (25) feet in width. According to the PRO requirements, this area is to what is referred to as "Landscape Section A-A". A six (6) foot berm with landscaping materials atop (Chinese photinia plant) is provided.

Tract 2 requires that 45.64 acres of open space be provided. At this time, 38.561 acres of open space will have been provided for within this area of the development. Town staff will continue to monitor the open space so as to ensure that the correct amount is provided.

Street Lighting

Decorative lighting is required at all residential subdivision entries. Additional lighting is to be placed throughout the development. Light poles are to be fourteen (14) feet in height. Traffic information and street names shall be placed on the poles. The applicant will need to install the standard Sunnyvale light pole.

### Fire Hydrants

Fire Hydrants are located in accordance with the regulations as provided for within the Zoning Ordinance and Subdivision Ordinance. Fire hydrants must be located at all intersecting streets and at intermediate locations between intersections at a maximum spacing of five hundred (500) feet.

### Architectural Details

If fencing is to be provided along the lot perimeters, such fencing must meet the requirements of the zoning ordinance. Fencing adjacent to open space, must have openings that do not cover more than fifty (50) percent of the fence area shall be used.

Garages may not face the front of the lot. No front building elevation or plan for a single-family detached dwelling shall be repeated with a block face or within 1,000 feet along a street(s). All residential units shall consist of ninety (90) percent brick or stone, with exception given to doors and windows.

### Sidewalks, Trails, and Alleys

No trails have been provided within this portion of the development. Sidewalks will be provided and must be constructed in accordance with the Town's requirements.

Public notice was provided to the Town's Official Newspaper for publication on August 31, 2016. Letters were also sent to property owners' within 400'. The total number of letters sent was thirty-three (33). As of the release of the staff memo, one (1) response had been received in favor.

Ordinance No. 463 requires that the developer contribute \$1,100 per lot for traffic mitigation fees. This would equate to \$51,700. The intent of these fees is for two (2) designated roadway projects: Collins Rd (from Town East to Tripp Rd) and Tripp Rd/Collins Rd intersection improvements. To date, \$418,800 has been contributed to the fund.

Town staff has the following comments/recommendations for consideration:

The engineering comments, must be satisfactorily addressed prior to Town signature and recording of the plat.

HOA documents are required for the proposed development.

The applicant is subject to the payment of traffic mitigation fees in accordance with Ordinance No. 463 at \$1,100 per lot to be paid prior to plat recording. (\$51,700)

Lighting, fire hydrants, sidewalks, etc. must be in accordance with zoning ordinance as well as PRO requirements. All franchise utilities and landscaping must be inspected and approved by Town staff prior to the recording of the final plat with Dallas County.

There was no discussion.

Applicant Colin Helffich, Dowdy Andersen Associates, 5525 Village Creek Dr., Plano, Texas, stated he is requesting approval of the final plat.

Councilmember Ranta asked about the status of the amenities center and pool. Applicant Colin Helffich stated they will receive the certificate of occupancy this week.

Councilmember Hill opened the public hearing. Councilmember Hill the closed public hearing.

Councilmember McNeill made a motion, seconded by Councilmember Egan, to approve approx. 30 acres south of Midstream Drive and west of Benwick Drive, final plat-Stoney Creek Phase 2G, as presented with the contingency of the completion of requirements in the Town letter, and with all members voting affirmative, the item passed 5/0. Mayor Phaup and Mayor Pro-Tem George were absent.

**7. APPLICANT: ANGELA NAVARRO  
AT OR ABOUT: 400 S. PASCHALL ROAD  
REQUEST: CONDITIONAL USE PERMIT FOR A COMMERCIAL AMUSEMENT  
USE AND SITE PLAN**

The subject property is located at or about 400 S. Paschall Road. The applicant requests approval of a Conditional Use Permit for a Commercial Amusement use and site plan. The request is for the development of a wedding / event facility. The applicant plans to build a venue for events such as weddings, corporate functions, banquets and reunions. The proposed use is allowed with conditional use permit approval within a Highway Commercial zoning district. The subject property is 5.4 acres in size.

*Proposed Development Variations:* The applicant has requested variations from our standard development requirements for Highway Commercial development (noted below). Conditional Use Permit applicants may seek variations from standard development requirements per section 24.2 of the zoning ordinance.

Section 24.2 of the zoning ordinance reads as follows:

*24.2.A: Whenever an applicant for a conditional use permit seeks to vary or waive any of the regulations or standards applicable within the zoning district, he shall clearly identify such variation or waiver on the site plan required by this chapter.*

*24.2.B: In order to implement the purposes of this chapter, the Town Council may grant variations or waivers to zoning district standards that have been requested by an applicant and specifically identified in the application, only if it determines that the proposed use is appropriate for the site and that such variations or waivers are necessary to render the use compatible with adjoining land uses and consistent with the purpose of the district in which the use is proposed.*

The applicant has requested a variation to use wood siding as opposed to masonry or hardboard siding as required. Other portions of the building façades are shown to be constructed with stone accents. The applicant's site plan also shows a variation from the standard parking space and drive aisle paving regulations. The plans propose crushed granite for standard parking spaces and interior drive aisles as opposed to concrete. Only the fire lanes and accessible parking spaces will be constructed out of concrete.

*Required Highway Commercial (HC) Development Standards:*

*Section 20.8.A.2.c*

*Non-residential - HC District*

*(1) Exterior walls of all structures shall have at least 90% masonry coverage on all four building sides. Stucco type masonry shall be limited to 40% of required masonry area façade (max %10 stucco in Design Overlay). Colors for stucco type masonry shall be selected from the recommended earth tone palette provided in the Town of Sunnyvale Design Criteria Manual. The use and coverage percentage of Hardiboard type masonry shall be considered only on a specific case basis.*

*(2) Plain haydite or concrete block outside walls must be veneered with another decorative masonry material. Masonry shall be brick or stone. Glass block and glass curtain walls are acceptable materials but they shall not exceed 50 percent of the area of any wall.*

*(3) No exterior walls of any buildings shall be constructed of wood or corrugated metal.*

*Section 19.15 Parking Regulations*

*All parking spaces and access thereto shall be constructed with a minimum of five (5) inches of reinforced concrete material, except that areas designated for fire lanes shall be constructed with a minimum of six (6) inches of reinforced concrete material, and providing a low maintenance surface on any and all parking areas.*

*US Hwy 80 Design Overlay District:* The proposed site lies within the US Hwy 80 Design Overlay District. The intent of the overlay district is to provide design standards for developments that incorporate large anchors and commercial/retail centers, maintain a consistent landscape treatment throughout the corridor, incorporate natural tree groves and provide standards that encourage pad sites and specialty users to orient around main streets, pedestrian walks or town greens.

Staff notes that the purpose of the overlay design criteria, excluding the landscape requirements, does not necessarily apply to the applicants proposed development. The design overlay development standards are intended to guide big box retail development along the highway corridor. The applicant's proposal is site specific and is not designed as a large commercial/retail use. The proposed site is heavy wooded location near a flood plain and typically would not be considered a prime location for a big box retailer or shopping center development.

Plans show a two-story barn building with wood board batten facade and one main entry. A multi-purpose studio building is shown directly east of the main assembly building. Details of the design are as follows:

**BUILDING HEIGHT:** Two-story assembly building with gambrel style metal roof. One-story multi-purpose studio building with metal hip style roof.

**ACCESS:** Access will also be along the S. Paschall Road right of way. The main entry will face Paschall Road. The service entrance and trash pickup will be on the west side of the main assembly building.

**BUILDING EXTERIOR / FACADE:** The main assembly building exterior will be clad primarily in wood. The multi-purpose building will be clad with wood and stone accents.

**OFF-STREET PARKING:** Required parking shall be 1 space per 100 sq.ft. (116 spaces). The applicant has submitted plans meeting this requirement. The parking will accommodate the proposed use. Variations have been request for the proposed crushed granite parking material. All fire lanes and accessible parking spaces will be constructed out of concrete.

**SITE FURNISHINGS & LIGHTING** - Primary circulation routes within development sites shall utilize decorative light fixtures such as the Oncor approved Hanover Eurotique series style light or an approved equivalent. The lights within parking lots and pedestrian areas should be from a consistent family of fixtures for a uniform appearance within each development. The applicant's plans do not shown proposed lighting at this time. A lighting plan, in accordance with Section 20.6.F of the zoning ordinance, will be required prior to construction.

**PARKING LOT / INTERIOR SITE LANDSCAPE:** Design guidelines require parking areas to be screened. All parking lot screening shall be maintained at least thirty six inches (36") in height. Berming, planting screens or low profile walls are allowed per design criteria standards. The applicant has proposed the use of berms along the US 80 corridor. Additional details for the interior site plantings will be required prior to construction (platting stage). A detailed tree survey / landscape plan will be required.

**US HWY 80 CORRIDOR LANDSCAPE BUFFER:** The overlay design criteria require the use of naturalistic landscape berms and plantings along the US Hwy 80 corridor landscape. (Example shown below) The applicants design appears to meet the intent of the design regulation. Plans show the use of existing natural vegetation and the installation of landscape berms along the right of way.

Notice was published within the Town's Official Newspaper on August 31<sup>st</sup>. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Thirty-One (31) letters were sent. As of the writing of this staff memo, one (1) letter had been returned in opposition of the request and one (1) letter in favor of the request.

*A suggestion was made by the Commission to the applicant to provide an exit only driveway along the US Hwy 80 service road. The applicant stated they would look into the possibility per TX Dot design criteria and site topography.*

Town staff has the following comments/recommendation for consideration:

Town staff recommends approval of the conditional use permit and site plan without a crushed granite parking space/aisle variation.

Approval is contingent upon all Town comments being satisfactorily addressed prior to construction.

A plat will be required prior to construction.

Applicant Angela Navarro 5105 Alexandria Dr., Rowlett, Texas, gave an overview of the plan.

Councilmember Ranta asked how far the existing residential boundary is from the entertainment venue. Applicant Angela Navarro stated there is a flood plain between the residents and the venue. She stated the venue would be hidden.

In response to a question by Councilmember Hill, Director of Development Services Rashad Jackson stated that the size of the retention pond would be reviewed with the construction plans.

Councilmember Hill opened the public hearing.

Barbara Kline 386 Sandy Creek, Sunnyvale, Texas, stated it would be a stunning addition to the community. She stated the exit to U.S. Hwy. 80 is a great idea, and the trees would help to block out sound.

Councilmember Hill closed the public hearing.

Councilmember Hill asked how late the venue would be open. Applicant Angela Navarro stated the events would end at 11:00 p.m. and the building would be closed by midnight.

Councilmember Egan asked if there would be any overnight stays. Applicant Angela Navarro stated there would not be overnight stays.

Councilmember Ranta asked if there would be music outside. Applicant Angela Navarro stated there would be speakers outside for the weddings that are held outside.

Councilmember Hill asked if alcohol would be served. Applicant Angela Navarro stated alcohol would be served if it was provided by the renters. She stated it would be served by licensed bartenders, there will be security onsite and it would be regulated.

In response to a question by Councilmember Hill, Director of Development Services stated that the applicant would be required to adhere to the Town's standards concerning noise and light.

Councilmember Hill asked if there was a reason the applicant could not use Hardieboard instead of wood. Applicant Angela Navarro stated Hardieboard does not give the look to create the atmosphere she is trying to provide.

Councilmember Hill stated she is concerned about the crushed granite staying in place. Applicant Angela Navarro stated that the crushed granite would be installed in such a way that it would not blow away or move.

Councilmember Egan asked how the crushed granite would be striped for parking spaces. Architect John Robinson 2724 Bison Mesquite, Texas, stated that the crushed granite would be compacted in place when it is installed and then it would be striped for parking. He stated the wood siding that is being considered is a treated wood; it will be something very durable and elegant, yet rustic. He stated it will be maintained.

Councilmember Egan asked how the crushed granite would be kept in place. Architect John Robinson stated that concrete will hold the crushed granite in place.

In response to a question by Councilmember Egan, Applicant Angela Navarro stated that she did not consider other porous materials because the crushed granite absorbs water well and the land does slope.

Councilmember Egan stated he supports the applicant's idea. There is a concern of setting a precedent for future applicants with the conditional use permit (CUP).

Councilmember Egan asked if any other Councilmembers had concerns about the conditional use permit (CUP). Director of Development Services Rashad Jackson stated that the conditional use permit (CUP) would be tied to a specific business. Councilmember Wade stated conditional use permits (CUP) are for the use. He stated the problem is the variations this applicant has requested that are not in the Ordinances. In particular, the construction and parking lot material. Councilmember Ranta asked that as part of the conditions could painting of the wood be required every 2 years. Town Attorney David Dodd stated that a Conditional Use Permit (CUP) runs with the land. Town Manager Sean Fox stated that the conditional use permit (CUP) could be tied to a time limit. Councilmember Egan stated he is worried about subsequent owners that will not use the building as a wedding venue.

Councilmember McNeill stated this property is a continuation of the south side of U.S. Hwy 80. He stated there has been a lot of focus on development that is unique for Sunnyvale. He stated that he feels nothing better fits this property, and this is the vision for Sunnyvale. He appreciates the applicant being authentic and wanting to use wood for the building. He stated he is not concerned about the crushed granite. He stated he does not see how this can be tied to a period of time. He feels like this is what Sunnyvale is trying to attract. He understands the subsequent use concern, but he thinks there are ways to handle that. He stated this is a wonderful opportunity.

Councilmember Ranta stated she agrees with Councilmember McNeill. Councilmember Ranta is concerned about long term durability and maintenance; however she feels this could be an enhancement to the community as it is proposed.

Councilmember Egan made a motion, seconded by Councilmember McNeill, to approve 400 S. Paschall Road, conditional use permit for a commercial amusement use and site plan, application subject to use as weddings and banquets and square footage as proposed, current site plan and Town's recommendations and letters, other gatherings, not to exceed 300 people wood exterior, and crushed granite, and with all members voting affirmative, the item passed 5/0. Mayor Phaup and Mayor Pro-Tem George were absent.

- 8. APPLICANT: JAMES W. BURNETT – DYNAMIC ENGINEERING**  
**AT OR ABOUT: 222 COLLINS ROAD – SOUTH OF NANCE ROAD AND EAST OF COLLINS ROAD**  
**REQUEST: SITE PLAN – SUNNYVALE AG BARN (S.I.S.D.)**

The applicant is requesting approval for a site plan in order to construct an Ag Barn for the Sunnyvale Independent School District. The building will be used by FFA students. The subject building is located south on Nance Road and east of Collins Road on the north end of the school site. The property is a part of an overall development for the Sunnyvale Independent School District.

The applicant proposes to construct a 3,000 sq.ft. barn on the northern end of the overall SISD school site. The barn will have a light stone metal exterior. A high steel fence with treated wood will enclose the outer corral areas of the barn. Section 19.1.D.1 of the zoning ordinance allows for the proposed metal exterior for barns in residential zoning that are only used for agricultural purposes. The applicant proposes to construct the parking spaces and surrounding turn around area out of concrete per Town standards.

#### Access Drive

An exception has been requested by the applicant to allow for temporary alternative paving (gravel) for the proposed driveway on Nance Road. It is more viable for the school to utilize Nance Road up until Hounsel is extended all the way to the east as shown on the Thoroughfare Plan.

Staff found that it is appropriate for SISD to make such a request for an alternative driveway material, as the SISD is seeking this on a temporary basis only. Staff notes that Nance has been identified in various Town documents as being vacated in the future, under the assumption that Hounsel is continued all the way to the east per the Town's Thoroughfare Plan. Discussions have been had on the different possibilities for Nance Road and Hounsel but a definitive decision has not been made. SISD is not requesting to be absolved of the requirement to use concrete; rather they are requesting approval of an alternate driveway paving materials until such time a definitive choice is made. Once a decision is made, SISD would then be required to comply with a permanent concrete drive.

Public notice was provided to the Town's Official Newspaper for publication on August 31, 2016. Letters were also sent to property owners within 400' of the subject property. The total number of letters sent was twenty-two (22). As of the release of the staff memo, no responses had been received.

Town staff recommends approval of the site plan. The proposed site plan meets the standards set forth in the Zoning Ordinance. The building will accommodate a need for the Town and SISD.

The request for a temporary driveway is reasonable due to the long-term access uncertainties of the particular site location. When a definitive decision is made for Nance and Hounsel Road in the future, a time period should be established for the site to come into compliance with the concrete driveway requirement.

If approved, the proposed driveway should meet the weight capacity standards for fire truck and EMS access.

A plat and approved civil drawings will be required prior to construction.

Applicant Doug Williams, 356 Marble Creek, Sunnyvale, Texas, and Superintendent of Sunnyvale Independent School District (SISD), stated they are requesting a temporary rock driveway. He stated that this will be a nice project and good addition for Sunnyvale Independent School District (SISD).

Councilmember Egan asked if 90 to 120 days after defining the right of way of Nance Road or Hounsel Drive would be adequate time to provide a permanent driveway and remove the temporary service. Applicant Doug Williams agreed to that statement.

Councilmember Hill opened the public hearing. Councilmember Hill closed the public hearing.

Councilmember McNeill made a motion, seconded by Councilmember Egan, to approve 222 Collins Road, south of Nance Road and East of Collins Road, site plan – Sunnyvale Ag barn (SISD), within 120 days from the earlier to occur of, after Nance is approved or Housel is extended to the boundary of the eastern school property line, and with all members voting affirmative, the item passed 5/0. Mayor Phaup and Mayor Pro-Tem George were absent.

### **DISCUSSION/ACTION ITEMS:**

#### **TOWN MANAGER**

- 9. DISCUSS AND CONSIDER RESOLUTION 16-16 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS BETWEEN THE TOWN OF SUNNYVALE AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF TEXAS STATE HIGHWAY 352 FROM NORTH OF KEARNEY STREET TO US 80 EAST BOUND FRONTAGE ROAD; ESTABLISHING AN EFFECTIVE DATE.**

Town Manager Sean Fox stated the State has deemed it necessary to make certain highway improvements on SH-352 from North of Kearney Street to US80 EB Frontage Road. Originally proposed as three-way cost-share project (50%, 25%, & 25%) between TXDOT, Dallas County and the Town, TXDOT & Dallas County submitted this project to the North Central Texas Council of Governments (NCTCOG) for consideration as either a Proposition 1 or 7 project in April 2016. NCTCOG concurred with the recommendation and committed to making funding available in September 2017. Absent to Town's cost-share portion, the Town is still required to participate on a 10% cost-share basis for both Right of Way Acquisition and Reimbursable Utility adjustments at an estimated cost of \$172,652.00.

Contributions of real property may be credited to the Local Government's funding obligation for the cost of right of way to be acquired for the project in lieu of monetary payment. Credit for all real property contributed by the Town to TXDOT shall be based on the property's fair market value.

The Town has been assured that the required right-of-way (ROW) along the Northwestern edge of the project will be dedicated to the Town, which in turn will be able to transfer ownership to TXDOT to offset the estimated costs stated above.

TXDOT has submitted the attached ROW Funding Agreement and Draft Resolution for Council's consideration and approval.

Absent dedication of required ROW from the adjacent property owner, the Town would be responsible for \$172,652.00, but Staff has no reason to doubt the validity of the adjacent property owner's commitment and recommends approval.

Councilmember Hill asked when do funds have to be released to TXDOT. Town Manager Sean Fox stated it is still up in the air whether the property that is anticipated being dedicated is going to be enough. He stated the property is 25% of the right-of-way, Sunnyvale is required to cover 10% of the right-of-way, it is assumed that the property value is going to be more than 25%. The vast majority of the property that is being dedicated is on the west side of the road. There is no dedication on the east side of the road. Staff is certain what is being dedicated to the Town will cover the 10%.

In response to a question by Councilmember Hill, Town Manager Sean Fox stated there is no time limit to satisfy TX DOT.

Councilmember Egan made a motion seconded by Councilmember Ranta to approve resolution 16-16 as presented, and with all members voting affirmative, the item passed 5/0. Mayor Phaup and Mayor Pro-Tem George were absent.

## **MAYOR & COUNCIL**

### **10. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS.**

Councilmember Wade asked for a greater explanation of the conditional use permit (CUP). He stated in the past restrictions could be put on the conditional use permit (CUP), and it could be revoked. Town Attorney David Dodd stated there are conditions that go with the conditional use permit(CUP) and if the applicant does not meet the conditions then actions can be taken as a zoning violation or to revoke the conditional use permit (CUP).

Director of Development Services Rashad Jackson stated the applicant has to follow the conditions or it will be revoked. Councilmember Wade stated he the wood building is a concern because now Sunnyvale is open to wood buildings. Councilmember Egan stated he understood the conditional use permit (CUP) as having discretion with specific uses and nothing else. Director of Development Services Rashad Jackson stated the conditional use permit (CUP) is site specific. Councilmember Egan stated the conditional use permit (CUP) was taken to a more subjective view in this situation.

Councilmember Wade stated he thought restrictions could be on the conditional use permit (CUP). Town Attorney David Dodd stated restrictions can be put on the conditional use permit.

Councilmember Egan asked about the improvements of the medians at Beltline. He stated he would like to see them filled and made to look better. He stated he is also concerned about the signaling for high water crossings being appropriately located.

Councilmember Hill asked Staff to discuss with Mesquite if there could be a change to the signaling at Barnes Bridge and Beltline. She stated the trigger to the light westbound on Barnes Bridge is very close to the intersection.

## **ADJOURN**

Councilmember Hill adjourned the meeting at 9:12 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

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Mayor Jim Phaup

ATTEST:

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Leslie Black, Town Secretary