AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *sc*

RE: **ITEM 4: Public Hearing and Consideration of Conditional Use Permit Request for an Accessory Dwelling - 494 N. Collins Road**

DATE: February 23, 2011

The new owners of the property located at 494 N. Collins Road are requesting a new CUP relative to the accessory dwelling previously approved for this property. In August 9th of 2010, council approved a CUP for a 1925 sf accessory dwelling at this location. You may recall the unique circumstances surrounding this action as the building, originally approved as garage/storage, was converted to an accessory dwelling without the Town's approval in 2000 (the owner at that time was Scott McClusky). In 2003, William Strunk bought the property, and in July of 2010 sought the appropriate CUP for an accessory dwelling prior to selling the property. Mr. Strunk recently sold the property to Ronald and Mary Baughman, and they would like to remodel the interior of the building as depicted on the attached plans.

Section 24.3(C) of the Zoning Ordinance states that a new CUP application is required if a conditionally permitted use is enlarged, extended, or increased in intensity. Attached please find the sections of the Zoning Ordinance relative to accessory dwellings and standards for considering a CUP.

P&Z 2-21-11
Council 2-28-11
Council 3-14-11
@ 7:00 PM

TOWN OF SUNNYVALE

APPLICATION FOR
CONDITIONAL USE PERMIT

DATE: JAN. 25, 2011 FILE NO: 1256

Request: PERMIT TO EXPAND RESIDENTIAL SECTION WITHIN SECONDARY DWELLING AT 494 N COLLINS ROAD

APPLICANT INFORMATION

APPLICANT: RONALD + MARY BAUGHMAN

PHONE: 214-242-9660 (house) 908-391-2989 (cell)

ADDRESS: 494 N. COLLINS ROAD

CITY: SUNNYVALE STATE: TX ZIP: 75182

Applicant's Status: (check one) ☒ Owner ☐ Representative ☐ Tenant

*If applicant is not owner, complete Agent Authorization Form. maryabaughman@aol.com

PROPERTY INFORMATION

ADDRESS: 494 N. COLLINS ROAD, SUNNYVALE, TX

LEGAL DESCRIPTION:

Property is subdivided as described below:

☐ Addition: COLLIN ROAD ESTATES Lot: 1 Block: A

☐ Property is platted:

Survey: _____ Abstract #: _____ Tract (s): _____

EXISTING ZONING: _____ EXISTING PROPERTY USE: _____

STATUS OF PROJECT: ☒ Proposed ☐ Under Construction ☐ Existing

REQUIRED SUBMITTAL DOCUMENTS:

The applicant shall indicate whether the following documents have been included with the application:

YES	NO	DESCRIPTION
X	☐	15 copies prints of a site plan for Town Council
X	☐	15 copies prints of a site plan for the Planning and Zoning Commission that shows the following: 1. Site dimensions including lot setback lines. 2. Existing features including buildings. 3. Proposed buildings and parking areas 4. Additional information that may pertain to your request listed in the site plan contents

1 set of electronic versions of the above documents on a CD in Adobe Acrobat format in 11"x 17" format and 600 dpi resolution.

Failure to submit the applicable documents described above with the application will result in an automatic staff recommendation for denial of application to the Planning and Zoning Commission and Town Council.

REQUEST INFORMATION

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages my be attached if necessary

1. Completely describe the CUP you are requesting: (see attachment)

2. Describe any unique conditions or circumstances that may apply to your request for a Conditional Use Permit :

(see attachment)

COMPATIBILITY

When considering applications for a conditionally permitted use, the Planning and Zoning Commission and Town Council evaluate the impact of the conditional use on and its

compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The applicant shall indicate the following:

YES	NO	ELEMENT
☑	☐	The proposed variance at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.
☑	☐	The proposed variance is consistent with the general purpose and intent of the applicable zoning district regulations.
☑	☐	The proposed variance is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
☑	☐	The proposed variance does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood
☑	☐	The proposed variance is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
☑	☐	The proposed variance is in substantial to standards previously established in the zoning district.

FEES

Filing Fee $250.00 Flat Fee = $ 250.00 pd 1-26

(9) Notices - $3.00 Per Property Owner Within 400 ft. Notices = $ 27.00 pd 1-26

TOTAL CONDITIONAL USE PERMIT FILING FEE $ 277.00

The above fees are non-refundable and are charged for the processing of the application. Filing of Final Plats, and/or the issuance of Building Permits and Certificates of Occupancy may be withheld until all fees are paid.

APPROVAL OF PLANS, PLATS OR CONSTRUCTION DOES NOT RELIEVE APPLICANT OF HIS OBLICATIONS UNDER THE TOWN CODES TO CONSTRUCT AND MAINTAIN THE IMPROVEMENTS IN ACCORDANCE WITH SUCH TOWN CODES.

I acknowledge that I have read and understand the application and fees.

Applicant: (if tenant or purchaser, **Owner's** signature also is required.)

RONALD E. BAUGHMAN
MARY A. BAUGHMAN
Applicant's Printed Name

Ronald E Baughman
Mary A. Baughman
Applicant's Signature

Owner:

Owner's Printed Name
RONALD E. BAUGHMAN
MARY A. BAUGHMAN

Ronald E Baughman
Owner's Signature
Mary A. Baughman

Town of Sunnyvale:

Acknowledge By: Melinda Diaz Date: 1-26-11

Town of Sunnyvale
Conditional Use Permit

Application dated January 25, 2011, as submitted by Ronald and Mary Baughman

Information Requested:

1. **Completely describe the CUP you are requesting**: As Ronald and Mary Baughman planned to purchase the residence at 494 N. Collins Road, they did so with the understanding that the secondary structure on the property could be used as a dwelling for their son, daughter-in-law, and grandchildren. This understanding was confirmed based on a Conditional Use Permit that was obtained (in the latter part of 2010) by the previous home owners, William and Patricia Strunk. That past CUP addressed the existing second floor (4 bedroom) apartment.

   This new application for a Conditional Use Permit is requested to convert previous "warehouse" space (which is a portion of the first floor of the secondary dwelling) to be used as additional residential space.

   This conversion (from existing warehouse-like space to residential space) is needed to make this secondary dwelling more useful to the family in residence, Michael and Rachel Baughman & their four children. The current living space (which exists only on the second floor) has four bedrooms and two full bathrooms. However, it has a relatively small living room and only a kitchenette. The current "kitchenette" lacks an oven or dishwasher ... and has very limited cabinet space.

   Within the current footprint of the secondary building, the planned project will convert about half of the first floor to residential space. In particular, the owners plan to:

   a. Increase the egress of the household by enlarging the building's side and back doors, as well as adding up to five windows to the first floor.
   b. Shifting the layout of the stairway from the first to second floor, adding a small landing halfway down the stairwell and enlarging the top of each step.
   c. Finishing the first floor space (with sheetrock, flooring, ceiling, cabinets, etc...) with an open floor plan that will function as a living room (or den) and complete kitchen.
   d. Creating direct access between the downstairs office bathroom and the renovated living room area.
   e. Adding electrical outlets, lighting, propane gas access, and plumbing fixtures, as needed to support the living room and kitchen space.

In addition, to enhance the exterior décor of the secondary building, the owners planned to add landscaping and a porch to part of the front and left side of the current structure, providing covered access to the primary residential door. The planned porch would begin to the left of the garage door and wrap around to the primary residential entrance on the left side of the structure.

2. **Describe any unique conditions or circumstances that may apply to your request for a Conditional Use Permit**: All of the work planned by Ronald & Mary Baughman and their family will be completed by licensed contractors, electricians, and plumbers, with building permits and inspections as required by Sunnyvale's town ordinances. The work will be completed in phases.

   The planned project has been designed to take advantage of the current building's structure, including the strong foundation and drainage system. And, in fact, the planned project does not represent any material change from the current use of the structure. There is no plan to expand the number of bedrooms or to subdivide the living space to support multiple families. Rather, this project plan is only intended to create more living space in what was already approved as a single family, accessory dwelling, with its use limited to family members of the property owners.

SUNNYVALE

Planning and Zoning Commission

Meeting date 02-21-11 @ 7:00 PM

Applicant/ property
Ronald & Mary Baughman – 494 N. Collins Rd

Request

- To increase the living space associated with the accessory dwelling.

Staff Comment
Chapter 24.3C of the zoning ordinance requires that no conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new conditionally permitted use.

As you may recall the original request for the conditional use permit was presented to you in July of 2010 and received the final approval from Town Council August 2010. The intent of the request is to convert a portion of the down stairs area to living space. If granted the additional space will be required to meet all building and life safety codes.

There were 9 notices mailed

Steve Gilbert,
Building Official

CHAPTER 19 - SPECIAL REGULATIONS APPLICABLE TO PARTICULAR USES

19.1 ACCESSORY BUILDINGS

A. Definition and Applicability.

1. In a residential district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, which is not used for commercial purposes and not rented.

2. In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building.

3. Accessory buildings shall not be permitted without a main building being in existence.

B. Standards for Accessory Dwelling Units.

A dwelling unit to be occupied by family members or caretakers may be allowed as an accessory use to the principal dwelling unit under the following conditions and when approved as a conditional use pursuant to Chapter 24:

1. Except as provided in Subsection 19.1B.7, the accessory dwelling unit must be constructed to the rear of and separate from the principal dwelling unit.

2. No accessory dwelling unit may be constructed on a lot less than 2 acres in size.

3. The accessory dwelling unit may be constructed only with the issuance of a building permit and shall be constructed out of the same material as the principal structure.

4. The accessory dwelling unit may not be sold separately from sale of the entire property, including the principal dwelling unit, and shall not be leased or sublet.

5. The accessory dwelling shall not have a setback less than the primary structure from the front lot line, nor less than ten (10) feet from either side line, nor may it occupy more than ten (10) per cent of the minimum required rear yard (i.e., building foot print).

6. The overall height of an accessory dwelling shall be limited to one story.

7. When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the main building. When the accessory dwelling is attached to the principal dwelling by a breezeway, the breezeway shall be considered part of the accessory dwelling.

C. Standards for Accessory Buildings in Residential Districts.

1. Front Yard: Detached accessory buildings shall be prohibited in front of the principal building and shall be placed in the rear yard.

2. Side Yard: There shall be a side yard not less than five (5) feet from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of fifteen (15) feet. In the case of an accessory building being closer than fifteen (15) feet to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than that of the primary structure. Garages located and arranged so as to be entered from the side yard shall have a minimum distance of twenty (20) feet from the side lot line, alley line, or easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.

3. Rear Yard: There shall be a rear yard not less than set forth in Chart 19.1except that::

   a. if no alley exists, the rear yard shall be not less than ten (10) feet as measured from the rear lot line;

   b. where attached housing is permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line;

   c. detached garages shall be limited to fourteen (14) feet in height; and

   d. garages arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear yard or alley easement line a minimum distance of twenty (20) feet.

D. Leasing or renting an accessory building shall constitute a violation of this Zoning Ordinance.

E. Standards for Accessory Buildings in All Districts

1. The maximum floor area for an accessory building permitted of right shall be based on lot/tract size. The maximum floor area shall be as set forth in Chart 19.1

2. Building height for accessory buildings shall be measured as described in Chapter 2 of this ordinance except height shall be measured to the highest point on the roof. The building height shall not exceed that listed in Chart 19.1

3. The number of accessory buildings per lot/tract shall be limited to that shown in Chart 19.1.

   For lots/tracts greater than 2 acres, two accessory buildings are allowed plus one additional building for each incremental five acres or portion thereof.

4. All accessory buildings larger than 300 sq. ft. shall be of masonry construction. The masonry requirement may be waived as a part of the conditional use permit

for accessory buildings on lots/tracts of 4 acres or larger. Compliance with the metal siding specifications in 20.8.A.2.c.2 and/or 20.8.A.3 shall apply to all non-masonry portions of the building.

5. All accessory buildings larger than 100 sq. ft. and less than or equal to 300 sq. ft. shall be constructed of masonry and/or Hardiboard, Hardiplank, or deep ribbed metal panels of baked or enamel finish with 30 year rating. Roofing for accessory buildings shall meet the requirements of Section 20.8 of this ordinance.

6. If a property resides within the jurisdiction of an HOA, a letter of approval from the HOA, for the requested accessory building, shall be required with the application for a building permit.

7. A Conditional Use Permit pursuant to Chapter 24 is required for an accessory building larger than 1525 sq. ft. provided it is on a lot or tract larger than 3½acres, and the building's primary use is agricultural in nature. The applicant for such a Conditional Use Permit must establish the following:

   a. The use is primarily agricultural;

   b. The building will not be detrimental to the public health and safety of the surrounding area;

   c. The building substantially conforms to the standards previously established in the zoned area, and;

   d. The building construction and use does not create a land use prohibited in the zoned area.

CHAPTER 24 - CONDITIONALLY PERMITTED USE PROCEDURES

24.1 PURPOSE AND INTENT

A. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

B. Only those uses that are enumerated as conditional uses in a particular zoning district, or those nonconforming uses which are damaged or destroyed, and which are permitted to be reestablished pursuant to Chapter 27, shall be authorized as conditional uses by the Town Council. A conditional use permit shall not be required for a use allowed as a permitted use in a given zoning district. No conditional use shall be established until a conditional use permit is issued in accordance with the provisions of this chapter. Site plan approval, pursuant to Chapter 25, is required for establishment of a conditional use.

24.2 CHANGES TO DISTRICT STANDARDS

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.

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.

C. Any attempt to vary or waive a zoning district standard that is not specifically identified in the application for the conditional use shall be void.

24.3 STATUS OF CONDITIONALLY PERMITTED USES

A. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.

B. Approval of a conditionally permitted use shall be deemed to authorize only the particular use for which the permit is issued.

C. No conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new conditionally permitted use in accordance with the procedures set forth in this chapter.

D. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the Sunnyvale Code, or any permits required by regional, state and federal agencies.

24.4 APPLICATION FOR CONDITIONAL USE PERMIT

A. An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative.

B. The application shall be submitted to the Town Administrator. The application shall be accompanied by a site plan prepared in accordance with all the requirements of Chapter 25. If a zoning amendment is required or requested, such application shall accompany the application for a conditional use permit.

C. If the proposed use requires a division of land, an application for a subdivision or other land division shall be submitted in conjunction with the application for a conditionally permitted use. Approval of the conditionally permitted use shall not become effective until final approval of the subdivision application; provided that if the land is to be divided in phases, the approval of the conditionally permitted use shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

24.5 COMMISSION'S RECOMMENDATIONS FOR CONDITIONALLY PERMITTED USES

The Planning and Zoning Commission, upon receiving the report of the Town Administrator, shall make its recommendation to the Town Council for approval, conditional approval or denial of the application for a conditionally permitted use. The Commission shall conduct a public hearing pursuant to Section 21.6. Published and personal notice pursuant to Section 21.5B shall be required.

24.6 STANDARDS

When considering applications for a conditionally permitted use, the Commission and Council shall evaluate the impact of the conditional use on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The commission shall specifically consider the extent to which:

A. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;

B. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

C. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryway, parking areas, buffer yards, and the addition of landscaping, walls, or both, to ameliorate such impacts;

D. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

E. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;

F. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties;

G. The proposed conditional use complies with all other requirements of these regulations applicable to the proposed conditional use and, in particular, the requirements of Chapters 19 and 20; and

H. The proposed conditional use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

24.7 COUNCIL'S DECISION ON APPLICATIONS FOR A CONDITIONALLY PERMITTED USE AND APPEAL

Upon receipt of the Commission's recommendation, a Town Council shall conduct a public hearing on the application pursuant to Section 21.6, and provide notice in accordance with the provisions regarding any request for a zoning change. The Council may approve, conditionally approve or deny the application.

Notice of Application for Conditional Use Permit
Town of Sunnyvale

The Town of Sunnyvale has received a request by Ronald & Mary Baughman for a Conditional Use Permit to allow the expansion of accessory dwelling under a current conditional use permit located at 494 N. Collins Rd. The location of the applicant's property is shown on the attached exhibit.

The Planning and Zoning Commission will hear this application on February 21, 2011 and the Town Council will consider the application on February 28, 2011 or March 14, 2011. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The Conditional Use Permit application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department , 972-203-1488.

If you wish to submit a written response, please fill out and return this notice as soon as possible.

☐ I am in favor of the issuance of the Conditional Use Permit

☐ I am opposed to the issuance of the Conditional Use Permit

Explanation: _____

_____

_____

_____

_____

_____

Signature: _____

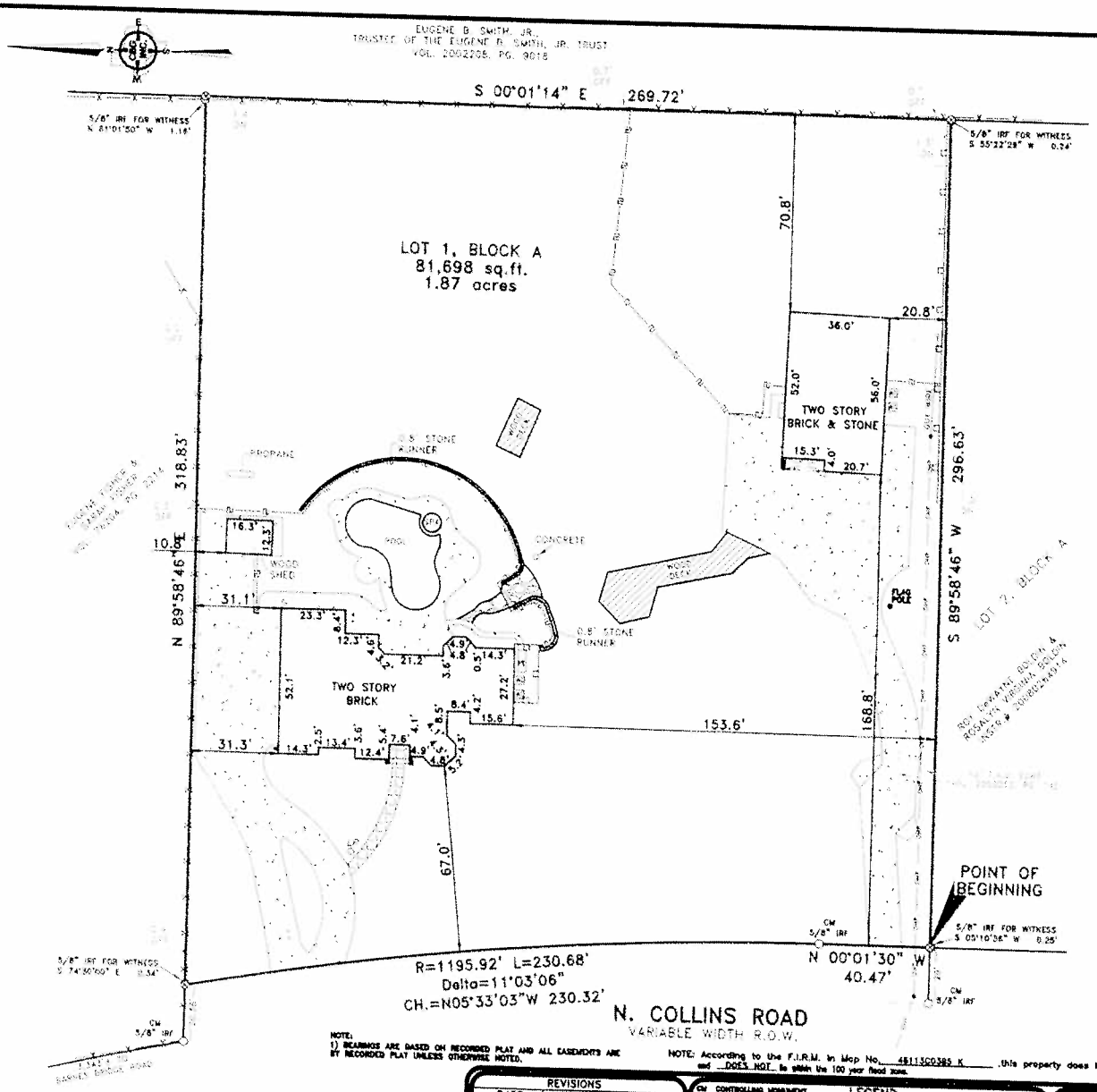
Printed Name: _____

Address: _____

Date: _____

Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER
The Dallas Central Appraisal District does not control or guarantee the accuracy, relevancy, timeliness or completeness of this data. DCAD assumes no legal responsibilities for the information represented on this map. Users should independently verify the data on this map before making any conclusions based on this data.



NOTE:
1) BEARINGS ARE BASED ON RECORDED PLAT AND ALL EASEMENTS ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

NOTE: According to the F.I.R.M. in Map No. 48113C0585 K, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

40' 20' 0 40' 80'

SCALE: 1" = 40'

REVISIONS		
DATE	BY	NOTES

LEGEND

CM CONTROLLING MONUMENT
1/2" IRON ROD FOUND
1/2" IRON ROD SET
1" IRON PIPE FOUND
FENCE POST CORNER
"X" FOUND / SET
UNDERGROUND ELECTRIC
OVERHEAD ELECTRIC
POWER POLE
BRICK COLUMN
A/C - AIR CONDITIONING
FIRE HYDRANT
ASPHALT PAVING
GRAVEL/ROCK ROAD OR DRIVE
CHAIN LINK FENCE
WOOD FENCE
0.8' WIDE TYPICAL BARBED WIRE
IRON FENCE
PIPE FENCE
COVERED PORCH,DECK OR CARPORT
OCS - OCS OVERHEAD ELECTRIC SERVICE
OHP - OHP OVERHEAD POWER LINE
CONCRETE PAVING
PE - POOL EQUIPMENT

C.B.G. Surveying, Inc.
12025 Shiloh Rd. Suite 230
Dallas, Texas 75228
P 214-349-9485 F 214-349-2216
www.cbgsurvey.com

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1"=40'	12/16/10	1003677-1	CW2246-2246001665	R.G.

1.87 ACRES

LOT 1, BLOCK A OF COLLINS ROAD ESTATES

TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS

494 N. COLLINS ROAD

PROPERTY DESCRIPTION

Being all of Lot 1, Block A of Collin Road Estates, an Addition to the Town Sunnyvale, Dallas County, Texas, according to the Plat thereof recorded in Volume 86049, Page 1117, Deed Records, Dallas County, Texas, and being the same tract of land conveyed to William C. Strunk, and wife, Patricia D. Strunk, by Deed recorded in Volume 2002120, Page 10201, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set with yellow cap stamped CBG Surveying for corner, said corner lying in the East line of N. Collins Road (variable width right-of-way), and being the Northwest corner of Lot 2 in said addition;

THENCE North 00 degrees 01 minute 30 seconds West, along the East line of said N. Collins Road, a distance of 40.47 feet to a 5/8 inch iron rod found for corner, said corner being in a tangent curve to the Left, having a radius of 1195.92 feet, a delta of 11 degrees 03 minutes 06 seconds and a chord bearing and distance that bears North 05 degrees 33 minutes 03 seconds West, 230.32 feet;

THENCE continuing along the East line of said N. Collins Road and along said curve to the Left, an arc length of 230.68 feet to a 1/2 inch iron rod set with yellow cap stamped CBG Surveying for corner, said corner lying in the South line of a tract of land conveyed to Eugene Fisher and Sarah Fisher, by Deed recorded in Volume 76204, Page 2214, Deed Records, Dallas County, Texas;

THENCE North 89 degrees 58 minutes 46 seconds East, along the South line of said Fisher tract, a distance of 318.83 feet to a 1/2 inch iron rod set with yellow cap stamped CBG Surveying for corner, said corner lying in the West line of a tract of land conveyed to Eugene B. Smith, Jr., Trustee of the Eugene B. Smith, Jr. Trust, by Deed recorded in Volume 2002208, Page 9018, Deed Records, Dallas County, Texas;

THENCE South 00 degrees 01 minute 14 seconds East, along the West line of said Smith tract, a distance of 269.72 feet to a 1/2 inch iron rod set with yellow cap stamped CBG Surveying for corner, said corner being the Northeast corner of said Lot 2;

THENCE South 89 degrees 58 minutes 46 seconds West, along the North line of said Lot 2, a distance of 296.63 feet to the POINT OF BEGINNING and containing 81,698 square feet or 1.87 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies to Ronald E. Baughman, Mary A. Baughman and Commonwealth Land Title Insurance Company, in connection with the transaction described in G.F.# CW2246-2246001665 that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries, the distances indicated and there are no visible and apparent encroachments or protrusions on the property.

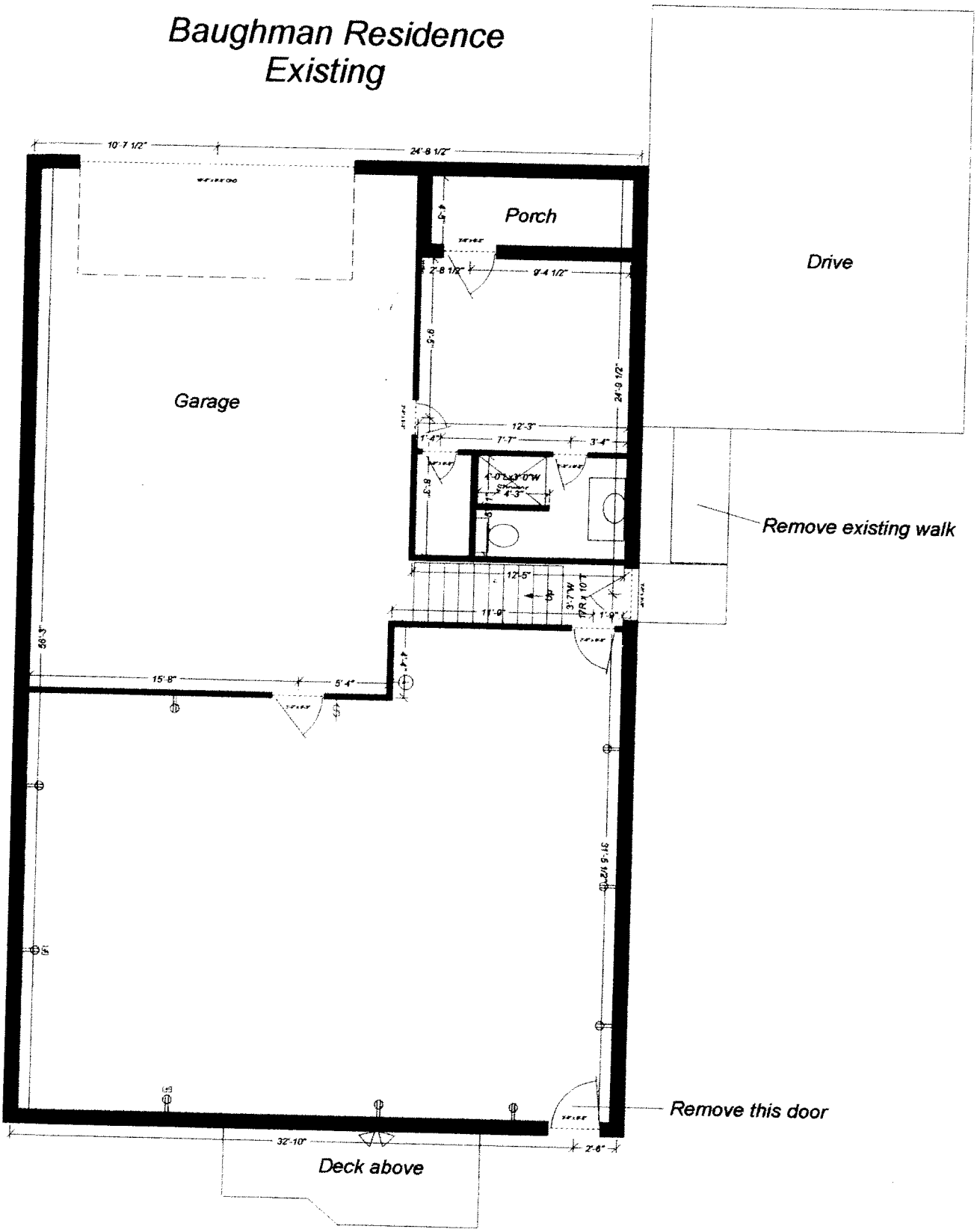
Executed this 16th day of December, 2010

Bryan Connally

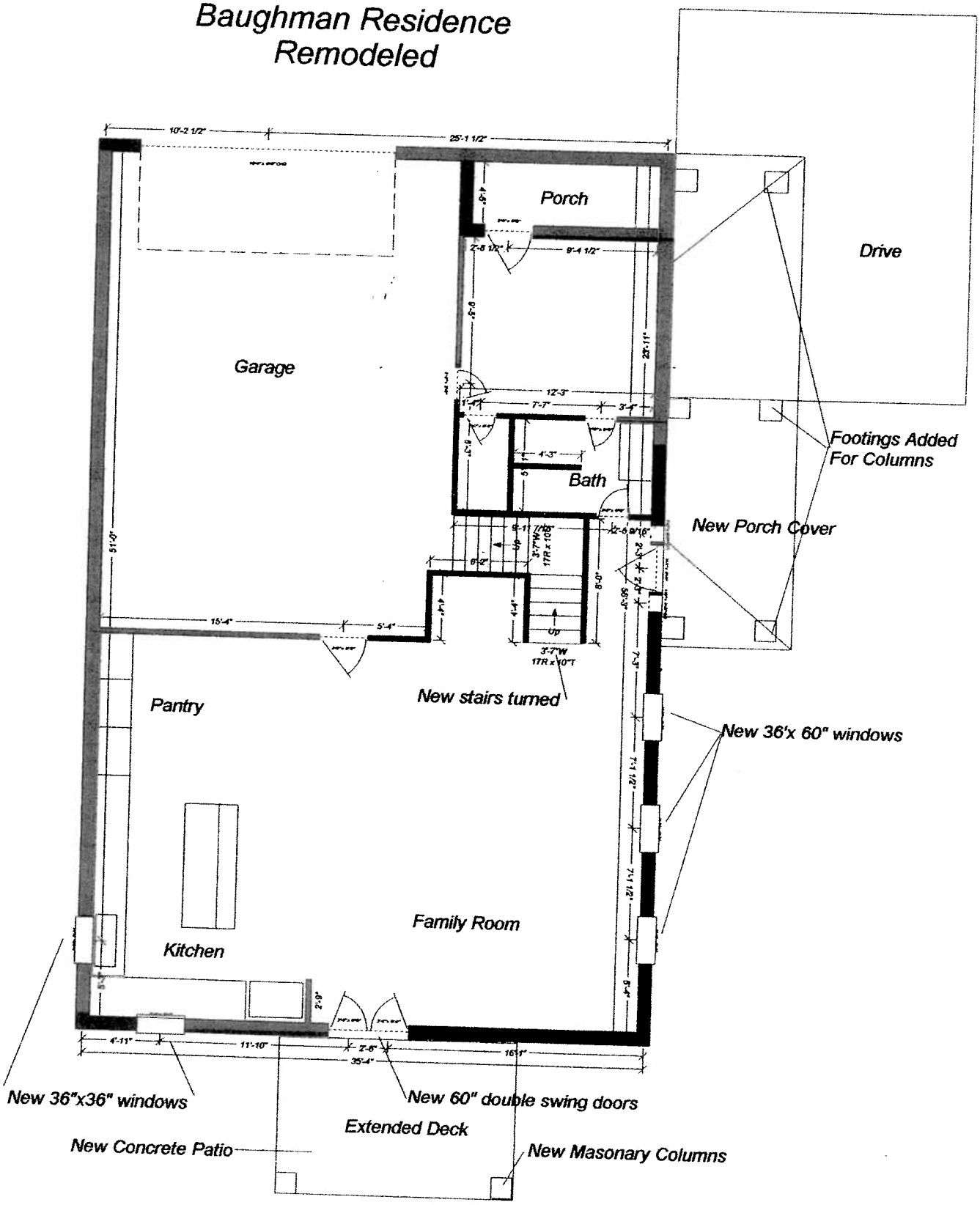
Bryan Connally
Registered Professional Land Surveyor No. 5315

ACCEPTED BY: _____

Baughman Residence
Existing



Baughman Residence
Remodeled



MINUTES
TOWN OF SUNNYVALE
PLANNING AND ZONING COMMISSION
FEBRUARY 21, 2011
7:00 P.M.

THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A REGULAR MEETING ON FEBRUARY 21, 2011 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS UNDER V.T.C.A., GOVERNMENT CODE SECTION 551.041 AND GOVERNMENT CODE SECTION 551.071. THOSE PRESENT WERE:

	CHAIRPERSON	MARK EGAN
ABSENT	CO-CHAIRPERSON	RICKEY HOFFMAN
ABSENT	MEMBER	PERRY GRAHAM
	MEMBER	CHARLES LOCKHART
	MEMBER	CHRIS MCNEILL
	MEMBER	DIANE TURNER
	MEMBER	JACK KIRKLAND
	ALTERNATE MEMBER	JOS JOSEPH
	ALTERNATE MEMBER	KEN WILSON

- **CALL MEETING TO ORDER**

Chairperson Egan called the meeting to order at 7:00 p.m.

- **1. APPROVAL OF MINUTES**

A. REGULAR MEETING - JANUARY 18, 2011
B. SPECIAL MEETING - JANUARY 18, 2011

Motion made by Member Turner to approve the minutes for January 18, 2011 as presented. Motion seconded by Member Kirkland. Motion carried unanimously.

- ***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:

2. APPLICATION FOR REPLAT

APPLICANT: JIM DOUGLAS
AT OR ABOUT: TRIPP RD EAST OF COLLINS RD
REQUEST: STONEY CREEK PHASE 5-B

Steve Gilbert, Building Official, advised an application had been received from Jim Douglas for a replat of 5 lots currently existing in Stoney Creek. The applicant's representative was present to answer any questions.

Marc Bentley, Town Engineer, explained the modification request of the 5 lots for development adding extra depth to the back of the lots to make the lots larger.

Richard Hovas, Tipton Engineering, said the lot changes being requested made the size match the lots from preliminary plat in Phase 5B.

Chairperson Egan opened the public hearing.

Public Comments:

1) Bruce Kassab, 225 Robin Ridge, asked if any of the changes would alter the size of Phase 5B. Mr. Bentley said these changes would not alter Phase 5B. Mr. Kassab asked if the changes would cause drainage issues. Mr. Bentley stated no drainage issues would be different from what currently exists.

2) Sherry Bellows, 424 E. Tripp Rd, discussed notices returned from residents. Mrs. Bellows spoke concerned about lots being changed and read a letter of opposition from resident Kathy Kane.

3) Mike Massey, 505 Robin Ridge, asked for clarification on how many lots face Tripp Rd. Mr. Bentley stated lots 1-8 face Tripp Rd.

4) Michelle Cole, 205 Robin Ridge, spoke concerned about adding open space to the homeowner's association for them to pay to maintain and drainage issues in the subdivision.

5) John Pease, 212 Robin Ridge, asked why replat was being done on lots drawn previously with the increased size being asked for now. He also wanted to know how the developer came to his economic decision on selling the lots facing Tripp Rd. Mr. Pease also asked that extended mailing of notices be sent to more neighbors.

6) Jarrod Andrews, 227 Robin Ridge, asked how five feet larger lots would make the lots more economically feasible. Chairperson Egan stated that an application had been received and required review.

7) Sarah Bradford, 501 Robin Ridge, asked questions about the road in Phase 5B. She asked for notices to be sent to a larger area for any future changes.

8) Allyn Giacomazzi, 217 Brazos Lane, spoke in favor of the replat.

9) Cindy Bornowski, 106 Big Bend Circle, asked about notification standards. Mrs. Bornowski asked that Homeowner's Associations be notified also.

10) Debi Holley, 442 E. Tripp Rd, spoke in favor of the replat.

There were no other public comments. Chairperson Egan closed the public hearing.

Motion was made by Member McNeil to approve the application for replat submitted by Douglas Properties Development Inc. for Lots 1R-3R and 6R-8R in Phase 5A subject to the staff report dated Feb. 18, 2011. Motion seconded by Member Joseph. Motion carried unanimously.

DRAFT

3. APPLICATION FOR CONDITIONAL USE PERMIT
APPLICANT: RONALD & MARY BAUGHMAN
AT OR ABOUT: 494 N. COLLINS RD.
REQUEST: TO EXPAND A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING

Steve Gilbert advised that an application had been received to expand a conditional use permit for 494 N. Collins. Mr. Gilbert explained the intent of the request was to convert a portion of the downstairs area to a living space.

Ronald and Mary Baughman described their interior building plans.

Chairperson Egan opened the public hearing. There were no public comments. Chairperson Egan closed the public hearing.

Chairperson Egan recessed the meeting at 8:30 p.m.
Chairperson Egan reconvened the meeting at 8:41 p.m.

Motion was made by Member Turner to approve the application for conditional use permit as presented for Ron and Mary Baughman at 494 N. Collins Rd. to expand the conditional use permit for the accessory building. Motion seconded by Member Kirkland. Motion carried unanimously.

4. CONSIDER AND RECOMMEND AMENDMENTS TO THE TEXT OF THE TOWN'S COMPREHENSIVE LAND USE PLAN AND ZONING ORDINANCE, INCLUDING WITHOUT LIMITATION, THE ADDITION OF ***PLANNED DEVELOPMENT (PD)*** AS A NEW ZONING CLASSIFICATION, AND SUCH OTHER CHANGES CONCERNING THE FOREGOING AS MAY BE DETERMINED TO BE NECESSARY OR DESIRABLE AND TO CONSIDER AND RECOMMEND CONSOLIDATING PRIOR AMENDMENTS TO THE ZONING ORDINANCE TEXT INTO A COMPREHENSIVE ZONING ORDINANCE TEXT.

Chairperson Egan read Item 4 into the record. Scott Campbell, Town Manager, presented a text amendment to the zoning ordinance and the addition of a new zoning classification called a Planned Development (PD).

Sherry Sefko, Town Land Planner, explained a Master Planned Development District to provide for the development of land for single or mixed non-residential uses. She reviewed the document with the Commission.

Chairperson Egan opened the public hearing. There were no public comments. Chairperson Egan closed the public hearing.

Motion was made by Member Egan to approve the text amendments as presented with one change to 17A.1.D changing the minimum acreage from five (5) contiguous acres to fifteen (15 contiguous acres

as recommended by Sherry Sefko and forward for to the Town Council consideration. Motion seconded by Member Kirkland. Motion carried unanimously.

- **ADJOURN**

Chairperson Egan adjourned the meeting at 9:05 p.m.

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

Chairperson Mark Egan

ATTEST:

Kathryn Dewey, Town Secretary

A TAPE RECORDING OF THIS MEETING IS ON FILE AT TOWN HALL. THESE MINUTES ARE CONDENSED THEREFROM

AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *SC*

RE: **ITEM 5: Public Hearing and Consideration of Ordinance No. 525 Text Amendments Regarding a Master Planned Development Zoning District.**

DATE: February 23, 2011

Attached please find a document amending the text of our zoning ordinance to add a new zoning classification called Master Planned Development (MPD). Mentioned in previous discussion, staff is recommending this new classification as a tool to accommodate developments that are unique in nature and might not fit appropriately into regular zoning classifications. As an example, P&Z and Council recently approved a concept plan for a ring road and pad sites for the Sunnyvale Centre project at the corner of US 80 and Collins. The developer will likely come forward in the coming months with a proposal for a planned development for the remainder of that project and this text change will accommodate this request as well as future proposals.

The Planning and Zoning Commission considered and approved these text changes at their regular meeting of February 21. Monday night Town staff and our planning consultant will present this proposed text change in greater detail.

ORDINANCE NO. 525

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 324, DULY PASSED BY THE TOWN COUNCIL ON JANUARY 31, 2000; AS AMENDED BY ORDINANCE NOS. 324, 332, 338, AND 339, AND AS AMENDED FROM TIME TO TIME; SO AS TO CHANGE BY ADOPTION OF AMENDMENTS TO THE TEXT OF CHAPTER 3, ZONING DISTRICTS, BY ADDING THE NEW ZONING CLASSIFICATION *MASTER PLANNED DEVELOPMENT (MPD)*, AND BY ADDING NEW CHAPTER 17A, *MASTER PLANNED DEVELOPMENT DISTRICT (MPD)*, AND SUCH OTHER CHANGES CONCERNING THE FOREGOING AS DETERMINED TO BE NECESSARY OR DESIRABLE AND TO CONSOLIDATING SUCH AMENDMENTS TO THE ZONING ORDINANCE TEXT AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale has adopted a revised Comprehensive Plan and Land Use Diagram; and

WHEREAS, the Comprehensive Plan policies provide for implementation, in part, through adoption of comprehensive amendments to the Town's zoning ordinance text and zoning map; and

WHEREAS, the Town set a public hearing which was convened by the Town Planning and Zoning Commission on February 21, 2011 at Town Hall, 127 Collins Road, Sunnyvale, Texas, to consider testimony for amendments to the text of the zoning ordinance, which hearing was convened on said date; and

WHEREAS, the Town set a public hearing which was convened by the Town Council on February 28, 2011 at Town Hall, 127 Collins Road, Sunnyvale, Texas, to consider testimony for amendments to the text of the zoning ordinance, which hearing was convened on said date; and

WHEREAS, notice of the public hearings was published and posted according to state law; and

WHEREAS, the Town Council has received and considered the recommendations of the Planning and Zoning Commission; and

WHEREAS, the Town Council hereby finds that it is in the best interest of the Town of Sunnyvale, taking into consideration the public health, safety, and welfare, to adopt amendments to the text of the zoning ordinance as set forth herein;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Sunnyvale, Texas:

SECTION 1. That the foregoing recitals are found to be true and correct in all respects.

SECTION 2. That the text of the zoning ordinance, Ordinance No.324, as amended, of the Town of Sunnyvale, Texas (the "Zoning Ordinance Text") is hereby further amended as shown in Exhibit 1, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth, to add Chapter 17A, Master Planned Development District. The proposed zoning amendments, as set forth in Exhibit 1 attached hereto, are hereby adopted and the Zoning Ordinance Text shall be revised accordingly.

SECTION 3. That it is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of the ordinance be deemed severable and should any such paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this ordinance left standing with the validity of any code or ordinance as a whole.

SECTION 4. All ordinances and provisions of the Town of Sunnyvale, Texas, that are in conflict with this Ordinance shall be and the same are hereby superseded to the extent in conflict, and all ordinances and provisions or ordinances of said Town not so expressly superseded are hereby retained in full force and effect. Nothing herein is intended to affect existing lawful uses or development applications approved or on file before the effective date of this ordinance and provisions of the Zoning Ordinance that have been superseded by this ordinance shall remain in effect for purposes of governing such uses or applications.

SECTION 5. That this ordinance shall not take effect for a period of fifteen (15) calendar days from the date of its publication and passage by the Town Council.

PASSED AND APPROVED by the Town Council, the Town of Sunnyvale, on the _____ day of _____, 2011.

_____

Mayor, Town of Sunnyvale

ATTEST:

_____

Town Secretary

EXHIBIT I

Section 1 That Section 3.1, paragraph A shall be amended to read as follows:

3.1 ESTABLISHMENT OF DISTRICTS

A. In order to classify and segregate the uses of land and buildings, the following districts are hereby established:

Agricultural Residential
Single Family Residential - 1
Single Family Residential - 2
Single Family Residential - 3
Single Family Residential - 4
Attached Housing
Planned Residential Overlay
Local Retail
General Business
Lakeside Commercial
Highway Commercial
Industrial
Flood plain
Planned Commercial
Design Review District
<u>Master Planned Development</u>

Section 2 That Chart 3.1, Correlation of Zoning Districts and Comprehensive Plan Categories shall be amended to read as follows:

Chart 3.1 Correlation of Zoning Districts and Comprehensive Plan Categories	
ZONING DISTRICT	**PLAN CATEGORY**
Agricultural Residential (AR)	Rural Residential Estate Residential Low Density Residential Medium Density Residential Urban Density Residential
Single Family Residential - 1 (SF-1)	Rural Residential
Single Family Residential - 2 (SF-2)	Estate Residential
Single Family Residential - 3 (SF-3)	Low Density Residential
Single Family Residential - 4 (SF-4)	Medium Density Residential
Attached Housing (AH)	Urban Density Residential
Planned Residential Overlay (PRO)	Estate Residential Low Density Residential Medium Density Residential Urban Density Residential

Local Retail (LR)	Retail
General Business (GB)	Retail
Lakeside Commercial (LC)	Retail
Highway Commercial (HC)	Commercial
Industrial (I)	Industrial
Flood Plain (FP)	Flood plain - Open Space
Planned Commercial (PC)	Neighborhood Center
Master Planned Development	Retail

Section 3: That Chapter 17A shall be added to read as follows:

Chapter 17A – Master Planned Development (MPD) District

17A.1 Purpose, Applicability, Nature and Size of District

A. **Purpose.** The purpose of a Master Planned Development ("MPD") zoning district is to provide for the development of land as an integral unit for single or mixed non-residential uses in accordance with an MPD concept plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. MPD districts are generally intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional (or straight) zoning districts.

B. **Applicability.** An MPD district may only be established if at least one of the following circumstances exists:

1. The land, or adjacent property that would be affected by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
2. The land is proposed for development as a non-residential or mixed-use development requiring more flexible and innovative design standards, or requiring special design standards to ensure high quality development;
3. The land serves as transition between different and seemingly incompatible land uses;
4. The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development

standards to further the goals and objectives of the Town's Comprehensive Plan; or

5. The land consists of unusually configured parcels that cannot be developed efficiently under normal base district standards.

C. **Nature of the District.** Each MPD district shall be based on the conventional zoning district(s) that most closely resembles the intensity and type of development anticipated. Development in an MPD district must be consistent with a concept plan that identifies the boundaries of each base district and is incorporated as part of the district by the adopting ordinance for the district.

D. **Minimum District Size.** The minimum acreage for a MPD district shall be fifteen (15) contiguous acres.

E. **Multiple Ownership.** Where the land within a MPD district is divided among multiple owners, all property owners must authorize and jointly submit any application for MPD zoning.

F. **Prohibition.** The MPD district may not be used simply as a means of varying standards otherwise applicable in the base district or required by the supplemental regulations.

17A.2 Authorized Uses; Consistency with Concept Plan

A. **Base Zoning District Uses.**

1. Any use allowed by right in the base district(s) of the MPD district shall be permitted in the district, either by right or conditionally, unless the use is prohibited in the regulations adopted for the MPD district. For a mixed-use MPD district that has several sub-areas designated for different base districts, uses within the designated boundaries are limited to those authorized in the base district except as expressly provided in the adopting MPD ordinance.

2. Uses that may are allowed only by Conditional Use Permit (CUP) for the base district(s) of the MPD may be authorized of right in the MPD district in accordance with the provisions of the adopting MPD ordinance.

B. **Additional Uses.** The MPD district may provide for uses not otherwise allowed in the base zoning district(s),provided the ordinance establishing the MPD district shall specifically identify such uses and any conditions or standards to be applied to such uses.

C. **Location and Arrangement of Buildings.** The location and arrangement of all buildings in the MPD district shall be shown on the concept plan approved with the district.

D. **Consistency Required.** All subsequent development applications within an MPD district shall be consistent with the approved concept plan. Failure of a subsequent development application to conform to the approved concept plan for the MPD district shall result in denial of the application, unless the MPD district regulations are amended through incorporation of a revised concept plan with which the development application is consistent. The degree of conformity required between the concept plan and subsequent development applications shall be set forth in the adopting MPD ordinance.

17A.3 Development Standards

A. **Base District and Supplemental Standards.** In an MPD district, development shall conform to all development standards in the base zoning district(s) unless specifically stated otherwise in the MPD ordinance. Development shall also conform to all supplemental regulations including expressly those contained in Chapters 19, 20 and 29 of the Zoning Ordinance (the "supplemental regulations") unless expressly modified in the adopting MPD ordinance.

B. **Special Standards.** An MPD district may contain alternative development standards applicable to particular uses or that generally apply within the district in lieu of the base district development standards and supplemental standards of the Zoning Ordinance, provided that each alternative standard is expressly delineated in the ordinance that establishes the MPD district.

C. **Other Permitted Areas of Regulation.** An MPD district may also be used to:

1. Specify development standards and actions required to protect the environment and to preserve natural features and vegetation within the district,

2. Specify the location and design of streets, drives, parking areas, pedestrian ways and bikeways;

3. Modify the standards of the Subdivision Ordinance related to design of public and private facilities, but only where a specific finding is made by the Town Council that the alternative standard does not decrease public safety, impair traffic movement, harm other nearby properties, or result in a higher ongoing maintenance cost; standards within the Subdivision Ordinance pertaining to the design, performance and cost participation for public improvements also may be amended by an MPD district;

4. Specify the timing, sequencing and phasing of development, including coordinating the type and intensity of development with the construction and availability of public facilities and services; and

5. Provide for the construction of public improvements and facilities onsite or within public easements or rights-of-way abutting the site, as required to serve and benefit development within the MPD district, or as may be required to mitigate impacts on other properties resulting from the development.

17A.4 Application Requirements and Procedures

A. **Zoning Change.** An application for establishment of an MPD district shall be processed as a request for a change in zoning in accordance with procedures set forth in Chapters 21 and 23.

B. **Contents of Application for MPD Zoning.** An application for an MPD district shall include all of the following items:

1. All submission materials required for a change of zoning request, per Chapter 23 and as may be required by the Town for a zoning change request;
2. A concept plan, prepared in accordance with Section 17A.5;
3. A list of uses that differ from those allowed by right or by CUP in the applicable base zoning district(s) and any conditions which apply to such uses; and
4. A detailed description of, and written justification for, any development standards or supplemental regulations that differ from those in the base zoning district(s) and supplemental regulations, and how the modified standards fulfill the items listed in 1 through 5 of Section 17A.1.B.

17A.5 Concept Plan

A. **Requirement for Concept Plan.** The concept plan shall be included with the MPD district zoning application and shall, if the application is approved, become incorporated as part of the MPD district ordinance.

B. **Purpose of Concept Plan.** The purpose of a concept plan is to provide a general layout of the proposed development, prior to a more specific plan for development of the district. A concept plan shall be construed to be an illustration of the development concepts only and not an exact representation of the specific development proposed.

C. **Contents of an MPD Concept Plan.** Application for an MPD district shall include a dimensioned engineer-scaled drawing on a sheet size 24" x 36", at scale not less than 1" = 100', including existing and proposed site conditions and improvements:

1. Name and address of landowner and date of preparation of the plan.

2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the plan.
3. Site boundaries and dimensions, site acreage and square footage, and approximate distance to the nearest cross street.
4. Location map, north arrow and title block.
5. Topography at five-foot intervals or less.
6. Boundaries of each proposed base district.
7. Zoning district classifications and existing uses for all properties that lie within 200 feet of the subject property.
8. Proposed land uses for each base zoning district, with a generalized depiction of building envelopes.
9. Adjacent public and private streets with pavement widths, buffers, right-of-way widths, median openings, turn lanes (including storage and transitional space), and driveways on adjacent property and on the other side of roadway(s) with approximate dimensions and a proposed layout of major streets within the MPD.
10. A general description of proposed dedications and reservations of land for public or common use, including but not limited to: rights-of-way, easements, park land, open space, drainageways, flood plains and facility sites.
11. Generalized depiction of existing and proposed utilities and easements.
12. Anticipated phasing of development, if any, delineating areas, building sites, land use and improvements to be constructed in independent phases and the anticipated scheduled timing and sequencing of development.
13. A general depiction of proposed perimeter buffering and screening.
14. A general depiction of proposed project design features.
15. A data table depicting the following information by phase, and for the total development:
    a. Acreage and square footage within the boundaries of each depicted base district
    b. Anticipated use and approximate square footage of building(s)
    c. Preliminary parking calculations for each use/planned lot
    d. Proposed maximum height of all buildings
16. Any existing easements onsite or adjacent to the site.
17. Existing natural features (tree cover, drainageways, ponds, etc.).

18. Proposed open space features and a general description of project amenities.

D. **Development Plan in Lieu of Concept Plan.** A development plan, prepared in accordance with section 17A.9, may be submitted in lieu of a concept plan and shall be incorporated within the adopting MPD ordinance.

17A.6 Development Plans and Site Plans

A. **MPD Development Plan.** An MPD development plan is the second step of the MPD development process. An MPD development plan includes more detailed information as to the specific land uses and their boundaries. An MPD development plan may be used where the developer requests or the Council requires certain standards for the MPD district to be specified after initial establishment of the district, and in such case constitutes an amendment to the approved concept plan and MPD ordinance. The purposes of an MPD development plan are to allow flexibility in the development process by deferring specification of all development standards at the time of MPD district creation and to enable developers to satisfy conditions imposed on creation of the district prior to submittal of a site plan.

B. MPD Site Plan. A site plan is the final step of the MPD development process. The purposes of a site plan are to assure that the development of individual building lots, parcels, or tracts within the MPD district are consistent with the approved concept plan and development plan, and to assure that the standards applicable within the MPD district are met for each such lot, parcel or tract. If a site plan expires, development of the land covered by the expired site plan cannot occur until a new site plan has been approved.

C. **Consistency.** The development plan shall be consistent with the approved concept plan. The site plan shall be consistent with the approved development plan for the lot or tract being developed.

17A.7 Establishment of a Master Planned Development District

A. **Factors.** The following criteria will be used by the Town in deciding whether to approve, approve with modifications, or deny an application for an MPD district:

1. The extent to which the land covered by the proposed MPD district fits one or more of the special circumstances in Section 17A.1.B warranting an MPD district classification.

2. The extent to which the proposed MPD district is consistent with the adopted Comprehensive Plan and furthers Town planning policies.

3. The extent to which the proposed MPD district will result in a superior development than could be achieved through conventional zoning classifications.

4. The extent to which the proposed MPD district will resolve or mitigate any compatibility issues with surrounding development.

5. The extent to which proposed uses and the configuration of uses depicted in the concept plan are compatible with existing and planned adjoining uses.

B. **Approval Process.** The establishment of an MPD district is a change of zoning; therefore, the approval process for an MPD district ordinance, including the approval of a concept plan (or a development plan in lieu of a concept plan) shall follow the process set forth for a change of zoning in Chapters 21 and 23.

C. **Conditions.** The Planning and Zoning Commission and Town Council may impose such conditions to the MPD district regulations and concept plan as are deemed necessary to assure that the purpose of the MPD district is implemented and to safeguard the public health, safety and welfare. The Town Council in its sole discretion may provide that specification of development standards, supplemental regulations or concept plan requirements may be deferred until approval of a development plan, in which case the development plan as subsequently approved shall be considered an amendment to the MPD district.

17A.8 Adopting MPD Ordinance

A. **Items Specific to the Ordinance.** The ordinance establishing an MPD district shall incorporate the approved concept plan (or a development plan in lieu of a concept plan) as part of the district regulations and shall set forth the following:

1. The base zoning district(s) for each portion of the development, together with the boundaries of the MPD district;

2. A statement as to the purpose and intent of the MPD district;

3. The permitted, conditional and accessory uses authorized in the MPD district if any such differ from those authorized in the base zoning district(s);

4. The alternative development standards and supplemental regulations applicable to development within the district that differ from those in the base zoning district(s);

5. Provisions stating that all zoning and development standards not expressly set forth for the MPD district in the adopting ordinance shall

be as provided in the base zoning district(s) and supplemental regulations, and that any standard in the Zoning Ordinance that has not been expressly modified in the adopting MPD district ordinance shall be applicable to all subsequent development applications for land within the MPD district;

6. Any special use-related or operational standards (such as hours of operation, access restrictions, etc.) applicable to development and use operations within the district that differ from those in the base zoning district(s);
7. Anticipated dedications of land or public improvements;
8. A general phasing schedule for the project, where applicable, setting forth the approximate anticipated timing of each phase;
9. Any additional conditions established by the Town Council; and
10. Specification of any development standards, supplemental regulations or concept plan requirements that may be deferred until approval of a development plan.

17A.9 Development Plan Applications

A. **MPD Development Standards.** Development standards, supplemental regulations or concept plan requirements that were not specified in the MPD district ordinance, as authorized by the Council, shall be submitted and approved as an amendment to the MPD ordinance and incorporated therein, in conjunction with approval of the initial development plan for the district.

B. **Application and Processing.** No permits for development in an MPD district shall be approved until a development plan consistent with the approved concept plan has been approved under the following procedures. In the event that the Town Council has authorized deferral of development standards, supplemental regulations or concept plan requirements in the adopting MPD ordinance, the initial development plan application shall be processed as a zoning amendment and incorporated within the MPD district ordinance. A development plan may be prepared and submitted for the entire development at one time or may be prepared and submitted for an individual phase or multiple phases of development, and each such plan shall be submitted in fifteen (15) copies to the Town Manager.

C. **Submittal Requirements for Development Plan.** The development plan application shall include the following information:

1. A dimensioned, engineer-scaled drawing on a sheet size 24" x 36", at a scale not less that 1" = 100', including existing and proposed site conditions and improvements;

2. Name and address of landowner and date of preparation of the plan;
3. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the plan;
4. Site boundaries and dimensions, lot lines, site acreage, square footage of the entire project, a chart showing square footage of lots, and approximate distance to the nearest cross streets;
5. Location map, north arrow, title block and site data summary table;
6. Topography at two foot intervals or less;
7. Natural features including tree masses and anticipated tree loss, drainage ways, creeks, and limits of the 100-year flood plain and floodway as shown on current FEMA mapping, including location and acreage;
8. Boundaries of each proposed base zoning district and zoning classifications and existing uses for property within 200 feet of the boundaries of the MPD district;
9. Building locations and footprints including building size, intensity, density, height, setback, use, building materials proposed and location of entrances and exits;
10. Elevations and perspectives to show the relationship of building heights to surrounding topography;
11. Public streets (including country lanes), private drives, alleys and fire lanes with pavement widths, rights-of-way, buffers, median openings, turn lanes (including storage and transition space), and driveways (including those on or planned on adjacent property) with dimensions and radii;
12. Parking areas and structures, aisles and spaces, handicap spaces, ramps, crosswalks, sidewalks and other facilities for pedestrian circulation, and loading areas with typical dimensions;
13. Access easements and off-site parking;
14. Accurate outlines of proposed dedications and reservations of land for public or common use, including but not limited to: rights-of-way, easements, park land, open space, drainage ways, flood plains, and facility sites;
15. Screening walls, fences, living screens, retaining walls, headlight screens and service area screens;
16. Landscaping and open space areas;

17. Existing and proposed topography reflecting proposed handling of on-site surface drainage, proposed improvements and method of maintenance for any drainage channels;

18. Existing and proposed gas mains or other underground structures, water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes and other structures on site or immediately adjacent to the site specified; and

19. Proposed buffers from existing uses and between planned residential developments, where applicable.

20. A reclamation concept plan (if applicable).

D. **Deferred Standards.** Where the Town Council has authorized deferral of development standards, supplemental regulations or concept plan requirements, such standards, regulations and requirements shall accompany the development plan application for inclusion in the ordinance amending the MPD district.

E. **Traffic Impact Analysis.** The applicant shall submit to the Town Engineer a traffic impact study with the proposed development plan unless such study has been waived by the Town Council in the ordinance establishing the MPD district. The analysis must be approved concurrent with approval of the initial development plan for the district. The traffic impact may be used to condition the timing of development with the district based upon the existence of a supporting roadway network to accommodate the expected traffic generation. The traffic impact analysis shall be updated with each subsequent development plan application.

F. **Commission Action.** Upon determination by the Town Manager that the content of the development plan is complete in accordance with Town procedural requirements, the Town Manager shall forward the application to the Planning and Zoning Commission for its recommendation. The Commission shall make its recommendations to the Town Council for approval, approval with modifications, or disapproval of the development plan.

G. **Town Council Decision.** Upon receipt of the Commission's recommendation, the Town Council shall consider and approve, approve with modifications or disapprove the development plan application.

H. **Approval Standards.** Except where the development plan is being submitted in lieu of a concept plan, or the application contains additional deferred development standards, supplement regulations or concept plan requirements, the Planning and Zoning Commission in making its recommendations to the Town Council, and the Town Council, in acting upon the development plan, shall determine whether the plan meets the following general standards:

1. The development plan generally is consistent with the approved concept plan and the standards and conditions set forth in the adopting MPD ordinance;
2. The development plan provides for the adequacy of and design of roads and other public facilities serving each phase of the development;
3. The project is adequately buffered from adjoining uses in accordance with the adopting MPD ordinance;
4. Landscaping plans meet ordinance requirements or standards set forth in the adopting MPD ordinance; and
5. Where the preservation and maintenance of common open space and natural features of the project are to be undertaken by the developer, adequate covenants and assurances have been provided.

17A.10 Amendments to Concept Plans

A. **Minor Deviations from Approved Concept Plan.** For subsequent development applications, minor deviations from the concept plan may be approved by the Town during review and approval of the development plan as applicable for each portion of the MPD district. Unless otherwise specified in the adopting ordinance, the interpretation of what constitutes minor deviations shall be at the Town Manager's discretion, and may include (but are not limited to) the following:

1. Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
2. Changes in the proposed interior property lines provided that the original stated project acreage is not exceeded or altered, and provided that such property lines are correctly adjusted and recorded through platting or replatting in accordance with the Subdivision Ordinance.
3. Changes (increases or decreases) in the number of required parking spaces or in parking layout that, in the Town Manager's opinion, do not adversely affect traffic circulation, public safety or neighboring properties, and provided that the number of required parking spaces is not increased, the general original design is maintained, and no parking spaces or vehicular drive aisles shift closer to a residential district boundary.
4. Changes to the location or orientation of a dumpster or other waste receptacle provided that such do not shift closer to a residential district boundary or to a public right-of-way.

5. Location or orientation of a free-standing sign(s) provided that such sign(s) are in compliance with the sign regulations in Chapter 29.

6. Location, design or layout of landscaped areas or screening devices, provided that such landscaping or screening are in compliance with Section 20.5 of the Zoning Ordinance.

B. **Major Deviations from Approved Concept Plan.** All other deviations from the approved concept plan that are not deemed to be minor, at the discretion of the Town Manager, shall be considered major and shall be submitted for approval as a change of zoning application to the Planning and Zoning Commission and Town Council to amend the MPD district.

17A.11 Site Plans

A. **Site Plan Required.** A site plan prepared and processed in accordance with Chapter 25 of the Zoning Ordinance shall be required prior to issuance of any building permit for development within the MPD district. The site plan shall be consistent with the MPD district regulations, the approved development plan, and the standards contained in Chapter 25.

17A.12 Lapse of Development Authorization in MPD Districts

A. **Lapse of Authority to Submit a Subsequent Development Application.** After creation of an MPD district, progress toward the submission of a subsequent development application shall occur in conformance with the following:

1. The initial development plan shall be approved within two (2) years of the date of establishment of the MPD district, unless otherwise provided in the adopting ordinance. If the initial development plan application is not submitted within such period, the authority to submit subsequent development applications for the MPD district shall be suspended.

2. If development within an MPD district will occur in phases, the approval of subsequent development plans shall be as provided in the phasing schedule, or if no phasing schedule has been provided, within two (2) years of the preceding development plan approved for the district. Otherwise the right to submit subsequent development applications for that phase and later phases shall be suspended.

3. If a site plan is not submitted for the land subject to the development plan within two (2) years of the approval of the development plan, or an approved site plan expires, the right to submit additional site plans for such land shall be suspended.

B. **Action Following Suspension of Development Approval.**

1. **Commission Recommendation.** Following suspension of the right to submit a development application for an MPD district, the Planning and Zoning Commission shall consider whether the land subject to the suspension should be changed to another zoning classification or whether the right to submit additional development applications within the MPD district should be reinstated, with or without conditions. The Commission thereafter shall recommend to the Town Council whether the right to submit a development application should be reinstated, or whether the property should be zoned to another classification.

2. **Council Action.** The Town Council, after considering the Commission's recommendation, shall determine whether the right to submit a development application should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider the following factors:

   a. Whether the MPD district remains consistent with the Comprehensive Plan and other Town planning policies;

   b. Whether the uses authorized in the MPD district are compatible with existing and planned land uses adjacent to the site;

   c. Whether there are extenuating circumstances justifying the failure to submit a development application during the applicable time period; and

   d. Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.

C. **Council Options.** The Town Council may take the following actions:

1. Reinstate the right to submit a development application within a time certain, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the MPD district;

2. Modify the MPD district regulations applicable to the property in accordance with procedures for a zoning amendment; or

3. Repeal the MPD district for the affected portions of the property and zone such property to another zoning district classification in accordance with procedures for a zoning amendment.

AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *sc*

RE: **ITEM 6: Public Hearing and Consideration of Ordinance 526: extending the Juvenile Curfew Ordinance for Three Years.**

DATE: February 23, 2011

The juvenile curfew ordinance expires in March. Typically, we have extended it for three years at a time. The curfew regulations are stated in the attached ordinance. Curfew violations do not appear to be a major issue for the Town (there were five curfew violations in 2010); therefore staff recommends no changes to the curfew provisions at this time.

Our recommendation is to extend the term for three years, expiring on March 1, 2014. Attached is a copy of the signage for this ordinance to be updated upon approval of this ordinance.

ORDINANCE NO 526

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING CHAPTER 8 OF THE SUNNYVALE TOWN CODE TO MODIFY ARTICLE 8.700 JUVENILE CURFEW; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING FOR SEVERABILITY; A PENALTY, SAVINGS, REPEAL, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council has previously approved a juvenile curfew; and

WHEREAS, the Town Council conducted a public hearing on February 28, 2011, to consider whether to abolish, continue, or modify the ordinance, and after a review of the ordinance's effect on the community and the problems the ordinance was intended to remedy, have determined to continue, reestablish and approve such ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:

SECTION 1

That Article 8.700 of the Sunnyvale Town Code shall be amended by replacing the current Article 8.700 with the following updated Article 8.700:

ARTICLE 8.700 JUVENILE CURFEWS;

Sec. 8.701 Definitions

Adult: Any person over seventeen (17) years of age.
Emergency: Shall include but not be limited to fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.
Guardian: Any person to whom custody of a minor has been given by a court order.
Minor: Any person under seventeen years of age.
Parent: A person who is the natural or adoptive parent of a person. As used herein, "parent" shall also include a court appointed guardian or other person 18 years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of a person.
Public Place: Any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways, parks, lakes, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Sec. 8.702 Offenses

(a) It shall be unlawful for any minor to purposefully remain, walk, turn, stand, drive or ride about in or upon any public place in the town between the hours of 11:00 o'clock p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 o'clock a.m. of the day following, and 12:01 o'clock a.m. to 6:00 o'clock a.m. on any Saturday or Sunday.
(b) It shall be unlawful for the parent having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in subsection (a) above.

Sec. 8.703 Defenses

It is a defense to prosecution under section 8.702 of this article that:
(1) The minor was accompanied by his or her parent or guardian;
(2) The minor was accompanied by another adult approved by the parent or guardian;
(3) The minor was on emergency errand;
(4) The minor was attending a school or religious activity or is going to or coming from a school, religious, or government sponsored activity without detour or stop;
(5) The minor was engaged in a lawful employment activity or is going directly to or coming directly from lawful employment without detour or stop,
(6) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be or on the sidewalk of a next-door neighbor not communicating an objection to the police officer;
(7) The minor was upon an errand directed by his or her parent without detour or stop,
(8) The minor was in a motor vehicle involved in intrastate or interstate transportation for which passage through the curfew area is the most direct route,
(9) The minor was exercising his or her First Amendment Rights protected by the United States or state constitution, including but not limited to the free exercise of religion, freedom of speech, and the right of assembly; and
(10) The minor was married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

Sec. 8.704 Enforcement procedure

(a) Before taking any enforcement action under this section a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 8.703 are present.

(b) Any police officer, upon finding a minor in violation of section 8.702, may transfer the case to proper authorities for handling under the provisions of Title 3 of the Texas Family Code. In addition, a complaint may be filed against the parents in municipal court for violation hereof. The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this article by either the minor or by any parent or guardian.

Sec. 8.705 Penalties

(a) Any minor violating the provisions of this article shall be guilty of a Class "C" misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of Title 3 of the Texas Family Code.

(b) A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense upon conviction is punishable by a fine in accordance with the general penalty provision in section 1.109 of this code.

(c) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates subsection 8.702(b) of this article and shall refer the minor to juvenile court.

(d) A parent or minor violating this article shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine in accordance with the general penalty provision in section 1.109 of this code.

(e) In assessing punishment for either a parent or a child, the municipal court judge is encouraged to consider community service.

Sec. 8.706 Expiration

This Article 8.700 shall expire and be of no force or effect after March 1, 2014, unless a public hearing is conducted to review this Article before such date. After such hearing this section shall be amended to reflect such action.

SECTION 2

That, save and except as amended by this Ordinance, the Sunnyvale Town Code shall remain in full force and effect.

SECTION 3

That the provisions of this Ordinance are severable in accordance with the Sunnyvale Town Code

SECTION 4

That this Ordinance shall become effective from and after its passage and publication in accordance with the law.

PASSED AND APPROVED by the Town Council of the Town of Sunnyvale, Texas on this the 28th day of February 2011.

TOWN OF SUNNYVALE, TEXAS

_____

David Byrd, Mayor

ATTEST:

_____

Kathryn Dewey, Town Secretary

AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *sc*

RE: **ITEM 7: Consider Resolution No. 11-04: Notice of Intent to Issue Certificates of Obligation**

DATE: February 23, 2011

As discussed at the last council meeting, this is the required resolution to publish notice of our intention to issue debt for our water system improvements. Attached is a revised copy of the cost breakdown of the system components. The contingency and engineering costs have been separated as requested. Also attached are pictures of other 1 million gallon tanks as requested.

As we have discussed, these improvements will require a $3 million debt issue. As you know, we are anticipating a recommendation from 4A for additional infrastructure improvements relative to the Sunnyvale Centre incentive agreement. On Wednesday last week, I received my first formal update from the 4A consultant relative to 4A's recommendations to date. While this was only an update and not a final recommendation, I felt it appropriate to discuss this conceptually with our financial advisors in an effort to prepare the language for the attached 'intent' resolution. Today we received word from bond counsel that the 4A projects cannot be included in the town's certificates of obligation because they involve private improvements, which are not tax exempt. This simply means that 4A will need to issue the debt for these projects rather than the Town. As is always the case, council will consider any 4A incentive projects in the form of a budget amendment.

RESOLUTION NO 11-04

A RESOLUTION APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

WHEREAS, the Town Council of the Town of Sunnyvale, Texas, has determined that certificates of obligation should be issued under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271, for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: constructing, acquiring, purchasing, renovating, enlarging, equipping and improving water system properties and facilities, including the acquisition of land and rights-of-way therefor, and (ii) professional services rendered in connection with such projects and the financing thereof; and

WHEREAS, prior to the issuance of such certificates, the Town Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the Town, said notice stating (i) the time and place the Town Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the Town Council proposes to pay the certificates; now, therefore,

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE:

SECTION 1: The Town Secretary is hereby authorized and directed to cause notice to be published of the Town Council's intention to issue certificates of obligation in a principal amount not to exceed the amount set forth in **Exhibit A** attached hereto for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: constructing, acquiring, purchasing, renovating, enlarging, equipping and improving water system properties and facilities, including the acquisition of land and rights-of-way therefor, and (ii) professional services rendered in connection with such projects and the financing thereof, and such certificates shall be payable from ad valorem taxes and a limited pledge of the net revenues of the Town's combined Waterworks and Sewer System. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A** hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The Town Secretary shall cause the aforesaid notice to be published in a newspaper of general circulation in the Town, once a week for two consecutive weeks, the date of the first publication to be at least thirty-one (31) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by V.T.C.A., Government Code, Chapter 551, as amended.

SECTION 4: This Resolution shall be in force and effect from and after its passage on the date shown below.

PASSED AND ADOPTED, this February 28, 2011.

TOWN OF SUNNYVALE, TEXAS

ATTEST:

_____
David Byrd, Mayor

_____
Kathryn Dewey, Town Secretary

(Town Seal)

EXHIBIT A

NOTICE OF INTENTION TO ISSUE TOWN OF
SUNNYVALE, TEXAS, CERTIFICATES OF OBLIGATION

TAKE NOTICE that the Town Council of the Town of Sunnyvale, Texas, shall convene at 7:00 o'clock P.M. on the 28 day of February, 2011, at the Sunnyvale Town Hall, 127 North Collins Road, Sunnyvale, Texas, and, during such meeting, the Town Council will consider the passage of one or more ordinances authorizing the issuance of certificates of obligation, in one or more series, in a principal amount not to exceed $3,100,000 for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: constructing, acquiring, purchasing, renovating, enlarging, equipping and improving water system properties and facilities, including the acquisition of land and rights-of-way therefor, and (ii) professional services rendered in connection with such projects and the financing thereof, and such certificates shall be payable from ad valorem taxes and a limited pledge of the net revenues of the Town's combined Waterworks and Sewer System. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271.

Kathryn Dewey
Town Secretary
Town of Sunnyvale, Texas

BOND DEBT SERVICE

Town of Sunnyvale, Texas
Certificates of Obligation
$3 million - 20 year - Level Debt Service
(water tower project)

Period Ending	Principal	Interest	Debt Service
09/30/2012	60,000	167,416.67	227,416.67
09/30/2013	110,000	121,770.00	231,770.00
09/30/2014	110,000	117,260.00	227,260.00
09/30/2015	115,000	112,647.50	227,647.50
09/30/2016	120,000	107,830.00	227,830.00
09/30/2017	125,000	102,807.50	227,807.50
09/30/2018	130,000	97,580.00	227,580.00
09/30/2019	140,000	92,045.00	232,045.00
09/30/2020	145,000	86,202.50	231,202.50
09/30/2021	150,000	80,155.00	230,155.00
09/30/2022	155,000	73,902.50	228,902.50
09/30/2023	160,000	67,445.00	227,445.00
09/30/2024	170,000	60,680.00	230,680.00
09/30/2025	175,000	53,607.50	228,607.50
09/30/2026	185,000	46,227.50	231,227.50
09/30/2027	190,000	38,540.00	228,540.00
09/30/2028	200,000	30,545.00	230,545.00
09/30/2029	205,000	22,242.50	227,242.50
09/30/2030	215,000	13,632.50	228,632.50
09/30/2031	225,000	4,612.50	229,612.50
	3,085,000	1,497,149.17	4,582,149.17

Note: PRELIMINARY, Subject to change

TOWN OF SUNNYVALE
ENGINEERING DEPARTMENT

ENGINEER'S OPINION OF PROBABLE COST

Project: Water Tower Project

Date: 2/23/2011

Project No:

Estimate Prepared By: Marc Bentley, P.E.

WATER TOWER IMPROVEMENTS

DESCRIPTION	PROJECTION
Water Tower Construction Cost	$ 1,925,000.00
Contingencies	$ 279,000.00
Engineering	$ 106,000.00
Total Estimated Tower Cost	$ 2,310,000.00

WATER LINE IMPROVEMENTS

DESCRIPTION	PROJECTION
Water Line Construction Cost	$ 551,360.00
Contingencies	$ 65,272.00
Engineering	* $ 45,000.00
Total Estimated Water Line Cost	$ 661,632.00

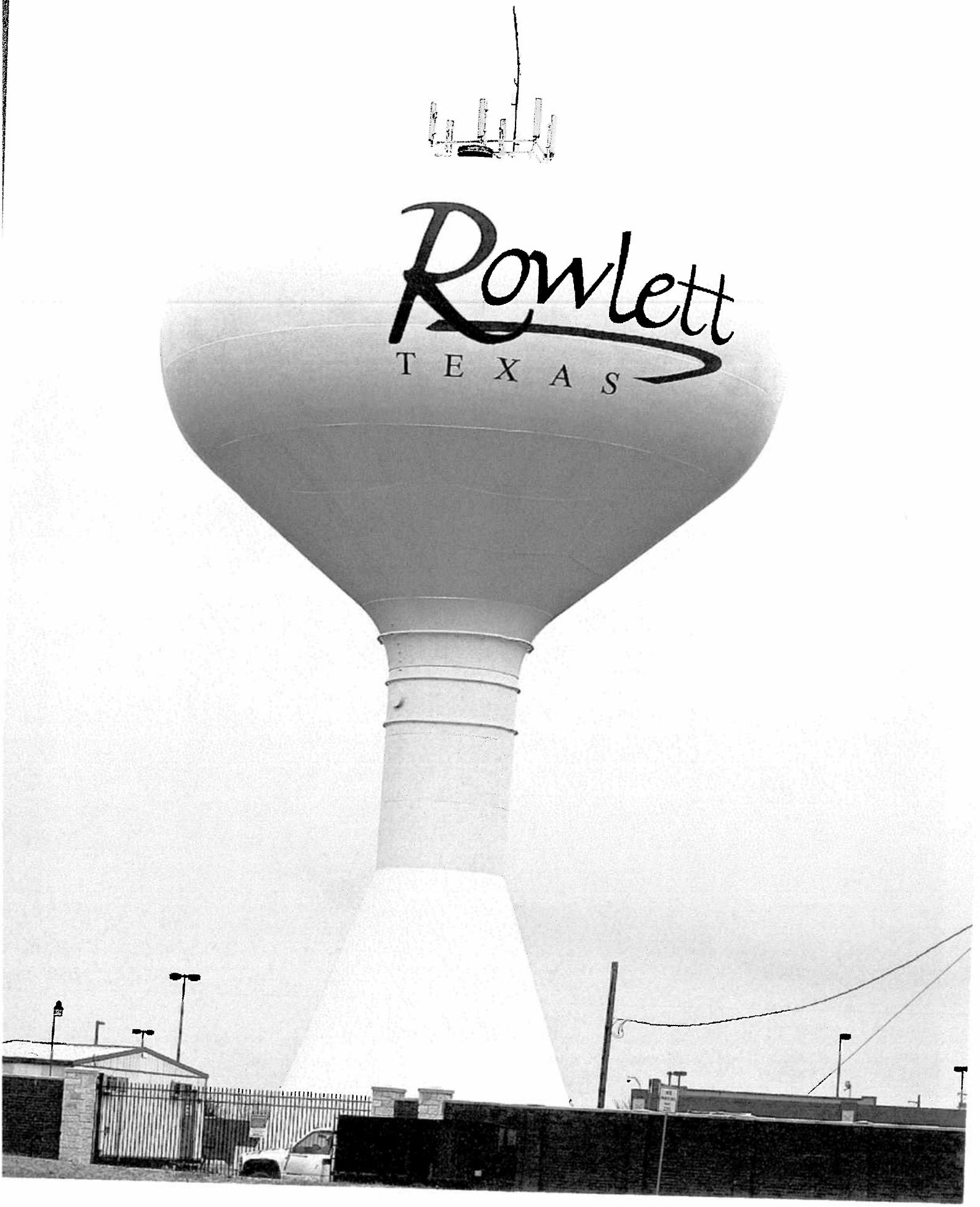
TOTAL ESTIMATED PROJECT COST $ 2,971,632.00

* Engineering to be done by Town staff

BUFFET CITY
ASIAN CUISINE
fitness for women
CHILOSO

ROCKWALL

Rowlett
TEXAS


Rowlett
TEXAS

AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *SC*

RE: **ITEM 8: Consider Resolution No. 11-05: Reimbursement Resolution**

DATE: February 23, 2011

This resolution is a requirement to allow the Town to reimburse itself out of bond proceeds for any expenditure(s) related to our water system improvements occurring prior to receipt of bond funds.

RESOLUTION NO 11-05

A RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT

WHEREAS, the Town of Sunnyvale, Texas (the "Issuer") intends to issue debt for constructing, acquiring, purchasing, renovating, enlarging, equipping and improving water system properties and facilities, including the acquisition of land and rights-of-way therefor (collectively, the "Projects"), and further intends to make certain capital expenditures for the Projects and currently desires and expects to reimburse such capital expenditures with proceeds of such debt; and

WHEREAS, under Treas. Reg. § 1.150-2 (the "Regulation"), to fund such reimbursement with proceeds of tax-exempt obligations the Issuer must declare its expectation to make such reimbursement; and

WHEREAS, the Issuer desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS that the Issuer reasonably expects to reimburse capital expenditures with respect to the Projects from funds on hand with the proceeds of debt hereafter to be issued by the Issuer, and that this resolution shall constitute a declaration of official intent under the Regulation. The maximum principal amount of obligations expected to be issued for the Projects is $3,100,000.

PASSED AND ADOPTED this February 28, 2011.

TOWN OF SUNNYVALE, TEXAS

_____
David Byrd, Mayor

ATTEST:

_____
Kathryn Dewey, Town Secretary

(Town Seal)