

**TOWN OF SUNNYVALE
TOWN COUNCIL MEETING**

**April 18, 2011
7:00 PM**

**Special Meeting
6:00 PM**



**AGENDA
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIALLY CALLED MEETING
APRIL 18, 2011
6:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS WILL CONDUCT A SPECIALLY CALLED MEETING ON APRIL 18, 2011 AT 6:00 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. ITEMS TO BE DISCUSSED:

- **CALL MEETING TO ORDER**
- **CONVENE INTO EXECUTIVE SESSION PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.071 - LITIGATION**
EXECUTIVE SESSION AGENDA:
 1. **LITIGATION - DEWS VS TOWN OF SUNNYVALE**
 2. **LITIGATION - VULCAN LANDS, LLC VS TOWN OF SUNNYVALE**
 3. **LITIGATION - LAWRENCE EDWARD BOYD AND DALE BRIAN GRAVES
PETITION FOR WRIT OF MANDAMUS**
- **RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE EXECUTIVE SESSION**
- **ADJOURN**

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING. MEMBERS OF THE PUBLIC ARE REQUESTED TO LIMIT THEIR COMMENTS, WHETHER AT THE PUBLIC FORUM OR DURING A PUBLIC HEARING, TO NO MORE THAN FIVE (5) MINUTES.

THE SUNNYVALE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND 551.086 (ECONOMIC DEVELOPMENT).

THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS PRIOR TO THE MEETING.

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON THIS THE 15TH DAY OF APRIL 2011 IN THE FOLLOWING LOCATIONS

**TOWN HALL AT 127 N. COLLINS ROAD SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE**

KATHRYN DEWEY, TOWN SECRETARY



**AGENDA
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIALLY CALLED MEETING
APRIL 18, 2011
7:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS WILL CONDUCT A JOINT PUBLIC HEARING AND MEETING WITH THE PLANNING AND ZONING COMMISSION ON APRIL 18, 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. ITEMS TO BE DISCUSSED:

- **CALL MEETING TO ORDER**
- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**

ITEM 1: CONVENE JOINT PUBLIC HEARING OF TOWN COUNCIL REGARDING THE FOLLOWING ITEMS:

- A. REQUEST BY VCZ DEVELOPMENT LLC FOR AMENDMENT TO LAND USE DIAGRAM OF COMPREHENSIVE PLAN FROM INDUSTRIAL AND COMMERCIAL LAND USE CATEGORIES TO URBAN DENSITY RESIDENTIAL LAND USE CATEGORY.**
- B. REQUEST BY VCZ DEVELOPMENT LLC FOR AMENDMENT OF OFFICIAL ZONING MAP FROM INDUSTRIAL AND HIGHWAY COMMERCIAL ZONING DISTRICTS TO ATTACHED HOUSING COMMERCIAL DISTRICT, APPROVAL OF CONCEPT PLAN FOR DISTRICT, APPROVAL OF WAIVERS AND INCENTIVES AND INCLUSION OF DEVELOPMENT STANDARDS FOR DISTRICT.**

ITEM 2: CLOSE OR CONTINUE PUBLIC HEARING

ITEM 3: RECESS TOWN COUNCIL MEETING (AS NECESSARY)

ITEM 4: RECONVENE TOWN COUNCIL MEETING AND CONSIDER REPORT FROM PLANNING AND ZONING COMMISSION REGARDING (ITEM A), AMENDMENT TO

LAND USE DIAGRAM OF COMPREHENSIVE PLAN; AND (ITEM B) OFFICIAL ZONING MAP AMENDMENT, APPROVAL OF CONCEPT PLAN, WAIVERS AND INCENTIVES, AND INCORPORATION OF DEVELOPMENT STANDARDS.

ITEM 5: CONSIDER ORDINANCE AMENDING LAND USE DIAGRAM OF COMPREHENSIVE PLAN (ITEM A) AND (ITEM B) OFFICIAL ZONING MAP AMENDMENT, APPROVING CONCEPT PLAN, WAIVERS AND INCENTIVES, AND INCORPORATING DEVELOPMENT STANDARDS.

• ADJOURN

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING. MEMBERS OF THE PUBLIC ARE REQUESTED TO LIMIT THEIR COMMENTS, WHETHER AT THE PUBLIC FORUM OR DURING A PUBLIC HEARING, TO NO MORE THAN FIVE (5) MINUTES.

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**TOWN HALL AT 127 N. COLLINS ROAD SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE**

KATHRYN DEWEY, TOWN SECRETARY

Memo

To: Town Council & Planning and Zoning Commission

From: Scott Campbell, Town Manager

CC:

Date: April 15, 2011

Re: Agenda Items for Joint Public Hearing



Because the agenda for Monday night is somewhat unique due to the joint public hearing, I wanted to recap the actual items for consideration. There are numerous agenda items to accommodate the procedures for the joint hearing; however they are all related to the same application and therefore included in one tab. There are two items of consideration on this agenda as follows:

- (1) consideration of a request to change the Land Use Diagram of the Comprehensive Plan from Commercial and Industrial to that of Urban Density Residential. This is required to accommodate their zoning change request.
- (2) Consideration of request for a zoning change from Industrial and Highway Commercial to that of Attached Housing Commercial; and consideration of a concept plan (a requirement of the AHC Zoning Classification).

Please see the attached staff report from our Town Planner relative to both items.

We will discuss this in more detail Monday night.

Thanks

MEMORANDUM



1701 N Market St., #500, LB51 • Dallas, Texas 75202 • 214-217-2200 • fax 214-217-2201

TO: Scott Campbell, Town Manager – Town of Sunnyvale, Texas

CC: Terry Morgan – Terry Morgan & Associates

FROM: Sherry Sefko, Urban Planner

SUBJECT: Sunnyvale Quadhomes (201 Planters Road) – AHC Rezoning Request & Concept Plan

DATE: April 15, 2011

We have reviewed the application submitted by VCZ Development, LLC to rezone the subject property from its current Highway Commercial (HC) and Industrial (I) zoning districts to the Attached Housing Commercial (AHC) zoning district. Our review is based on the original zoning application, the Concept Plan (sheet S1) and the Conceptual Landscape Plan (sheet L-1) that were received by the Town in electronic form on Monday April 4, 2011, and the applicant's narrative describing the rezoning request received by the Town in electronic form on Wednesday April 6, 2011.

All comments made herein are in furtherance of the Town's objectives to review and assess each development application fairly and objectively, and to protect the public health, safety and welfare of the Town's residents and property owners.

Relationship to the Town's Comprehensive Plan

The Town's current Land Use Diagram shows the subject property as appropriate for Commercial (COM) and Industrial (IND) land uses. The applicant has submitted a request, in conjunction with the rezoning request, to amend the Land Use Diagram to show the subject property as Urban Density Residential (UDR). While we typically do not support traditional low density residential developments within a predominantly nonresidential area, this request is somewhat different in that one of the main premises (and requirements) of the AHC zoning district is to either have nonresidential uses (and their consequent shopping conveniences, jobs, proximity to personal services, etc.) actually incorporated into an AHC development, or for an AHC development to be located in very close proximity to such uses, jobs, shopping and services for the convenience of the AHC residents. We believe the proposed location for this project is conducive to this goal.

Concept Plan

The Concept Plan submitted with the rezoning request shows the proposed development of a residential community comprised of 96 "fourplex"-style housing units which are, for the most part, very similar in style and arrangement to townhomes but with only four units in each building structure. Of the total number of units, 16 are planned to be one-bedroom units, 48 are planned to be two-bedroom units, and 32 are planned to have three bedrooms. Most structures will be two-stories in height, but 16 dwelling units are planned to be single-story units to accommodate smaller families, families without children, and also likely to meet ADA accessibility requirements.

Access to the proposed development will be from Planters Road, an existing concrete-paved/improved collector street. The entrance is divided to provide the Town's required two points of access.

The overall layout of the complex shows inclusion of a clubhouse/office and visitor's parking near the entrance, and site/leisure amenities including a network of walking/jogging trails throughout the site's open space areas, several play areas, several barbecue/picnic facilities, and a meandering exercise trail in the private recreation/preserved landscape area in the rear portion of the site. The Concept Plan also shows an area that can be used for stormwater management (i.e., filtration, detention, etc.) if such is determined to be necessary by the Town's Engineer during Site Plan and engineering review for the project. Parking shown on the Plan is in conformance with the Town's requirements for the AHC district (see waiver request for covered parking below), and the amount of usable open space shown on the Plan greatly exceeds the Town's requirements (15% of site area).

In summary, we believe the Concept Plan submitted with this rezoning request is in full compliance with the Town's requirements for the AHC zoning district, and we have no problem with its approval as submitted subject to approval of the waivers requested by the applicant and cited below.

Conformance with the AHC Zoning District Regulations

The purpose and original intent of the AHC zoning district is to effect the Town's goal of providing a range of housing types, opportunities and choices within the Town of Sunnyvale. The applicant desires to develop the subject property under the AHC district, thus allowing the Town to further this goal. The AHC zoning district is a very specialized district that accommodates a range of lifestyles, family structures, vocations, income levels and socioeconomic backgrounds. In other words, it provides an attainable housing option for individuals who, for whatever reason, do not want (or cannot afford) a large house and/or a large property.

The applicant proposes the minimum number of affordable "Target Units" required for approval of the AHC district under Section 9A.5.A, and the property lies within one-half mile of existing or planned employment and shopping opportunities as required by Sections 9A.5.C and 9A.5.D. The proposed development is located within immediate proximity of at least one major employer (and also numerous future jobs when other vacant land parcels along Planters Road and the US 80 service road develop), and it is also within one-half mile of the proposed Sunnyvale Centre shopping/business development between Clay Road and Collins Road (zoned General Business/GB). Close proximity to jobs, shopping areas and personal services is a key requirement of the AHC zoning district as a convenience (and economic benefit) to residents within an AHC residential community, and the development contemplated in this rezoning request complies with this requirement.

The layout and amenities depicted on the Concept Plan represents a cohesive residential "community" with significant recreational and leisure opportunities for residents. Facilities for both active and passive recreation will be provided, as well as communal facilities for laundering, exercising, gathering and socializing.

All aspects of the layout shown on the Concept Plan appear to be in conformance with requirements of the AHC district (reference Ordinance #499 and its accompanying Chart 9A.1), except for the requested waivers, which are discussed below. The density of the project is less than 6 units per gross usable acre, and the fourplex design meets the standards for maximum dwelling units per structure. The one-, two- and three-bedroom units each meet the minimum dwelling unit sizes listed on Charter 9A.1

Usable open space is being provided that well exceeds the Town's 15% requirement. The number of parking spaces shown on the Plan meets the AHC requirements of two spaces per dwelling unit, plus



one visitor space per three units, plus one special vehicle space per ten units (the applicant has stated that there will be no boats, trailers or RVs allowed on the property, but these spaces must be provided per the AHC district). The layout shown on the Plan appears to meet or exceed all other development requirements in Chart 9A.1 such as setbacks, dwelling unit sizes, building heights (maximum two stories), lot coverage and lot width/depth.

Requested Waivers

The applicant is requesting several waivers from the Town's normal design/development requirements in order to make the project financially feasible. This is in accordance with the AHC district which does allow requests for such waivers during establishment of the district in furtherance of the Town's goals to accommodate viable AHC development within the Town. The waivers requested by the applicant are:

1. **Fire Walls**. The AHC district requires 4-hour fire walls for residential structures having more than one dwelling unit (Section 9.5.D.1.f), and the applicant requests a waiver from this requirement such that they can build the units with 2-hour fire walls instead. This is in conformance with the Town's Building/Fire Codes for such types of units. The Town's Building/Fire Codes also require buildings of the sizes and occupancies shown on the Concept Plan to be equipped with an automatic fire suppression system (i.e., fire sprinklering), so we do not believe reducing the fire wall requirement will negatively compromise residents' safety provided that the Town's Fire Department and Building Official both concur.
2. **Solid Waste Container Screening**. The Zoning Ordinance requires all solid waste containers to be screened with minimum 6-foot tall masonry enclosures that match the main building(s) on-site (Section 20.5.B.4.a(8)(e)(i)), and the applicant requests a waiver from this requirement so they can screen the containers with 6-foot tall wood fencing instead. All of the proposed locations for solid waste containers are deep within the site (250+ feet away from Planers Road) and mostly hidden from public view by buildings, so this waiver request seems reasonable.
3. **Masonry Exterior Construction**. The Zoning Ordinance requires all structures in the AHC district to be brick or stone exterior (Sections 9.A.4.B.2, 9.5.D.1.g and 20.8), and the applicant requests a waiver from this requirement so they can, if necessary during actual detailed design of the buildings, use cementitious fiberboard siding (such as Hardiplank, which does qualify as a fire-retardant building material) for up to a maximum of 25% of the buildings' exteriors. The applicant has submitted building elevations for the project along with this rezoning request, and we believe the design will look quite attractive in that there are no expansive wall surfaces planned for non-masonry materials, the façades are well-articulated with plane changes and fenestration (such as doors, divided-pane windows, covered porches/patios, gables, etc.), and other aesthetic features so we do not believe reducing the masonry content of exterior façades will negatively affect the overall appearance or long-term maintenance of the structures.
4. **Covered Parking**. The AHC district requires at least half of the parking spaces required for fourplex dwelling units to be in carports or garages (Section 9A.4.B.5), and the applicant requests a waiver from this requirement mostly to reduce overall project costs. Since covered parking is mostly an amenity/convenience item and lack of it does not compromise residents' health or safety, this waiver request seems reasonable.
5. **Security Fencing/Gates**. The AHC district requires multi-family developments (i.e., apartment complexes) to provide security fencing around the perimeter and security gates at the entrance(s) (Section 9A.4.B.8), and the applicant has requested a waiver from this requirement. However, the nature of the development as proposed is fourplexes which are treated differently in the AHC use



regulations and under Chart 9A.1 than “multi-family” units, so we question whether this requirement even applies to this development. The Concept Plan shows provision of landscaped buffers along Planters Road and around the perimeter of the property that exceed the AHC districts minimums, and the property is already mostly fenced around its perimeter (north, west and south sides), so we believe all aspects of the AHC district’s requirements pertaining to screening and buffering are addressed on the Concept Plan.

6. Tree Survey & Mitigation. The Zoning Ordinance requires a detailed tree survey prior to development of a property (Section 20.4.D), and replacement of trees lost due to development on an “inch-for-inch” basis (Section 20.4.F), and the applicant requests a waiver from these requirements such that they can do a generalized tree inventory in lieu of a detailed tree survey, and such that they will not have to quantify, and replace, protected trees that must be removed. The Concept Plan shows a large vegetated area in the rear/western portion of the site that will remain, for the most part, undisturbed in developing this project except for installation of a meandering exercise trail around the perimeter of that area to create a sort of “passive recreational area” for the community. We also believe that the purpose for the generous building and paving setbacks along the north and south sides of the property might be to, if at all possible, preserve the natural treelines along those existing boundaries (where they currently exist) as buffers from neighboring land uses. Most of the middle portion of the site is either treeless (with a few random cedar-like trees) or covered with fairly young/small “second-growth” of trees that likely started to populate the property after its probable agricultural use ceased years ago (we don’t know this for fact, but it looks that way to us based upon our experiences with similar properties elsewhere). We did not observe any significant stands of quality trees (such as oaks, pecans or other long-lived hardwoods) on the site, and the Conceptual Landscape Plan shows generous plantings of new trees on the site (that likely exceed the Town’s normal tree-planting requirements in parking areas and within buffers – this will be reviewed and ascertained during the Site Plan review process later on), so this waiver request seems reasonable.
7. Usable Open Space Trees. The Zoning Ordinance requires the planting of at least one large tree for every 1,000 square feet of usable open space (Section 20.3.C.3.d), and the applicant requests a waiver from this requirement for Open Space Area “B” only citing the fact that this area is planned to remain mostly non-disturbed except for some brush-clearing, tree trimming and minimal tree removal necessary to clean up the area and to install the perimeter exercise trail (and possibly a stormwater management facility if such is deemed necessary by the Town Engineer during Site Plan and engineering review/approval). Since there are a large number of existing trees within this area that will be preserved, this waiver request seems reasonable.

In light of the use proposed for the subject property (i.e., fourplex residential housing) and the Town’s desire to become an inclusive, “full life-cycle” community, we believe the above-requested waivers are reasonable and justified for the proposed development as presented in the rezoning application and its accompanying narrative, Concept Plan and other companion documents.



TOWN OF SUNNYVALE
 127 N Collins Road
 Sunnyvale, Texas 75182
 (972) 203-4188

DEVELOPMENT APPLICATION

- | | |
|---|--|
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Amending Plat |
| <input checked="" type="checkbox"/> Preliminary Site/Concept Plan | |
| <input type="checkbox"/> Landscape | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Tree survey | <input type="checkbox"/> Building Elevations |

FILE NO: 1261

PROPERTY INFORMATION

Addition Name: Riverstone		Address/Location: Tract 4	
Lot(s):	Block:	Current Zoning: Industrial	
# of Acres: 17.2519	# of Lots: 1	# of Units: N/A	

APPLICANT INFORMATION

Name: Vaughn Zimmerman		Company: VCZ Development, LLC	
Mailing Address: 1730 E. Republic Road, Suite F			
City: Springfield	State: Missouri	Zip: 65804	
Phone: 417-890-3239	Fax: 417-883-6343	Email: vzimmerman@wilhoitproperties.com	

OWNER INFORMATION

Name: Rick Sheldon		Company: RKS Texas Investments, L.P.	
Mailing Address: 601 Sonterra			
City: San Antonio	State: Texas	Zip: 78258	
Phone: 210-490-2500	Fax: 210-490-4465	Email:	

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(Check those that apply)

- | | | |
|-------------------------------------|---|----------------------------|
| <input type="checkbox"/> | Preliminary Plat & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Final Plat & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Amended Plat & Checklist* | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Minor Plat & Checklist* | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Replat & Checklist* | 24"x36", 4 copies (folded) |
| <input checked="" type="checkbox"/> | Preliminary Site/Concept Plan & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Site Plan & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Landscape Plan & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Building Elevations | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Photometric/Lighting | 24"x36", 2 copies (folded) |
| <input type="checkbox"/> | Tree Survey & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> | Civil Engineering Plans | 2 Sets (rolled) |
- *Use final plat checklist

(See Fee Schedule for all Amounts)

- | | |
|------|----------|
| Fee: | _____ |
| Fee: | \$472.52 |
| Fee: | _____ |

OWNER AUTHORIZATION

Check one of the following:

- I will represent the application myself; or
- I authorize Vaughn Zimmerman (name of applicant) to represent this application on my behalf. The named applicant shall be the principal person for responding to all requests and to attend all meetings.

I waive the statutory time limit for plat approval in accordance with Section 212.009 of the Local Government Code.

Owner's Signature: _____ Date: _____

STATE OF TEXAS

COUNTY OF: _____

BEFORE ME, a Notary Public, on this day personally appeared _____ the above signed, who, under oath, stated the following: "I hereby certify that I am the owner or authorized corporate representative for the purposes of this application; that all information submitted herein is true and accurate."

Subscribed and sworn to before me this _____ day of _____, 200_.

Notary Public in and for the State of Texas

This application is not considered accepted by the Town until the Town Engineer or Chief Building Official has signed below.

Town Engineer

Chief Building Official

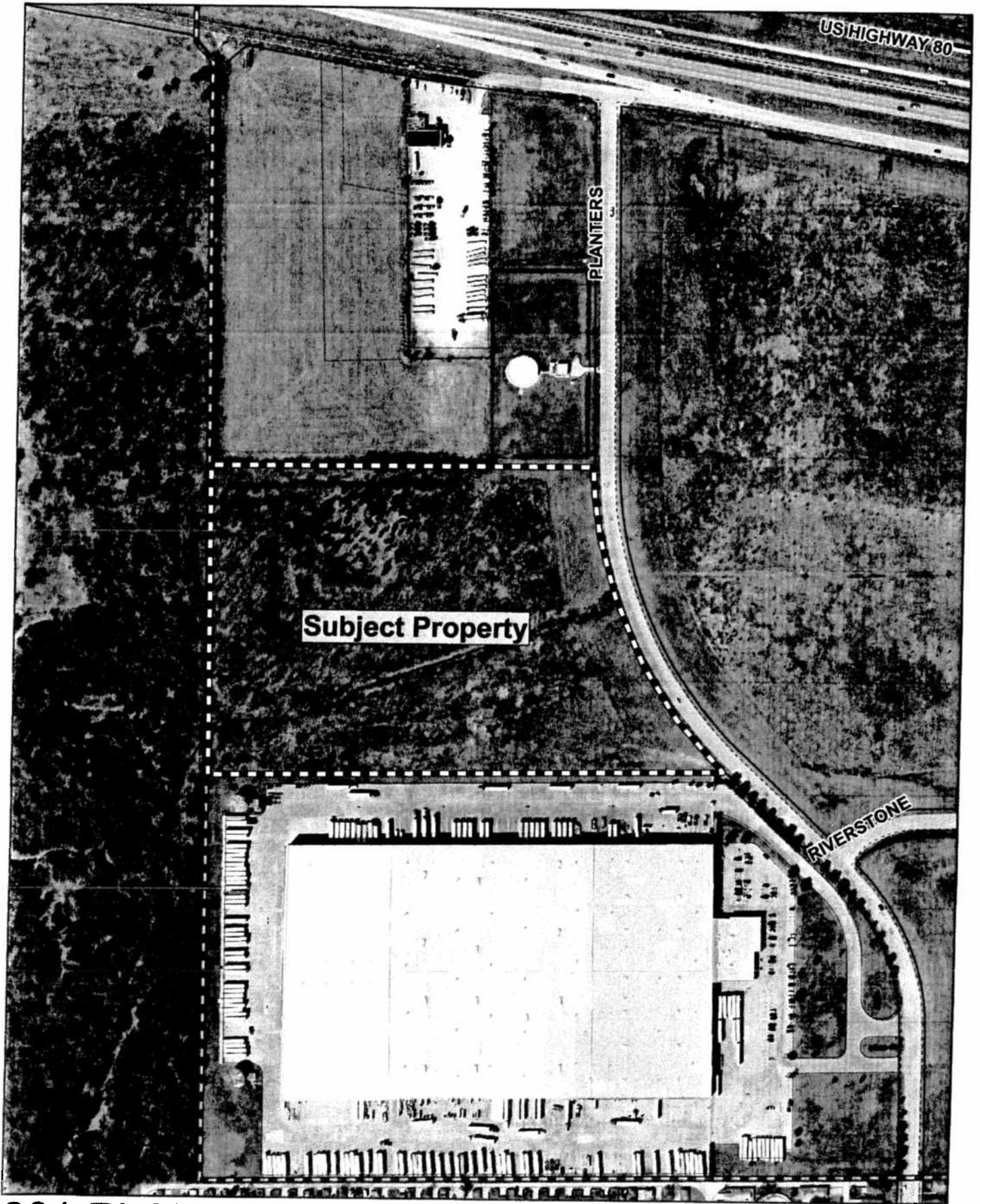


Town of Sunnyvale
127 N. COLLINS ROAD SUNNYVALE, TEXAS 75182
TELEPHONE (972) 226-7177
FAX (972) 226-1804
www.townofsunnyvale.org

Joint Public Hearing. That a public hearing will be jointly held with Town Council and the Planning and Zoning Commission at 7:00 p.m. on April 18, 2011, in the Council Chambers of Sunnyvale Town Hall, 127 Collins Road, Sunnyvale, Texas, and to jointly convene a second public hearing at 7:00 p.m. on April 25, 2011, in the Council Chambers of Sunnyvale Town Hall, 127 Collins Road, Sunnyvale, Texas, for the purpose of taking public testimony and to consider proposed amendments to the Land Use Diagram of the Comprehensive Plan and to the Town's Official Zoning Map to authorize a four-plex development of 96-dwelling units, including Target Units, proposed by VCZ Development, Inc. for a 17.25-acre tract of land generally described as a 17.25 acre tract in the Timothy Cohwell Survey, Abstract 335 in Sunnyvale, Texas (the "Property"), including without limitation the following specific matters:

- (i) amending the Land Use Diagram of the Comprehensive Plan for the Property from the Commercial (C) and Industrial (I) Land Use Categories to the Urban Density Residential (UDR) Land Use Category;
- (ii) amending Zoning Ordinance. Ord. No. 339, as amended, by changing the zoning district classifications for the Property from the Highway Commercial (HC) and Industrial (I) Districts to the Attached Housing Commercial ("AHC" District);
- (iii) incorporating a proposed Concept Plan as a part of the AHC District regulations governing development of the Property;

- (iv) considering proposed waivers of certain performance standards for the AHC District and substitution of alternative performance standards;
- (v) considering proposed conditions to be applied with the AHC District;
- (vi) considering a proposed guaranty and secured participation agreement proposed by the developer; and
- (vii) considering provision for incentives, including waivers of impact fees, requested by developer and authorized in the AHC District



US HIGHWAY 80

PLANTERS

Subject Property

RIVERSTONE

201 PLANTERS ROAD

TOWN OF SUNNYVALE

0 75 150 300 450 600 Feet



**APPLICATION FOR ZONING CHANGE
TOWN OF SUNNYVALE, TEXAS**

FILE NO: 1262

DATE: 3-15-11

APPLICANT: VCZ Development, LLC

MAILING ADDRESS: 1730 E. Republic Road, Suite F

CITY: Springfield STATE: Missouri ZIP: 65804

DAYTIME TELEPHONE NO.: 417-890-3239 FAX NO.: 417-883-6343

STATUS OF APPLICANT: OWNER TENANT PROSPECTIVE BUYER

LEGAL DESCRIPTION OF PROPERTY IS ATTACHED AS EXHIBIT "A" OR AS FOLLOWS:
See Exhibit "A"

GENERAL LOCATION: Riverstone Addition, Tract 4 (17.2519-acres of land)

PRESENT ZONING DISTRICT: Industrial/Highway Commercial

PROPOSED ZONING DISTRICT: AHC Development

REASON FOR CHANGE: Development of 96-Townhomes

ARE THERE DEED RESTRICTIONS PERTAINING TO INTENDED USE OF THE PROPERTY?

IF YES, PLEASE EXPLAIN:

FEES

Zoning Change Filing Fee	\$ 250.00 Flat Fee	=	\$ <u>250.00</u>
Notices - \$ 3.00 Per Property Owner Within 400 ft.	Notices	=	\$ <u>6.00</u>

TOTAL FILING FEE \$ 256.00

Applicant agrees to pay fees charged by the Town of Sunnyvale Engineering Firm to review the zoning change. You will be notified if these fees will exceed \$500.00

REQUIRED SUBMITTAL DOCUMENTS:

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

- | <u>Yes</u> | <u>No</u> | <u>Description</u> |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15 copies prints of the Zoning Application for the Planning and Zoning Commission and 15 copies for the Town Council that shows the following:
1. Legal description
2. Drawing showing tract dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.

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

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

Vaughn Zimmerman
Applicant's Printed Name

Applicant's Signature

Owner:

Rick Sheldon
Owner's Printed Name

Owner's Signature

Town of Sunnyvale:

Acknowledged By: _____

Date: _____

EXHIBIT "A"
17.2519-Acre Tract of Land
Riverstone Addition, Tract 4
Sunnyvale, Texas

BEING a 751,494 square feet of a 17.2519 acre tract of land situated in the Timothy Cohwell Survey, Abstract No. 335, Sunnyvale, Dallas County, Texas, and being part of a tract of land conveyed to FC Properties One, Ltd. By deed recorded in Volume 96059, Page 1966. Deed Records of Dallas County and being more particularly described as follows:

BEGINNING at a found $\frac{1}{2}$ " iron rod for a corner in the west line of Planters Road (a 60' ROW) said point being S 00° 32' 20" E, a distance of 870.54' from a found $\frac{1}{2}$ " iron rod at the intersection of the southwest line of U.S. Highway 80 (a variable width ROW) with the west line of Planters Road, said point being the southeast corner of a called 2.8057 acre tract of land conveyed to the Town of Sunnyvale by deed recorded in Volume 97141, Page 2673. Deed Records of Dallas County, Texas and said point the beginning of a tangent curve to the left with a central angle of 45° 43' 06", a radius of 1030.00' a chord bearing of S 23° 23' 53" E and a chord distance of 800.24'.

THENCE, Southeasterly with the west and southwest line of Planters Road and along said curve an arc distance of 821.87' to a found $\frac{1}{2}$ " iron rod for a corner. Said corner being the northeast corner K-Mart Addition, an addition to the Town of Sunnyvale, Texas according to the plat thereof recorded in Volume 87118, Page 1904, Deed Records of Dallas, County, Texas.

THENCE, S 69° 33' 38" W, departing the southwest line of Planters Road and with the north line of the said K-Mart Addition, a distance of 1,237.31' to a found 1" iron rod for a corner. Said point being the northwest corner of the said K-Mart Addition and in the east line of Samuel Mesquite Park as recorded in Volume 105, Page 419, Probate Minutes of Dallas County Court, Texas.

THENCE, N 00° 16' 05" W, a distance of 735.29' to a found $\frac{3}{4}$ " iron rod for a corner. Said point being the southwest corner of a called 7.697 acre tract of land conveyed to Elizabeth R. Motley Living Trust by instrument #92-4551-P, Probate Minutes of Dallas County Court, Texas

THENCE, N 89° 29' 46" E, a distance of 672.07' to a found $\frac{1}{2}$ " iron rod for a corner. Said point being the southwest corner of the above said Town of Sunnyvale tract.

THENCE, N 89° 22' 30" E, with the south line of the said Town of Sunnyvale tract a distance of 250.90' to the Point of Beginning.

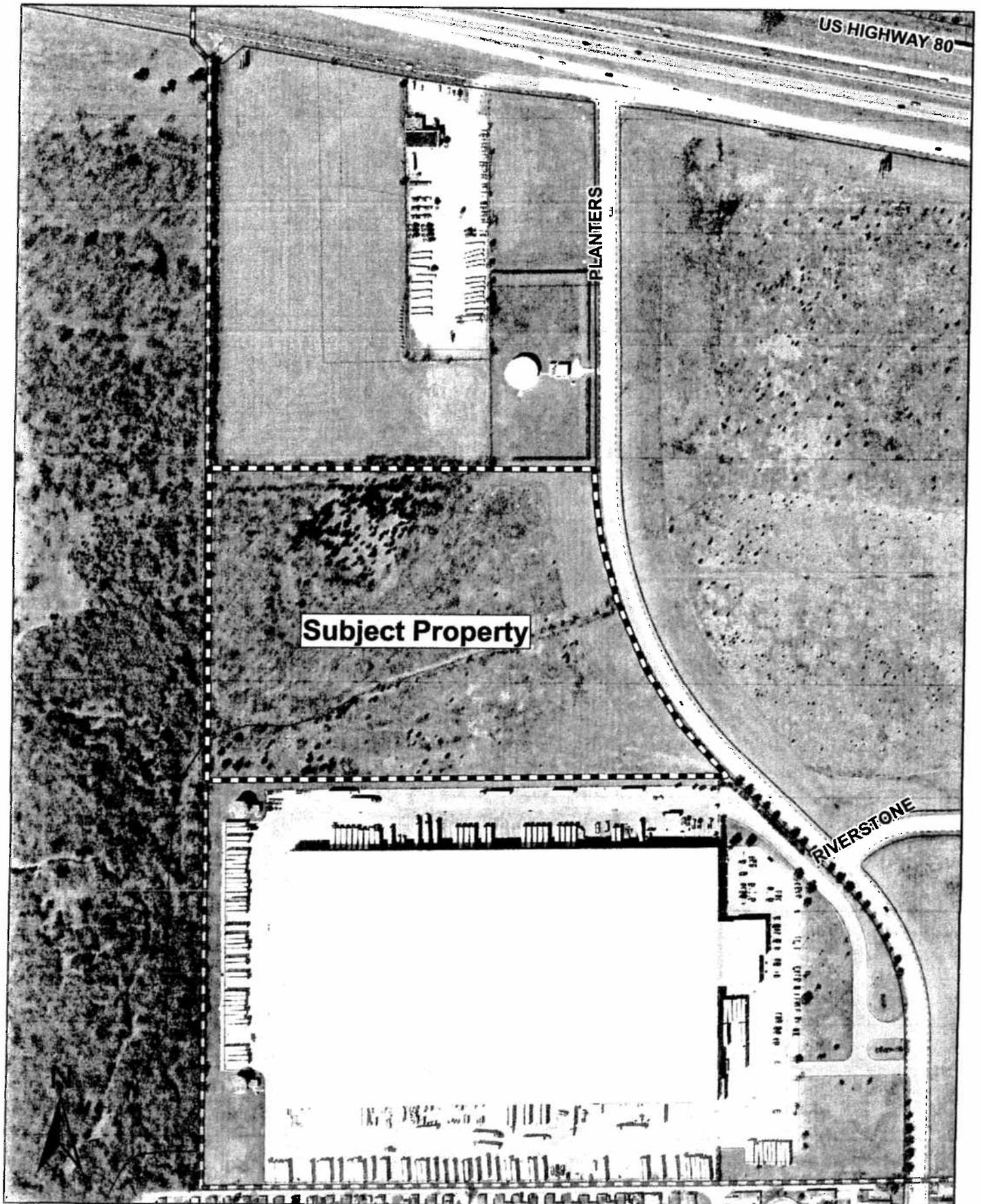


Town of Sunnyvale
127 N. COLLINS ROAD SUNNYVALE, TEXAS 75182
TELEPHONE (972) 226-7177
FAX (972) 226-1804
www.townofsunnyvale.org

Joint Public Hearing. That a public hearing will be jointly held with Town Council and the Planning and Zoning Commission at 7:00 p.m. on April 18, 2011, in the Council Chambers of Sunnyvale Town Hall, 127 Collins Road, Sunnyvale, Texas, and to jointly convene a second public hearing at 7:00 p.m. on April 25, 2011, in the Council Chambers of Sunnyvale Town Hall, 127 Collins Road, Sunnyvale, Texas, for the purpose of taking public testimony and to consider proposed amendments to the Land Use Diagram of the Comprehensive Plan and to the Town's Official Zoning Map to authorize a four-plex development of 96-dwelling units, including Target Units, proposed by VCZ Development, Inc. for a 17.25-acre tract of land generally described as a 17.25 acre tract in the Timothy Cohwell Survey, Abstract 335 in Sunnyvale, Texas (the "Property"), including without limitation the following specific matters:

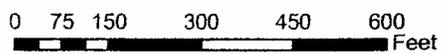
- (i) amending the Land Use Diagram of the Comprehensive Plan for the Property from the Commercial (C) and Industrial (I) Land Use Categories to the Urban Density Residential (UDR) Land Use Category;
- (ii) amending Zoning Ordinance. Ord. No. 339, as amended, by changing the zoning district classifications for the Property from the Highway Commercial (HC) and Industrial (I) Districts to the Attached Housing Commercial ("AHC" District);
- (iii) incorporating a proposed Concept Plan as a part of the AHC District regulations governing development of the Property;

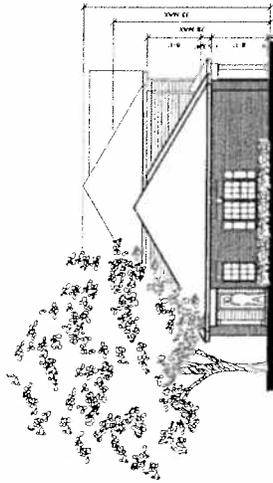
- (iv) considering proposed waivers of certain performance standards for the AHC District and substitution of alternative performance standards;
- (v) considering proposed conditions to be applied with the AHC District;
- (vi) considering a proposed guaranty and secured participation agreement proposed by the developer; and
- (vii) considering provision for incentives, including waivers of impact fees, requested by developer and authorized in the AHC District



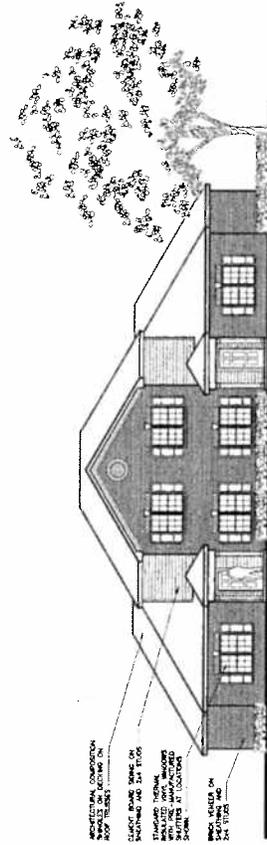
201 PLANTERS ROAD

TOWN OF SUNNYVALE

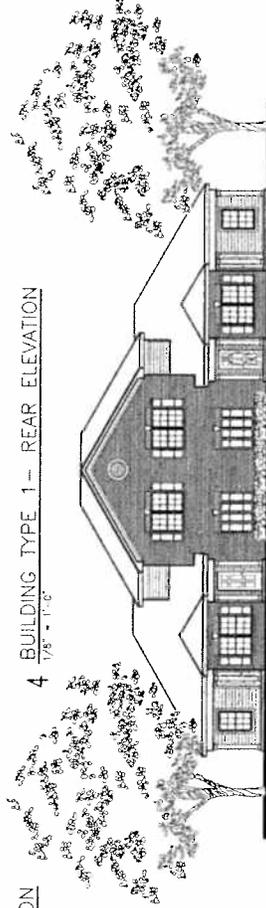




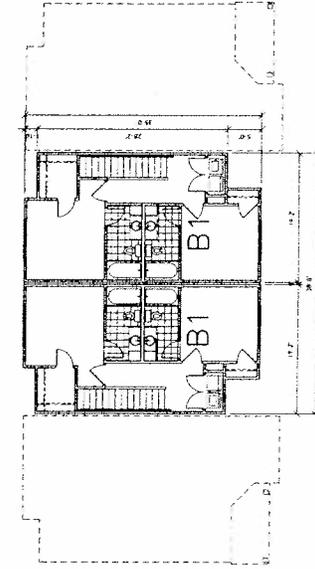
5 BUILDING TYPE 1 - TYP. END ELEVATION
1/8" = 1'-0"



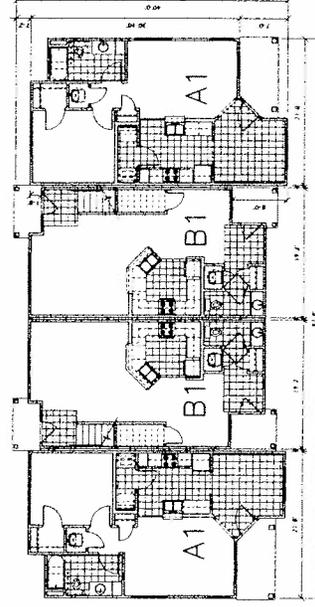
4 BUILDING TYPE 1 - REAR ELEVATION
1/8" = 1'-0"



3 BUILDING TYPE 1 - FRONT ELEVATION
1/8" = 1'-0"



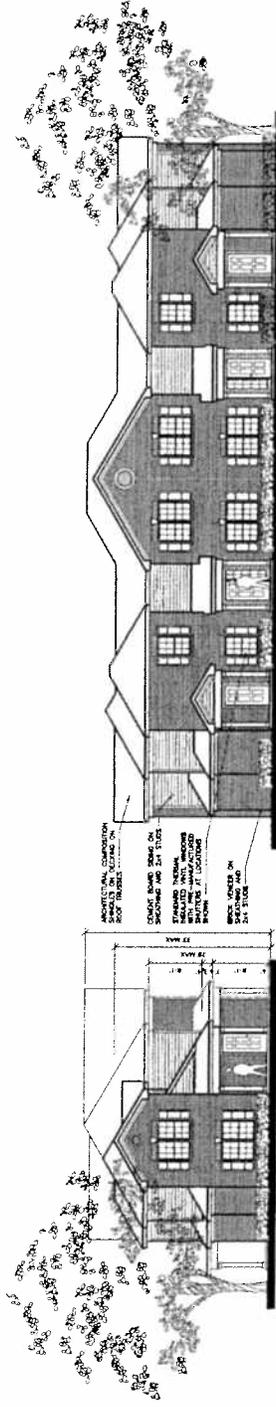
2 BUILDING TYPE 1 - 2ND FLOOR PLAN
1/8" = 1'-0"



1 BUILDING TYPE 1 - 1ST FLOOR PLAN
1/8" = 1'-0"

A1 UNIT	687 TOTAL SURFACE AREA	942 TOTAL SURFACE AREA
	527 TOTAL BRICK SURFACE AREA (71% BRICK)	800 TOTAL BRICK SURFACE AREA (85% BRICK)
	160 TOTAL CONCRETE SURFACE AREA (23% CONCRETE)	142 TOTAL CONCRETE SURFACE AREA (15% CONCRETE)
	140 TOTAL ASPHALT SURFACE AREA (20% ASPHALT)	142 TOTAL ASPHALT SURFACE AREA (15% ASPHALT)
B1 UNIT	687 TOTAL SURFACE AREA	942 TOTAL SURFACE AREA
	527 TOTAL BRICK SURFACE AREA (71% BRICK)	800 TOTAL BRICK SURFACE AREA (85% BRICK)
	160 TOTAL CONCRETE SURFACE AREA (23% CONCRETE)	142 TOTAL CONCRETE SURFACE AREA (15% CONCRETE)
	140 TOTAL ASPHALT SURFACE AREA (20% ASPHALT)	142 TOTAL ASPHALT SURFACE AREA (15% ASPHALT)
3,078 TOTAL SURFACE AREA FINANCE CALCULATIONS		
	500 TOTAL BRICK/FLOOR AREA (71% BRICK)	500 TOTAL BRICK/FLOOR AREA (71% BRICK)
	1,400 TOTAL BRICK SURFACE AREA (20% BRICK)	1,400 TOTAL BRICK SURFACE AREA (20% BRICK)
	548 TOTAL CONCRETE SURFACE AREA (17% CONCRETE)	548 TOTAL CONCRETE SURFACE AREA (17% CONCRETE)

 Sunnyvale Quadhomes SUNNYVALE, TEXAS		Zimmerman Investments L.L.C. 1730 E. Roadway, Bldg. 100 Sunnyvale, TX 75158 Phone: 972.751.1111 Fax: 972.751.1112 www.zimmermaninvestments.com	
PROJECT NO. 2017-001 DATE: 05/15/2017 DRAWING NO. 101		BUILDING TYPE 1 PLAN & ELEVATIONS SHEET AB1 OF 1	



5 BUILDING TYPE 2 - TYP. END ELEVATION
1/8" = 1'-0"



4 BUILDING TYPE 2 - REAR ELEVATION
1/8" = 1'-0"

3 BUILDING TYPE 2 - FRONT ELEVATION
1/8" = 1'-0"

C1 UNIT	
1,386 TOTAL SURFACE AREA	(SEE BRN-4)
1,180 TOTAL BRN-4/BRN-5 SURFACE AREA	(SEE BRN-4)
206 TOTAL BRN-5 SURFACE AREA	(SEE BRN-4)
B1 UNIT	
848 TOTAL SURFACE AREA	(SEE BRN-5)
728 TOTAL BRN-5/BRN-6 SURFACE AREA	(SEE BRN-5)
120 TOTAL BRN-6 SURFACE AREA	(SEE BRN-5)
BUILDING TOTAL SURFACE CALCULATIONS	
4,818 TOTAL SURFACE AREA	(SEE BRN-4)
4,174 TOTAL BRN-4/BRN-5 SURFACE AREA	(SEE BRN-4)
2,874 TOTAL BRN-5 SURFACE AREA	(SEE BRN-5)
972 TOTAL BRN-6 SURFACE AREA	(SEE BRN-6)

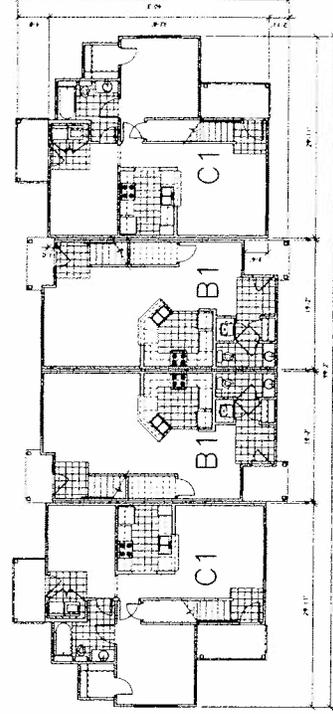
CONTRACTOR:
SUNNYVALE QUAD HOMES
1730 E. BRADSHAW, SUITE 100
SUNNYVALE, TEXAS 75086
PH: 972-221-2242
FAX: 972-221-2243

Sunnyvale Quadhomes
SUNNYVALE, TEXAS

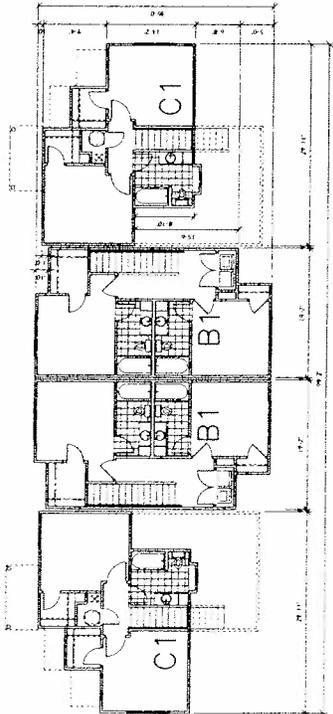
Zimmerman Investments L.L.C.
1730 E. BRADSHAW, SUITE 100
SUNNYVALE, TEXAS 75086
PH: 972-221-2242
FAX: 972-221-2243

DATE: 01/12/2011
DRAWN BY: [Signature]
CHECKED BY: [Signature]

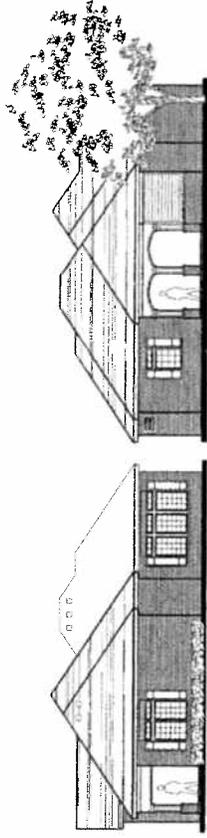
BUILDING TYPE 2
PLAN & ELEVATIONS
SHEET AB2 OF 2



1 BUILDING TYPE 2 - 1ST FLOOR PLAN
1/8" = 1'-0"



2 BUILDING TYPE 2 - 2ND FLOOR PLAN
1/8" = 1'-0"



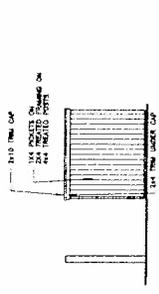
6 CLUB— END ELEVATION
1/8" = 1'-0"

5 CLUB— END ELEVATION
1/8" = 1'-0"

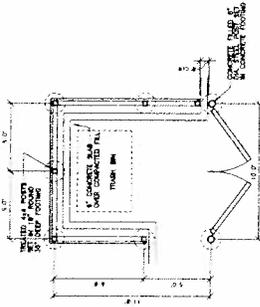
4 CLUB— REAR ELEVATION
1/8" = 1'-0"

3 CLUB— FRONT ELEVATION
1/8" = 1'-0"

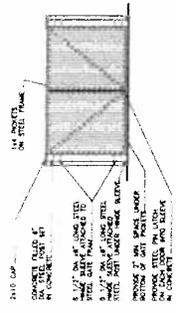
INDICATED DIMENSIONS
ARE TO FACE UNLESS
NOTED OTHERWISE.
STANDARD FINISHES
SHOULD BE USED UNLESS
OTHERWISE INDICATED.
DO NOT SCALE DRAWINGS.
SEE NOTES ON
DRAWING FOR
MATERIALS AND
CONSTRUCTION
DETAILS.



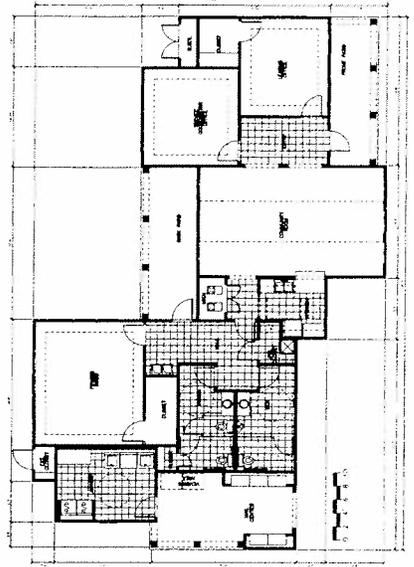
8 TRASH ENCLOSURE SIDE ELEV.
1/4" = 1'-0"



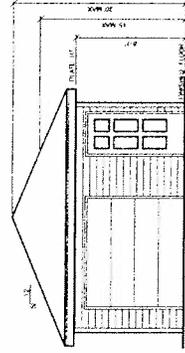
7 TRASH ENCL. PLAN
1/4" = 1'-0" SEE PLAN FOR LOCATION



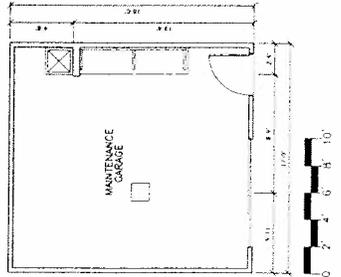
9 TRASH ENCLOSURE FRONT ELEV.
1/4" = 1'-0"



1 CLUB FLOOR PLAN
1/8" = 1'-0"



2 MAINTENANCE FLOOR PLAN & ELEV.
1/4" = 1'-0"



<p>CONTRACTOR: SUNNYVALE QUADHOMES, INC. 1729 E. BROADWAY, SUITE 100, SUNNYVALE, TEXAS 75781-1100 ARCHITECT: ZIMMERMAN INVESTMENTS L.L.C. 1729 E. BROADWAY, SUITE 100, SUNNYVALE, TEXAS 75781-1100 PROJECT: SUNNYVALE QUADHOMES, INC. 1729 E. BROADWAY, SUITE 100, SUNNYVALE, TEXAS 75781-1100</p>	
<p>Sunnyvale Quadhomes SUNNYVALE, TEXAS</p>	<p>Zimmerman Investments L.L.C. 1729 E. BROADWAY, SUITE 100, SUNNYVALE, TEXAS 75781-1100</p>
<p>DATE: 07/15/2014 DRAWN BY: [REDACTED] CHECKED BY: [REDACTED]</p>	<p>PROJECT: SUNNYVALE QUADHOMES, INC. 1729 E. BROADWAY, SUITE 100, SUNNYVALE, TEXAS 75781-1100 SHEET: 1 OF 1 TITLE: CLUB FLOOR PLAN & ELEV. DRAWN BY: [REDACTED] CHECKED BY: [REDACTED]</p>