

**TOWN OF SUNNYVALE
TOWN COUNCIL MEETING**

**SEPTEMBER 26, 2011
7:00 PM**



**AGENDA
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 26, 2011
7:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS WILL CONDUCT A REGULAR MEETING ON SEPTEMBER 26, 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 SECTIONS 551.0411. ITEMS TO BE DISCUSSED:

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

1. CONSENT AGENDA

(ALL ITEMS ON THE CONSENT AGENDA ARE ROUTINE ITEMS AND MAY BE APPROVED WITH ONE MOTION; SHOULD ANY MEMBER OF THE TOWN COUNCIL OR ANY INDIVIDUAL WISH TO DISCUSS ANY ITEM, SAID ITEM MAY BE REMOVED FROM THE CONSENT AGENDA BY MOTION OF THE TOWN COUNCIL)

- A. APPROVAL OF MINUTES - SPECIAL MEETING 09-12-11**
- B. APPROVAL OF MINUTES - REGULAR MEETING 09-12-11**

• **PUBLIC FORUM**

(CITIZENS MAY SPEAK ON ANY MATTER OTHER THAN PERSONNEL MATTERS OR MATTERS UNDER LITIGATION. NO TOWN COUNCIL ACTIONS OR DISCUSSION WILL BE TAKEN UNTIL SUCH MATTER IS PLACED ON THE AGENDA AND POSTED IN ACCORDANCE WITH LAW.)

• **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 SITE PLAN

APPLICANT: PAT WILEY
AT OR ABOUT: 100 CLAY RD
REQUEST: COMMERCIAL BUILDING

3. APPLICATION FOR SITE PLAN

APPLICANT: SUNNYVALE ISD
AT OR ABOUT: 200 BLOCK OF N. COLLINS RD
REQUEST: SUNNYVALE ELEMENTARY

4. APPLICATION FOR FINAL PLAT

APPLICANT: RANKIN EGWU
AT OR ABOUT: 3635 N. BELTLINE RD
REQUEST: CROSSROADS AT SUNNYVALE

• **DISCUSSION/ACTION ITEM**

5. ORDINANCE NO. 541, AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE TOWN OF SUNNYVALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; AND ADOPTING THE ANNUAL BUDGET OF THE TOWN OF SUNNYVALE FOR THE 2011-2012 FISCAL YEAR.

6. ORDINANCE NO. 542, AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS PROVIDING FOR THE LEVYING OF PROPERTY TAXES FOR TAX YEAR 2011; AND ENACTING PROVISIONS RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE.

7. ORDINANCE NO. 543, AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCES APPENDICES ARTICLE 8.000, UTILITY RELATED FEES, TO AMEND SECTION 8.100 NUMBER (1) RATES, TO INCREASE WATER RATES AND PROVIDING AN EFFECTIVE DATE.

8. ORDINANCE NO. 544, AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS AMENDING THE CODE OF ORDINANCE WITH RESPECT TO CHAPTER 8 OFFENSES AND NUISANCES BY ADDING ARTICLE 8.800 YARD/GARAGE SALES. PROVIDING FOR ISSUANCE OF PERMIT AND PERMIT FEE, PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATION; ESTABLISHING AN EFFECTIVE DATE

9. PRESENTATION/DISCUSSION - SOLID WASTE CONTRACT

10. CONSIDERATION OF ORDINANCE NO. 545, AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, CALLING A JOINT PUBLIC HEARING OF THE TOWN PLANNING AND ZONING COMMISSION AND TOWN COUNCIL TO CONSIDER THE APPLICATION OF DOUGLAS PROPERTIES/DEVELOPMENT INC. FOR REZONING OF CERTAIN PORTIONS OF TRACT FIVE OF THE PLANNED RESIDENTIAL OVERLAY DISTRICT KNOWN AS STONEY CREEK AS DEFINED IN ORDINANCE NO. 463 FROM SINGLE FAMILY RESIDENTIAL (SF-2) TO ATTACHED HOUSING (AH) AND INCORPORATING A RELATED CONCEPT PLAN, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

• **COUNCIL REPORTS AND REQUESTS**

- **MAYOR REPORTS AND REQUESTS**
- **ADJOURN**

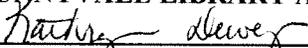
ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

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 23RD DAY OF SEPTEMBER 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 ITEM SUMMARY

TO: Town Council
FROM: Scott Campbell, Town Manager SC
RE: **ITEM 1:** Consent Items: Minutes
DATE: September 9, 2011

Consent Items include consideration of the following minutes:

- A. APPROVAL OF MINUTES - SPECIAL MEETING 09-12-11**
- B. APPROVAL OF MINUTES - REGULAR MEETING 09-12-11**



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIALLY CALLED MEETING
SEPTEMBER 12, 2011
6:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A SPECIALLY CALLED MEETING ON SEPTEMBER 12, 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. THOSE PRESENT WERE:

MAYOR	JIM PHAUP
MAYOR PRO-TEM	KAREN HILL
COUNCILMEMBER	PAULA YATES
COUNCILMEMBER	SAJI GEORGE
COUNCILMEMBER	RONNIE HENDERSON, JR
COUNCILMEMBER	PAT WILEY

- **CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 6:04 p.m.

- **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**

Motion was made by Councilmember Yates to adjourn into executive session. Motion seconded by Councilmember George. Motion carried 3/0. Councilmembers Hill and Wiley arrived shortly after the vote.

Mayor Phaup adjourned into executive session at 6:04 p.m.
Mayor Phaup reconvened into regular session at 7:01 P.M.

- **RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE EXECUTIVE SESSION**

No action taken.

- **ADJOURN**

Mayor Phaup adjourned the meeting at 7:01 p.m.

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

Mayor Jim Phaup

ATTEST:

Kathryn Dewey, Town Secretary

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



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 12, 2011
7:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A REGULAR MEETING ON SEPTEMBER 12, 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 SECTIONS 551.0411. THOSE PRESENT WERE:

MAYOR
MAYOR PRO-TEM
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER

JIM PHAUP
KAREN HILL
PAULA YATES
SAJI GEORGE
RONNIE HENDERSON, JR
PAT WILEY

• **CALL TOWN COUNCIL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:02 p.m.

• **INVOCATION**

Mayor Pro-Tem Hill gave the invocation.

• **PLEDGE OF ALLEGIANCE**

Mayor Phaup led the pledge of allegiance.

1. CONSENT AGENDA

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- A. APPROVAL OF MINUTES - WORKSHOP SESSION 08-09-11**
- B. APPROVAL OF MINUTES - SPECIAL MEETING 08-11-11**
- C. APPROVAL OF MINUTES - REGULAR MEETING 08-11-11**
- D. APPROVAL OF MINUTES - SPECIAL MEETING 08-22-11**
- E. APPROVAL OF MINUTES - REGULAR MEETING 08-22-11**
- F. APPROVAL OF MINUTES - JOINT MEETING TC-4B 08-25-11**
- G. APPROVAL OF MINUTES - SPECIAL MEETING 08-29-11**
- H. APPROVAL OF MINUTES - JOINT MEETING TC-4A 08-30-11**

Motion was made by Councilmember Hill to approve the consent agenda as presented. Motion seconded by Councilmember Wiley. Motion carried unanimously.

• **PUBLIC FORUM**

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Public Comments:

1) **Deborah Franklin**, 629 Pecan Creek, asked when commercial water rates were going to be discussed. Scott Campbell, Town Manager, advised both residential and commercial rates would be discussed later in the meeting.

• **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. CONDUCT PUBLIC HEARING REGARDING PROPOSED TAX RATE OF \$.407962 SAME AS CURRENT YEAR AND FY 2011/2012 OPERATING BUDGET FOR ALL FUNDS.

THE MEETING AT WHICH THE TOWN COUNCIL WILL VOTE ON THE PROPOSED TAX RATE IS SCHEDULED FOR SEPT. 26, 2011, 7 P.M. TOWN HALL

Mayor Phaup read Item #2 into the record. Mayor Phaup opened the public hearing. There were no public comments. Mayor Phaup closed the public hearing. No action taken.

• **DISCUSSION/ACTION ITEM**

3. DISCUSS PROPOSED FY 2012 BUDGET, TAX RATE, AND WATER/SEWER RATES

Scott Campbell asked for continued discussion on the proposed 2012 budget. He explained the supplemental changes for consideration.

Discussion followed regarding B-roads, employee compensation, utility/sewer rate analysis and proposed water/sewer rates.

Mayor Phaup opened the floor for public comments.

Public Comments:

- 1) Cindy Bornowski, 106 Big Bend Circle, presented variations of her August 2011 water bill if calculated from different towns.
- 2) Deborah Franklin, 629 Pecan Creek, asked questions regarding commercial water customers.
- 3) Barbara Thomas, 477 East Fork Rd, asked if water rates were being increased to cover sewer rates for residents with no town sewer system.

- 4) Jim Wade, 299 E. Tripp Rd., said his water bill was in excess of \$1,100 for August 2011. He suggested seeking a balance between commercial and residential customers.
- 5) Connie Pullen, 252 Barnes Bridge Rd, spoke concerning general fund budget proposals and water rates.

There were no other public comments.

Mayor Phaup recessed the meeting at 9:02 p.m.

Mayor Phaup reconvened the meeting at 9:17 p.m.

Mayor Phaup announced a budget workshop would be held Sept. 19, 2011 at 6:30 p.m. in the conference room regarding water/sewer budget.

- **CONVENE INTO EXECUTIVE SESSION PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.072 - DELIBERATIONS ABOUT REAL PROPERTY**

- **EXECUTIVE SESSION AGENDA:**

- 1) **551.072 - DELIBERATION REGARDING REAL PROPERTY LOCATED IN THE VICINITY ALONG US HWY 80 BETWEEN SH352 (COLLINS ROAD) AND EAST FORK ROAD.**

Motion was made by Councilmember Hill to adjourn into executive session. Motion seconded by Councilmember Wiley. Motion carried unanimously.

Mayor Phaup adjourned into executive session at 9:20 p.m.

Mayor Phaup reconvened into regular session at 9:35 p.m.

- **RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE EXECUTIVE SESSION**

No action taken.

- **COUNCIL REPORTS AND REQUESTS**

Mayor Pro-Tem Hill advised that a Sunnyvale High School Homecoming Parade would be held on Sunday, September 18, 2011.

Councilmember Henderson said that Sunnyvale Education Foundation had an upcoming golf tournament scheduled for October 1, 2011.

Questions regarding research on garage sales, trash survey, street lighting, Planters Rd and water tower payment funding.

- **MAYOR REPORTS AND REQUESTS**

No further comments.

Minutes
Town Council Meeting
September 12, 2011
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• **ADJOURN**

Mayor Phaup adjourned the meeting at 9:39 p.m.

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

Mayor Jim Phaup

ATTEST:

Kathryn Dewey, Town Secretary

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



TOWN COUNCIL

Meeting date 09-26-11 @ 7:00 PM

Subject: Site Plan

Applicant/ property

Pat Wiley – 100 Clay Rd / Sunnyvale Industrial Park Block A Track 1.6

Request

- Pat Wiley has made an application for a site plan for 100 Clay Rd to expand his existing business located at 427 Aston Rd to build a 5500 square foot building.

Staff Comment

This applicant received approval from the Town Council October 8, 2007 to include variances for the following items.

- 1) Variance allowing 20 ft rear yard setback
- 2) Variance of requirement to submit landscape plan
- 3) Variance for parking spaces requiring only 6 parallel along Aston Rd.
- 4) Variance of requirement to submit a lighting plan
- 5) Variance allowing entrance on Clay Rd
- 6) Variance for requiring solid waist screening
- 7) Variance allowing an acceptable drainage plan to be approved by staff

The applicant has not changed from the original approval. The site plan was delayed and has exceeded the authorized time frame that is allowed by zoning. Therefore we request the application receive the approval of this site plan as it was approved previously to execute the project.

There were ~~9~~ notices mailed. (2) yes as of September 23, 2011

Steve Gilbert,
Director of Community Development
Building Official



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

DEVELOPMENT APPLICATION

- Preliminary Plat
- Final Plat
- Preliminary Site/Concept Plan
- Landscape
- Tree survey
- Replat
- Amending Plat
- Site Plan
- Building Elevations

FILE NO: 1263

PROPERTY INFORMATION

Addition Name: Sunnyvale Industrial park Address/Location: 100 Clay Rd
 Lot(s): _____ Block: A Current Zoning: Industrial
 # of Acres: .4609 # of Lots: 1 # of Units: 1

APPLICANT INFORMATION

Name: Pat wiley Company: motorvation
 Mailing Address: 427 N Aston, Sunnyvale TX 75182
 City: Sunnyvale State: TX Zip: 75182
 Phone: 972-226-8585 Fax: 972-226-5722 Email: _____

OWNER INFORMATION

Name: Pat wiley Company: motorvation
 Mailing Address: 427 N. Aston Sunnyvale, TX 75182
 City: Sunnyvale State: TX Zip: 75182
 Phone: 972-226-8585 Fax: 972-226-5722 Email: _____

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(Check those that apply)

(See Fee Schedule for all Amounts)

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

OWNER AUTHORIZATION

Check one of the following:

- I will represent the application myself; or
- I authorize _____ (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.

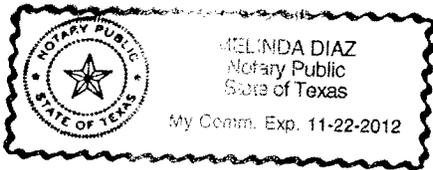
Owner's Signature: [Signature] Date: 3/16/2011

STATE OF TEXAS

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Pat Wiley 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 16th day of March, 2011.



[Signature]
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

[Signature]
Chief Building Official



**MINUTES
TOWN OF SUNNYVALE TOWN COUNCIL
OCTOBER 8, 2007
6:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS MET WITH THE TOWN MANAGER FOR DISCUSSION REGARDING CITIZEN REQUEST TO CONTINUE NON-CONFORMING USE AT OR ABOUT TOWN EAST BLVD AND BELT LINE ROAD - LEE ADAMS IN THE COUNCIL MEETING ROOM AT **6:00 P.M.**, AND THEN **MET IN REGULAR SESSION BEGINNING AT 7:00 P.M.** ON OCTOBER 8, 2007 IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL, 127 COLLINS ROAD, SUNNYVALE, TEXAS, UNDER V.T.C.A., GOVERNMENT CODE SECTION 551.041. THOSE PRESENT WERE:

MAYOR	JIM PHAUP
MAYOR PRO-TEM	DAVID BYRD
COUNCILMEMBER	MIKE SAGE
COUNCILMEMBER	KATHY KANE
COUNCILMEMBER	KAREN HILL
COUNCILMEMBER	PAULA YATES

Workshop Session: Mayor Pro-Tem Byrd called the informal session to order at 6:14 p.m. He advised that the workshop session was being held to obtain information and give direction to the staff regarding a non-compliant use for Lee Adams.

Scott Campbell, Town Manager, advised that a survey of other cities had been conducted at the request of the Town Council. Mr. Campbell stated that the recommendation from the Town Planner had been to deny the request simply from a planning standpoint. He said it was just an issue of something that wasn't allowed giving a perfect opportunity to abate what was in essence a non-conforming use. He stated that the staff concern was in granting the request what other applications would be allowed. Discussion followed regarding what Sunnyvale standards would be for special use permits. Gary Spencer, Town Attorney, suggested making an ordinance change using a conditional use permitting procedure.

Lee Adams asked for approval of a special use permit for one year allowing him to have a portable barbeque stand. He advised that if the property were to be sold, he would move his business, but asked for the ability to see if he could develop a profitable business prior to building a commercial building. Mayor Phaup arrived at 6:45 p.m. He opened the floor to residents for their views. David Rains spoke opposed. Lee Adams, Allyn Giacomazzi and Lavenia Morgan spoke in favor.

The criteria for the special use permit included that it be a conditional use permit with normal permitting procedures and a one year term limit.

- **CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:15 p.m.

- **INVOCATION**

Councilmember Hill led the invocation.

- **PLEDGE OF ALLEGIANCE**

Hunter & Dillon Kennedy led the pledge of allegiance.

1. CONSENT AGENDA

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A. APPROVAL OF MINUTES

- REGULAR MEETING SEPTEMBER 24, 2007

B. RESOLUTION 07-29, RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF AN AGREEMENT WITH DALLAS COUNTY ON BEHALF OF DALLAS COUNTY HEALTH AND HUMAN SERVICES CONCERNING THE PROVISION OF CERTAIN FOOD ESTABLISHMENT INSPECTION AND ENVIRONMENTAL HEALTH SERVICES TO THE TOWN OF SUNNYVALE

Motion was made by Councilmember Hill to approve the consent agenda items as presented. Motion seconded by Councilmember Byrd. Motion carried 5/0.

- **PUBLIC FORUM**

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Jean Holt, 353 Michael Lane, spoke concerning the possibility of mosquitoes with West Nile disease in Sunnyvale. Mayor Phaup asked Scott Campbell to get an update from Dallas County and put it up on the town's website.

Kimberly Ingram, 343 Town East Blvd., thanked Mayor Phaup for his participation at the school's football games.

There were no other public comments.

- **DISCUSSION/ACTION ITEMS**

2. ORDINANCE 472, AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCES IN ARTICLE 9.700, LIBRARY BOARD, TO

AMEND SECTION 9.703, TO PERMIT THE APPOINTMENT OF TWO (2) ADDITIONAL PERSONS TO SERVE AS ALTERNATE MEMBERS OF THE LIBRARY BOARD AND PROVIDING AN EFFECTIVE DATE

Mayor Phaup read Item 2 into the record. He stated that this was not a public hearing, but opened the floor for any public comments. There were no public comments.

Motion was made by Councilmember Kane to approve Ordinance 472 as presented. Motion seconded by Councilmember Sage. Motion carried 5/0.

3. CONSIDER APPOINTMENTS OF ALTERNATE MEMBERS TO THE LIBRARY BOARD

Mayor Phaup opened the floor for nominations. Councilmember Yates nominated Alice Charales. Councilmember Kane nominated Randy Ferguson.

Motion was made by Councilmember Yates to appoint Alice Charles to a 2 year term as library board alternate member, term expiring June 2009 and Randy Ferguson to a 1 year term as a library board alternate member, term expiring June 2008. Motion seconded by Councilmember Kane. Motion carried 5/0.

4. CONSIDER MINOR PLAT AMENDMENT FOR STONE CANYON EAST PHASE 4 LOTS 177R AND 176R

Ronnie Cox, Director of Community Development, advised that Paul Cash was present to seek approval of a plat amendment for a common lot line between two lots.

Paul Cash, 347 E. Tripp Rd, asked for the correction to allow for a large house on Lot 177R. He said they were basically moving one lot line about 15 feet.

Motion was made by Councilmember Hill to approve the minor plat amendment for Stone Canyon East Phase 4 lots 177R and 176R as presented on the documents at this meeting. Motion seconded by Councilmember Kane. Motion carried 5/0.

• PUBLIC HEARINGS

OPEN OR CONTINUE PUBLIC HEARING, CONSIDER TESTIMONY AND OTHER INFORMATION PROVIDED, CLOSE PUBLIC HEARING, AND TAKE NECESSARY ACTION WITH RESPECT TO THE FOLLOWING APPLICATIONS:

**5. APPLICATION FOR TENTATIVE DEVELOPMENT PLAN-MIXED COMMERCIAL/RETAIL USE
APPLICANT: SHALEM PROPERTIES, LLC
AT OR ABOUT: 3405 N. BELT LINE ROAD
REQUEST: SHALEM PARK**

Ronnie Cox advised that the Town had received an application for a tentative development plan from Shalem Properties, LLC at 3405 N. Belt Line Road for Shalem Park. He stated that the applicant or their representative were present and had received a copy of the Town Engineer's letter of review. He said that the Planning and Zoning Commission had reviewed the project and recommended approval with the exception of the Town Engineer's letter dated 9/12/07.

Chuck Arledge, representing Shalem Properties, was present. He advised that a re-plat was necessary because they would need to develop a Property Owner's Association (POA) so that they could have a fire lane. He said lots 1-4 would be subdivided and sold. Mr. Arledge said that they wanted to build a shopping center that Sunnyvale would be proud of. He described the landscaping and buildings to be constructed. Discussion followed regarding Property Owner's Associations.

Mayor Phaup opened the public hearing. There were no public comments. Mayor Phaup closed the public hearing.

Motion was made by Councilmember Kane to approve the tentative development plan for Shalem Park at or about 3405 N. Belt Line Road, subject to the conditions of the Town Engineer's letter dated 9/12/07. Motion seconded by Councilmember Sage. Motion carried 5/0.

6. APPLICATION FOR CONDITIONAL USE PERMIT
APPLICANT: PAT WILEY/MOTORVATION
AT OR ABOUT: 427 N. ASTON/100 CLAY ROAD
REQUEST: BODY SHOP IN INDUSTRIAL ZONING

Ronnie Cox advised that the Town had received an application for a conditional use permit from Pat Wiley/Motorvation at or about 427 N. Aston for a body shop in industrial zoning. He stated that the applicant was present and had received a copy of the Town Engineer's letter of review. He said that the application had been reviewed by the Planning and Zoning Commission where it received recommendation for approval subject to the Town Engineer's letter dated 9/12/07.

Pat Wiley was present to seek approval for a conditional use permit.

Mayor Phaup opened the public hearing. There were no public comments. Mayor Phaup closed the public hearing.

Motion was made by Councilmember Byrd to approve the conditional use permit for Pat Wiley/Motorvation at or about 427 N. Aston/100 Clay Road for a body shop in industrial zoning. Motion seconded by Councilmember Sage. Motion carried 5/0.

7. APPLICATION FOR SITE PLAN
APPLICANT: PAT WILEY/MOTORVATION
AT OR ABOUT: 427 N. ASTON/100 CLAY ROAD
REQUEST: COMMERCIAL BUILDING

Ronnie Cox advised that the same documentation had been received from the applicant as for the previous item on the agenda. He said that the application for site plan had been reviewed by the Planning and Zoning Commission where it had received a recommendation to deny based on the Town Engineer's letter of review dated 9/12/07.

Councilmember Sage asked Mr. Wiley if he had brought a better site plan to the meeting addressing the drainage issue. Mr. Wiley showed copy for review. Councilmember Hill asked if the staff had reviewed the drawing. Terry Millican, Town Engineer, said that they were aware of the topographic map previously prepared prior to the Aston Addition. He said that the drainage issues were probably minimal and that the drainage was generally from the northeast to the southwest across Mr. Wiley's tract. He said that the paperwork did not show how the drainage flow, if any, had been changed with the current developments. Mr. Millican said that the issues were a lot to lot issue and probably minimal depending on the grading.

Mr. Wiley apologized to the Town Council for not having better plans drawn prior to the meeting. He advised that the new lot would be exactly like his existing lot next door. He explained the drainage as it currently existed for the past 13 years. Mr. Millican said that the concern was not whether there was a current problem, but whether or not the property to the north would have a drainage problem created for them by Mr. Wiley's building.

Mayor Phaup opened the public hearing. There were no public comments. Mayor Phaup closed the public hearing.

Motion was made by Councilmember Byrd to approve the site plan for Pat Wiley/Motorvation at or about 427 N. Aston/100 Clay Road for a commercial building subject to:

- 1) Variance allowing 20 ft set back in rear yard.
- 2) Variance for requirement of a landscape plan
- 3) Variance to parking spaces. Requiring only 6 parallel spaces along N. Aston
- 4) Variance to allowing an entrance on Clay Road.
- 5) Variance for requirement of a lighting plan
- 6) Variance for solid waste screening
- 7) Variance allowing an acceptable drainage plan to be approved by staff

Motion seconded by Councilmember Hill. Motion carried 5/0.

**8. AN AMENDMENT OF WATER, WASTEWATER AND ROADWAY IMPACT FEES
THE PURPOSE OF THE HEARING IS TO CONSIDER AND TAKE ACTION ON
PROPOSED AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL
IMPROVEMENTS PLANS, INCLUDING A FISCAL STUDY DETERMINING
CREDIT FOR UTILITY AND TAX RATES, AND IMPACT FEE SCHEDULES FOR
WATER, WASTEWATER AND ROADWAY FACILITIES, PURSUANT TO WHICH
AMENDED IMPACT FEES MAY BE IMPOSED FOR SUCH FACILITIES.**

Mayor Phaup read item #8 into the record. He advised that the staff had recommended and requested that the council simply continue the public hearing after the reopening at this meeting since they were very close to completion of some of the data mentioned in the past.

Mayor Phaup reopened the public hearing.

Motion was made by Councilmember Hill to continue the public hearing until the regular Town Council meeting on Monday, October 22, 2007 at 7:00 p.m. Motion seconded by Councilmember Yates. Motion to continue carried 5/0.

• **MAYOR'S REPORT (out of order)**

Mayor Phaup advised that there would be a chili cook-off at Life Builders on Belt Line Road, Saturday October 13, 2008 from 1-4 p.m.

• **COUNCIL REPORTS (out of order)**

Councilmember Yates advised that the Sunnyvale Garden Club would meet on October 9, 2008 at 6:00 p.m. She said that the annual tour of homes would be December 8, 2008. She stated that they were also currently taking donations for the Terrell State home.

Councilmember Kane announced that she had met with a couple of the Library Board members and they would begin to set up a "Friends of the Library".

• **EXECUTIVE SESSION AGENDA**

A. ADJOURN INTO EXECUTIVE SESSION UNDER V.T.C.A.,
GOVERNMENT CODE SECTION 551.074

1. PERSONNEL - TOWN ADMINISTRATOR ANNUAL REVIEW

Motion was made by Councilmember Hill to adjourn into executive session. Motion seconded by Councilmember Byrd. Motion carried 5/0.

Mayor Phaup adjourned into executive session at 8:18 p.m.
Mayor Phaup reconvened into regular session at 8:44 p.m.

• **CONSIDER ANY ACTION AS A RESULT OF THE EXECUTIVE SESSION**

No action was taken as a result of the executive session.

• **STAFF REPORTS**

Scott Campbell said that the Holiday Lighting was scheduled for December 7, 2007.

Minutes
Town Council Meeting
October 8, 2007
Page 7

- **ADJOURN**

Mayor Phaup adjourned the meeting at 8:44 p.m.

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

Mayor, Jim Phaup

ATTEST:

Kathryn Dewey, Town Secretary

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



**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.



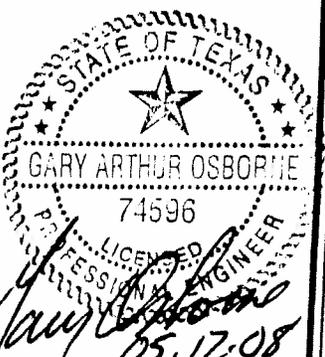
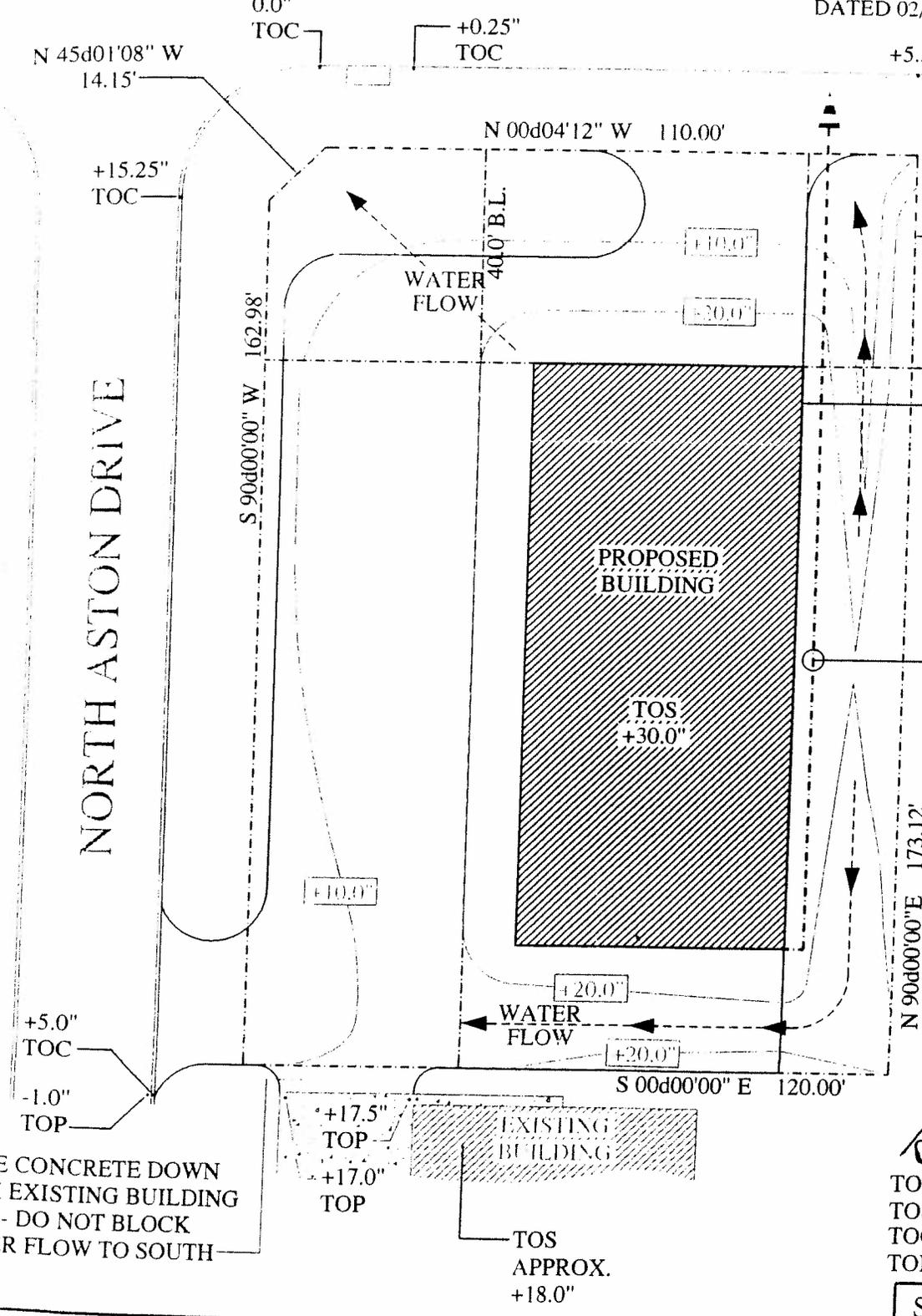
ALL BOUNDARIES AND EASEMENTS
WERE DETERMINED FROM DOUG
CONNALLY & ASSOC. SURVEY
DATED 02/01/00

CLAY ROAD

NORTH ASTON DRIVE

**INSTALL
DRAINAGE
SWALES**

**INSTALL
DRAIN
LINE**



TOP - TOP OF PAVEMENT
TOS - TOP OF SLAB
TOC - TOP OF CONCRETE
TOB - TOP OF BERM

SCALE: 1" = 30'-0"

SLOPE CONCRETE DOWN
FROM EXISTING BUILDING
SLAB - DO NOT BLOCK
WATER FLOW TO SOUTH

WILEY, PAT
SUNNYVALE INDUSTRIAL PARK, BLK A, TR 1.6

100 CLAY ROAD
SUNNYVALE, TX 75182

MAY 12, 2008

OSBORNE ENGINEERING

P.O. Box 292155
LEWISVILLE, TX 75029
FAX: (972) 966-0288 OFFICE: (972) 318-8800

DRAINAGE PLAN



**Notice of Application for Site Plan
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Pat Wiley for approval of a Site Plan for an expansion of Motorvation, An auto body business. The property being developed is located at 100 Clay Rd and is shown on the attached exhibit.

Site Plan Description-Located at 100 Clay road Sunnyvale Industrial Park Block A Track 1.6 Being .476 Acres

The Planning and Zoning Commission will hear this application on September 19, 2011 and the Town Council will consider the application on September 26 or October 10, 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 Site Plan application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department 972-203-4188.

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 Site Plan
- I am opposed to the Site Plan

Explanation:

Signature:

Printed Name:

Address:

Date:



**Notice of Application for Site Plan
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Pat Wiley for approval of a Site Plan for an expansion of Motorvation, An auto body business. The property being developed is located at 100 Clay Rd and is shown on the attached exhibit.

Site Plan Description-Located at 100 Clay Road Sunnyvale Industrial Park Block A Track 1.6 Being .476 Acres

The Planning and Zoning Commission will hear this application on March 21, 2011 at 7:00pm and the Town Council will consider the application on March 28, 2011 or April 11, 2011 at 7:00 pm. 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 Site Plan application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department at 972-203-4188.

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 Site Plan
 I am opposed to the Site Plan

Explanation:

Signature:

John Aston Jr

Printed Name:

JOHN ASTON

Address:

526 LONG CREEK - 400 Aston Dr

Date:

March 14 2011



**Notice of Application for Site Plan
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Pat Wiley for approval of a Site Plan for an expansion of Motorvation, An auto body business. The property being developed is located at 100 Clay Rd and is shown on the attached exhibit.

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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 Site Plan

I am opposed to the Site Plan

Explanation:

Signature:

David Coalite

Printed Name:

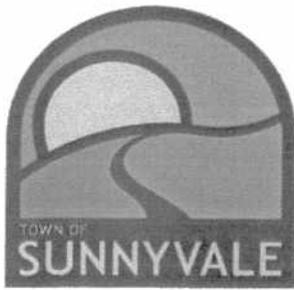
David Coalite

Address:

359 Clay Road

Date:

9/6/11



STAFF REPORT

DATE: September 22, 2011
TO: Town Council
FROM: Community Development Department
SUBJECT: Site Plan
Sunnyvale Elementary School
File No. 1289
PAGES: 1

The Sunnyvale Independent School District has made application for a site plan for the subject project. The proposed elementary school is to be located just north of the existing high school baseball field on Collins Road. As part of the project, a new road, Marble Creek Drive, is to be built from Collins Road eastward to the new school site. This new road would also connect to the existing firelane/driveway, which was built with the high school, that dead-ends just north of baseball field on the west side of the field.

There were twenty-seven (27) notices mailed and three (3) notices returned as of September 15, 2011. Two (2) notices were in favor and one returned by post office.

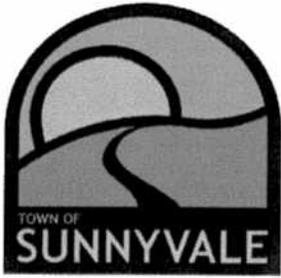
Staff has worked with the applicant to arrive at a site plan that conforms to Town regulations. The following are staff comments based on the drawings you have in front of you:

SITE PLAN

- Add 15 foot landscape buffer line along proposed Marble Creek Road
- Add 10 foot buffer line along east boundary line.

We are recommending approval of the of the site plan subject to the above items being satisfactorily completed, variance approval for tree mitigation and final approval of the engineering plans.

Marc Bentley, P.E.
Town Engineer



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

DEVELOPMENT APPLICATION

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

FILE NO: 1289

PROPERTY INFORMATION

Addition Name: Sunnyvale School Addition		Address/Location: Collins Road	
Lot(s): 1	Block: A	Current Zoning: SF-2	
# of Acres: 87.32	# of Lots: 1	# of Units:	

APPLICANT INFORMATION

Name: Seth Kelly		Company: RLK Engineering	
Mailing Address: 111 W Main St			
City: Allen	State: TX	Zip: 75013	
Phone: 972-359-1733	Fax: -1833	Email: seth@rlkengeering.com	

OWNER INFORMATION

Name: Doug Williams		Company: Sunnyvale ISD	
Mailing Address: 417 East Tripp			
City: Sunnyvale	State: TX	Zip: 75182	
Phone: 972-226-5974	Fax: 972-226-6882	Email: doug.williams@sunnyvaleisd.com	

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(Check those that apply)

(See Fee Schedule for all Amounts)

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

OWNER AUTHORIZATION

Check one of the following:

- I will represent the application myself; or
- I authorize RLK Engineering, Seth Kelly (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.

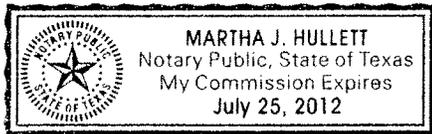
Owner's Signature: *Doug Williams* Date: 8-15-11

STATE OF TEXAS

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Doug Williams 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 15 day of August, 2011.



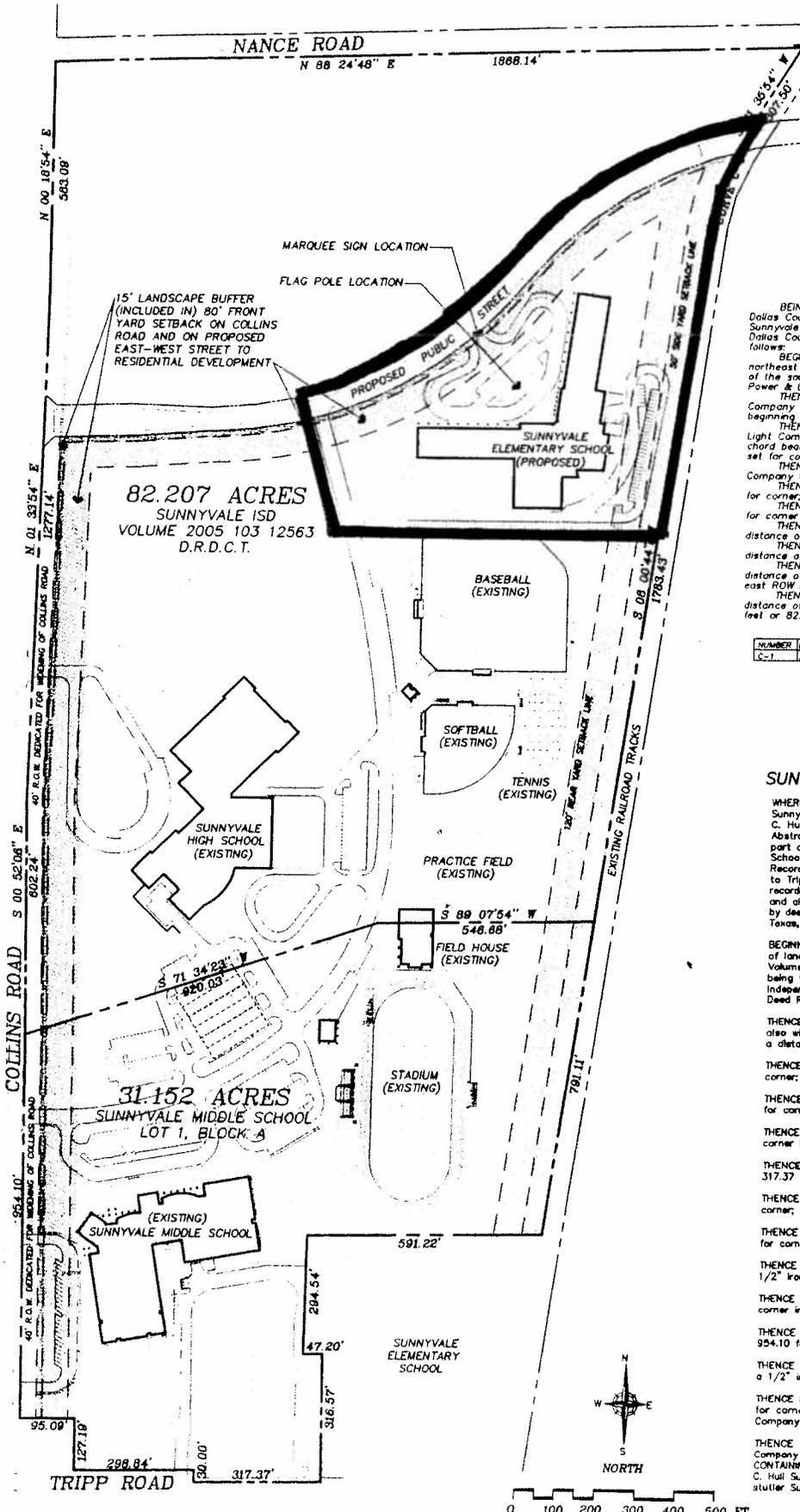
Martha J. Hullett
Notary Public in and for the State of Texas

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

M. J. Burt
Town Engineer

Chief Building Official

EXHIBIT "A" - SUNNYVALE ISD PROPERTY



LEGAL DESCRIPTION 82.207 ACRE NORTHERN TRACT

BEING a tract of land situated in the Elizabeth Helmstutter Survey, Abstract No. 596, Dallas County, Texas, and also be part of a 109,7076 acre tract conveyed to the Sunnyvale ISD as recorded in Volume 2005-103, Page 12563 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found (controlling monument) for corner at the northeast corner of said 109,7076 acre tract, said capped iron rod being at the intersection of the south ROW line of Nance Road and the west line of a tract conveyed to the Dallas Power & Light Company as recorded in Volume 296, Page 394, D.R.D.C.T.;

THENCE S 31°35'54" W following the west line of said Dallas Power & Light Company tract a distance of 307.30' to a capped 1/2 inch iron rod found for corner at the beginning of a curve to the left;

THENCE around said curve to the left following the west line of said Dallas Power & Light Company tract through a central angle of 23°35'11" an arc distance of 199.75' a chord bearing of S 19°48'19" W a distance of 198.34' to a capped 1/2 inch iron rod set for corner;

THENCE S 08°00'44" W following the west line of said Dallas Power & Light Company tract a distance of 1783.43' to a capped 1/2 inch iron rod found for corner;

THENCE S 89°07'54" W a distance of 348.68' to a capped 1/2 inch iron rod found for corner;

THENCE S 71°34'23" W a distance of 920.03' to a capped 1/2 inch iron rod found for corner in the east ROW line of Collins Road;

THENCE N 00°52'08" W following the east ROW line of said Collins Road a distance of 802.24' to a capped 1/2 inch iron rod set for corner;

THENCE N 01°33'54" E following the east ROW line of said Collins Road a distance of 1277.14' to a capped 1/2 inch iron rod set for corner;

THENCE N 00°18'54" E following the east ROW line of said Collins Road a distance of 583.09' to a capped 1/2 inch iron rod set for corner at the intersection of the east ROW line of Collins Road and the south ROW line of Nance Road;

THENCE N 88°24'48" E following the south ROW line of said Nance Road a distance of 1868.14' to the POINT OF BEGINNING and containing 3,580,919 square feet or 82.207 acres

NUMBER	BELTA	IP	IN	IT	CD	LC
C-1	23 35 11	485.23	1789.25	107.31	S 19 48 19 W	198.34

LEGAL DESCRIPTION 31.152 ACRE SOUTHERN TRACT SUNNYVALE MIDDLE SCHOOL, LOT 1 BLOCK A

WHEREAS, the Sunnyvale Independent School District and the Town of Sunnyvale, Texas are the owners of a tract of land situated in the Jacob C. Hill Survey, Abstract No. 591, and the Elizabeth Helmstutter Survey, Abstract No. 596, Town of Sunnyvale, Dallas County, Texas, and being a part of that certain tract of land conveyed to the Sunnyvale Independent School District by deed recorded in Volume 2005 103, Page 12563, Deed Records of Dallas County, Texas, and a part of a tract of land conveyed to Tripp-Long Creek Consolidated Common School District #21, by deed recorded in Volume 1603, Page 109, Deed Records of Dallas County, Texas, and also being part of a tract of land conveyed to the Town of Sunnyvale by deed recorded in Volume 5460, Page 130, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner in the west line of a tract of land conveyed to Dallas Power & Light Company by deed recorded in Volume 296, Page 394, Deed Records of Dallas County, Texas, said point being the northeast corner of a tract of land conveyed to the Sunnyvale Independent School District by deed recorded in Volume 95205, Page 1121, Deed Records of Dallas County, Texas;

THENCE S89°17'54"W, with the north line of said Sunnyvale I.S.D. tract, and also with the north line of the aforementioned Town of Sunnyvale tract, a distance of 591.22 feet to a 1/2" iron rod set for corner;

THENCE S00°18'13"W, a distance of 294.54 feet to a 1/2" iron rod set for corner;

THENCE N89°12'54"E, a distance of 47.20 feet to a 1/2" iron rod set for corner;

THENCE S00°47'08"E, a distance of 316.57 feet to a 1/2" iron rod set for corner in the centerline of Tripp Road;

THENCE S89°17'54"W, with the centerline of Tripp Road, a distance of 317.37 feet to a 1/2" iron rod set for corner;

THENCE N00°42'06"W, a distance 30.00 feet to a 1/2" iron rod set for corner;

THENCE S89°17'54"W, a distance of 298.84 feet to a 1/2" iron rod set for corner;

THENCE N00°52'08"W, leaving Tripp Road, a distance of 127.19 feet to a 1/2" iron rod set for corner;

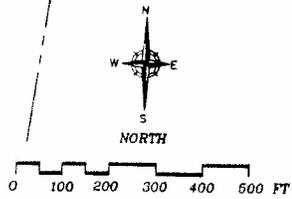
THENCE S89°17'54"W, a distance of 135.09 feet to a 1/2" iron rod set for corner in the east line of Collins Road (a called 80' R.O.W.);

THENCE N00°52'08"W, with the east line of Collins Road, a distance of 954.10 feet to a 1/2" iron rod set for corner;

THENCE N71°34'23"E, leaving Collins Road, a distance of 920.03 feet to a 1/2" iron rod set for corner;

THENCE N89°07'54"E, a distance of 548.68 feet to a 1/2" iron rod set for corner in the aforementioned west line of a Dallas Power & Light Company tract;

THENCE S08°00'44"W, with the west line of said Dallas Power & Light Company tract, a distance of 701.11 feet to the POINT OF BEGINNING and CONTAINING 31.152 acres of land, of which, 21.802 acres is in the Jacob C. Hill Survey, Abstract No. 591, and 9.550 acres is in the Elizabeth Helmstutter Survey, Abstract No. 596





**Notice of Application for Preliminary Plat and Site Plan
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Seth Kelly for approval of a Preliminary Plat and Site Plan for Sunnyvale Elementary School Addition. The property being platted is located at 300 block of Marble Creek Drive and is shown on the attached exhibit.

Plat Description-SUNNYVALE ELEMENTARY SCHOOL (lot 1, Blk. A Sunnyvale School Addition) 81.970 Net Acres Situated In The JACOB C. HULL SURVEY ABSTRACT. 591, E. HELMSTUTLER SURVEY ABSTRACT. 596 SUNNYVALE, DALLAS COUNTY, TEXAS

The Planning and Zoning Commission will hear this application on September 19, 2011 and the Town Council will consider the application on September 26 or October 10, 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 Preliminary Plat application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department at 972-203-4188.

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 Preliminary Plat
 I am opposed to the Preliminary Plat

Explanation:

Signature:

J.C. Lupton

Printed Name:

Address:

Date:



**Notice of Application for Preliminary Plat and Site Plan
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I am in favor of the Preliminary Plat

I am opposed to the Preliminary Plat

Explanation:

Signature:

STONEY CREEK PROPERTIES LLC, BY

Printed Name:

SAMUEL L. WYSE, III, SR. VP, FORESTAR GROUP INC., MANAGING MEMBER

Address:

14755 PRESTON RD, S 710, DALLAS, TX 75254

Date:

08 SEP. 11



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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 Preliminary Plat

I am opposed to the Preliminary Plat

Explanation:

Signature:

Printed Name:

Address:

Date:
