



Town of Sunnyvale

Town Council Workshop

April 23, 2012

6:00 p.m.

Town Council Regular Meeting

April 23, 2012

7:00 p.m.



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
WORKSHOP
MONDAY, APRIL 23, 2012
6:00 P.M.**

CALL MEETING TO ORDER

Mayor calls the meeting to order, state the date and time. State Councilmember's present and declare a quorum present.

1. CONDUCT TRAINING ON IPAD PAPERLESS AGENDA SYSTEM.

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.

THE FOREGOING NOTICE WAS POSTED IN THE FOLLOWING LOCATIONS:

SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON APRIL 20, 2012, IN THE FOLLOWING LOCATION AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:

TOWN HALL AT 127 N. COLLINS ROAD

LESLIE MALONE, TOWN SECRETARY



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, APRIL 23, 2012
7:00 P.M.**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

Mayor calls the Meeting to order, state the date and time. State Councilmember's present and declare a quorum present.

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.

CONSENT AGENDA ITEM #1 THROUGH #2

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.

CONSIDER APPROVAL OF THE FOLLOWING MINUTES:

- 1. REGULAR MEETING OF 04/09/2012.**
- 2. SPECIAL MEETING OF 04/12/2012.**

END OF CONSENT AGENDA

UPDATE FROM 4A DEVELOPMENT CORPORATION PRESIDENT

- **SUNNYVALE CENTER DEVELOPMENT**
- **RECENT TRAINING**

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:

- 3. APPLICATION FOR PRELIMINARY PLAT**
APPLICANT: RICHARD HOVAS
AT OR ABOUT: STONEY CREEK BLVD
REQUEST: STONEY CREEK PHASE 2-B

4. **APPLICATION FOR PRELIMINARY & FINAL PLAT**
APPLICANT: YESENIA SIGALA-GARCIA
AT OR ABOUT: 492 POLLY ROAD
REQUEST: POLLY-SIGALA

5. **CONSIDER ORDINANCE NO. 12-05:** AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, 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 THE TOWN'S ZONING ORDINANCE PROVISIONS RELATING TO CLASSIFICATION OF INDUSTRIAL USES IN THE GENERAL BUSINESS, HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICTS; ADDING DEFINITIONS OF SUCH USES; CHANGING THE LAND USE TABLES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. **CONSIDER ORDINANCE NO. 12-06:** AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, 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 THE TOWN'S ZONING ORDINANCE PROVISIONS RELATING TO CLASSIFICATION OF A NEW USE, ALTERNATIVE FINANCIAL ESTABLISHMENT; ADDING DEFINITIONS AND SPECIAL REGULATIONS FOR SUCH USES; ADDING A DEFINITION FOR BANK OR FINANCIAL INSTITUTION; AMENDING THE GENERAL BUSINESS AND INDUSTRIAL DISTRICT REGULATIONS TO PROVIDE FOR SUCH USES; CHANGING THE NON-RESIDENTIAL USE SUMMARY CHART FOR SUCH USES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

DISCUSSION/ACTION ITEMS

7. **COUNCIL DISCUSSION AND ACTION REGARDING PREVIOUS MOWING OF COMMON AREAS WITHIN THE STONE CANYON SUBDIVISION.**

MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS

EXECUTIVE SESSION

Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:

Sec. 551.074. PERSONNEL MATTERS

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

Municipal Court Judge

END OF EXECUTIVE SESSION

Reconvene into open session and take any action necessary as a result of the Executive Session. Consider any official action on the executive session closed meeting items.

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.

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TOWN HALL AT 127 N. COLLINS ROAD



LESLIE MALONE, TOWN SECRETARY



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, APRIL 9, 2012
7:00 P.M.**

**MAYOR
MAYOR PRO-TEM
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER**

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

INVOCATION

Mayor Pro-Tem Hill led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Phaup led the Pledge of Allegiance.

CALL MEETING TO ORDER

Mayor Phaup called the Regular Town Council Meeting of Monday, April 9, 2012, to order at 7:04 p.m. and declared a quorum present. All Councilmembers were present.

PUBLIC FORUM

John Oscar, 120 Lakeview Drive, Sunnyvale, read a letter from a Garland resident that was published in the *Neighbor's to Go* section of the Dallas Morning News. The letter was in favor of maintaining widely spaced lawns and the rural character of the area.

CONSENT AGENDA ITEM #1 THROUGH #6

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.

CONSIDER APPROVAL OF THE FOLLOWING MINUTES:

- 1. SPECIAL MEETING OF 02/27/2012.**
- 2. REGULAR MEETING OF 02/27/2012.**
- 3. JOINT TOWN COUNCIL & PLANNING AND ZONING COMMISSION MEETING OF 03/05/2012.**
- 4. SPECIAL MEETING OF 03/05/2012.**
- 5. REGULAR MEETING OF 03/26/2012.**

6. SPECIAL MEETING OF 04/02/2012.

Mayor Pro-Tem Hill moved and seconded by Councilmember George to approve the Consent Agenda Items 1 through 6 including a revised set of minutes for the Regular Meeting held on March 26, 2012. Mayor Phaup called for a vote, with all Councilmembers voting affirmative, the motion passed 5/0.

END OF CONSENT AGENDA

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:

7. APPLICATION FOR SITE PLAN

APPLICANT: ECI ACADEMY
AT OR ABOUT: 302 TOWN EAST BLVD
REQUEST: CHANGE OF USE

Mayor Phaup informed the Council the City of Mesquite requested a Traffic Study be completed. Councilmember George asked Staff to re-notice the Home Owner's Associations of Glenwick and Creekside. No action was taken.

DISCUSSION/ACTION ITEMS

8. LIBRARY BOARD PRESENTATION OF SURVEY RESULTS.

Margaret Jacobs, Chairperson of the Library Board, gave an overview of the Library Board Survey Results. The Library Board received feedback regarding ebooks and requests for a larger, or more updated facility.

9. DISCUSSION/STAFF PRESENTATION AND UPDATE:

• **Road Reconstruction & Maintenance Projects**

Town Engineer Marc Bentley updated the Council on road reconstruction and maintenance projects. The Town did not budget to repair any "B Roads" this fiscal year as the Town was unsure if funding from the County would change. After discussions with Dallas County, it is in the Town's best interest to use crews other than the County. When reviewing the best methods to repair the roads, it would be best to mill down and repair the entire road. The thickness of the roads would present a hazard if only a small section was repaired.

Mayor Phaup asked Staff to prepare a list of priorities.

- **Board & Commission Attendance**

Town Manager Scott Campbell asked for Council direction on the upcoming appointment process for Boards & Commissions.

During discussion, the Mayor & Council asked that information on how to apply be placed in the Newsletter and Town Website, along with information about each Board or Commission. Applicants are asked to apply by the end of May.

MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS

Councilmember George asked how the Town could best support the City of Forney after the tornado damage received the previous week.

Town Manager Campbell stated the Town had reached out to Forney. Forney stated they had received offers for help from every City in the area and were currently inundated with volunteers.

Councilmember Yates stated some residents had asked that the Reverse 911 system be activated sooner.

EXECUTIVE SESSION

Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:

EXECUTIVE SESSION AGENDA:

SECTIONS 551.072 – DELIBERATION REGARDING REAL PROPERTY

A. PROPERTY AT OR ABOUT THE 600 BLOCK OF E. US HWY 80

Mayor Pro-Tem Hill made a motion to recess into Executive Session at 7:52 p.m., pursuant to Chapter 551, Subchapter D of the Texas Government Code, to deliberate real property located at or about the 600 Block of E. US Hwy 80 in accordance with Section 551.072 of the Texas Local Government Code. Councilmember Yates seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 5/0.

END OF EXECUTIVE SESSION

Mayor Phaup reconvened the Town Council Meeting into open session at 8:11 p.m.

10. PROPERTY AT OR ABOUT THE 600 BLOCK OF E. US HWY 80

DISCUSS AND CONSIDER RESOLUTION 12 - 08: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY, AND AUTHORIZING THE TOWN TO INITIATE CONDEMNATION PROCEEDINGS TO CONDEMN FOR PUBLIC USE A PERMANENT

SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ACROSS OR THROUGH A PORTION OF A 20.0714 ACRE TRACT DESCRIBED IN VOLUME 93044, PAGE 1583 OF THE DALLAS COUNTY PUBLIC RECORDS (LOCALLY KNOWN AS 529 U. S. HIGHWAY 80).

Mayor Pro-Tem Hill made a motion by stating "I move that the Council adopt Resolution 12 - 08, authorizing the Town to initiate condemnation proceedings to condemn for public use a permanent sanitary sewer easement, and a temporary construction easement, on a portion of a 20.0714 acre tract, as described in Exhibits A and B to the Resolution, locally known as 529 U. S. Highway 80." Councilmember Wiley seconded the motion. Mayor Phaup called on each Councilmember individually to vote Yea or Nay. Each Councilmember voted as follows:

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

With all councilmembers voting affirmative, the motion carried 5/0.

ADJOURN

Mayor Phaup adjourned the meeting at 8:14 p.m.

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

Mayor Jim Phaup

ATTEST:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SUNNYVALE 4A DEVELOPMENT CORPORATION
SPECIALLY CALLED JOINT MEETING
THURSDAY, APRIL 12, 2012
5:30 P.M.**

TOWN COUNCIL MEMBERS:

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

4A DEVELOPMENT CORPORATION MEMBERS:

	PRESIDENT	TERRI SHATTER
	VICE PRESIDENT	RACHEL DOYLE
ABSENT	SECRETARY	HARI PILLAI
	TREASURER	DAVID CARLILE
	MEMBER	BILL METZGER

CALL MEETING TO ORDER

Mayor Phaup called the Town Council meeting to order at 6:03 p.m.
President Shatter called the 4A Development Corporation meeting to order at 6:03 p.m.

CALL MEETING TO ORDER

In the absence of Mayor Phaup and Mayor Pro-Tem Hill, Councilmember Yates called the Town Council Meeting to order at 5:42 p.m. Mayor Phaup, Mayor Pro-Tem Hill, and Councilmember Wiley were absent.

4A Development Corporation President Terri Shatter called the meeting to order at 5:42 p.m. Secretary Hari Pillai was absent.

EXECUTIVE SESSION

Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:

EXECUTIVE SESSION AGENDA:

SECTION 551.074. PERSONNEL MATTERS

- (1) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE - ECONOMIC DEVELOPMENT COORDINATOR/PLANNER POSITION**

Councilmember Yates made a motion to recess the Town Council into Executive Session pursuant to Chapter 551, Subchapter D of the Texas Government Code. Councilmember George seconded the motion. Councilmember Yates called for a vote with all members voting affirmative, the motion carried 3/0.

4A Development Corporation President Terri Shatter recessed the 4A Development Corporation into Executive Session pursuant to Chapter 551, Subchapter D of the Texas Government Code.

END OF EXECUTIVE SESSION

Reconvene into open session and take any action necessary as a result of the Executive Session. Consider any official action on the Executive Session closed meeting items:

4A Development Corporation President Terri Shatter reconvened the 4A Development Corporation into open Session at 7:35 p.m. and stated no action would be taken.

Councilmember Yates reconvened the Town Council meeting into open session at 7:35 p.m. with no action to be taken as a result of the Executive Session.

ADJOURN

President Shatter adjourned the 4A Development Corporation meeting at 7:35 p.m.

Councilmember Yates adjourned the Town Council Meeting at 7: 35 p.m.

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

Mayor Jim Phaup

President Terri Shatter

ATTEST:

Leslie Malone, Town Secretary



STAFF REPORT

DATE: April 19, 2012
TO: Town Council
FROM: Community Development Department
SUBJECT: Stoney Creek Phase 2-B
File Number 1310
PAGES: 1

Stoney Creek Properties, LLC has made application for a preliminary plat for Stoney Creek Phase 2-B. This project is located north of the extension of Stoney Creek Blvd. and west of Highpoint Drive in Stoney Creek 2-A. The plat consists of 74 single family residential lots and 2 open space lots. The property is zoned PRO, Ordinance no. 403 and 463.

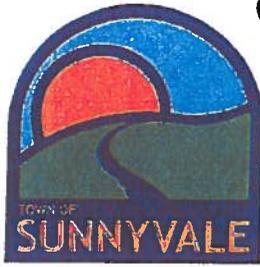
There were forty three (43) notices mailed and none returned as of April 12, 2012.

Staff has worked with the applicant to arrive at a preliminary plat that conforms to Town regulations and the approved concept plan. We have the following comment regarding the plat:

- Lot tabulation needs to be revised as follows: 64 lots > or = 18,000 SF and 10 lots > or = 24,000 SF.

Based on staff's review, staff is recommending approval of the preliminary plat subject to the above item being completed and the engineering department's approval of the construction plans.

Pt 2 4-16-12
Council 4-23-12 @ 7:00 PM.



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 type="checkbox"/> Site Plan |
| <input type="checkbox"/> Landscape | <input type="checkbox"/> Building Elevations |
| <input type="checkbox"/> Tree survey | |

FILE NO: 1310

PROPERTY INFORMATION

Addition Name:	STONEY CREEK PHASE 2-B	Address/Location:	STONEY CREEK BLVD.
Lot(s):	Block:	Current Zoning:	PRO
# of Acres:	59.5864 AC.	# of Lots:	76
		# of Units:	74

APPLICANT INFORMATION

Name:	RICHARD HOVAS	Company:	TIPTON ENGINEERING INC.
Mailing Address:	6330 BROADWAY BLVD. SUITE C		
City:	GARLAND	State:	TX.
		Zip:	75043
Phone:	972-226-2967	Fax:	972-226-1946
		Email:	RHOVAS@TIPTONENG.COM

OWNER INFORMATION

Name:	DARREL AMEN	Company:	STONEY CREEK PROPERTIES LLC
Mailing Address:	14755 PRESTON ROAD SUITE 710		
City:	DALLAS	State:	TX.
		Zip:	75254
Phone:	972-341-2924	Fax:	
		Email:	DARRELAMEN@FORESTARGROUP.COM

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(Check those that apply)

- | | | |
|--|----------------------------|----------------|
| <input checked="" type="checkbox"/> Preliminary Plat & Checklist | 24"x36", 4 copies (folded) | Fee: \$1260.00 |
| <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 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) | |
| <input type="checkbox"/> Photometric/Lighting | 24"x36", 2 copies (folded) | |
| <input type="checkbox"/> Tree Survey & Checklist | 24"x36", 4 copies (folded) | Fee: _____ |
| <input type="checkbox"/> Civil Engineering Plans | 2 Sets (rolled) | Fee: \$1000 |

(See Fee Schedule for all Amounts)

OWNER AUTHORIZATION

Check one of the following:

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

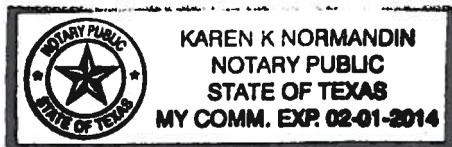
Owner's Signature: [Signature] Date: 3-15-12

STATE OF TEXAS

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Darrel Amen 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, 2012.



[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.

[Signature]
Town Engineer

Chief Building Official



BEARINGS BASED ON STATE PLANE COORDINATES (NAD 83) AND TIED TO THE CITY OF DALLAS GPS MONUMENT SYSTEM

Southwestern Bell SF-2

DOUGLAS PROPERTIES/ DEVELOPMENT, INC. Volume 2004-174, Page 0887 PRO SF-3

DOUGLAS PROPERTIES/ DEVELOPMENT, INC. Volume 2004-174, Page 0887 PRO SF-3

JOHN DENTON SURVEY, ABSTRACT NO. 397 WILLIAM REED SURVEY, ABSTRACT NO. 1194

DOUGLAS PROPERTIES/ DEVELOPMENT, INC. Volume 2004-103, Page 1253 PRO SF-3

DOUGLAS PROPERTIES/ DEVELOPMENT, INC. Volume 2004-103, Page 1253 PRO SF-3

M. UDELL BELL et al Volume 87123, Page 1649

LOT	AREA	BEARING	LENGTH	CHORD BEARING
1	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
2	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
3	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
4	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
5	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
6	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
7	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
8	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
9	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
10	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
11	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
12	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
13	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
14	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
15	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
16	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
17	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
18	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
19	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
20	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
21	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
22	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
23	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
24	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
25	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
26	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
27	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
28	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
29	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
30	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
31	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
32	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
33	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
34	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
35	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
36	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
37	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
38	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
39	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
40	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
41	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
42	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
43	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
44	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
45	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
46	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
47	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
48	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
49	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
50	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
51	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
52	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
53	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
54	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
55	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
56	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
57	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
58	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
59	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
60	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
61	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
62	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
63	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E
64	10,000	N 89° 59' 59" W	100.00	S 0° 00' 00" E

10 LOTS > or = 18,000 s.f.
64 LOTS > or = 24,000 s.f.

PRELIMINARY PLAT
STONEY CREEK PHASE 2-B
Zoned PRO (Ordinance No. 405)
JOHN DENTON SURVEY, ABSTRACT NO. 397 (11.96 Acres)
WILLIAM REED SURVEY, ABSTRACT NO. 1194 (47.67 Acres)
TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS

OWNER
STONEY CREEK PROPERTIES, L.L.C.
14765 Preston Road - Suite 710 - Dallas, Texas 75284

TIPTON ENGINEERING, INC.
1333 Broadway, Suite 1500 - Dallas, Texas 75201
74 Lots Proposed PRO (Ordinance No. 405) & Open Space Lots
5,817,370 Square Feet / 86,677 Acres 4/20/12 44871

PLACE OF BEGINNING

DOUGLAS PROPERTIES/ DEVELOPMENT, INC. Volume 2004-174, Page 0887 PRO SF-3

JOHN DENTON SURVEY, ABSTRACT NO. 397 WILLIAM REED SURVEY, ABSTRACT NO. 1194

DOUGLAS PROPERTIES/ DEVELOPMENT, INC. Volume 2004-103, Page 1253 PRO SF-3

DOUGLAS PROPERTIES/ DEVELOPMENT, INC. Volume 2004-103, Page 1253 PRO SF-3

M. UDELL BELL et al Volume 87123, Page 1649

STONEY CREEK PHASE 2-A
CC# 2008-00343829
PRO-403

LOT 15, BLOCK D
OPEN SPACE, DRAINAGE
AND UTILITY EASEMENT
2,400.00 SQ. FT.

Muddy Creek Drive

Brook Lane

Stoney Creek Boulevard

10 LOTS > or = 18,000 s.f.
64 LOTS > or = 24,000 s.f.

STONEY CREEK PHASE 2-A
CC# 2008-00343829
PRO-403

LOT 15, BLOCK D
OPEN SPACE, DRAINAGE
AND UTILITY EASEMENT
2,400.00 SQ. FT.

Muddy Creek Drive

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CC# 2008-00343829
PRO-403

LOT 15, BLOCK D
OPEN SPACE, DRAINAGE
AND UTILITY EASEMENT
2,400.00 SQ. FT.

Muddy Creek Drive

Brook Lane

Stoney Creek Boulevard

Stoney Creek Boulevard

Stoney Creek Boulevard

OWNERS CERTIFICATE

WHEREAS, Douglas Properties/Development, Inc. is the owner of a tract of land situated in the John Denton Survey, Abstract No. 387, the C. Hough Survey, Abstract No. 593, and the William Reed Survey, Abstract No. 1184, Town of Sunnyvale, Dallas County, Texas, the subject tract to the Deeds recorded in Volume 2004-174, Page 06887 and Volume 2005-102, Page 12533 of the Deed Records of Dallas County, Texas (DR027), the subject tract being more particularly described as follows:

BEGINNING at an Aluminum disk set in concrete at the northwest corner of STONEY CREEK PHASE 2-A, on a starting addition to the Town of Sunnyvale, Dallas County, Texas, CCF 2008-00143828;
THENCE, along a westerly of said STONEY CREEK PHASE 2-A, 50137.31', a distance of 1,013.85 feet, to a point on the northerly right-of-way line of Stoney Creek Boulevard;
THENCE, S14°27'14", a distance of 40.00 feet, to a point on the centerline of Stoney Creek Boulevard;
THENCE, around a non-tangent curve to the left having a central angle of 18° 37' 10", a radius of 1,086.01 feet, and a chord of S 65° 48' 10" W - 331.87 feet, an arc distance of 353.28 feet;
THENCE, around a tangent curve to the right having a central angle of 29° 12' 30", a radius of 1,070.00 feet, and a chord of S 70° 58' 30" W - 338.36 feet, an arc distance of 545.45 feet;
THENCE, S 04° 26' 58" W, a distance of 40.00 feet to the south right-of-way line of said Stoney Creek Boulevard;
THENCE, around a non-tangent curve to the left having a central angle of 4° 02' 40", a radius of 110.00 feet, and a chord of S 87° 43' 20" W - 78.35 feet, an arc distance of 78.33 feet;
THENCE, S 89° 38' 10" W, a distance of 846.18 feet;
THENCE, N 09° 24' 20" W, a distance of 104.00 feet;
THENCE, N 89° 38' 10" E, a distance of 13.00 feet;
THENCE, N 09° 24' 20" E, a distance of 67.41 feet;
THENCE, around a tangent curve to the left having a central angle of 18° 37' 14", a radius of 272.25 feet, and a chord of N 08° 34' 30" W, a distance of 863.30 feet;
THENCE, N 17° 21' 54" W, a distance of 982.30 feet;
THENCE, N 67° 57' 14" E, a distance of 236.64 feet to a 1/2 inch iron pin found;
THENCE, N 57° 50' 21" E, a distance of 648.00 feet to a 1/2 inch iron pin found;
THENCE, S 39° 46' 47" E, a distance of 293.53 feet;
THENCE, N 87° 27' 37" E, a distance of 1,538.72 feet to the PLACE OF BEGINNING with the subject tract containing 2,597,370 square feet or 59,827.4 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That STONEY CREEK PROPERTIES, L.L.C., acting by and through its duly authorized officers, does hereby adopt this plat, designating the herein above described property as STONEY CREEK PHASE 2-A, in addition to the Town of Sunnyvale, Dallas County, Texas, and does hereby dedicate and convey, in fee simple to the public use hereof, the streets and alleys as shown hereon. The statements shown hereon are hereby made and acknowledged to be true and correct by the undersigned, who are duly authorized officers of the Town of Sunnyvale, Texas, and that said plat has been prepared in accordance with the governing rules and regulations of the Town of Sunnyvale, Texas. No interior lot corners were staked for the filing of this plat.

DATE: This the _____ day of _____, 2012.

TIPTON ENGINEERING, INC.

Gregory A. McGill
Registered Professional Land Surveyor No. 4386

THE STATE OF TEXAS X
COUNTY OF DALLAS X

BEFORE ME, the undersigned authority, on this day personally appeared Gregory A. McGill, whose name is subscribed to the foregoing instrument and acknowledged to me that he came as the owner of the above described premises, and that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, this _____ day of _____, 2012.

Notary Public in and for the State of Texas

WITNESS MY HAND THIS _____ DAY OF _____, 2012.

STONEY CREEK PROPERTIES, L.L.C.

BY:
THE STATE OF TEXAS X
COUNTY OF DALLAS X

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he came as the duly authorized officer of such corporation, for the purposes and consideration therein expressed, and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2012.

Notary Public in and for the State of Texas

SURVEYORS CERTIFICATE

I, Gregory A. McGill, Registered Professional Land Surveyor for Tipton Engineering, Inc., do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that the survey made in July 2008, under my direction and supervision, and further certify that all corners are as shown thereon, and that said plat has been prepared in accordance with the governing rules and regulations of the Town of Sunnyvale, Texas. No interior lot corners were staked for the filing of this plat.

DATE: This the _____ day of _____, 2012.

TIPTON ENGINEERING, INC.

Gregory A. McGill
Registered Professional Land Surveyor No. 4386

THE STATE OF TEXAS X
COUNTY OF DALLAS X

BEFORE ME, the undersigned authority, on this day personally appeared Gregory A. McGill, whose name is subscribed to the foregoing instrument and acknowledged to me that he came as the owner of the above described premises, and that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, this _____ day of _____, 2012.

Notary Public in and for the State of Texas

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE, TEXAS
on this the _____ day of _____, 2012.

Chairman, Planning and Zoning Commission

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS
on this the _____ day of _____, 2012.

Mayor

ATTEST:

Town Secretary

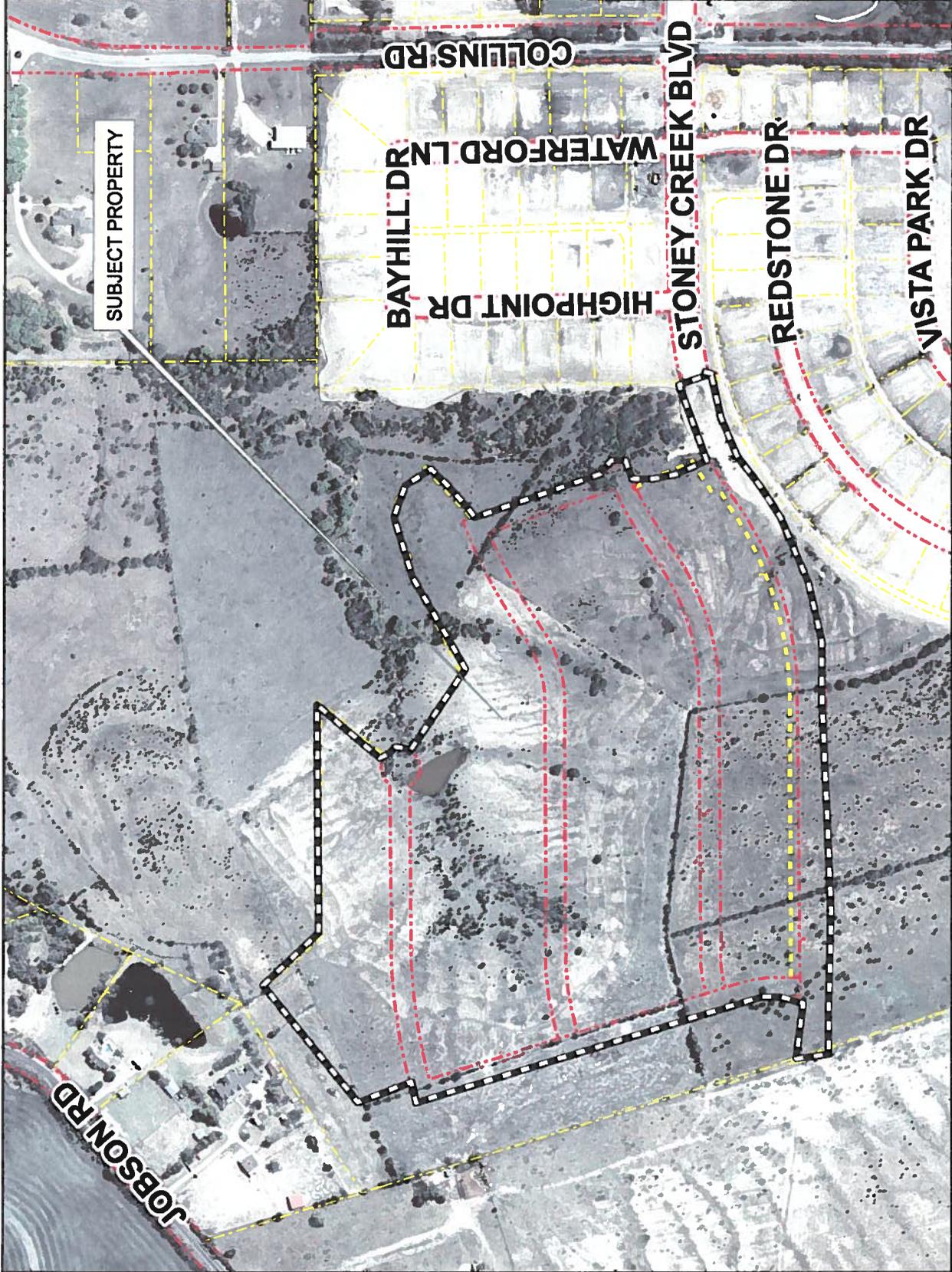
PRELIMINARY PLAT
STONEY CREEK PHASE 2-B

Zoned PUD (Ordinance No. 409)
JOHN DENTON SURVEY, ABSTRACT NO. 387 (11.96 Acres)
WILLIAM REED SURVEY, ABSTRACT NO. 1184 (47.67 Acres)
TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS

OWNER
STONEY CREEK PROPERTIES, L.L.C.
14765 Preston Road - Suite 710 - Dallas, Texas 75264

TIPTON ENGINEERING, INC.

4386 Preston Road, Suite 710, Dallas, Texas 75264
74 Lake Zane Street, Dallas, Texas 75247
8.697-370 Square Feet / 89.8274 Acres - 7/04/12 44871





Notice of Application for Preliminary Plat
Town of Sunnyvale

2012-04-16 14:07

The Town of Sunnyvale has received a request by Stoney Creek Properties, LLC for approval of a Preliminary Plat for Stoney Creek Phase 2-B Addition that consists of 74 residential lots on 59.5864 acres. The property being platted is located at on the west side of phase 2-A and is shown on the attached exhibit.

Plat Description- Stoney Creek phase 2-B zoned PRO (ordinance No. 403) John Denton Survey, Abstract No. 397 (11.95 acres) William Reed Survey Abstract No. 1194 (47.63 acres) Town of Sunnyvale, Dallas County, Texas

The Planning and Zoning Commission will hear this application on April 16, 2012 and the Town Council will consider the application on April 23, 2012 or May 14, 2012. 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: PLAT DOES NOT REFLECT CURRENT
NEGOTIATIONS BETWEEN US AND THE
CURRENT DEVELOPMENT OWNERS TO
ACQUIRE PROPERTY ADJACENT
TO OUR PROPERTY

Signature: *Richard D. Crowner*
 Printed Name: RICHARD D. & KAREN CROWNOVER
 Address: 350 JOBSON ROAD
 Date: 4/16/12



**Notice of Application for Preliminary Plat
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Stoney Creek Properties, LLC for approval of a Preliminary Plat for Stoney Creek Phase 2-B Addition that consists of 74 residential lots on 59.5864 acres. The property being platted is located at on the west side of phase 2-A and is shown on the attached exhibit.

Plat Description- Stoney Creek phase 2-B zoned PRO (ordinance No. 403) John Denton Survey, Abstract No. 397 (11.95 acres) William Reed Survey Abstract No. 1194 (47.63 acres) Town of Sunnyvale, Dallas County, Texas

The Planning and Zoning Commission will hear this application on April 16, 2012 and the Town Council will consider the application on April 23, 2012 or May 14, 2012. 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:

Printed Name:

Address:

Date:



STAFF REPORT

DATE: April 19, 2012
TO: Town Council
FROM: Community Development Department
SUBJECT: Polly Road Estates, Lot 1, Block 3
File No. 1311
PAGES: 1

Yesenia Sigala-Garcia has made application for preliminary and final plat for the subject property. The property is located at 492 Polly Road and consists of one residential lot on 2.9 acres of land. The property falls within the SF-2 zoning district:

The preliminary and final plats appear to conform to Town's requirements. The following items need to be resolved:

- Required to install a lighted entrance instead of providing a street light. Should the lighted entrance not be installed, then applicant would need to install a street light within the frontage of the lot.
- Submittal of lot grading, driveway culvert and utility connection plans for review.
- Verification that the required Town monuments have been set as indicated on the final plat.
- Certificate of occupancy will not be issued until plat is filed with Dallas County.

There were twenty (20) notices mailed and one returned in favor as of April 12, 2012.

Based on staff's review, we are recommending approval of the preliminary and final plats subject to the above stated items being resolved and final approval from engineering.



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

FILE NO: 1311

PROPERTY INFORMATION

Addition Name: POLLY-SIGALA	Address/Location: 492 POLLY ROAD
Lot(s): 1 Block: 1	Current Zoning: SF7
# of Acres: 2.972	# of Lots: 1 # of Units: 1

APPLICANT INFORMATION

Name: Yesenia Sigala-Garcia	Company:
Mailing Address: 300 Windridge Dr.	
City: Sunnyvale	State: TX Zip: 75182
Phone: (214) 499-0863	Fax: Email: 492pollyrd@gmail.com

OWNER INFORMATION

Name: Same as above	Company:
Mailing Address:	
City:	State: Zip:
Phone:	Fax: Email:

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(Check those that apply)

- | | |
|--|----------------------------|
| <input type="checkbox"/> Preliminary Plat & Checklist | 24"x36", 4 copies (folded) |
| <input checked="" 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 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: | 570.00 |
| Fee: | 605.00 |
| Fee: | |

1015
 10/3-2-1

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: Yesenia Sigala Garcia Date: 03/20/12

STATE OF TEXAS

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Yesenia Sigala Garcia 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 20th day of March, 2012



Erika G. Martinez-Ramirez
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



**Notice of Application for Preliminary Plat and Final plat
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Yesenia Sigala-Garcia for approval of a Preliminary Plat for Polly-Sigala Addition. The property being platted is located at 492 Polly Road and is shown on the attached exhibit.

Plat Description Lot 1, Block 1 Polly-Sigala addition 2.972 acres William Rowe Survey Abstract 1236, Town Of Sunnyvale, Dallas County, Texas

The Planning and Zoning Commission will hear this application on April 16, 2012 and the Town Council will consider the application on April 23, 2012 or May 14, 2012. 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: Paula Ramsey
Printed Name: Paula Ramsey
Address: 486 Polly Road
Date: 4-8-12



**Notice of Application for Preliminary Plat and Final plat
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Yesenia Sigala-Garcia for approval of a Preliminary Plat for Polly-Sigala Addition. The property being platted is located at 492 Polly Road and is shown on the attached exhibit.

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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:

*it is Better to Build a house - Make a
good Home than to leave the property
vacant*

Signature:

Nannie Metcalf

Printed Name:

NANNIE METCALF

Address:

493 POLLY ROAD SUNNYVALE, TX 75182 9420

Date:

4.10.2012



**Notice of Application for Preliminary Plat and Final plat
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Yesenia Sigala-Garcia for approval of a Preliminary Plat for Polly-Sigala Addition. The property being platted is located at 492 Polly Road and is shown on the attached exhibit.

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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:

Printed Name:

Address:

Date:

MEMORANDUM

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

From: Sherry Sefko, Planning Consultant

Subject: Heavy Industrial Uses Study – Report to the Town Council

Date: April 13, 2012

At the Town's request, and pursuant to the Town Council's directive as set forth in Ordinance No. 538, we have concluded our study pertaining to classification of heavy industrial uses within the Town, and most particularly within the Town's General Business (GB), Highway Commercial (HC) and Industrial (I) zoning districts. During the course of this study, these uses were analyzed, defined and in some cases redefined or reclassified with respect to their appropriateness in the GB, HC and I zoning districts, and with respect to their appropriateness where one of these districts is located adjacent to a residential district or to a less intense non-residential district. As a result of this analysis, it became apparent that some other uses within these districts were also affected, were made redundant, or became conflicting with the uses cited in the original study (Ordinance No. 538). Therefore, it became necessary to also analyze (and to draft new definitions for) those additional uses in order to correct such redundancies and conflicts.

Based upon this research, and based upon our understanding of the Town's objectives to amend its Zoning Ordinance to better define various heavy industrial land uses and to protect the public health, safety and welfare by ensuring greater compatibility among land uses in the Town's zoning pattern, we submit herewith our recommended amendments to the Town's Zoning Ordinance (Exhibits 1-8). These proposed amendments are, we believe, in comportment with the original study directives given by the Town Council in Ordinance No. 538 with respect to heavy industrial uses within the Town of Sunnyvale.

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, 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 THE TOWN'S ZONING ORDINANCE PROVISIONS RELATING TO CLASSIFICATION OF INDUSTRIAL USES IN THE GENERAL BUSINESS, HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICTS; ADDING DEFINITIONS OF SUCH USES; CHANGING THE LAND USE TABLES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale ("Sunnyvale") has adopted comprehensive zoning regulations by Ord. No. 339, as amended (the "Zoning Ordinance"); and

WHEREAS, the Zoning Ordinance text establishes a General Business ("GB") District, a Highway Commercial ("HC") District, and an Industrial ("I") District among other zoning districts and identifies permitted and conditionally permitted uses in such Districts; and

WHEREAS, multiple tracts of land in the Town are classified as GB, HC or I Districts on the Town's official Zoning Map; and

WHEREAS, many such tracts are located adjacent or in proximity to existing or planned residential or commercial uses; and

WHEREAS, few of the allowed uses in the GB, HC or I District previously have been defined in the Zoning Ordinance; and

WHEREAS, many of the terms describing allowed uses in the GB, HC and I Districts are antiquated and do not reflect current zoning practices by Texas municipalities; and

WHEREAS, many of the uses allowed in the GB, HC and I Districts have been traditionally classified as heavy industrial uses that may be inappropriate for location in the Town or at the locations presently zoned for such uses; and

WHEREAS, heavy industrial uses pose potentially harmful impacts on nearby residences and businesses, including other less intense industrial uses; and

WHEREAS, other uses permitted of right in the GB, HC and I District are not sufficiently defined so as to enable the Town to determine whether the use once established constitutes a heavy industrial use and hence poses harmful or negative impacts associated with such uses; and

WHEREAS, the Zoning Ordinance must be consistent with the Town's adopted Comprehensive Plan; and

WHEREAS, the Comprehensive Plan's Land Use Element contains policies prescribing compatibility between residential and non-residential uses; and

WHEREAS, heavy industrial uses permitted of right in the GB, HC or I Districts can be established upon approval of a site plan and building permit without the imposition of conditions that could otherwise mitigate the potential harmful effects of such uses on neighboring land uses; and

WHEREAS, on July 25, 2011, the Town Council by Ord. No. 538 established a moratorium on the acceptance, processing and approval of applications for permits for heavy industrial uses in order to properly evaluate, define and classify such uses, and to determine whether such uses should be prohibited within the Town, allowed only conditionally in the GB, HC or I Districts, or permitted of right in such Districts; and

WHEREAS, on October 24, 2011, by Ord. No. 547, the Town Council extended the moratorium adopted by Ord. No. 538 until February 21, 2012; and

WHEREAS, the Town Planner delivered her report and recommendations to the Town concerning the classification of heavy industrial uses subject to the moratorium on December 22, 2011; and

WHEREAS, the Town Council and the Town Planning and Zoning Commission jointly convened a workshop to consider the report and recommendations of the Town Planner on January 30, 2012, and again on March 5, 2012; and

WHEREAS, on February 13, 2012 the Town Council by Ord. No. 12-02 extended the moratorium on heavy industrial use applications until April 30, 2012; and

WHEREAS, the Town Council and the Town Planning and Zoning Commission jointly convened a workshop to consider the report and recommendations of the Town Planner on March 5, 2012; and

WHEREAS, the Town Planning and Zoning Commission took public testimony on and considered amendments to the text of the GB, HC and I zoning districts concerning the classifications and definitions of industrial uses on April 16, 2012, and forwarded its report and recommendations concerning such amendments to the Town Council on such date; and

WHEREAS, the Town Council took public testimony on and considered amendments to the text of the GB, HC and I zoning districts concerning the classifications and definitions of industrial uses on April 23, 2012, taking into consideration the report and recommendations of the Commission; and

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

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

SECTION 1: Findings Incorporated. The recitations contained in the whereas clauses prefacing this Ordinance hereby are incorporated by reference into the body of this Ordinance as findings of fact as if fully set forth herein.

SECTION 2: Definitions. The text of the Zoning Ordinance, Ordinance No. 339, of the Town of Sunnyvale, Texas, as amended (the “Zoning Ordinance Text”), is hereby further amended by adding the definitions, as set forth in Exhibit 1, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth, to Chapter 2 of the Zoning Ordinance Text. The proposed zoning amendments, as set forth in Exhibit 1 attached hereto, are hereby adopted and the Zoning Ordinance Text is revised accordingly.

SECTION 3: GB District Permitted Uses Amendments. Section 12.2.B of the Zoning Ordinance Text, Uses Permitted, hereby is amended in its entirety by substituting the provisions contained in Exhibit 2, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 4: GB District Conditional Uses Amendments. Section 12.3.A of the Zoning Ordinance Text, Uses Permitted as Conditional Uses, hereby is amended in its entirety by substituting the provisions contained in Exhibit 3, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 5: HC District Permitted Uses Amendments. Section 14.2.B of the Zoning Ordinance Text, Uses Permitted, hereby is amended in its entirety by substituting the provisions contained in Exhibit 4, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 6. HC District Conditional Uses Amendments. Section 14.3.A of the Zoning Ordinance Text, Uses Permitted as Conditional Uses, hereby is amended in its entirety by substituting the provisions contained in Exhibit 5, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 7. I District Permitted Uses Amendments. Section 15.2.B of the Zoning Ordinance Text, Uses Permitted, hereby is amended in its entirety by substituting the provisions contained in Exhibit 6, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 8. I District Conditional Uses Amendments. Section 15.3.A of the Zoning Ordinance Text, Uses Permitted as Conditional Uses, hereby is amended in its entirety by substituting the provisions contained in Exhibit 7, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 9. Changes to Non-Residential Uses Chart. Section 3.9, Chart 3.4, Non-Residential Use Summary Chart, hereby is amended in its entirety by substituting the chart contained in Exhibit 8, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth.

SECTION 10. Conflicts. All Ordinances or provisions of Ordinances in conflict with this Ordinance are superseded to the extent of the conflict. Any remaining provisions of conflicting Ordinances shall remain in full force and effect.

SECTION 11: Severability. It is hereby declared to be the intention of the Town Council that if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by judgment or decree of a Court of competent jurisdiction, then such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance; and the Town Council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional or invalid.

SECTION 12: Effective Date. This ordinance shall take effect immediately upon its passage.

DULY PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS on first reading this 23rd day of April, 2012.

Jim Phaup, Mayor

ATTEST:

Leslie Malone, Town Secretary

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

EXHIBIT 1

The following new definitions are hereby added to Chapter 2 of the Zoning Ordinance Text:

- 5a. Airport or Heliport. An area reserved or improved for the landing or take-off of aircraft, including rotary wing aircraft, which may include hangars, fueling, rental, repair and servicing facilities for such craft as well as facilities for passengers.
- 6a. Animal Feed Processing and Storage. A large-scale manufacturing operation that prepares or produces foods for animal consumption such as livestock feeds, foods and snacks for domestic animals, and other similar animal-consumables primarily for commercial or wholesale customers for off-site distribution and consumption. Includes dry and cold storage of animal food products, unless such is incidental to another primary use such as a pet store, stable or agricultural operation. Can include incidental retail sales of animal food products produced on the premises. Does not include the preparation or manufacture of products for consumption by humans (see definition for *Food Processing and Storage*), or the slaughtering of any type of animal.
- 7c. Bakery, Commercial. A large-scale food manufacturing operation that produces baked goods for human consumption such as bread, buns, biscuits, tortillas, ice cream cones, cakes, pies and other baked products of which flour or meal is the principle ingredient primarily for commercial or wholesale customers for off-site distribution and consumption. Can include incidental retail sales of baked goods produced on the premises. Does not include the baking or preparation of products for consumption by animals (see definition for *Animal Feed Processing and Storage*).
- 14a. Brewery or Distillery. A commercial- or industrial-scale establishment that annually brews more than 5,000 barrels of ales, beers, meads or other alcoholic beverages (other than wine – see the definition for *Winery*), and that has all applicable local, state and federal permits and licenses for such alcoholic beverage production.

- 16a. Building or Garden Materials Sales and Storage. The indoor and outdoor sale of building materials that are primarily oriented toward the wholesale building construction industry (e.g., lumber, drywall, bricks, landscaping and building exterior stones, roofing, paint, electrical supplies, plumbing fixtures, concrete and mortars, doors, windows, siding, landscaping materials, tools, hardware, etc.) rather than toward retail home improvement supplies. Materials offered for sale shall be palletted, bagged, crated, packaged or similarly contained, and shall be loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale or storage of uncontained materials (see definition for *Bulk Materials Sales and Storage*). At least fifty percent (50%) of the operation shall occur fully enclosed within a building(s), and the operation may include the outdoor display and storage of new and unused materials for sale of up to fifty percent (50%) of the total enclosed building square footage provided such is screened in accordance with Section 20.5 of the Zoning Ordinance; outdoor display or storage exceeding this amount may be approved by CUP if such is allowed in the applicable zoning district. (Also see definitions for *Outside Display* and *Outside Storage*.)
- 18a. Bulk Materials Sales and Storage. The indoor or outdoor storage and sale of uncontained inanimate matter such as rock (including a granite “slab yard”), stone, sand, aggregates, powders, composts, wood chips, soils and other building- and road-construction related materials. Can include retail and wholesale sales of materials.
- 21a. Car Wash, Automated. Washing, waxing or cleaning of automobiles or light duty trucks (i.e., no heavy load vehicles) involving an automated self-service (drive-through or rollover) wash bay(s) and apparatus. May be attended or non-attended.
- 21b. Car Wash, Full-Service. Washing, waxing or cleaning of automobiles or light duty trucks (i.e., no heavy load vehicles) where employees of the establishment wash, dry, wax and/or detail vehicles for a fee.
- 21c. Car Wash, Self-Service. Washing, waxing or cleaning of automobiles or light duty trucks (i.e., no heavy load vehicles) involving self-service wand-type wash bays (usually open-air). May be attended or non-attended.
- 30a. Contractor’s Shop. An indoor office and warehouse storage facility for materials, equipment, tools, products and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, major appliance repair and service, masonry, carpet installation and cleaning, windows and glass (including automotive glass), landscaping installation and maintenance, swimming pools, fencing and other similar contractors. Includes no outdoor display or storage other than the parking of motorized vehicles and fully enclosed trailers that are directly associated with the business that operates on the premises (open/flatbed trailers are also allowed only if empty, or if loaded with equipment or materials for time periods not exceeding forty-eight hours per occurrence on only a periodic and not continuous basis provided that any such loaded trailers are parked within an area that is screened in accordance with Section 20.5 of the Zoning Ordinance).

- 30b. Contractor's Storage Yard. An office and storage facility for materials, equipment, tools, products and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, major appliance repair and service, masonry, carpet installation and cleaning, windows and glass (including automotive glass), landscaping installation and maintenance, swimming pools, fencing and other similar contractors. May include the outdoor display and storage of usable materials normally associated with the business (i.e., not unrelated scrap, junk, trash, etc.) of up to fifty percent (50%) of the total enclosed building square footage provided such is screened in accordance with Section 20.5 of the Zoning Ordinance; outdoor display or storage exceeding this amount may be approved by CUP if such is allowed in the applicable zoning district. (Also see definitions for *Outside Display* and *Outside Storage*.) May also include the parking of motorized vehicles and any type of trailer that are directly associated with the business that operates on the premises (open/flatbed trailers are allowed only if parked within an area that is screened in accordance with Section 20.5 of the Zoning Ordinance).
- 43a. Distribution Center, Large. A large-scale (i.e., over ten (10) shipping truck bays) warehousing and distribution operation having a building(s) used primarily for the storage and distribution of non-consumable and non-compostable goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes large-scale long-distance moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. With the exception of parking areas, loading docks and outside scales (if provided), all portions of the operation shall take place entirely within an enclosed building. Includes no outside display, outside storage or private track facilities, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display*, *Outside Storage* and *Private Track*.)
- 43b. Distribution Center, Small. A small-scale (i.e., ten (10) or fewer shipping truck bays) warehousing and distribution operation having a building(s) used primarily for the storage and distribution of non-consumable and non-compostable goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes small-scale moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. With the exception of parking areas, loading docks and outside scales (if provided), all portions of the operation shall take place entirely within an enclosed building. Includes no outside display, outside storage or private track facilities, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display*, *Outside Storage* and *Private Track*.)

- 56a. Food Processing and Storage. A large-scale manufacturing operation that prepares or produces foods and nonalcoholic beverages for human consumption such as grain milling, fruit and vegetable packing, fats and oils rendering, and the manufacture of cereals, sugars, syrups, candies and other confections, packaged and frozen foods, dairy products, seafoods, snack foods, nuts, coffees and teas, seasonings, condiments, packaged meats, soft drinks, bottled water and other nonalcoholic beverages, ice, and other similar human-consumables primarily for commercial and wholesale customers for off-site distribution and consumption. Includes dry and cold storage of food products, unless such is incidental to another primary use such as a grocery store or a restaurant. Can include incidental retail sales of food products produced on the premises. Does not include the preparation or manufacture of products for consumption by animals (see definition for *Animal Feed Processing and Storage*), or the slaughtering of any type of animal other than sea life.
- 57a. Furniture and Appliance Cleaning and Repair. An indoor establishment that cleans, repairs and refurbishes common household appliances, furnishings and electronics either on-site or at the customer's location. Includes furniture reupholstering and the cleaning and repair of carpets, rugs and draperies, but does not include automotive reupholstering or repairs or refurbishing of any type of appliance or equipment which has an internal combustion engine (such as cars, trucks, motorcycles, lawnmowers, etc.). Includes no outdoor display or storage, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display* and *Outside Storage*.)
- 62a. Heavy Machinery Sales, Rental, Storage and Repair. An establishment for the indoor or outdoor display, sales, rental, storage and repair and servicing of heavy machinery including tractors and other farm machinery, bulldozers, street graders, paving machines and similar construction-related heavy equipment. Does not include the temporary parking or positioning of equipment that is being, or soon will be, used in conjunction with a properly permitted construction site, provided that such equipment is promptly removed when active construction on the site is completed.
- 63a. Helistop. An area of land or water, or a structural surface, which is used or intended for use for the landing and taking off of helicopters. Does not include refueling, maintenance, repairs or overnight storage of helicopters.
- 64a. Home Improvement Center. The indoor retail sale of building materials that are primarily oriented toward home improvements (e.g., lumber, drywall, paint, electrical supplies, plumbing fixtures, prepackaged concrete and mortars, doors, windows, siding, landscaping materials, tools, hardware, etc.) rather than toward the wholesale building construction industry. Materials offered for sale shall be palletted, bagged, crated, packaged or similarly contained, and shall be loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale or storage of uncontained materials (see definition for *Bulk Materials Sales and Storage*). Includes no outdoor display or storage, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see the definitions for *Outside Display* and *Outside Storage*.)

- 68a. Industrial or Manufacturing, Heavy. Heavy industrial manufacturing, processing, assembling, researching and developing, packaging, shipping, storing, servicing or other such processes which are not prohibited by law, which typically involve the processing or manufacture of products from raw materials, which typically involve the use of significant amounts of chemicals, solvents, petroleum products or acids or which involve the use of high-heat processes, which do not meet standards set forth in the definition of *Light Industrial or Manufacturing* uses, and which have all portions of the operation except loading and unloading conducted within a fully enclosed building.
- 68b. Industrial or Manufacturing, Light. An indoor establishment engaged in light assembly or manufacturing of finished non-consumable products or parts, predominately from previously prepared materials including the fabrication, manufacture, assembly, storing and packaging of such products or parts. All portions of the operation except loading and unloading are conducted within a fully enclosed building. Does not include industrial processing from raw materials, and does not include any type of use that involves processing or storage of consumable products (see *Food Processing and Storage* and *Animal Feed Processing and Storage*).
- 71a. Laboratory. An indoor facility for testing and analyzing scientific problems including soil testing, concrete compression testing, medical testing, prototype design and development and other types of product research and testing.
- 71b. Landscape Nursery or Tree Farm (wholesale). An establishment for the cultivation and propagation, display, storage and sale (mostly wholesale, but can include a limited amount of retail sales) of large plants, shrubs, trees and other living vegetative materials used in indoor or outdoor landscape plantings. Can also include the contracting for installation and maintenance of landscaping as an accessory use.
- 72a. Laundry and Rug Cleaning Plant, Commercial. A commercial-scale establishment that is six thousand (6,000) square feet or larger in size, and that launders or dry cleans garments, linens, rugs, carpets and other textiles on a bulk, commercial or wholesale basis (i.e., not retail). Includes a uniform supply service. Rug and garment alterations, repair and dyeing may be offered in relation to this use.
- 72b. Leather and Allied Products Manufacturing. An indoor establishment engaged in transforming animal hides into leather by tanning or curing, and fabricating the leather into finished non-consumable products or into materials that will be further assembled by others into finished products. Includes the manufacture of similar products such as rubber footwear, textile luggage and plastic purses and wallets from other materials such as rubber, plastics and textiles that are thought of as “leather substitutes”. Also includes the processes of tanning, currying, dressing, dyeing and finishing of leather, hides and furs. Does not include the slaughtering of any type of animal, and does not include any type of use that involves processing or storage of consumable products (see *Food Processing and Storage* and *Animal Feed Processing and Storage*).

- 87a. Motor Freight Terminal. A premises where cargo is stored and where trucks, including tractor trailer units, load and unload cargo on a regular basis. Includes facilities for the temporary indoor storage of loads and cargo prior to shipment, or that are transferring from one mode of transportation to another (such as onto trucks and rail cars), and may include the parking and storage of trucks and cargo trailers on a regular basis, and may also include on-site fuel tank(s) for use by the operation only (i.e., no retail or external fuel sales) if such are approved by the Fire Department and Building Official.
- 103a. Printing or Publishing House. An establishment whose primary service is long-run printing including, but not limited to, book, magazine and newspaper publishing.
- 108a. Public Utility Service Yard. A premises that is used by a public utility provider to park service vehicles and to store utility repair and maintenance materials. Outside storage of materials, other than vehicles and trailers, is allowed provided that it is screened in accordance with Section 20.5 of the Zoning Ordinance. (Also see the definitions for *Outside Display* and *Outside Storage*.)
- 110a. Recycling or Reclamation Collection Center. A completely indoors facility (i.e., no outside storage) which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, textiles, etc. Processing of materials shall be limited to weighing, sorting, flattening, crushing, shredding, bundling and palletizing materials for shipment essentially by hand or by machine, and shall not include smelting, melting, refining or other conversion back to a “raw material” state.
- 110b. Recycling or Reclamation Plant and Salvage Yard. A facility which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, textiles, etc. Processing of materials may include weighing, sorting, flattening, crushing, shredding, bundling and palletizing materials for shipment by hand or by machine, and may also include smelting, melting, refining or other conversion back to a “raw material” state. Includes the outside storage of materials provided that such areas are fully screened in accordance with Section 20.5 of the Zoning Ordinance.
- 135d. Warehouse, Office with Showroom. An indoors only establishment with at least forty percent (40%) of its total floor area devoted to office and showroom space (i.e., a maximum of 60% of its total floor area may be devoted to storage and warehousing that is not generally accessible to the public). Includes sales offices, retail and wholesale sales areas, and display areas (showrooms) for products sold and distributed from the warehousing area.

- 136a. Winery. A business establishment that produces 10,000 or more cases of wine per year. No maximum site or building area, and building(s) may include space allocated to bottling and grape crushing, lab and office space, tasting room(s), storage, indoor events room(s), and outdoor event or picnic area(s) A winery shall provide at least two of the following four activities on-site: grape crushing, fermentation, bulk aging and storage, and bottling.

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

EXHIBIT 2

Section 12.2.B of the Zoning Ordinance Text shall read as follows:

CHAPTER 12 – GENERAL BUSINESS DISTRICT

12.2 USES PERMITTED

A.

B. In the General Business District, land, buildings and structures may be used for the following purposes:

1. Animal Hospitals and Veterinary Clinics - no outside pens
2. Auto Parts Store - Storage and sale of reconditioned auto parts and accessories when located inside building and in which no automobiles or parts of automobiles for sale are stored or displayed in the open.
3. Ceramic Products - retail
4. Contractor's Shop*
5. Home Improvement Center*
6. Motion Picture Studios - Commercial Films
7. Offices* - Bank, Savings and Loan
8. Schools - all types, including business, trade, and commercial
9. Stone Monument Works - retail

C.

D.

E.

F.

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

EXHIBIT 3

Section 12.3.A of the Zoning Ordinance Text shall read as follows:

CHAPTER 12 – GENERAL BUSINESS DISTRICT

12.3 USES PERMITTED AS CONDITIONAL USES

- A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:
1. Any use permitted as a conditional use in a Local Retail (LR) district
 2. Accessory buildings in excess of 400 square feet
 3. Auto dealership, new with outside display of vehicles. Used car sales permitted only for automobiles that are traded as a part of new car sales
 4. Auto Repair, Minor*
 5. Distribution Center, Small*
 6. Establishment or expansion of a permitted use with outside storage exceeding 20 percent of lot area
 7. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 12.2.D
 8. Furniture and Appliance Cleaning and Repair*
 9. Mortuary, Funeral Home or Cemeteries, and Crematories
 10. Tool Rental
 11. Trailer Sales and Leasing - trailers less than 28 feet in length
 12. Truck Sales and Leasing - excluding semi-trucks and heavy load vehicles
 13. Veterinarian or Dog Kennel with outside pens

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

EXHIBIT 4

Section 14.2.B of the Zoning Ordinance Text shall read as follows:

CHAPTER 14 – HIGHWAY COMMERCIAL

14.2 USES PERMITTED

A.

B. In the Highway Commercial District, land, buildings and structures may be used for the following purposes:

1. Ambulance Service
2. Aquarium - wholesale
3. Auto Parts Store - Storage and Sale of Used Auto Parts and Accessories - when located inside building and in which no automobile or parts of automobiles for sale are stored or displayed in the open
4. Bed and Breakfast
5. Boat sales
6. Ceramic Products - retail
7. Church or rectory*
8. Colleges, Commercial, public, state or other institution of higher learning.
9. Convenience store with gasoline sales
10. Feed Store – wholesale
11. Florist - wholesale
12. Gas and electrical public utility regulating stations
13. Golf course*, but not including miniature golf course, driving range, or any forms of commercial amusement
14. Grocery or Food Store - wholesale and storage
15. Hospitals*, community homes*, and group homes* pursuant to Section 19.3
16. Motion Picture Studios - Commercial films
17. Motorcycle Repairing
18. Office* - professional & administrative
19. Paint Shop - retail

20. Printing Equipment, Supplies, Repairs
 21. Printing or Publishing House*
 22. Public parks, playgrounds, neighborhood recreation centers, or private swimming pools
 23. Public Utility Installation, either privately or publicly owned, fire station, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artesian wells or sewage lift station
 24. Schools - all
 25. Seed Company - wholesale
 26. Shoe Store - wholesale sales and storage
 27. Single-family detached dwelling*, existing on the date of adoption of this ordinance, together with accessory uses and home occupations permitted in a single-family district, provided that such use may not be converted to any other use without compliance with all standards set for in this chapter
 28. Stone Monument Works - retail
 29. Tire Dealer
 30. Warehouse, Office with Showroom*
 31. Welding Supply - retail or wholesale
- C.
- D.
- E.
- F.

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

EXHIBIT 5

Section 14.3 of the Zoning Ordinance Text shall read as follows:

CHAPTER 14 – HIGHWAY COMMERCIAL

14.3 USES PERMITTED AS CONDITIONAL USES

A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:

1. Any use permitted as a conditional use in the General Business (GB) district
2. Any use authorized in Section 14.2 that requires service by private track
3. Auto Repair* – Major or Minor
4. Boat Storage
5. Building or Garden Materials Sales and Storage*
6. Bus, recreational vehicle, truck or trailer storage
7. Car Wash* – Self-Serve, Automated or Full-Service
8. Commercial Amusement* - All types, both indoor and outdoor, commercial recreation or amusement, including but not limited to baseball fields, skating rinks, commercial swimming pools, driving ranges, miniature golf, carnivals and other similar open air activities
9. Commercial amusements*, including all types, both indoor and outdoor commercial recreation or amusement, including but not limited to driving range, skating rink, playing fields, commercial swimming pools, miniature golf, carnivals, go-cart tracks, video arcades and other similar activities
10. Distribution Center, Large*
11. Establishment or expansion of a permitted use with proposed outside storage exceeding 20 percent of lot area
12. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 14.2.D
13. Furniture and Appliance Cleaning and Repair*
14. Hotel and/or motel*
15. Manufactured home sales
16. Motor Freight Terminal*

17. Motor Vehicles - All types of motor vehicle operations, including but not limited to, new and used car sales and service, motorcycle sales and service, motor home sales and service and farming equipment
18. Radio broadcasting towers and station
19. Self Storage/Mini-warehouse* pursuant to Section 19.10
20. Taxicab storage/repair
21. Taxidermist
22. Television towers and transmitting station
23. Trailer Sales or Leasing - trailers, all lengths
24. Truck Sales or Leasing - including semi-trucks and heavy load trucks
25. Truck Stop
26. Veterinarian or Dog Kennel with outside pens
27. Water distillation or wholesale water bottling

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

EXHIBIT 6

Section 15.2.B of the Zoning Ordinance Text shall read as follows:

CHAPTER 15 – INDUSTRIAL DISTRICT

15.2 USES PERMITTED

A.

B. In an Industrial District, land, buildings and structures may also be used for the following purposes:

1. Any installation of a public utility either privately or publicly owned, fire station, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artesian wells or sewage lift station
2. Auto Repair, Minor*
3. Bakery, Commercial*
4. Bottling plants
5. Building or Garden Materials Sales and Storage*
6. Church or rectory*
7. Contractors Shop*
8. Distribution Center, Large*
9. Distribution Center, Small*
10. Dwelling - Single-family detached*, existing on the date of adoption of this ordinance, together with accessory uses and home occupations permitted in a single-family district, provided that such use may not be converted to any other use without compliance with all standards set forth in this chapter
11. Electrical Substation
12. Furniture and Appliance Cleaning and Repair*
13. Gas and electrical public utility regulating stations
14. Industrial or Manufacturing, Light*
15. Laboratory*
16. Laundry and Rug Cleaning Plant, Commercial*
17. Manufactured home sales

- 18. Pawn shop
- 19. Public Utility Service Yard*

- C.
- D.
- E.
- F.

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

EXHIBIT 7

Section 15.3 of the Zoning Ordinance Text shall read as follows:

CHAPTER 15 – INDUSTRIAL DISTRICT

15.3 USES PERMITTED AS CONDITIONAL USES

A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:

1. Accessory buildings in excess of 400 square feet
2. Airport or Heliport*
3. Animal Feed Processing and Storage*
4. Any use authorized in Section 15.2 or in this section that requires service by private track.
5. Auto Repair, Major*
6. Body piercing salons
7. Brewery or Distillery*
8. Bulk Materials Sales and Storage*
9. Car Wash – Self-Serve, Automated or Full-Service*
10. Contractor’s Storage Yard*
11. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 15.2.D
12. Establishment or expansion of a permitted use with proposed outside storage exceeding 20 percent of lot area
13. Food Processing and Storage*
14. Heavy Machinery Sales, Rental, Storage and Repair*
15. Helistop*
16. Industrial or Manufacturing, Heavy*
17. Landscape Nursery or Tree Farm*
18. Leather and Allied Products Manufacturing*
19. Motor Freight Terminal*
20. Recycling or Reclamation Collection Center*

21. Recycling or Reclamation Plant and Salvage Yard*
22. Rock quarries, sand, gravel and earth excavations
23. Sexually oriented businesses*
24. Skin art salons
25. Trailer Sales or Leasing – trailers, all lengths
26. Truck Sales or Leasing – excluding semi-trucks and heavy load vehicles
27. Truck Sales or Leasing – including semi-trucks and heavy load vehicles
28. Winery*

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-05**

EXHIBIT 8

Section 3.9, Chart 3.4 of the Zoning Ordinance Text shall read as follows:

**Chart 3.4
Non-Residential Use Summary Chart**

LEGEND	
Y =	Allowed as a permitted use
C =	May be allowed under a Conditional Use Permit
P =	May be allowed in a Planned Residential Overlay District Only
- =	Not allowed

Use	Zoning District					
	LR	GB	LC	HC	I	FP
Accessory Buildings - Farm	-	-	-	-	-	Y
Accessory Buildings - 400 Sq. Ft. and less	Y	Y	Y	Y	Y	-
Accessory Buildings - over 400 Sq. Ft.	-	C	-	C	C	-
Agricultural Activities	-	-	-	-	-	Y
Airport or Heliport	-	-	-	-	C	-
Ambulance Service	-	-	-	Y	Y	-
Animal Feed Processing and Storage	-	-	-	-	C	-
Antique Stores - Indoor Sales and Storage	Y	Y	-	Y	-	-
Appliance Repair Shop	Y	C	-	C	Y	-
Aquarium	Y	Y	-	Y	-	-
Aquarium - Wholesale	-	-	-	Y	Y	-
Art Gallery	Y	Y	-	Y	-	-
Artesian Well	Y	Y	-	Y	Y	Y

Use	Zoning District					
	LR	GB	LC	HC	I	FP
Artist And/or Craftsman Store	Y	Y	-	Y	-	-
Auto Repair, Major	-	-	-	C	C	-
Auto Dealership, New Cars	-	C	-	C	-	-
Auto Parts Store - Reconditioned Parts	-	Y	-	Y	-	-
Auto Parts Store - Used Auto Parts	-	-	-	Y	Y	-
Auto Parts Store - New Auto Parts	Y	Y	-	Y	-	-
Auto Repair - Minor	C	C	-	C	Y	-
Bakery, Commercial	-	-	-	-	Y	-
Bakery - Retail	Y	Y	-	Y	-	-
Bank	Y	Y	-	Y	-	-
Barber & Beauty Shop - Retail	Y	Y	-	Y	-	-
Baseball Fields	-	C	-	C	-	-
Bed and Breakfast	-	-	-	Y	Y	-
Boat Sales	-	-	Y	Y	Y	-
Boat Storage	-	-	-	C	-	-
Boat Storage Building	-	-	Y	-	-	-
Body Piercing Salons	-	-	-	-	C	-
Book or Stationery Store	Y	Y	-	Y	-	-
Bottling Plant	-	-	-	-	Y	-
Bowling Alley	C	C	-	C	-	-
Brewery or Distillery	-	-	-	-	C	-
Building or Garden Materials Sales and Storage	-	-	-	C	Y	-
Bulk Materials Sales and Storage	-	-	-	-	C	-
Bus, Recreational Vehicle, Truck or Trailer Storage	-	-	-	C	-	-
Camera Shop	Y	Y	-	Y	-	-
Candy & Tobacco Stores – Retail	Y	Y	-	Y	-	-
Car Wash – Self-Serve, Automated or Full-Service	C	C	-	C	C	-
Carnivals	-	C	-	C	-	-

Use	Zoning District					
	LR	GB	LC	HC	I	FP
Caterer	Y	Y	-	Y	-	-
Cemetery	-	C	-	C	-	-
Ceramic Products - Retail	-	Y	-	Y		-
Church or Rectory	Y	Y	-	Y	Y	-
Cleaning & Laundry - Retail - less than 6,000 Sq. Ft. - Including Self Service	Y	Y	-	Y	-	-
Clothing Store	Y	Y	-	Y	-	-
Clubs, Private	C	C	-	C	-	-
Clubs, Service - Lodges, Fraternities, Sororities	C	C	-	C	-	-
Colleges, Commercial, Public, State or Other Institution of Higher Learning.	-	-	-	Y	Y	-
Commercial Amusement	-	-	-	C	-	-
Community Centers	-	-	-	-	-	Y
Contractor's Shop	-	Y	-	Y	Y	-
Contractor's Storage Yard	-	-	-	-	C	-
Convenience Store with or Without Gasoline Sales	Y	Y	Y	Y	Y	-
Day Camps	-	-	-	-	-	Y
Day Care Center	C	C	-	C	-	-
Department Store	Y	Y	-	Y	-	-
Distribution Center, Large	-	-	-	C	Y	-
Distribution Center, Small	-	C	-	C	Y	-
Dog Kennel with Outside Pens.	-	C	-	C	-	-
Doughnut Shop	Y	Y	-	Y	-	-
Drug Store or Pharmacy - Retail	Y	Y	-	Y	-	-
Dwelling - Single-family Detached, Existing	Y	Y	-	Y	Y	-
Electrical Goods - Retail	Y	Y	-	Y	-	-
Electrical Substation	Y	Y	-	Y	Y	-
Exterminating Company - Retail	Y	Y	-	Y	-	-
Farming Equipment Sales	-	-	-	C	-	-

Use	Zoning District					
	LR	GB	LC	HC	I	FP
Feed Store - Wholesale	-	-	-	Y	Y	-
Film Developing & Printing	Y	Y	-	Y	-	-
Fire Station	Y	Y	-	Y	Y	Y
Fish Bait - Retail	-	-	Y	-	-	-
Fix it Shops - Retail with No Outside Storage	Y	Y	-	Y	-	-
Florist - Retail	Y	Y	-	Y	-	-
Florist - Wholesale	-	-	-	Y	Y	-
Food Processing and Storage	-	-	-	-	C	-
Funeral Home	-	C	-	C	-	-
Furniture and Appliance Cleaning and Repair		C	-	C	Y	-
Furniture Store - Retail	Y	Y	-	Y	Y	-
Utility Regulating Stations (gas and electrical)	Y	Y	-	Y	Y	-
Golf Course	-	-	-	Y	Y	Y
Golf Driving Range	-	-	-	C	-	-
Golf, Miniature	-	-	-	C	-	-
Government Building	Y	Y	-	Y	-	-
Greenhouse	-	-	-	-	-	Y
Grocery or Food Store - Retail	Y	Y	Y	Y	-	-
Grocery or Food Store - Wholesale and Storage	-	-	-	Y	Y	-
Hardware Store - Retail	Y	Y	-	Y	-	-
Heavy Machinery Sales, Rental, Storage and Repair	-	-	-	-	C	-
Helistop	-	-	-	-	C	-
Hobby Shop	Y	Y	-	Y	-	-
Home Improvement Center	-	Y	-	Y	-	-
Homes, Community	C	C	-	Y	Y	-
Homes, Group	C	C	-	Y	Y	-
Hospital	C	C	-	C	-	-
Hotel	C	C	-	C	-	-

Use	Zoning District					
	LR	GB	LC	HC	I	FP
Ice House - Retail	Y	Y	-	Y	-	-
Industrial or Manufacturing, Heavy	-	-	-	-	C	-
Industrial or Manufacturing, Light	-	-	-	-	Y	-
Key Shop	Y	Y	-	Y	-	-
Laboratories	-	-	-	-	Y	-
Landscape Nursery or Tree Farm	-	-	-	-	C	-
Laundry and Rug Cleaning Plant, Commercial	-	-	-	-	Y	-
Leather and Allied Products Manufacturing	-	-	-	-	C	-
Letter & Mimeograph Shop (Small Shop)	Y	Y	-	Y	-	-
Library	Y	Y	-	Y	Y	Y
Manufactured Home Sales				C	Y	
Marina	-	-	Y	-	-	-
Meat Market - Retail	Y	Y	-	Y	-	-
Mortuary	-	C	-	C	-	-
Motel	C	C	-	C	-	-
Motion Picture Studios - Commercial Films	-	Y	-	Y	Y	-
Motion Picture Theater (Indoor Only)	C	C	-	C	-	-
Motor Freight Terminal	-	-	-	C	C	-
Motor Home Sales	-	-	-	C	-	-
Motor Vehicles - New and Used Sales and Service	-	-	-	C	-	-
Motorcycle Repairing	-	-	-	Y	Y	-
Museum, Public	-	-	-	-	-	Y
Neighborhood Recreation Centers	C	C	-	C	-	-
Nursery - Retail Sales of Plants, Trees & Shrubs	Y	Y	-	Y	-	-
Offices - Bank, Savings and Loan	-	Y	-	Y	-	-
Offices - Professional and Administrative	Y	Y	Y	Y	Y	-
Offices & Clinics - Dental & Medical	Y	Y	-	Y	-	-
Open Space, Private	-	-	-	-	-	Y

Use	Zoning District					
	LR	GB	LC	HC	I	FP
Open Space, Public	-	-	-	-	-	Y
Paint Shop - Retail	-	-	-	Y	Y	-
Parks	Y	Y	Y	Y	Y	Y
Pawn Shop	-	-	-	-	Y	-
Pet Grooming - with No Outside Pens	Y	Y	-	Y	-	-
Pet Shops - Retail with No Outside Pens	Y	Y	-	Y	-	-
Piano & Musical Instruments	Y	Y	-	Y	-	-
Playgrounds	Y	Y	Y	Y	Y	Y
Printing or Publishing House	-	-	-	Y	Y	-
Printing Equipment, Supplies, Repairs	-	-	-	Y	Y	-
Printing Shop - (Small Job Shop)	Y	Y	-	Y	-	-
Private Track	-	-	-	C	C	-
Public Library	Y	Y	-	Y	-	-
Public Museum	Y	Y	-	Y	-	-
Public Utility	Y	Y	Y	Y	Y	Y
Public Utility Service Yard	-	-	-	-	Y	-
Quarries, Rock, Sand, Gravel and Earth Excavations	-	-	-	-	C	-
Radio Broadcasting Towers and Stations	C	C	-	C	-	-
Radio or Television Broadcasting - Without Tower	Y	Y	-	Y	-	-
Recycling or Reclamation Collection Center	-	-	-	-	C	-
Recycling or Reclamation Plant and Salvage Yard	-	-	-	-	C	-
Restaurants, Cafeterias and Cafés	Y	Y	Y	Y	-	-
Restaurants, With Drive-through Facilities	C	C	C	C	-	-
Retail Store or Shop	Y	Y	-	Y	-	-
Schools - All	-	Y	-	Y	Y	-
Schools - Beauty & Barber Schools	C	Y	-	Y	Y	-
Schools - Public	Y	Y	-	Y	Y	-
Schools - Private	C	Y	-	Y	Y	-

Use	Zoning District					
	LR	GB	LC	HC	I	FP
Seamstress, Dressmaker or Tailor Shop	Y	Y	-	Y	-	-
Seed Company - Wholesale	-	-	-	Y	Y	-
Seed Store	Y	Y	-	Y	-	-
Self Storage/mini-warehouse	-	-	-	C	-	-
Service Station - Gasoline Filling Station	C	C	-	C	-	
Sewage Lift Station	Y	Y	Y	Y	Y	Y
Sexually Oriented Businesses.	-	-	-	-	C	-
Shoe Sales and Repair – Retail	Y	Y	-	Y	-	-
Shoe Store - Wholesale Sales and Storage	-	-	-	Y	Y	-
Skating Rinks	-	C	-	C	-	-
Skin Art Salons	-	-	-	-	C	-
Sporting Goods - Retail	Y	Y	Y	Y	-	-
Stable.- Public or Private	-	-	-	-	-	Y
Stone Monument Works - Retail	-	Y	-	Y	Y	-
Studios, Art	Y	Y	-	Y	-	-
Studios, Cloth And/or Draperies	Y	Y	-	Y	-	-
Studios, Dance	Y	Y	-	Y	-	-
Studios, Drama	Y	Y	-	Y	-	-
Studios, Glass And/or China	Y	Y	-	Y	-	-
Studios, Health	Y	Y	-	Y	-	-
Studios, Martial Arts	Y	Y	-	Y	-	-
Studios, Music	Y	Y	-	Y	-	-
Studios, Reducing	Y	Y	-	Y	-	-
Studios, Therapeutic Massage	Y	Y	-	Y	-	-
Swimming Pools, Private	C	C	-	Y	Y	Y
Taxicab Storage / Repair	-	-	-	C	-	-
Taxidermist	-	-	-	C	-	-
Television Towers and Transmitting Stations	C	C	-	C	-	-

Use	Zoning District					
	LR	GB	LC	HC	I	FP
Tire Dealer	-	-	-	Y	Y	-
Tool Rental	-	C	-	C	-	-
Trailer Sales and Leasing - Trailers less than 28 Feet in Length	-	C	-	C	C	-
Trailer Sales or Leasing - All Lengths	-	-	-	C	C	-
Travel Agency	Y	Y	-	Y	-	-
Truck Sales or Leasing - Excluding Semi-trucks and Heavy Load Vehicles.	-	C	-	C	C	-
Truck Sales or Leasing - Including Semi-trucks and Heavy Load Trucks	-	-	-	C	C	-
Truck Stop	-	-	-	C	-	-
Utility Installation - Public or Private	Y	Y	Y	Y	Y	Y
Veterinarian with Indoor Kennels Only	C	Y	-	Y	-	-
Veterinarian with Outside Kennels	-	C	-	C	-	-
Warehouse, Office with Showroom	-	-	-	Y	Y	-
Water Distillation or Wholesale Water Bottling	-	-	-	C	-	-
Water Pumping Plant	Y	Y	Y	Y	Y	Y
Water Supply Reservoir	Y	Y	Y	Y	Y	Y
Water Tower	Y	Y	Y	Y	Y	Y
Wedding Service	Y	Y	-	Y	-	-
Welding Supply - Retail or Wholesale	-	-	-	Y	Y	-
Winery	-	-	-	-	C	-



Town of Sunnyvale Council Agenda Item

Meeting Date: 04/23/2012

Item #: 6

Department: Town Mgr.

Subject:

CONSIDER ORDINANCE NO. 12-06: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, 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 THE TOWN'S ZONING ORDINANCE PROVISIONS RELATING TO CLASSIFICATION OF A NEW USE, ALTERNATIVE FINANCIAL ESTABLISHMENTS; ADDING DEFINITIONS AND SPECIAL REGULATIONS FOR SUCH USES; CHANGING THE LAND USE TABLES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Background:

Attached please find a proposed amendment to our Zoning Ordinance. At the direction of the Town Council, staff has prepared this amendment to address those types of specialized financial establishments as identified in the 'definitions' section of this document. These types of establishments are becoming increasingly common for all municipalities, and the Town Council expressed concern to this effect at a previous strategic planning session with staff. Staff has not recommended a complete prohibition of these types of businesses; rather language regulating proximity and distance locations off of the major development corridors, and requiring a Conditional Use Permit.

The Planning & Zoning Commission unanimously recommended approval on these proposed changes

Recommendation:

Attachments:

Ord. 12-06

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-06**

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, 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 THE TOWN'S ZONING ORDINANCE PROVISIONS RELATING TO CLASSIFICATION OF A NEW USE, ALTERNATIVE FINANCIAL ESTABLISHMENT; ADDING DEFINITIONS AND SPECIAL REGULATIONS FOR SUCH USES; ADDING A DEFINITION FOR BANK OR FINANCIAL INSTITUTION; AMENDING THE GENERAL BUSINESS AND INDUSTRIAL DISTRICT REGULATIONS TO PROVIDE FOR SUCH USES; CHANGING THE NON-RESIDENTIAL USE SUMMARY CHART FOR SUCH USES; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY 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 April 16, 2012, 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 April 23, 2012, 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 THAT:

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

SECTION 2. The text of the Zoning Ordinance, Ordinance No.339, of the Town of Sunnyvale, Texas, as amended (the “Zoning Ordinance Text”) is hereby further amended by adding the definitions, as set forth in Exhibit 1, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth to Chapter 2 of the Zoning Ordinance Text. The proposed zoning amendments, are hereby adopted and the Zoning Ordinance Text is revised accordingly.

SECTION 3. The Zoning Ordinance Text is hereby amended by adding a new Section 19.23, “Alternative Financial Establishments”, as set forth in Exhibit 2, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth to Chapter 19 of the Zoning Ordinance Text. The proposed zoning amendments are hereby adopted and the Zoning Ordinance Text is revised accordingly.

SECTION 4. The Zoning Ordinance Text is hereby amended by amending Section 3.9, Chart 3.4 thereof to add a new use category, “Alternative Financial Establishment”, and by revising the use category of “Bank” to now read as “Bank or Financial Institution”, in Chart 3.4, Non-Residential Use Summary Chart, as set forth in Exhibit 3, which is attached to this Ordinance, and which is incorporated by reference herein as if fully set forth to Chapter 3 of the Zoning Ordinance Text. The proposed zoning amendments are hereby adopted and the Zoning Ordinance Text is revised accordingly.

SECTION 5. Section 12.3.A of the Zoning Ordinance Text is hereby amended by adding “Alternative Financial Establishment” to the list of uses conditionally permitted in the General Business (GB) District. The proposed zoning amendment is hereby adopted and Zoning Ordinance Text is revised accordingly.

SECTION 6. Section 15.3.A of the Zoning Ordinance Text is hereby amended by adding “Alternative Financial Establishment” to the list of. uses conditionally permitted in the Industrial (I) District. The proposed zoning amendment is hereby adopted and Zoning Ordinance Text is revised accordingly.

SECTION 7. The Zoning Ordinance Text is hereby amended by changing the use “Bank” to the use “Bank or Financial Institution” wherever such term appears in the Zoning Ordinance. The proposed zoning amendment is hereby adopted and Zoning Ordinance Text is revised accordingly.

SECTION 8. All Ordinances or provisions of Ordinances in conflict with this Ordinance are superseded to the extent of the conflict. Any remaining provisions of conflicting Ordinances shall remain in full force and effect.

SECTION 9. It is hereby declared to be the intention of the Town Council that any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by judgment or decree of a Court of competent jurisdiction, then such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance; and the Town Council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional or invalid.

SECTION 10. This ordinance shall take effect immediately upon its passage.

DULY PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS this 23rd day of April, 2012.

Jim Phaup, Mayor

ATTEST:

Leslie Malone, Town Secretary

TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-06

EXHIBIT 1

The following new definitions are hereby added to Chapter 2 of the Zoning Ordinance Text:

- 6b. Alternative Financial Establishment. A check cashing business, payday advance or loan business, or a car title loan business. Does not include a bank or financial institution. With respect to a check cashing business, does not include a grocery store, a convenience store, or a similar retail business that cashes checks or money orders, or that issues money orders or money transfers for a minimum flat fee as a service incidental to its main purpose of business, provided that the check cashing service does not constitute 50% or more of the trade of that business (as measured by gross receipts on an annual basis).
- (1) Car Title Loan Business. An alternative financial establishment that makes small, short-term consumer loans that leverage the equity value of a customer's motor vehicle as collateral by taking physical possession of title to the vehicle, by executing a sale-leaseback agreement with the customer, or by executing a power of attorney with the customer, by means of which the borrower's failure to repay the loan or make interest payments to extend the loan allows the car title loan business to take possession of the vehicle from the customer.
 - (2) Check Cashing Business. An alternative financial establishment that, for a fee or other payment taken out of the proceeds of the transaction, provides payment to the customer – regardless of an existing checking or other relationship between the establishment and the customer – of an amount of money equal to the face of a check, draft, warrant, written authorization for an electronic transfer of money, or similar representation of payment owed by a third-party to the customer. With respect to a check cashing business, the term does not include: a grocery store, a convenience store, or a similar retail business that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service incidental to its main purpose of business, provided the check cashing service does not constitute 50% or more of the trade of that business (as measured by gross receipts on an annual basis).
 - (3) Payday Advance or Loan Business. An alternative financial establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, in which the check or debit is held for an agreed-upon term or until the customer's next payday, and then cashed or debited unless the customer repays the loan within the agreed time frame.
- 7d. Bank or Financial Institution. An establishment such as a bank, savings and loan association, or credit union that is regulated by federal or state law; that accepts and maintains deposits from individuals, businesses or other institutions; that makes both short- and long-term loans including loans secured by collateral other than personal property; and that provides related financial services to its customers.

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-06**

EXHIBIT 2

Chapter 19 of the Zoning Ordinance Text shall be amended to add a new Section 19.23, as follows:

CHAPTER 19 – SPECIAL REGULATIONS APPLICABLE TO PARTICULAR USES

19.23 ALTERNATIVE FINANCIAL ESTABLISHMENTS

- A. No new alternative financial establishment may be located within one thousand feet (1,000') of another alternative financial establishment, as measured in a direct line from property line to property line, unless otherwise approved in the ordinance establishing a Conditional Use Permit (CUP) for such use.
- B. No new alternative financial establishment may be located in a building that is closer than five hundred feet (500') from the rights-of-way of State Highway 190/President George Bush Turnpike, US Highway 80, Belt Line Road, TC Lupton/Clay Road, Collins Road or State Highway 352, unless otherwise approved in the ordinance establishing a Conditional Use Permit (CUP) for such use.
- C. A Conditional Use Permit (CUP) shall be required for any existing business that adds services constituting a check cashing business, payday advance or loan business, or a car title loan business.

**TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12-06**

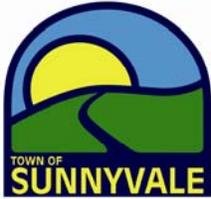
EXHIBIT 3

Chapter 3, Section 3.9, Chart 3.4 of the Zoning Ordinance Text shall be amended to add a new use category, “Alternative Financial Establishment”, and to amend the use category of “Bank” to reflect the new terminology and definition of a “Bank or Financial Institution”, as follows:

**Chart 3.4
Non-Residential Use Summary Chart**

LEGEND	
Y =	Allowed as a permitted use
C =	May be allowed under a Conditional Use Permit
P =	May be allowed in a Planned Residential Overlay District Only
- =	Not allowed

Use	Zoning District					
	LR	GB	LC	HC	I	FP
.....
Airport or Heliport	-	-	-	-	C	-
Alternative Financial Establishment	-	C	-	-	C	-
Ambulance Service	-	-	-	Y	Y	-
.....
.....
Bakery – Retail	Y	Y	-	Y	-	-
Bank or Financial Institution	Y	Y	-	Y	-	-
Barber & Beauty Shop – Retail	Y	Y	-	Y	-	-
.....
.....
.....



Town of Sunnyvale Council Agenda Item

Meeting Date: 04/21/12

Item #: 7

Department: Admin

Subject:

Mayor Phaup has requested this agenda item/discussion.

Background:

In 2008 the Town accepted a dedication of approximately 25 acres of open space from Stone Canyon East, HOA Inc. This area includes a portion of the HOA's overall trail system. At that time the Town entered into a long-term lease agreement (20 years plus extensions) with the HOA which provided that the HOA would be responsible for maintenance of this property.

Town Management learned several weeks ago that Town crews mowed portions within this area on either side of the walking trail in early April. Staff estimates that this encompassed approximately $\frac{3}{4}$ of an acre of mowing. In response, Town Management reviewed the terms of the lease agreement with the appropriate staff to ensure future compliance. Management also learned that Town staff had mowed the same area twice last year (May and June of 2011). This was apparently the result of a previous code inspector making verbal contact with the majority representative of the HOA (the developer) to inform them that the area required mowing, at which point the developer reminded the inspector that this area had been dedicated to the Town. Confirming on DCAD that the area was Town property, staff proceeded to mow the area. Clearly, further research by staff would have found that a lease agreement was in place requiring the HOA to maintain the area.

Staff has been made aware that this section is to be maintained by the HOA pursuant to the lease agreement. It has been suggested that the Town submit an invoice to the developer for the mowing to address this situation. Mayor Phaup has asked that this subject be placed on the agenda for discussion and direction from Council.

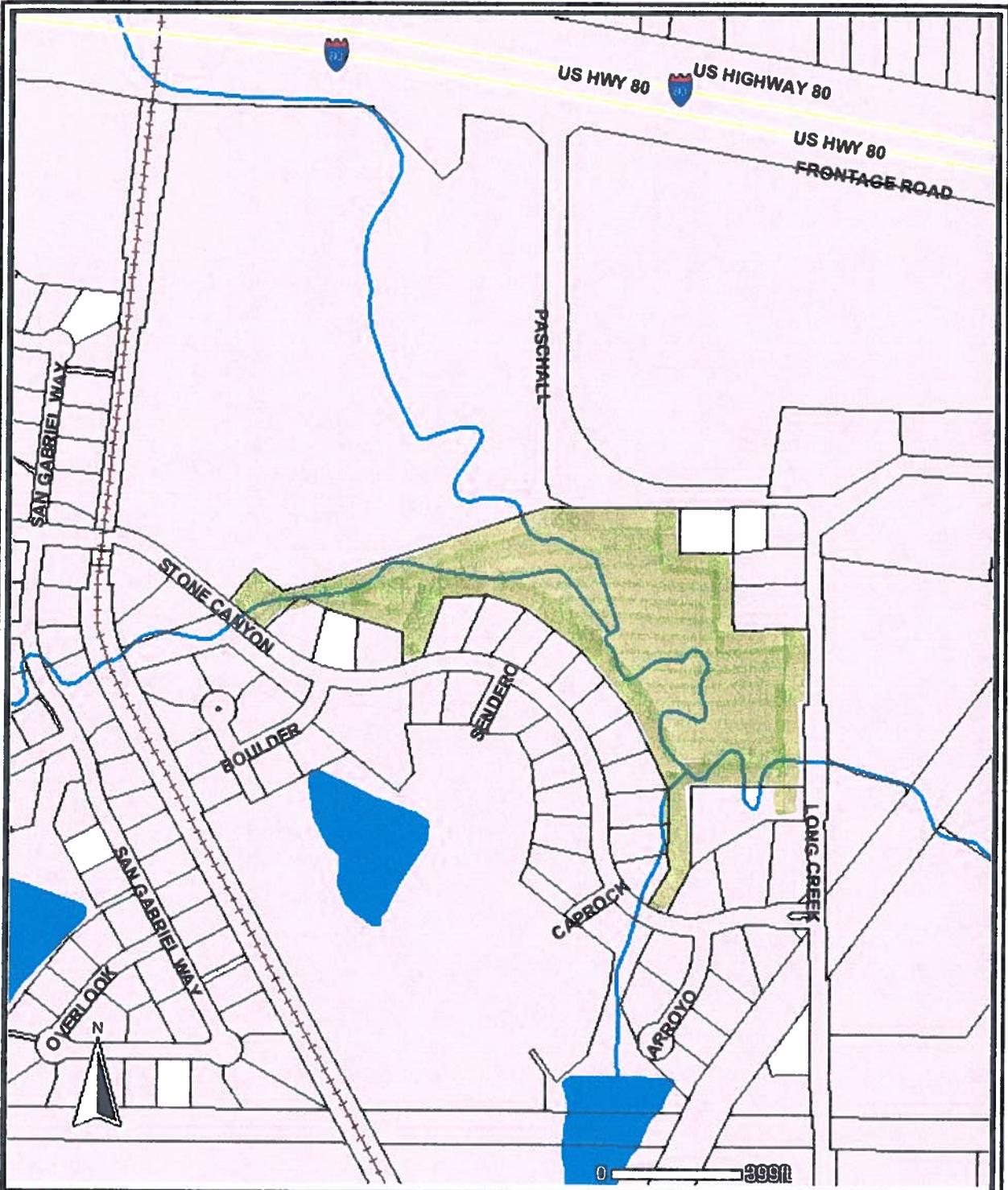
Pursuant to the Code of Ordinances, the Town charges \$80 per hour when required to mow. Staff estimates it required 1.5 hours to mow this area along the trail. Therefore, the charge (per occurrence) would total \$120.

Recommendation:

None

Attachments:

1. Maps depicting areas mowed



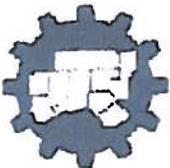
**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Highlighted area indicate entire 24 acres.

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North Central Texas
Council of Governments

Dotted line indicates trail and areas
mowed.

DISCLAIMER

This data has been compiled for
NCTCOG.
Various official and unofficial
sources were used to gather this
information. Every effort was made
to ensure the accuracy of this
data, however, no guarantee is
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of said data.

