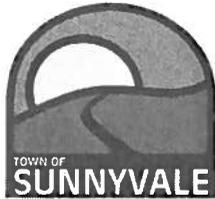


**TOWN OF SUNNYVALE
TOWN COUNCIL MEETING**

**MAY 29, 2012
7:00 PM**

**SPECIAL MEETING
6:00 PM**



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
TUESDAY, MAY 29, 2012
6:00 P.M.**

CALL TOWN COUNCIL MEETING TO ORDER

SWEARING IN OF NEWLY ELECTED TOWN COUNCIL MEMBERS

EXECUTIVE SESSION

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

EXECUTIVE SESSION AGENDA:

A. SECTION 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY

- 1. ICP VS. TOWN OF SUNNYVALE**
- 2. VULCAN VS. TOWN OF SUNNYVALE**

B. SECTION 551.071 - CONSULTATION ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

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:**

A. SECTION 551.071 - CONSULTATION ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

B. SECTION 551.071 - CONSULTATION ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER

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 MAY 25, 2012, IN THE FOLLOWING LOCATIONS AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:

TOWN HALL AT 127 N. COLLINS ROAD



SCOTT CAMPBELL, ASST. TOWN SECRETARY



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
TUESDAY, MAY 29, 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.

1. RECOGNITION OF SERVICE FOR OUTGOING TOWN COUNCIL MEMBER

PUBLIC HEARINGS

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

2. CONSIDER AN ORDINANCE (AS REQUESTED BY APPLICANT, QUICK TRIP CORPORATION) AMENDING ZONING ORDINANCE NO. 324, AS AMENDED BY ORDINANCE NOS. 324, 332, 338, AND 339, AND AS AMENDED FROM TIME TO TIME, ADDING THE USE '*CONVENIENT STORES WITH GASOLINE SALES*' AS A CONDITIONAL USE IN THE GENERAL BUSINESS (GB) ZONING CLASSIFICATION, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

DISCUSSION/ACTION ITEMS

3. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS

CONVENE INTO EXECUTIVE SESSION

EXECUTIVE SESSION AGENDA:

- A. SECTIONS 551.071 - ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF

PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

END OF EXECUTIVE SESSION

Reconvene into open session and take any action necessary as a result of the Executive Session.

1. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:

- A. SECTIONS 551.071 - ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

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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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.

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TOWN HALL AT 127 N. COLLINS ROAD



SCOTT CAMPBELL, ASST. TOWN SECRETARY



**Town of Sunnyvale
127 Collins Road
Sunnyvale, TX 75182
972-226-7177 Phone
972-226-1804 Fax
www.townofsunnyvale.org**

FAX COVER SHEET

Date:

No. of Pages:

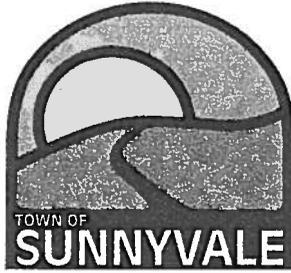
Fax #: 972-226-6882

Attn: Martha

From: Leslie Malone, Town Secretary

Re: Agenda

The information contained in this facsimile is intended only for the use of the individual or entity named above. If the recipient is not the intended recipient, you are hereby notified that any distribution, dissemination or copying of this communication is strictly prohibited. If you have received this in error, please notify me immediately by or email and return the original message to us at the above address via the U.S. Postal Service.



**Town of Sunnyvale
127 Collins Road
Sunnyvale, TX 75182
972-226-7177 Phone
972-226-1804 Fax
www.townofsunnyvale.org**

FAX COVER SHEET

Date:

No. of Pages:

Fax #: 972-203-0310

Attn: Doris

From: Leslie Malone, Town Secretary

Re: Agenda

The information contained in this facsimile is intended only for the use of the individual or entity named above. If the recipient is not the intended recipient, you are hereby notified that any distribution, dissemination or copying of this communication is strictly prohibited. If you have received this in error, please notify me immediately by or email and return the original message to us at the above address via the U.S. Postal Service.



Town Council

Meeting date 05-29-12 @ 7:00 PM

Applicant/ property
Quik Trip/Jake Petras

Request

Requesting Zoning Ordinance Text Amendment – Adding ‘Convenience Store with Gasoline Sales’ as a Conditional Use to the General Business (GB) zoning classification.

Staff Comment

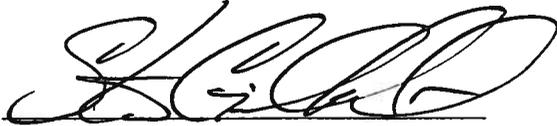
General Business Zoning allows for a ‘convenience store with less than (3) gas pump islands’. ‘Convenience store with gasoline sales’ is limited to Highway Commercial and Industrial Zoning districts (with no limitation on the number of gas pump islands).

The property in question falls within the Land Use Category of ‘Retail’ (R) as adopted in the Comprehensive Land Use Diagram. This category is intended for various types of retail and personal services, and low intensity office and professional uses. The ‘Commercial’ (C) Land Use Category is intended for higher intensity type uses that would generate greater volumes of vehicle traffic, noise and lighting.

The Comprehensive Plan does contemplate convenience stores as a retail use for this property’s existing land use category (Retail), and the existing zoning classification, General Business (GB), does *conditionally* allow for ‘convenience stores with less than three gas pump islands’ (requiring a Conditional Use Permit). The applicant originally contemplated seeking a change to the Comprehensive Land Use Diagram to change the land use category for this property to ‘Commercial’ (C). As mentioned above, this is a higher intensity land use category that would have accommodated a zoning change request to ‘Highway Commercial’ (HC) (which does not limit the number of gas pump islands for a convenient store). Staff conveyed to the applicant its concern and objection to a land use category change that was inconsistent and not compatible with the surrounding properties.

Chapter 23 of the Zoning Ordinance allows the owner of any property within the Town to request a change of zoning *or an amendment to the text of the zoning regulations*. The applicant has therefore requested a text change to *conditionally* allow this use (‘convenient stores with gasoline sales’) in the current zoning classification of ‘General Business’ (GB). As discussed above, intensity of the proposed use is a key consideration for this text change request. Because the applicant is requesting the use only be allowed *conditionally*, staff does not object to their request as ‘intensity’ issues can be addressed

through the CUP process. The Planning and Zoning Commission denied the request for a text change at their May 21 regular meeting by a vote of 4-2 (one abstention).

A handwritten signature in black ink, appearing to read 'S. Gilbert', written over a horizontal line.

Steve Gilbert,
Building Official



May 23rd, 2012

Steve Gilbert
Director of Community Development
127 N. Collins Road
Sunnyvale, TX 75182

**Re: Proposed QuikTrip #997 Located at SEC of Collins and Interstate 80
Text Change Appeal to City Council**

Mr. Gilbert,

QuikTrip Corporation is proposing to develop a 5704 square foot convenience store and a twelve (12) dispenser gasoline canopy that will service twenty-four (24) vehicles. The proposed QuikTrip development is located at the southeast corner of Collins and Interstate 80 on approximately 3.0529 acres of vacant land.

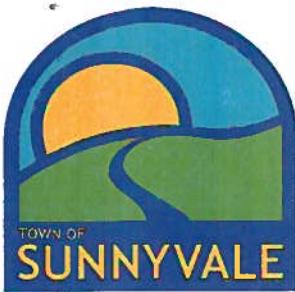
Under section 12.2 of the Sunnyvale Zoning Ordinance a Convenience Store with Gasoline Sales is limited to three (3) gasoline pump islands. QuikTrip Corporation would like to request a text change to the Sunnyvale Zoning Ordinance to add Convenience Store with Gasoline Sales as one of the conditional uses.

Please consider this letter a formal request to appeal the Planning and Zoning Commission's recommendation to the City Council agenda scheduled May 28th, 2012.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jake Petras'.

Jake Petras
Real Estate Project Manager
QuikTrip Corporation



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

ZONING APPLICATION

- Standard Zoning or Rezoning
- Conditional Use Permit
- Planned Development

FILE NO: 1309

PROPERTY INFORMATION

Addition Name: TBD		Address/Location: SEC of Collins and I-80	
Lot(s):	Block:	Current Zoning: GB - General Business	
# of Acres: 3.0529	# of Lots: 1	# of Units:	

APPLICANT INFORMATION

Name: Jake Petras		Company: QuikTrip Corporation	
Mailing Address: 1120 N. Industrial Blvd			
City: Eules	State: TX	Zip: 76039	
Phone: (817) 358-7680	Fax:	Email: jpetras@quiktrip.com	

OWNER INFORMATION

Name: James M. Kevlin		Company: Fry Street, L.P.	
Mailing Address: 3624 Long Prairie Rd. Ste 101			
City: Flower Mound	State: TX	Zip: 75022	
Phone:	Fax:	Email:	

ZONING APPLICATION SUBMITTAL REQUIREMENTS

(Check those that apply)

(See Fee Schedule for all Amounts)

- Concept Plan 24"x36", 5 copies (folded)
- Checklist
- Legal Description
- Letter stating reason for request

Fee: \$1575.00

OWNER AUTHORIZATION

Check one of the following:

- I will represent the application myself; or
- I authorize JAKE PETRAS - QUICKTRIP CORPORATION (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.

Owner's Signature: [Signature] Date: 3/20/12

STATE OF TEXAS

COUNTY OF: DENTON

BEFORE ME, a Notary Public, on this day personally appeared JAMES KEVIN 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 20 day of MARCH, 2012, 2009.

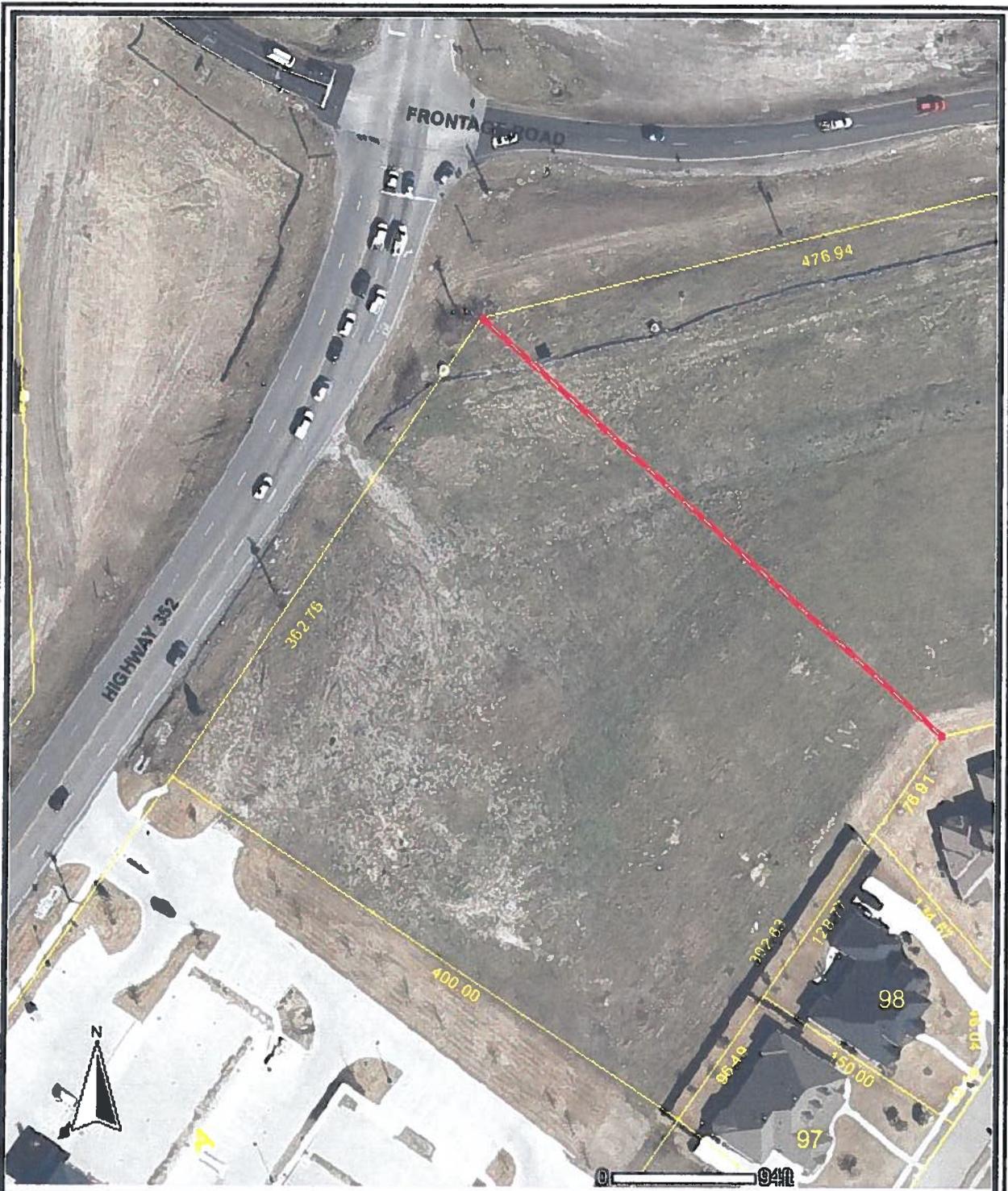


[Signature]
Notary Public in and for the State of Texas

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

Town Engineer

[Signature]
Chief Building Official



**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.



Landscape Schedule

LOC	SYMBOL	COMMON NAME	MINIMUM SIZE / HEIGHT / SPREAD	QUANTITIES	COMMENTS
0		LEUCODENDRON (ORANGE FRANGE FLORIBUNDA) Landscape Schedule ref: 18.9 x 15'	18.9 X 15' HT 15M	EA	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR PLANTING SPECIFICATIONS AND SPACING
1		HEUBLEIN POINT HOLLY See Schedule "Heublein Point"	24.9 X 24' HT 15M	108 EA	
2		TRUMPET BELL Landscape Schedule ref: 3' shrub	3' CALYPSO (TOTAL) 3' HT	48 EA	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR PLANTING SPECIFICATIONS
3		SPYGLASS HONEY LOCUST Landscape Schedule ref: 3' shrub	3' CALYPSO 12' HT	23 EA	CONTRACTOR TO VERIFY SIZE, HEIGHT AND SPREAD PRIOR TO INSTALLATION
4		SHRUB SPECIES Landscape Schedule ref: 3' shrub	3' CALYPSO 3' HEIGHT HT	18 EA	
5		18' BIRCH BIRCHWOOD SHUB		142/143 EA	

ORIGINAL ISSUE DATE: _____
 REV DATE DESCRIPTION: _____
 SHEET NUMBER: 10017
 LANDSCAPE PLAN
 PROJECT TITLE: _____
 U.S. HIGHWAY 80 & S.H. 352
 SUNNYVALE, TEXAS
 QuikTrip No. 0997
 P. Bury-Partners
 5100 Northwest 18th Street, Suite 100
 Dallas, Texas 75240
 Phone: (214) 343-3333
 Fax: (214) 343-3333
 Email: info@p-bury.com
 Website: www.p-bury.com

CHAPTER 11 - LOCAL RETAIL DISTRICT

11.1 PURPOSE

The Local Retail (LR) district is intended to provide local shopping facilities which provide retail business service and office facilities for the convenience of residents of the Town. Site development regulations and performance standards are intended to ensure that uses will be compatible and complementary in scale and appearance with a residential environment. The Local Retail district corresponds to and implements in part the Retail land use category on the Land Use Diagram of the Comprehensive Plan.

11.2 USES PERMITTED

A. In a Local Retail District, land, buildings and structures may be used for any lawful retail business or service establishment providing the following goods or services:

1. Appliance Repair Shop
2. Antique Stores - indoor sales and storage
3. Aquarium
4. Art Gallery
5. Artist and/or Craftsman Store
6. Auto Parts Stores - indoor sales and storage of new or re-manufactured parts
7. Bakery — retail
8. Bank
9. Barber & Beauty Shop — retail
10. Pet Shops and Pet Grooming — retail with no outside pens
11. Book or Stationery Store
12. Camera Shop
13. Candy & Tobacco Stores — retail
14. Caterer & Wedding Service
15. Church or rectory
16. Cleaning & Laundry — retail - less than 6,000 sq. ft. - including self service
17. Clothing Store
- 18. Convenience Store with less than three (3) gasoline pump islands**
19. Department Store
20. Offices & Clinics - Dental & Medical
21. Doughnut Shop
22. Drug Store or Pharmacy - retail
23. Electrical Goods (computers, televisions, etc.) — retail
24. Electrical Substation
25. Exterminating Company — retail
26. Film Developing & Printing
27. Fix It Shops (repair of items) — retail with no outside storage
28. Florist — retail
29. Furniture Store — retail (including office furniture, furnishings and appliances)
30. Furniture Repair and Upholstering

CHAPTER 12 - GENERAL BUSINESS DISTRICT

12.1 PURPOSE

The General Business (GB) district is intended to provide retail, service and office uses that serve the entire community as well as regional needs. The General Business district corresponds to and implements in part the Retail land use category on the Land Use Diagram of the Comprehensive Plan and is intended for use along the U.S. Highway 80 corridor.

12.2 USES PERMITTED

A. Any use allowed by right in the Local Retail (LR) District is allowed by right in the General Business District.

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 Glass Repair
3. Offices - Bank, Savings and Loan
4. Building Materials or Home Improvement Center — retail sales of materials for building or home improvement. Outside storage will be permitted under this use without restrictions generally applicable within the district, excluding concrete mixing operations and contractor yards.
5. Cabinet Shop
6. Ceramic Products - retail
7. Electrical Repairing and Contracting
8. Envelope Manufacturing
9. Lithographing
10. – Deleted by Ordinance 404, January 10, 2005 -
11. Mechanical Contracting (heating and air conditioning)
12. Motion Picture Studios - Commercial Films
13. Optical Goods Manufacturing
14. Plumbing Contractors
15. Printing
16. Publishing Company
17. Schools — all types, including business, trade, and commercial
18. 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.
19. Stone Monument Works — retail
20. Upholstery shop
21. Venetian Blind Assembly
22. Welding - retail

CHAPTER 14 - HIGHWAY COMMERCIAL

14.1 PURPOSE

The Highway Commercial (HC) District is intended to accommodate a wide variety of commercial uses and have a general application as a highway service district. The Highway Commercial District corresponds to and implements in part the Commercial (COM) land use category on the Land Use Diagram of the Comprehensive Plan and is intended for use along U.S. Highway 80.

14.2 USES PERMITTED

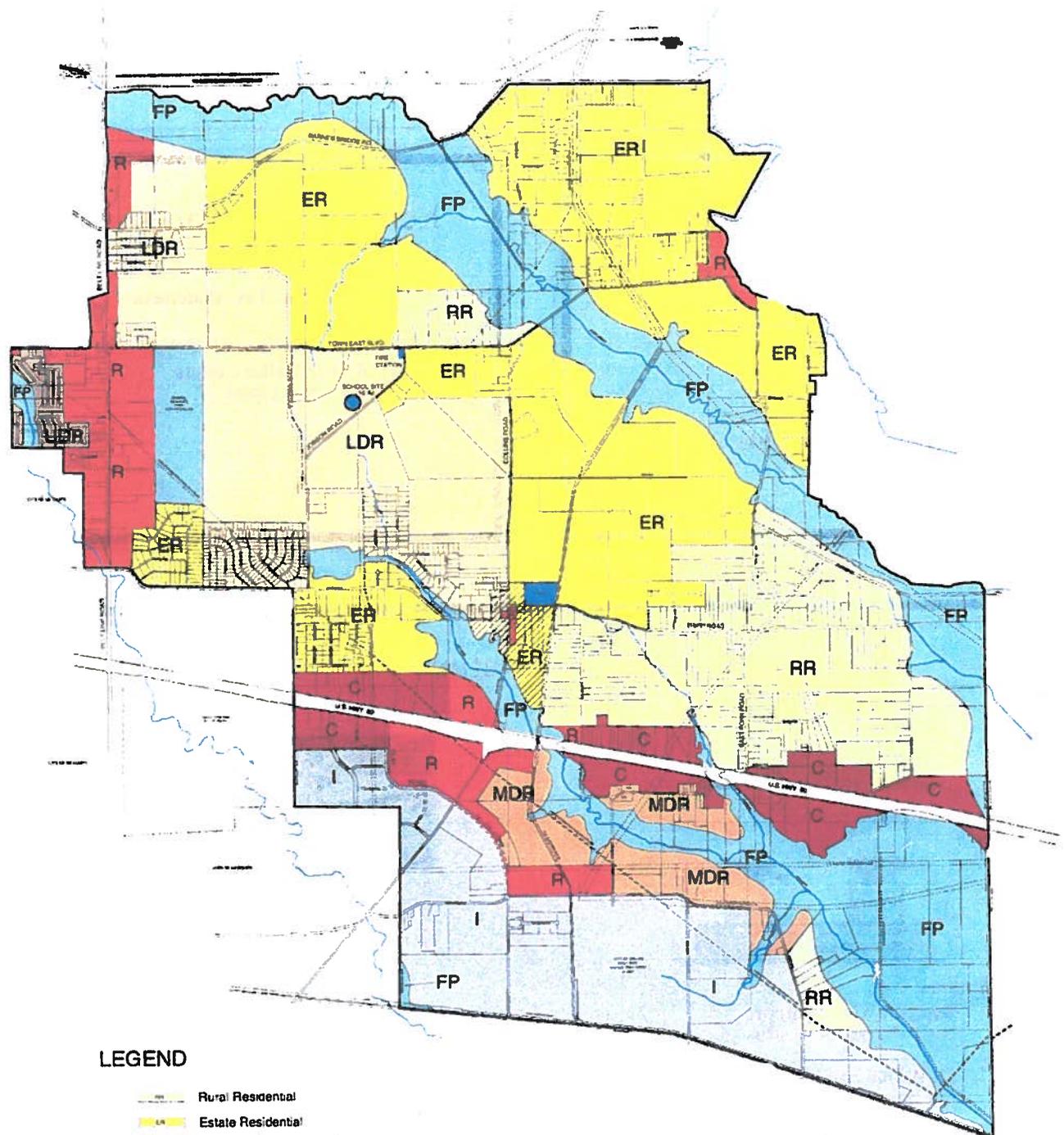
- A. Any use allowed by right in the Local Retail (LR) or General Business (GB) District is allowed by right in the Highway Commercial District.
- B. In the Highway Commercial District, land, buildings and structures may be used for the following purposes:
1. Air Conditioning Contractor
 2. Ambulance Service
 3. Artificial Flower Manufacturing
 4. Artificial Limb Manufacturing
 5. Aquarium - wholesale
 6. Bed and Breakfast
 7. Boat sales
 8. Book Printing, Binding, Bindery
 9. Cabinet Shop
 10. Candy Manufacturing
 11. Carpenter Shop
 12. Carpet and Rug Cleaning — washing and scouring if dust proof room and dust catching equipment is provided
 13. Ceramic Products - retail
 14. Church or rectory
 15. Cleaning and Laundry - having an area in excess of six thousand (6,000) square feet
 16. Colleges, Commercial, public, state or other institution of higher learning.
 17. Convenience store with gasoline sales
 18. Distribution Center
 19. Electrical Repairing and Contracting
 20. Electroplating; Electrotyping
 21. Engraving Plant
 22. Envelope Manufacturing
 23. Feed Store - wholesale
 24. Fence Company - sales and storage
 25. Florist - wholesale
 26. Furniture Repair and Upholstering - wholesale
 27. Gas and electrical public utility regulating stations

- 65. Warehouse, wholesale or retail, offices, sales and storage - excluding self-storage
 - 66. Welding Supply - retail or wholesale
- C. Accessory buildings and structures incidental to the operation of businesses specified in Sections 11.2A, 12.2B, and 14.2B, above shall be permitted, provided that the building or structure does not exceed 400 square feet, is located behind the primary structure, and constructed with the same or similar building facade and material as the primary structure and pursuant to Section 19.1.
 - D. Outside display incidental to the operation of the retail business or service activities specified in Sections 11.2A, 12.2B, and 14.2B, above shall be permitted. Except as otherwise permitted as a conditional use, no outside display may be located outside a rectangular area extending no more than fifteen feet (15') from the front face of the primary structure on the lot or tract and limited in to the width of the primary structure. The display must be stored or removed daily at the close of business hours.
 - E. Outside storage is permitted but shall not exceed 20 percent of the lot area and must be screened in accordance with Section 20.5.
 - F. Service to the public of water, gas, electricity, telephone, telegraph, steam, hot or cold air shall be allowed. The foregoing shall be deemed to include attendant facilities and appurtenances to the above uses, including without limitations: distribution, collector and feeder lines; pumping or booster stations along pipelines; and substations along electric transmission lines, but not including public utility treatment and generating plants or offices.

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. Auto Body Repair
 - 3. Car Wash
 - 4. 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
 - 5. Boat Storage
 - 6. Bus, recreational vehicle, truck or trailer storage
 - 7. Clothing Manufacturing
 - 8. Warehouse - cold storage
 - 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. Veterinarian or Dog Kennel with outside pens
 - 11. Furniture manufacturing

Town of Sunnyvale
LAND USE DIAGRAM
 Exhibit VI.1



LEGEND

- Rural Residential
- Estate Residential
- Low Density Residential
- Medium Density Residential
- Urban Density Residential
- Town Center
- Retail
- Public/Institutional
- Commercial
- Industrial
- Open Space / Recreation

TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 12 - 07

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 324, AS AMENDED BY ORDINANCE NOS. 324, 332, 338, AND 339, AND AS AMENDED FROM TIME TO TIME, ADDING THE USE 'CONVENIENCE STORE WITH GASOLINE SALES' AS A CONDITIONAL USE IN THE GENERAL BUSINESS (GB) ZONING DISTRICT, CONFORMING THE NON-RESIDENTIAL USE SUMMARY CHART, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale received a request from Quik Trip Corporation to amend the text of the Sunnyvale Zoning Ordinance by adding the use "convenient stores with gasoline sales" as a conditional use to the General Business (GB) zoning district, and

WHEREAS, the Town Planning and Zoning Commission convened a public hearing on May 21, 2012 to consider such text amendment request; and

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

WHEREAS, the Commission recommended by a vote of 4 ayes and 2 nays, and one abstention to deny the text amendment request, and

WHEREAS, the Town Council convened a public hearing on May 29, 2012, to take testimony and to consider the report and recommendations of the Planning and Zoning Commission on such text amendments; and

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

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

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

SECTION 2. That the text of the zoning ordinance, Ordinance No. 339, of the Town of Sunnyvale, Texas (the "Zoning Ordinance Text"), as amended, is hereby further amended by adding the use "convenience store with gasoline sales" to Chapter

12, General Business (GB) District, section 12.3.A, and by further amending section 3.9, Nonresidential Uses, Chart 3.4, to add such use in conformance with section 12.3.A.

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

SECTION 4. All ordinances and provisions of the Town of Sunnyvale, Texas, that are in conflict with this Ordinance shall be and the same are hereby superseded to the extent in conflict, and all ordinances and provisions or ordinances of said Town not so expressly superseded are hereby retained in full force and effect.

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

PASSED AND APPROVED by the Town Council, the Town of Sunnyvale, on the 29th day of May 2012.

Mayor, Town of Sunnyvale

ATTEST:

Town Secretary