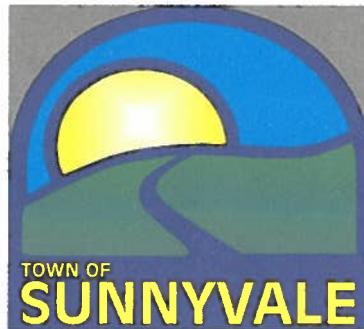


TOWN OF SUNNYVALE

PLANNING AND ZONING MEETING



AUGUST 20, 2012

7:00 PM



**AGENDA
TOWN OF SUNNYVALE
PLANNING AND ZONING COMMISSION
MONDAY, AUGUST 20, 2012
7:00 P.M.**

CALL MEETING TO ORDER

Chairperson calls the Meeting to order, state the date and time. State Commissioners present and declare a quorum present.

APPROVAL OF MINUTES

1. **REGULAR MEETING OF 5/21/2012.**
2. **REGULAR MEETING OF 6/18/2012.**
3. **JOINT SPECIAL MEETING WITH TOWN COUNCIL 6/25/2012, 5:00 PM.**
4. **JOINT SPECIAL WORKSHOP WITH TOWN COUNCIL 6/25/2012, 6:00 PM.**
5. **JOINT SPECIAL MEETING WITH TOWN COUNCIL 7/9/2012.**

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:

6. APPLICATION FOR PRELIMINARY PLAT

**APPLICANT: TOMMY SATTERFIELD
AT OR ABOUT: 354 SOUTH LARKIN
REQUEST: MARTINEZ ADDITION 2, LOT 2, BLOCK A**

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

THE SUNNYVALE PLANNING AND ZONING COMMISSION 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 AUGUST 17, 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

LESLIE MALONE, TOWN SECRETARY



**MINUTES
TOWN OF SUNNYVALE
PLANNING AND ZONING COMMISSION
MONDAY, MAY 21, 2012
7:00 P.M.**

	CHAIRPERSON	MARK EGAN
	CO-CHAIRPERSON	RICKEY HOFFMAN
ABSENT	MEMBER	KEN WILSON
	MEMBER	JOS JOSEPH
	MEMBER	CHRIS MCNEILL
	MEMBER	DIANE TURNER
	MEMBER	JACK KIRKLAND
	ALTERNATE MEMBER	KEN DEMKO
ABSENT	ALTERNATE MEMBER	ANTHONY OKAFOR

CALL MEETING TO ORDER

Chairperson Egan called the meeting to order at 7:02 p.m. Members Wilson and Okafor were absent.

APPROVAL OF MINUTES

1. REGULAR MEETING 04-16-12

Member Demco made a motion to approve the Minutes of the Planning & Zoning Commission Meeting of April 16, 2012. Member Turner seconded the motion. Chairperson Egan called for a vote, and with all members voting affirmative, the motion passed 7/0. Members Wilson and Okafor were absent.

PUBLIC HEARING

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

2. TO CONSIDER REQUEST BY QUIK TRIP TO AMEND THE TEXT OF THE ZONING ORDINANCE TO ALLOW CONVENIENCE STORES WITH GASOLINE SALES IN GENERAL BUSINESS ZONING DISTRICT BY A CONDITIONAL USE PERMIT.

Director of Community Development Steve Gilbert informed the Commission of the request.

After discussion, Chairperson Egan opened the public hearing.

Jim Blackwood, 169 Ranchero, spoke against the text change for the Zoning Ordinance.

David Henderson, 446 San Gabriel, spoke against the text change for the Zoning Ordinance.

Andrea Wright, 171 Overlook, spoke against the text change for the Zoning Ordinance.

Chairperson Egan closed the Public Hearing.

After additional discussion, Co-Chairperson Hoffman made a motion to deny the request by QuikTrip to amend the text of the zoning Ordinance to allow convenience stores with gasoline sales in General Business Zoning District by a Conditional Use Permit. Member McNeill seconded the motion. Chairperson Egan called for a vote with members Egan, Hoffman, Joseph, and McNeill voting affirmative, members Turner and Kirkland voting opposed, and member Demko abstaining, the motion passed 4/2. Members Wilson and Okafor were absent.

**3. APPLICATION FOR SITE PLAN
APPLICANT: TOWN OF SUNNYVALE
AT OR ABOUT: 502 BARNES BRIDGE
REQUEST: WATER TOWER
APPLICATION REMOVED UNTIL JUNE MEETING**

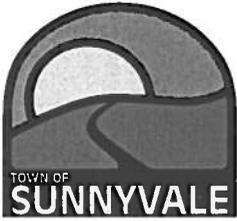
Chairperson Egan adjourned the meeting at 8:25 p.m.

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

Chairperson Mark Egan

ATTEST:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE
PLANNING AND ZONING COMMISSION
MONDAY, JUNE 18, 2012
7:00 P.M.**

CHAIRPERSON	MARK EGAN
CO-CHAIRPERSON	RICKEY HOFFMAN
MEMBER	KEN WILSON
MEMBER	JOS JOSEPH
MEMBER	CHRIS MCNEILL
MEMBER	DIANE TURNER
MEMBER	JACK KIRKLAND
ALTERNATE MEMBER	KEN DEMKO
ALTERNATE MEMBER	ANTHONY OKAFOR

CALL MEETING TO ORDER

Chairperson Egan called the meeting to order at 7:00 p.m. All members were present.

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:

1. APPLICATION FOR SITE PLAN, PRELIMINARY AND FINAL PLAT

**APPLICANT: TOWN OF SUNNYVALE
AT OR ABOUT: 502 BARNES BRIDGE
REQUEST: ELEVATED WATER STORAGE FACILITY**

Director of Community Development Steve Gilbert informed the Commission of the request.

Chairperson Egan opened the Public Hearing.

Debbie Sheridan, 458 Barnes Bridge Road, stated she did not think the proposed location is ideal for this project. The school property would provide a better location. There are security issues. The ten feet between the proposed fence and Ms. Sheridan's fence is unsafe.

Robert Acker, 597 Polly Road, cited concerns over noise. Screening for the fence should be addressed.

Town Manager Scott Campbell stated there were no pumps at the site. Noise should not be an issue. Photinias will be planted around the fence.

Town Engineer Marc Bentley informed the Commission that the fence is required to be chain link with barbed wire along the top. All landscaping will be fully irrigated. The fence facing Ms.

Sheridan's property can be moved to the other side of the trees, approximately 15 feet to the east.

Chairperson Egan closed the Public Hearing.

Co-Chairperson Hoffman made a motion to approve site plan preliminary and final plat subject to Town Engineer and Town Staff placing the fence fifteen to twenty feet to the east in a secure manner so that people cannot obtain access to the site. Member Kirkland seconded the motion. Chairperson Egan called for a vote and with all members voting affirmative, the motion passed unanimously.

2. APPLICATION FOR ZONING CHANGE AND CONCEPT PLAN

**APPLICANT: MIKE ANDERSON
AT OR ABOUT: 400 & 332 HWY 80, 200 PLANTERS RD
REQUEST: CHANGE OF ZONING FROM GENERAL BUSINESS (GB), HIGHWAY
COMMERCIAL (HC) AND INDUSTRIAL (I) TO MASTER PLANNED DEVELOPMENT
(MPD-01) AND ASSOCIATED CONCEPT PLAN.**

Town Manager Scott Campbell informed the Commission of the request.

Mike Anderson, applicant for zoning change, 3819 Town Crossing, Mesquite, gave an overview of the Sunnyvale Center project.

Town Planner Sherry Sefko gave an overview of Master Planned Development Zoning.

After additional discussion, Chairperson Egan opened the Public Hearing. No comments were made. Chairperson Egan closed the Public Hearing.

Town Manager Scott Campbell stated Staff's recommendation is June 15 following conditions: Uses allowed by right, change laboratory's to medical laboratories. Section I A 7 – materials allowed are those consistent with 20.8 of the Zoning Ordinance. Section 3 E, change six months to eight months and add caveat that the plan must be reviewed by Staff. Section III A, 11.5 should be changed to 13. Section V, A should be removed. Section V, A, 2, change 36 feet to 39 feet and eliminate the last sentence allowing a three story building. Section V, B, 1 add forty foot building setbacks along Collins Road and Highway 80. Section V, B, 2 delete the last sentence and add any landscaping for any eliminated buffers will be added on-site. Section T 4, add forty three foot height along the loop road and within the loop road. Section W 2 B must comply with existing ordinances. "Refer to Exhibit O2" is being eliminated. "Refer to Exhibit N" is stricken.

Co-Chairperson Hoffman made a motion to approve the MPD and Concept Plan as recommended by the Town Manager, Town Planner, and Town Engineer. Member Turner seconded the motion. Chairperson Egan called for a vote and with 6 members voting affirmative, and one voting against, the motion passed 6/1.

ADJOURN

Chairperson Egan adjourned the meeting at 9:54 p.m.

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

Chairperson Mark Egan

ATTEST:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE TOWN COUNCIL
PLANNING AND ZONING COMMISSION
JOINT SPECIAL MEETING
JUNE 25, 2012
5:00 P.M.**

TOWN COUNCIL MEMBERS:

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

PLANNING AND ZONING COMMISSION MEMBERS:

	CHAIRPERSON	MARK EGAN
	CO-CHAIRPERSON	RICKEY HOFFMAN
	MEMBER	KEN WILSON
	MEMBER	JOS JOSEPH
	MEMBER	CHRIS MCNEILL
ABSENT	MEMBER	DIANE TURNER
	MEMBER	JACK KIRKLAND
	ALTERNATE MEMBER	KEN DEMKO
	ALTERNATE MEMBER	ANTHONY OKAFOR

CALL MEETING TO ORDER

Mayor Phaup called the meeting to order at 5:03 p.m. Councilmember George was absent. Councilmember Wade arrived at 5:04 p.m.

CALL PLANNING AND ZONING COMMISSION MEETING TO ORDER

Chairperson Mark Egan called the meeting to order at 5:03 p.m. Member Kirkland was absent.

EXECUTIVE SESSION

Mayor Pro-Tem Hill made a motion to adjourn into Executive Session. Councilmember Yates seconded the motion. Mayor Phaup called for a vote with all members voting affirmative, the motion passed 3/0. Councilmember Wade arrived at 5:04 p.m. Councilmember George was absent.

Member Turner made a motion to adjourn into Executive Session. Member Hoffman seconded the motion.

EXECUTIVE SESSION AGENDA:

A. SECTION 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY

1. ICP VS. TOWN OF SUNNYVALE

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 – PENDING LITIGATION CONSULTATION WITH ATTORNEY

1. ICP VS. TOWN OF SUNNYVALE

Mayor Phaup reconvened the meeting at 6:02 p.m. and stated no action would be taken as a result of the Executive Session.

ADJOURN.

Chairperson Egan adjourned the Planning and Zoning Commission at 6:02 p.m.
Mayor Phaup adjourned the Town Council at 6:03 p.m.

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

Mayor Jim Phaup

Chairperson Mark Egan

ATTEST:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE TOWN COUNCIL
PLANNING AND ZONING COMMISSION
JOINT WORKSHOP SESSION
JUNE 25, 2012
6:00 P.M.**

TOWN COUNCIL MEMBERS:

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

PLANNING AND ZONING COMMISSION MEMBERS:

	CHAIRPERSON	MARK EGAN
	CO-CHAIRPERSON	RICKEY HOFFMAN
	MEMBER	KEN WILSON
	MEMBER	JOS JOSEPH
	MEMBER	CHRIS MCNEILL
ABSENT	MEMBER	DIANE TURNER
	MEMBER	JACK KIRKLAND
	ALTERNATE MEMBER	KEN DEMKO
	ALTERNATE MEMBER	ANTHONY OKAFOR

CALL MEETING TO ORDER

Mayor Phaup called the meeting to order at 6:04 p.m. Councilmember George was absent.

Chairperson Mark Egan called the meeting to order at 6:05 p.m.

WORKSHOP DISCUSSION:

- 1. PRESENTATION AND DISCUSSION REGARDING THE APPLICATION OF VCZ DEVELOPMENT, LLC REGARDING THE APPLICANT'S PROPOSED AMENDMENTS TO A PREVIOUSLY APPROVED CONCEPT PLAN FOR A 96 UNIT QUAD-HOME PROJECT LOCATED AT 201 PLANTERS ROAD.**

Paul Holden, representing VCZ Development and the property owner, gave a presentation on the project and an overview of the application process. After initial application rounds, the Developer saw that the funding process was so competitive, measures should be taken to maximize the chances of funding by changing the units from the original request by removing one bedroom units and adding four bedroom units. The amenities and landscaping will stay the same. The number of units, buildings and density remain the same as the original application. Changes to the plan were made without prior Commission and Council approval due to time constraints.

Scott McGuire, representing McGuire Development, apologized for not obtaining approval from the Commission and Council prior to application submittal and stated time constraints and new tie-breaker criteria instituted by the State made obtaining such approval impossible.

ADJOURN.

Chairperson Egan adjourned the Planning and Zoning Commission at 6:41 p.m.
Mayor Phaup adjourned the Town Council at 6:42 p.m.

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

Mayor Jim Phaup

Chairperson Mark Egan

ATTEST:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL &
PLANNING AND ZONING COMMISSION
JOINT MEETING, THEN REGULAR TOWN COUNCIL MEETING
JULY 9, 2012
7:00 P.M.**

TOWN COUNCIL MEMBERS:

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

PLANNING AND ZONING COMMISSION MEMBERS:

	CHAIRPERSON	MARK EGAN
	CO-CHAIRPERSON	RICKEY HOFFMAN
	MEMBER	KEN WILSON
ABSENT	MEMBER	JOS JOSEPH
	MEMBER	CHRIS MCNEILL
	MEMBER	DIANE TURNER
	MEMBER	JACK KIRKLAND
	ALTERNATE MEMBER	KEN DEMKO
ABSENT	ALTERNATE MEMBER	ANTHONY OKAFOR

INVOCATION

Mayor Pro-Tem Hill led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Phaup led the Pledge of Allegiance.

CALL TOWN COUNCIL MEETING TO ORDER

Mayor Phaup called the Regular Town Council Meeting of Monday, July 9, 2012, to order at 7:02 p.m. and declared a quorum present. All Councilmembers were present.

CALL PLANNING AND ZONING COMMISSION MEETING TO ORDER

Planning and Zoning Commission Chairperson Egan called the Planning and Zoning Commission meeting of Monday, July 9, 2012, to order at 7:02 p.m. and declared a quorum present. Members Joseph and Okafor were absent.

1. JOINT PUBLIC HEARING

The Town Council and Planning and Zoning Commission will open, conduct, and close a public hearing to consider testimony and other information provided with respect to the following:

ORDINANCE NO. 12-12: AN ORDINANCE AMENDING ZONING ORDINANCE NO. 531, DULY PASSED BY THE TOWN COUNCIL ON APRIL 25, 2011, WHICH ORDINANCE AMENDED ORDINANCE NO 324, AS AMENDED FROM TIME TO TIME; SO AS TO REPLACE THE CONCEPT PLAN INCORPORATED WITHIN ORDINANCE NO. 531 WITH A REVISED CONCEPT PLAN FOR THE AHC DISTRICT ESTABLISHED BY ORDINANCE NO. 531 ON A PORTION OF THAT CERTAIN PROPERTY LYING WITHIN THE TRINITY COHWELL SURVEY, ABSTRACT NO 335, CONSISTING OF 17.25 ACRES MORE OR LESS, IN THE TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS AND LOCATED GENERALLY ON THE WEST SIDE OF PLANTERS ROAD, APPROXIMATELY 1,000 FEET SOUTH OF U.S. HIGHWAY 80, AS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN; PROVIDING CONDITIONS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Phaup informed the Council and Commission that this item requires the consideration of amending the Concept Plan for VCZ Development. VCZ is requesting to develop 96 units also known as Quadhomes. VCZ had applied for a Zoning change that was previously approved. VCZ has since modified the request in order to increase their chances of receiving funding through the Texas Department of Housing and Community Affairs (TDHCA). The number of units remains the same as the original request, however the applicant has changed the configuration of units. Town Planner Sherry Sefko provided a memo stating that Staff has no issues with the approval of this project.

Paul Holden, representing VCZ Development and the property owner, gave a presentation on the project. After initial application rounds, the Developer saw that the funding process was so competitive, measures should be taken to maximize the chances of funding by changing the units from the original request by adding four bedroom units. Changes to the plan were made without prior Commission and Council approval due to time constraints.

Scott McGuire, representing McGuire Development, apologized for not obtaining approval from the Commission and Council prior to application submittal and stated time constraints and new tie-breaker criteria instituted by the State made obtaining such approval impossible.

Councilmember George verified with Mr. Holden that the owner of the property is in agreement with the request for the zoning change, even though the owner did not sign the application.

Mayor Phaup confirmed with the Mr. Holden the applicants would have no problem with adding a condition to the Ordinance that required a resident manager.

Mayor Phaup opened the Public Hearing.

Trevor Burt, resident of 287 Ducksberry asked if the original request would have received funding from TDHCA? Can the plan be changed back to the original request? Is this an all bills paid complex? Is Section 8 funding accepted?

Mayor Phaup thanked Mr. Burt for his questions and closed the Public Hearing.

Mayor Phaup asked Mr. Holden the following questions and received the following answers:

Would the original request have received funding?

There were several rounds of applications filed. When the process began, the original request was not in a position to receive funding. As such, changes were made to the request to increase the chances of receiving funding. Other applicants lost points during the process. The Applicant did not know before applying that the tie-breaker criteria would not be crucial in determining funding.

Can the plan be changed?

No. The final application has been submitted to the state and approved for funding.

Is this an all bills paid complex?

That is unknown at this time. That decision will be made by the development or management company.

Will Section 8 Vouchers be accepted at this property?

Anyone can apply to live at the property. The application process is the same regardless if the prospective tenant will use Section 8 funds. All tenants must pass the rigorous application process. Few people eligible to receive Section 8 funds are able to pass the application process, but anyone that can pass the application process is eligible to reside at the property.

TOWN COUNCIL TO RECESS

Mayor Phaup recessed the Town Council at 7:25 p.m.

2. PLANNING AND ZONING COMMISSION TO CONSIDER ORDINANCE NO. 12-12 AND FORMULATE REPORT TO TOWN COUNCIL

Co-Chairperson Hoffman made a motion to approve Ordinance 12-12: An Ordinance amending Zoning Ordinance No. 531, duly passed by the Town Council on April 25, 2011, which Ordinance amended Ordinance No 324, as amended from time to time; so as to replace the Concept Plan incorporated within Ordinance No. 531 with a revised Concept Plan for the AHC District established by Ordinance No. 531 on a portion of that certain property lying within the Trinity Cohwell Survey, Abstract No 335, consisting of 17.25 acres more or less, in the Town of Sunnyvale, Dallas County, Texas and located generally on the west side of Planters Road, approximately 1,000 feet south of U.S. Highway 80, as being more particularly described by metes and bounds herein; providing conditions; providing for conflicts and severability; and providing an effective date. Member Demko seconded the motion. Chairperson Egan called for a vote. With all members voting affirmative the motion passed 7/0.

PLANNING AND ZONING COMMISSION ADJOURNMENT

Chairman Egan adjourned the Planning and Zoning Commission at 7:26 p.m.

TOWN COUNCIL TO RECONVENE

Mayor Phaup reconvened the Town Council Meeting at 7:26 p.m.

3. TOWN COUNCIL TO RECEIVE REPORT FROM PLANNING AND ZONING COMMISSION AND CONSIDER ORDINANCE NO. 12-12

Planning and Zoning Commission Chairman Egan informed the Council that the Planning and Zoning Commission unanimously agreed to approve Ordinance 12-12.

Councilmember Wade suggested amending the Ordinance under the 4th Whereas, to read "...to eliminate one-bedroom units and to increase the number of three-bedroom units, and add four-bedroom units; and..."

Mayor Phaup suggested an additional paragraph to Section 4 of the Ordinance stating "Developer shall maintain a resident manager as a condition of approval."

Mayor Pro-Tem Hill made a motion to approve Ordinance 12-12: An Ordinance amending Zoning Ordinance No. 531, duly passed by the Town Council on April 25, 2011, which Ordinance amended Ordinance No 324, as amended from time to time; so as to replace the Concept Plan incorporated within Ordinance No. 531 with a revised Concept Plan for the AHC District established by Ordinance No. 531 on a portion of that certain property lying within the Trinity Cohwell Survey, Abstract No 335, consisting of 17.25 acres more or less, in the Town of Sunnyvale, Dallas County, Texas and located generally on the west side of Planters Road, approximately 1,000 feet south of U.S. Highway 80, as being more particularly described by metes and bounds herein; providing conditions; providing for conflicts and severability; and providing an effective date, including amending the Ordinance under the 4th Whereas, to read "...to eliminate one-bedroom units and to increase the number of three-bedroom units, and add four-bedroom units; and..." and an additional paragraph to Section 4 of the Ordinance stating "Developer shall maintain a resident manager as a condition of approval." Councilmember Henderson seconded the motion. Mayor Phaup called for a vote. Councilmembers Hill, George, Henderson, and Wade voted in favor of the motion. Councilmember Yates voted in opposition to the motion. The motion passed 4/1.

TOWN COUNCIL TO CONTINUE REGULAR COUNCIL MEETING

The Town Council continued the regular meeting after a five minute recess.

PUBLIC FORUM

Mayor Phaup opened the Public Forum. No comments were made. Mayor Phaup closed the Public Forum.

DISCUSSION/ACTION ITEMS

4. PRESENTATION FROM TOWN STAFF AND HARDIN AND ASSOCIATES - WATER QUALITY ANALYSIS OF SUNNYVALE POTABLE WATER DISTRIBUTION SYSTEM.

Mayor Phaup informed the Council that Hardin and Associates has been asked to review two water quality complaints. One, the level of metals in the Town's water supply, and sediment in the Town's water supply.

Byron Hardin, Hardin and Associates, located at 5005 Royal Lane in Irving, Texas, gave an overview of the results of his firm's analysis of the two issues outlined by Mayor Phaup. The level of metals in sample results show the Town's water supply does not have any excessive lead or copper levels. The Town's water is considered hard. This means that the water expedites a scale buildup which provides a barrier between the water and pipes. This creates less corrosion of pipes than soft water. The Town's water supply meets all potability standards by the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA). The Town's water supply showed such low levels of copper and lead when tested in 2003, the TCEQ granted a nine year waiver that exempted the Town from testing for the metals for nine years. The Town will be required to test again this year, and every three years due to population growth.

There are some discrepancies among the samples. In some cases, residents took the samples and it cannot be guaranteed the methods for collecting the samples were followed in every instance. Appliances within the home can also alter the results. Heat pumps and tankless water heaters can affect the amount of metals found in water samples.

Mayor Phaup confirmed with Mr. Hardin that there is no concern that the Town's pipes delivering water are contributing to metal in the water supply.

Councilmember George asked if the Town tests water quality when a new home is constructed.

Director of Community Development Steve Gilbert stated that when a new home is constructed, there are incremental tests known as Customer Service Inspections (CSI) are completed to ensure proper materials are used. This should prevent any water quality issues in newly constructed homes. In response to a question by Mayor Phaup, Gilbert also stated that retrofitting certain appliances, such as a tankless water heater can cause water quality issues due to pipe sizes.

Mr. Hardin then addressed sediment in the water supply. This is primarily a complaint of residents in and around the Deer Creek subdivision. The study looked at the pipes used to deliver water to the residents. One older line was identified and recommended for replacement. Also, in the Deer Creek subdivision, there is no looping water line. Three lines dead end into cul-de-sacs.

Town Manager Scott Campbell informed the Council that the water line along East Fork Road from Tripp to U.S. Hwy 80 is old and deteriorating. Staff is researching the possibility of using remaining funds from the issuance of debt in 2008 to fund the construction of a loop in Deer Creek and the replacement of the water line on East Fork Rd. Staff will present the water line replacement and loop construction with the Capital Improvements Plan as part of the budget process.

Water Superintendent Johnny Meeks stated that there are numerous breaks on the line along East Fork Road. Each time the line breaks, sediment enters the system. In response to a question by Councilmember Yates, Meeks informed the Council that water pressure measuring 80 PSI or lower is acceptable. One resident is experiencing a pressure above that level and Staff is researching the cause.

5. CONSIDER ORDINANCE NO. 12-13: AN ORDINANCE AMENDING ORDINANCE NUMBER 541, WHICH MADE APPROPRIATIONS FOR THE SUPPORT OF THE TOWN OF SUNNYVALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; AND AMENDING THE ANNUAL BUDGET OF THE TOWN OF SUNNYVALE FOR THE 2011-2012 FISCAL YEAR.

Director of Finance Liz Hopkins answered the following questions from Councilmember George:

How did staff estimate that an additional \$235,000 needed to be budgeted for Account 601-6402, Legal Fees? This is just a best guess number. There is no way to know what fees the Town will incur in the coming months.

Why is there an addition of \$27,910 to the Town Manager's Budget under Wages & Salaries? The Town Engineer is included in the Town Manager's Budget, and his hours have increased.

What has caused the increase in Court Wages & Salaries? Overtime due to the increase in citations.

Why haven't any funds been spent for Road Maintenance and Mud Jacking? Invoices are just now starting to come in for those two line items.

Councilmember George stated an adjustment of \$235,000 to Legal Fees is excessive. He would feel more comfortable with an adjustment of \$100,000. If excessive funds are allocated to a specific item, it prevents the Town from spending the money for other needed projects.

Mayor Phaup stated the Town would review the Budgeting Process to see if there is a better way to estimate expenses. Councilmember Henderson agreed that the process needed to be reviewed.

Councilmember Wade stated he felt the Council should be more concerned about revenues not meeting the budgeted numbers.

Councilmember Yates made a motion to approve Ordinance 12-13: An Ordinance amending Ordinance Number 541, which made appropriations for the support of the Town of Sunnyvale for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012; and amending the Annual Budget of the Town of Sunnyvale for the 2011-2012 Fiscal Year. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote. With all councilmembers voting affirmative, the motion passed 5/0.

6. CONSIDER ORDINANCE NO. 12-14: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS AMENDING ARTICLE 1.11500, PARKS, OF CHAPTER 1, GENERAL PROVISIONS, OF THE TOWN OF SUNNYVALE CODE OF ORDINANCES BY ADDING SECTION 1.1514, SMOKING PROHIBITED AND PROVIDING A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

Town Manager Scott Campbell stated Ordinance 12-14 addresses smoking in Parks. This ordinance is very simple and prohibits all smoking. It includes any recreation area leased by the Town as well. In response to a question by Councilmember Henderson, Campbell stated the Ordinance would apply to an individual's car parked at a Town Park.

Councilmember Wade stated he was disappointed to be reviewing an Ordinance that applied only to Parks. He would like the Council to first consider a ban on smoking within enclosed premises.

Mayor Pro-Tem Hill stated the difference is that this Ordinance addresses smoking on public property whereas the type of Ordinance Councilmember Wade is requesting would impact private property owners. Prohibiting smoking within a vehicle is overstepping. Councilmember Henderson agreed.

Councilmembers Yates, George, and Wade stated they felt the Ordinance should include a ban on individuals smoking inside a vehicle on Park Property.

Town Manager Campbell stated he would bring a revised Ordinance including language banning smoking inside a vehicle on Park Property back for Council Consideration at the next Regular Council Meeting.

Mayor Pro-Tem Hill made a motion to table Ordinance No 12-14: An Ordinance of the Town of Sunnyvale, Texas Amending Article 1.11500, Parks, of Chapter 1, General Provisions, of the Town of Sunnyvale Code of Ordinances by adding Section 1.1514, Smoking Prohibited and provide a severability clause, and an effective date. Councilmember George seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 5/0.

7. CONSIDER ORDINANCE NO. 12-15: AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMIT ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON ALL PORTIONS OF LAWSON ROAD IN THE TOWN OF SUNNYVALE, OR PARTS THEREOF, AND ESTABLISHING A MAXIMUM SPEED LIMIT OF 40 MPH AT ALL POINTS ALONG LAWSON ROAD TO BE SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF AN FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Scott Campbell informed the Council that construction on Lawson Road has been completed and the road is now open to traffic. Construction plans for the road indicate a 45 mile per hour (m.p.h) speed limit. Dallas County has recommended a reduced speed limit of 40 m.p.h. The County usually recommends a speed limit lower than the construction plans

for safety reasons. The Town can either adopt the Ordinance to change the speed limit, or replace the signage to indicate the 45 m.p.h. speed limit currently set by Town Ordinance.

Mayor Pro-Tem Hill voiced concerns that if the portion of the road located within Mesquite has a 45 m.p.h. speed limit, the Sunnyvale portion could be perceived as a speed trap.

Councilmember Yates made a motion to approve Ordinance No. 12-15: An Ordinance altering the prima facie speed limit established for vehicles under the provisions of Transportation Code, Section 545.356 upon all portions of Lawson Road in the Town of Sunnyvale, or parts thereof, and establishing a maximum speed limit of 40 mph at all points along Lawson Road to be set out in this Ordinance; and providing a penalty of a fine not to exceed \$200.00 for the violation of this Ordinance providing a severability clause; and providing an effective date. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 5/0.

EXECUTIVE SESSION

Councilmember Yates made a motion, seconded by Mayor Pro-Tem Hill, and unanimously approved by a vote of 5/0, to 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:

Fire Chief

END OF EXECUTIVE SESSION

Mayor Phaup reconvened the Town Council Meeting and stated there would be no official action on the executive session closed meeting items:

Sec. 551.074. PERSONNEL MATTERS

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

Fire Chief

ADJOURNMENT

Mayor Phaup adjourned the meeting.

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

Mayor Jim Phaup

ATTEST:

Leslie Malone, Town Secretary



STAFF REPORT

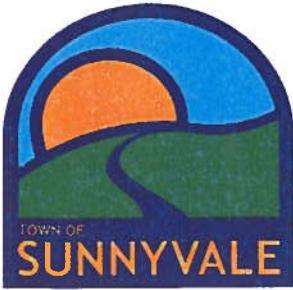
DATE: August 15, 2012
TO: Planning & Zoning Commission
FROM: Community Development Department
SUBJECT: Martinez Addition No. 2, Blk. A, Lot 2
File No. 1321
PAGES: 1

Fausto Martinez has made application for preliminary plat for the subject project. The project is located at 300 Larkin Road and consists of one residential lot on 2 acres of land. The property currently falls within two zoning districts SF-1 and SF-4. Since no zoning change was requested, the plat was reviewed on the basis of the more stringent zoning district which is SF-1.

Staff has the following comments regarding the preliminary:

- Change the lot designation from "1" to "2" within the plan view.
- Lot closure sheet needs to be submitted as requested
- Add zoning to adjacent properties.
- In Owner's Certificate, first paragraph, first sentence, change the acreage from "1.853" to "2.0".
- In Owner's Certificate, change all references to "City" of Sunnyvale to "Town" of Sunnyvale.
- In Owner's Certificate, change all references to "Martinez Addition No. 2" to include "Lot 1".
- In Owner's Certificate, fix the typo on the square footage of the lot after "Containing". The area has an extra "8".
- In Owner's Certificate, owners signature area is missing the final sentence of the standard language that includes the date.
- Check the general notes. Note 3 & 4 are overlapping.
- Engineering plans for lot grading/drainage, culvert design and water service plans need to be submitted. Also, need to demonstrate that the proposed structure is within 400 feet of two fire hydrants.
- Need 10 - 11"x17" prints of the revised preliminary plat no later than noon, August 23, 2012.

Staff is recommending approval of the preliminary plat subject to the above items being resolved prior to Town Council meeting, excluding the engineering plans. Owner/applicant needs to be aware that no building permits will be issued until the engineering is approved. A final plat will need to be submitted, approved and filed of record prior to a certificate of occupancy will be issued.



pd2 = 8-26-12
Council = 8-27-12

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: 1321

PROPERTY INFORMATION

Addition Name: MARTINEZ ADDITION No. 12		Address/Location: Larkin Road	
Lot(s): 12	Block: A	Current Zoning: SF1	
# of Acres: 1.854	# of Lots: 1	# of Units:	

APPLICANT INFORMATION

Name: Tommy Satterfield		Company: Parkview Homes	
Mailing Address: 503 Stonebridge			
City: Rockwall	State: TX	Zip: 75087	
Phone: 972-226-7489	Fax: 972-226-0419	Email: parkviewhomestx@yahoo.com	

OWNER INFORMATION

Name: Fausto Martinez		Company:	
Mailing Address: 619 Creekbend Dr.			
City: Mesquite	State: TX	Zip: 75149	
Phone: 972-285-0141	Fax:	Email:	

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(Check those that apply)

- | | |
|--------------------------------------------------------------------|----------------------------|
| <input type="checkbox"/> Preliminary Plat & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Final Plat & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Amended Plat & Checklist* | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Minor Plat & Checklist* | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Replat & Checklist* | 24"x36", 4 copies (folded) |
| <input 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: \$ 510 | <i>8/27-25</i> |
| Fee: _____ | |

OWNER AUTHORIZATION

Check one of the following:

I will represent the application myself; or

I authorize Tommy Satterfield (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: Fausto Martinez Date: 7/24/10

STATE OF TEXAS

COUNTY OF: DALLAS

BEFORE ME, a Notary Public, on this day personally appeared FAUSTO MARTINEZ 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 24th day of July, 2010



Lynnee Satterfield
Notary Public in and for the State of Texas

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

Town Engineer

Chief Building Official
Emelinda Diaz



**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.



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

The Town of Sunnyvale has received a request by Tommy Satterfield for approval of a Preliminary Plat for Martinez Addition No. 2. The property being platted is located at 354 S. Larkin Rd and is shown on the attached exhibit.

Plat Description-MARTINEZ ADDITION NO. 2 BLOCK A LOT 2- Being 1.854 acres of the James a Bennett survey, abstract 85, Town of Sunnyvale, Dallas county, Texas

The Planning and Zoning Commission will hear this application on August 20, 2012 and the Town Council will consider the application on either August 27, or September 10, 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:

DARRELL JOHNSON / KIMBERLY JOHNSON

Address:

331 S LARKIN RD

Date:

8/15/12



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Signature:

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Date:
