

**STATE OF TEXAS  
COUNTY OF DENTON  
CITY OF CORINTH**

On this the 3<sup>rd</sup> day of March 2016 the City Council of the City of Corinth, Texas met in Regular Session at 7:00 pm at the Corinth City Hall, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

**Members Present:**

Bill Heidemann, Mayor  
Sam Burke  
Joe Harrison, Mayor Pro-Tem  
Scott Garber  
Lowell Johnson  
Don Glockel

**Members Absent:**

None

**Staff Members Present:**

Lee Ann Bunselmeyer, Acting City Manager  
Fred Gibbs, Director of Planning and Development Services  
Cody Collier, Acting Public Works Director  
Curtis Birt, Fire Chief  
Debra Walthall, Police Chief  
Caryn Riggs, Asst. Finance Director  
Kim Pence, City Secretary  
Shea Rogers, Technology Services Manager  
Alan Upchurch, City Engineer  
Lori Levy, Senior Planner  
Debra Drayovitch, City Attorney

**\*NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE:**

**Mayor Heidemann called the meeting to order at 7:00 P.M., Pastor Ben DeBuer, Thousand Hills Church delivered the invocation and led in the Pledge of Allegiance.**

**PRESENTATION:**

1        Receive a presentation and hold a discussion on the Community Waste Disposal Annual Review.

**This item was removed from the agenda and postponed to a later date.**

**CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

- 1. Consider and act on an Interlocal Agreement with The Colony, Texas for cooperative purchasing.

**MOTION** made by Councilmember Harrison to approve the Interlocal Agreement with The Colony as presented. Seconded by Councilmember Garber.

**AYES:** Burke, Garber, Johnson, Harrison, Glockel  
**NOES:** None  
**ABSENT:** None

**MOTION CARRIED**

**CITIZENS COMMENTS**

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof.\* Section 30.041B Code of Ordinance of the City of Corinth.

**Karen Maguire, 645 Woodcrest Drive, Lakewood Village, Tx** – on the evening of February 18<sup>th</sup> my mother and I were involved in a car accident at Dobbs Road and Corinth Parkway intersection. I have noticed as I traveled along Corinth Parkway there is a small stop sign there and I thought that it was an odd size and I would stop and my husband and daughter would tell me that is not for you. There really should be a stop sign there because there is a blind spot. I was at the stop sign at Dobbs road the night of the accident and I looked both ways and I proceeded in the intersection and unfortunately as I looked to my left there was a GMC Yukon that T-boned me. That is a very dangerous curve and I am asking if you could research that particular intersection and look into approaching the state about getting a warrant for a stop sign prior to the railroad track. There is some shrubs and trees that are obstructing the view when you are sitting at Dobbs Road stop sign.

**PUBLIC HEARING**

- 3. **TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT JIM DEWEY, JR. AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, SURESH SHRIDHARANI, FOR A ZONING CHANGE FROM SF-4, SINGLE FAMILY RESIDENTIAL (DETACHED) TO PLANNED DEVELOPMENT SF-4 ON 14.8722 ACRES OF LAND SITUATED IN THE BROOK BEALL SURVEY, ABSTRACT NO. 58, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. (Amherst)**

**Mayor Heidemann opened the Public Hearing at 7:20 P.M. Mayor Heidemann closed the Public Hearing at 7:21 P.M.**

**Fred Gibbs, Planning and Development Director** – this is a zoning request on property located on Parkridge Drive. The applicant is proposing a rezoning from SF-4 Single Family Residential (detached) on 14.8722 acres, previously known as Forestwood I Addition, to a Planned Development SF-4 Single Family Residential (detached) with modified development standards in order to develop fifty-one (51) single family, custom homes with a larger living area and varying floor plans. The living area of the custom homes will range from 2,000 sq. ft. to 4,000 sq. ft.

The applicant is proposing the following in lieu of the residential dimensional regulations per Section 2.08.04 of the UDC as shown in the chart below.

SF-4	REQUIRED	PROVIDED
Minimum Front Yard Setback	25 feet	20 feet
Minimum Side Yard Setback:		
Interior Lot	7.5 feet	5 feet
Corner Lot	15 feet / 25 feet from side entry garage	15 feet
Minimum Rear Yard Setback	30% of the depth, up to 30 feet	20 feet
Minimum Lot Width:		
Interior Lot	70 feet at building line / 60 at front property line	
Corner Lot	70 feet at building line / 60 at front property line	60 feet at building line
Maximum Building Area / Coverage	30%	55 percent

The applicant is meeting or exceeding all other requirements of the UDC, except the following:

UDC 2.09.03 **Vehicle Parking Regulations** shall apply except:

- Side entry garages may face a side property line for interior lots only.

UDC 2.09.04 **Building Façade Material Standards** shall apply except:

- The exterior facades of a main residential building or structure may be constructed of one hundred (100) percent Class 1: Residential Masonry Construction with no more than 85% of one product.

UDC 4.02 **Fence and Screening Regulations** shall apply, including the following:

- The masonry screening wall shall have entry features/signs at both street intersections and must be owned and maintained by a property owner’s association, such as an HOA, with provisions for maintenance and documents which evidence such provisions which are recorded in the County Deed Records. The applicant is proposing dedication of a 1.09-acre lot as a public park within the development, as well as a minimum five (5') wide hardscape trail going through the park, and extending to the east adjacent to Parkridge Drive that will provide future connectivity to the City's proposed hardscape trail per the Trails Master Plan (Non

Motorized System Master Plan). The applicant's proposed trail also extends to the west to provide future connectivity to the City's proposed hardscape trail system.

The applicant is also proposing six (6) park benches on concrete pads and a total of two (2) swing sets, one for tots and one for older children as part of the park improvements. The proposed development will also include a 1.53-acre open space area (common lot) on the south side that will not be dedicated to the City and will be maintained by a Homeowner's Association.

### **NOTIFICATION TO PUBLIC**

Prior to the Planning and Zoning Commission meeting, public hearing notifications were sent to the 64 property owners located within 200' of the subject property. A notice of public hearing was posted on the subject property along Parkridge Road.

### **SURROUNDING PROPERTIES ZONING**

- Subject Property      SF-4, Single Family Residential (detached)
- North                      SF-4, Single Family Residential (detached)
- South                      SF-4, Single Family Residential (detached)
- East                        SF-4, Single Family Residential (detached)
- West                        SF-4, Gas Drilling / Single Family Residential (detached)

### **SURROUNDING PROPERTIES EXISTING LAND USE**

- Subject Property      Undeveloped
- North                      Single Family, Residential
- South                      Single Family, Residential
- East                        Single Family, Residential
- West                        Gas Drilling / Single Family, Residential

### **SURROUNDING PROPERTIES FUTURE LAND USE**

- Subject Property      Low Density, Residential
- North                      Low Density, Residential
- South                      Low Density, Residential
- East                        Low Density, Residential
- West                        Medium Density, Residential / Low Density, Residential

### **PROPOSED LAND USE**

The applicant is proposing fifty-one (51) single family, residential lots, one (1) 1.53-acre common area / open space lot and one (1) 1.09-acre public park.

Staff recommends approval of the rezoning request. The modified dimensional regulations will allow flexibility in creating larger homes with varying floor plans. The proposed park land dedication and trail will help to provide recreational opportunities for both this development as well as the single-family, residential developments in this area. The applicant's proposed hardscape trail will also provide the desired future connectivity for the City's trail system and other public parks within the City. Also, the swing set and park bench improvements will require minimal maintenance for the City, while providing recreational opportunities for families and residents.

The Planning and Zoning Commission recommended approval as presented.

**Councilmember Johnson** – when we did Terrace Oaks we required the Developer to do a 6’ foot wide sidewalk where the trail was. Is this the same requirement?

**Fred Gibbs, Planning and Development Director** – the minimum is a 5’ foot wide hardscape. Some of the challenges we see occur as far as the requirements is we do not have a specific requirement in our ordinance on the width of trails. This is where we settled on with the 5’ foot. The 6’ foot was a requirement for Terrace Oaks because of the continuation of the sidewalk because I think there was going to be a wider sidewalk along the road if I remember correctly. This one is only a 5’ foot currently.

**Councilmember Johnson** – along Amherst, Dickenson and Emily it is in the same situation along the side of the road.

**Fred Gibbs, Planning and Development Director**- I can ask the applicant if they are willing to make that a 6’ foot width sidewalk.

**Jim Dewey, JR Engineers** – We were asked to provide a 5’ foot sidewalk, or park trail and we do not have a problem going to a 6’ foot especially through the park and would be glad to do whatever the Council feels is best for the development.

We are not changing the lot areas or anything that would increase density, we are asking for some setbacks that would allow us a little more flexibility of the architectural design. We think there will be some bigger homes in here that may be in some surrounding areas and this is one of the last tracts left of this part of Corinth. I think this will be a really nice development. Just because we relaxed the setbacks does not mean that every home will go to those extreme setbacks. We relaxed the front setback and the rear a little bit to allow a bigger home and maybe some different designs. Reducing the density to only 3.4 lots per acre that is a result of the parkland dedication as well as the HOA space.

**Councilmember Johnson** – the reason for the 6’ foot wide sidewalk along the side of the street as I am not speaking to what is in the park or in the undeveloped area there where it is 5’ foot wide, which would more than likely be ok but 6’ foot wide bordering your streets is there to protect those who walk and those who might ride a bicycle on that sidewalk and that is why we did it with Terrace Oaks.

**Councilmember Harrison** - this common area is all on the south portion of the property. How wide is that?

**Fred Gibbs, Planning and Development Director** – the south portion of the property where the gas pipeline is located is all open space. I think it averages 40’ to 50’ feet.

**Councilmember Harrison** – so that area your plans are to leave it natural or clean it out?

**Jim Dewey, JR Engineers** – I think we would like to clean it up and leave all the nice trees and make it so the homeowners can use it and keep it mowed.

**Councilmember Harrison** – you intend to leave some trees?

**Jim Dewey, JR Engineers** – we would like to leave as many as we can.

**Councilmember Harrison** – we all appreciate that.

**Councilmember Glockel** – on your southwest corner I guess, you come down Parkridge and you go in, is that a drainage easement? A lot of water goes that way.

**Fred Gibbs, Planning and Development Director** – back when they originally platted the subdivision and did some plans, the property does naturally drain down to that corner if I remember correctly. I have walked that property and the drainage does accumulate in that area.

**Councilmember Glockel** – is that a drainage easement to get from this subdivision?

**Jim Dewey, JR Engineers** – There is an existing drainage easement and utility easement that follows a lot line that goes west from the corner. There is a pipe that dumps out onto Parkridge and it has an open drainage space and we not done any engineering yet but that will have to be addressed at the time of platting to make sure any of this runoff in the subdivision will not have adverse effect on the downstream property owners.

**BUSINESS:**

**3a.** Consider and act on a zoning change from SF-4, Single Family Residential (detached) to Planned Development SF-4 on 14.8722 acres of land situated in the Brook Beall Survey, Abstract No. 58, in the City of Corinth, Denton County, Texas. (This property is located on the west side of Parkridge Road, south of Lake Sharon Drive.)

**MOTION** made by Councilmember Johnson to approve the zoning request change at this time. Seconded by Councilmember Burke.

**AYES:** Burks, Garber, Johnson, Harrison, Glockel  
**NOES:** None  
**ABSENT:** None

**MOTION CARRIED AS AMENDED**

**Councilmember Johnson made a Friendly Amendment to strike the minimum 5' foot wide pedestrian trail and make it a minimum 6' foot wide pedestrian trail throughout the subdivision. Seconded by Councilmember Garber.**

**AYES:** Burke, Garber, Johnson, Harrison, Glockel  
**NOES:** None  
**ABSENT:** None

**MOTION CARRIED**

**4. TO HEAR PUBLIC OPINION REGARDING RENAMING OF PORTIONS OF SOUTH CORINTH STREET AND MEADOWS OAK DRIVE.**

**Cody Collier, Public Works Director** - In November of 2015, staff received direction to present options for the renaming of South Corinth Street and Meadows Oak Drive. Staff made a presentation to Council on January 21, 2016 with three options for street naming. Two of those included proposed options for renaming, and the third option was to allow street names to remain the same. Council selected "Exhibit 1" and requested a

minor change on the proposed renaming of South Corinth (South of Meadows Oak) to be changed to Meadow Oaks. Additionally Council instructed staff to contact Denco 911 and Denton County to ensure there were no conflicts with addresses in the proposed street renaming. Representatives from both agencies stated that there were no conflicts.

A Public Notice letter was mailed on February 10, 2016 to every resident affected by the street renaming. It included directions to oppose the changes via letter for those unable to attend the Public Hearing.

A notice advertising the Public Hearing was also published in the Denton Record Chronicle and Lake Cities Sun on Sunday February 14, 2016. Tonight is the Public Hearing.

**Mayor Heidemann opened the Public Hearing at 7:30 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:30 P.M.**

**NO MOTION NECESSARY.**

#### **BUSINESS AGENDA**

5. Consider and act on a request from the applicant, Thomas Fletcher with Kimley-Horn Associates, authorized representative for the property owner, for a Major Waiver to City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow construction of public improvements prior to approval of the associated preliminary and final plat within a 16' wide easement being 0.136 acres more or less on property legally described as the remainder 26.648 acres being Tracts 2 and 2c out of the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, County Abstract No. 153 in the City of Corinth, Denton County, Texas.(Valencia Major Subdivision Waiver)

**Fred Gibbs, Planning and Development Director** – Valencia Subdivision is comprised of one commercial lot and 86 residential lots. The zoning for this development was approved as Planned Development SF / C-1 (shown as PD 35 on the zoning map) in 2013 with 1 commercial lot being 1.39 acres and 81 single family lots on 25.5 acres. At that time Parkland Dedication was addressed and the City Council accepted monies in lieu of parkland dedication.

The applicant, Thomas Fletcher, authorized representative for the property owner submitted a request for a Minor PD Amendment that was approved by the Director of Planning and Development. The Director of Planning and Development and the DRC determined that all of the conditions were met as required in the attached section of the UDC Section 2.10.09. D, Planned Development (PD) Modifications 1. Minor PD Amendment and Adjustment. The difference is an increase from 81 single family lots to 86 single family lots. With the changes, although allowed by ordinance, The Development Review Committee required the applicant to revise the preliminary plat and civil construction plans. The revised preliminary plat and plans were processed and the preliminary plat was approved by the Planning and Zoning Commission in October 2015.

The next step in the "Development Process" was to process the final plat and civil construction plans which has received Development Review Committee (DRC) approval. The Valencia Final Plat is scheduled to go before the Planning and Zoning Commission February 22, 2016. As stated DRC has approved the documents however our recommendation to P&Z stipulates that the plat approval is subject to TXDOT's approval of the entrances into the subdivision. As well; planned construction is

contingent on City Council's approval of the Major Subdivision Waiver in order to get sewer service to the subdivision.

In order for the property to have sewer brought to the residential lots within the subdivision, they need to do an offsite improvement to bring that sanitary sewer to the residential lots. However they are not platting that particular lot which that easement and that sewer line is coming through, so our ordinance requires property to be platted prior to any dirt work or construction on the property. This waiver will allow them to do that work on that lot that is not final platted.

**Councilmember Garber** – is this an ordinary request?

**Fred Gibbs, Planning and Development Director** – it does not happen to often but it is a normal request. It makes a lot of sense and Staff and the Planning and Zoning Commission supports this request.

**Councilmember Glockel** – will the commercial property utilize this same sewer process? Are they bringing it from the south side of FM 2181?

**Dean Cardwell, Kimley-Horn & Associates** - we are connecting over to the east side of the project so it will go through an existing utility easement and then we are proposing a new easement on the commercial lot that is not part of this tract.

**MOTION** made by Councilmember Harrison to approve request from the applicant, Thomas Fletcher with Kimley-Horn Associates, authorized representative for the property owner, for a Major Waiver to City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow construction of public improvements prior to approval of the associated preliminary and final plat within a 16' wide easement. Seconded by Councilmember Burke.

**AYES:** Burke, Garber, Johnson, Harrison, Glockel

**NOES:** None

**ABSENT:** None

**MOTION CARRIED**

6. Consider and act on a Resolution authorizing the Mayor or his designated representative to execute a contract of sale by and between the City of Corinth, Texas and Denton Electric Cooperative, Inc. to acquire fee simple title to Lot 1R-1, Block One, Pinnell Addition to the City of Corinth, Denton County, Texas (The Contract) for the purchase price of \$3,100,000 and authorizing the expenditure of funds as prescribed in the contract.

**Lee Ann Bunselmeyer, Acting City Manager** – this contract is for the purchase of a 34,000 square foot facility to house a joint facility for the police and fire department. One of the conditions that Council requested is that we put in a 60 day inspection period and CoServ has agreed to that. We have already started that inspection on the facility and should be completed in the next few weeks. It is our intent to bring that inspection back to the Council on March 17 and it will be a full environmental and building structure inspection. The city attorney has drafted the contract.

**MOTION** made by Councilmember Johnson to approve the Resolution authorizing the Mayor or his designated representative to execute a contract of sale by and between the City of Corinth, Texas and Denton Electric Cooperative, Inc. to acquire fee simple title to Lot 1R-1, Block One, Pinnell Addition to the City of Corinth. Denton County, Texas (The Contract) for the purchase price of \$3,100,000 and authorizing the expenditure of funds as prescribed in the contract. Seconded by Councilmember Burke.

**AYES:** Burke, Garber, Johnson, Harrison, Glockel  
**NOES:** None  
**ABSENT:** None

### **MOTION CARRIED**

#### **COUNCIL COMMENTS & FUTURE AGENDA ITEMS**

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

**Councilmember Johnson** – on April 2<sup>nd</sup> Keep Corinth Beautiful will have their Spring Clean-up at 8:30 A.M. and they need lots of help. Those of you that can that would like to run or come out and enjoy the Citizens Police Alumni Association 5K run on May 7<sup>th</sup> which is also Election Day. Come out and run and then go vote.

**Lee Ann Bunselmeyer, Acting City Manager** – just wanted to remind Council next Thursday we will not have a Workshop Session instead we will have the Boards and Commissions Appreciation Dinner at Ashton Gardens at 6:30 P.M.

**Mayor Heidemann recessed the meeting at 7:39 P.M. \*See Executive Session.**

#### **EXECUTIVE/CLOSED SESSION**

If, during the course of the meeting, any discussion of any item on the agenda should need to be held in executive or closed session for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting, the City Council will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D Chapter 551, to consider one or more matters pursuant to the following:

**Section 551.071.** Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

**a. First Glendora Partners, Ltd. dba Impact Outdoor Advertising Co. v. City of Corinth.**

**b. Consultation with the City Attorney regarding legal issues associated with the matters listed under Section 551.072.**

**Section 551.072.** To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the

governmental body in negotiations with a third person.

**Council met in Executive Session from 7:41 P.M. until 8:01 P.M.**

**a. Receive information and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property located in Corinth on the west side of I-35 and abutting Cliff Oaks Drive.**

**b. Receive information and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests associated with the extension of Lake Sharon Drive west of Oakmont Drive.**

**Section 551.074.** To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

**a. Consider appointment, duties, employment, evaluation, reassignment, discipline, or dismissal of the City Manager.**

**b. Consider appointment, duties, employment, evaluation, reassignment, discipline, or dismissal of the City Attorney.**

**Section 551.087.** To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in executive session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive/Closed Session or not.

**RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON EXECUTIVE/CLOSED SESSION ITEMS.**

**Mayor Heidemann reconvened the meeting at 8:02 P.M.**

**There was not action taken from Executive Session.**

**ADJOURN:**

**Mayor Heidemann adjourned the Regular Session at 8:03 P.M.**

**AYES: All**

Meeting adjourned.

**Approved by Council on the 21 day of April, 2016.**

Kimberly Pence  
Kimberly Pence, City Secretary

City of Corinth, Texas

