

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

On this the 15th day of September, 2016 the City Council of the City of Corinth, Texas met in Regular Session at the Corinth City Hall at 6:00 PM, 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:

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

Staff Members Present: Lee Ann Bunselmeyer, Acting City Manager
Fred Gibbs, Planning and Development Director
Guadalupe Ruiz, Human Resources Director
Kim Pence, City Secretary
Curtis Birt, Fire Chief
Andy Messer, City Attorney
Jason Alexander, Economic Development Director
Shea Rodgers, Technology Services Manager
Cody Collier, Public Works Director
Barbara Cabbage, Planning and Development Manager

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE:

Mayor Heidemann called the meeting to order at 6:00 P.M. Councilmember Graber delivered the invocation and led in the Pledge of Allegiance.

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 Minutes from the August 4, 2016 Workshop Session.
2. Consider and act on Minutes from the August 4, 2016 Regular Session.
3. Consider and act on Minutes from the August 18, 2016 Regular Session.
4. Consider an act on a contract with SunGard Public Sector TRAKiT systems for the implementation and purchase of Planning and Development software.

MOTION made by Council Member Don Glockel to approve the consent agenda as presented

Seconded by Council Member Lowell Johnson.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

Mayor Heidemann recessed the Regular Session at 6:05 p.m. * See Closed Session.

Mayor Heidemann reconvened the Regular Session at 6:57 p.m.

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.

Daniel Martinez, 3303 Windridge Lane – Oppose to the land use at I-35 and Swisher for the Public storage Facility.

Melody Parlett, 603 Wedgewood Way, Lake Dallas, TX – opposed to the Public Storage Facility.

Chris Huddleston, 600 Wedgewood Way, Lake Dallas, TX – opposed to the Public Storage Facility

Rory Sanders, 406 Springtree Road, Lake Dallas, TX – opposed to the Public Storage Facility.

PUBLIC HEARING

- 5. PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT JUSTIN LANSDOWNE, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER DENTON COUNTY ELECTRIC COOP (COSERV) FOR A ZONING CHANGE FROM I, INDUSTRIAL TO PLANNED DEVELOPMENT I (PD I) ADDING A TOWER/ANTENNA AND OUTSIDE STORAGE AS PERMITTED USES ON 47.847 ACRES LEGALLY DESCRIBED AS LOT 2R, COSERV ADDITION IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. (This property is located at 7701 S. Stemmons Frwy.)

Fred Gibbs, Planning and Development Director - In 1998, Quail Run Industrial Park (original plat for CoServ offices on Quail Run) was approved by City Council. CoServ Addition Final Plat Lots 1-7 and Lot X 87.9 acres (a replat of Quail Run Industrial Park and CoServ Flex Addition and a tract of un-platted land) was approved by City Council in April 2010.

The applicant, Justin Lansdowne, P.E. with G&A Consultants, CoServ's authorized representative, is requesting a zoning change from I, Industrial to Planned Development Industrial adding "Outside Storage" and a "Tower/Antenna" as permitted uses. Per the Use Chart found in the Unified Development Code Section 2.07.03; Outside Storage is allowed in most of the Commercial, Industrial and Utility zoning districts with approval of a Specific Use Permit (SUP). Tower/Antenna are allowed in Industrial and Utility zoning districts with approval of an SUP. Conditional Development Standards are associated with these two uses and can be found in the Unified Development Code (UDC) Section 2.07.04.

At this time, CoServ has proposed the processes and projects below:

- A **ZONING CHANGE** from I, Industrial to Planned Development Industrial (PD I) adding “Outside Storage” and adding a “Tower/Antenna” to a portion of Lot Lot 2R as shown on the zoning exhibit.
- The **Tower/Antenna** proposed will only be used by CoServ to facilitate communications between headquarters and employees. The applicant is asking to allow the tower at 125’.
- **Outside Storage** exists currently. The PD would allow for expanding of the outside storage and up to a maximum coverage of 35% of Lot 2R.
- The Zoning Site Plan designates the location of the **Outside Storage, Tower/Antenna, Truck Shed expansion, Meter / Transformer Building expansion** and **Covered Storage Accessory Structure** and the site plan document depicting the proposed landscape are proposed as part of the attached ordinance.
- The detailed site plan documents associated with the following agenda item shows the location as well as specific details for the proposed Uses which include the expansion of the “outside storage”, and location and details for the “Tower/Antenna”. Included in this site plan approval process related to the proposed construction is the location and details for additional “truck sheds” used for CoServ’s service vehicles which include detailed pages of the demolition and construction of pavement and relocation of landscaping. Details pertaining to the “covered storage structure” located within the proposed outside storage expansion area and details pertaining to an expansion of the “meter / transformer building”. The outside storage area will also have a covered storage accessory structure 200’ x 40’.

The conditional standards for Outside Storage in the comparison chart below show the existing area details and the proposed standards for the project.

	Outside Storage: Conditional Development Standards	Existing	Proposed
15.b	Limited to maximum coverage of 5% of the total lot area	21.67%	11.67% additional (Total 33.34%)
15.b	Shall not be located in front of or on top of the building.	Behind existing CoServ structures	Behind existing CoServ structures
15.b	Must be screened.	“grandfathered” chain-link w/ barbed wire	Masonry screening fence along Corinth Parkway but not along the east boundary along the rail.
15.e	No outside storage may exceed the height of the screening wall or fence.	Although there is no screening wall; the stored items do exceed the height of the chain-link fence.	All storage higher than the screening wall must be set back 70’ from Corinth Parkway.
15.f	In addition to the screening fence or wall surrounding outside storage a second level of screening is required at the property line. There are several options listed.	No screening was provided.	The expanded outside storage will be screened on the north side of Lot 2R off of Corinth Parkway and on the west boundary along the entry driveway. The applicant is providing a landscaping buffer with trees along Corinth Parkway as the second lever of screening.

The purpose of the Conditional Development Standards is to establish procedures governing the issuance of permits for the location of telecommunications towers and antennas among several other Uses. The applicant provided a letter from CoServ that states CoServ’s proposed Tower/Antenna will be only to serve the needs of CoServ. These conditional standards for Tower/Antenna are attached and the standards addressed in the land use regulations set for the ordinance are in the chart below.

Tower/Antenna: Conditional Development Standards	CoServ
The tower/antenna shall comply with all building codes and safety standards detailed in Section 2.07.04.19.d.i.-iv.	Proposed
The tower/antenna shall be set back a distance greater than or equal to the height of the tower (125') from any residentially used or zoned properties, as stated in Section 2.07.04.19.d.v.	Proposed
No advertising will be permitted on the tower/antenna, per Section 2.07.04.19.e.i.	Proposed
The tower/antenna may be located on the same site as another principal use, but may not be within 25' of the principal use, in compliance with Section 2.07.04.19.e.v.	Proposed
The tower/antenna shall comply with the regulations in Section 2.07.04.19.f.i.-iii. As it applies to the appearance of the tower/antenna.	Proposed

The Antenna/Tower plans submitted consist of tower type options that will be decided upon at the time of permit application. After review has been completed; CoServ is requesting through the ordinance that the Tower/Antenna site plan documents be approved by the Director of Planning and Development. This means this is the only time the Planning and Zoning Commission and City Council will see anything pertaining to the tower approval process.

The Planning and Zoning Commission recommended unanimously (3-0) to approve the requested zoning change adding wording to the ordinance that "Any additional Towers/Antennas shall be required to process a PD Amendment through the planned development amendment process."

Justin Lansdowne, G&A Consultants – I am representing CoServ and we are here tonight requesting approval for the application on the proposed improvements including the expanded outside storage area with open and covered storage expanding the existing truck sheds, constructing a communication tower to facilitate customer private radio communications network and expanding the existing meter building all to serve the community better.

Councilmember Burke – there were some discussion about whether or not there should be administrative approval of the ultimate site plan for the tower and I think we have some concern about that being a staff decision based on our contractual obligations on the property and we would like to see if that is agreeable to change.

Donny Clarity – We agree with that.

Mayor Heidemann opened the public hearing at 7:27 p.m. There was no comments during the public hearing. Mayor Heidemann closed the public hearing at 7:28 p.m.

BUSINESS: Consider and act on an ordinance for a zoning change from I, Industrial to Planned Development I (PD I) adding Tower/Antenna and Outside Storage as permitted uses on 47.847 acres legally described as Lot 2R, CoServ Addition in the City of Corinth, Denton County, Texas.

MOTION made by Council Member Sam Burke to approve the Ordinance as submitted with one change for the approval of the site plan for the tower be made by the Council and not administratively by staff. Seconded by Council Member Don Glockel.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

6. Consider and act on a the site plan on 47.847 acres being Lot 2R CoServ Addition in the City of Corinth, Denton County, Texas.

Fred Gibbs, Planning and Development Director – this is the next step for approval of the official site plan with the expansion of the truck sheds and the meter building and this is the formal process for that.

MOTION made by Council Member Lowell Johnson to approve the site plan as presented for the CoServ Addition. Seconded by Council Member Scott Garber.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

7. **PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING REQUEST FROM THE PROPERTY OWNER, SWISHER @ I-35 CORINTH LP FOR A ZONING CHANGE FROM C-2, COMMERCIAL TO PLANNED DEVELOPMENT C-2 (PD C-2) ON PROPERTY LEGALLY DESCRIBED AS 3.2882 ACRES BEING A PORTION OF LOT 1, BLOCK A, SWISHER 35-E ADDITION AND SHOWN ON THE PROPOSED REPLAT AS LOT 9 AND LOT X2, BLOCK A, SWISHER 35-E ADDITION IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. (This property is located on the north bound IH 35E frontage road north of Swisher and south of Burl St.)

Fred Gibbs, Planning and Development Director - At this time, a request for a zoning change from C-2, Commercial to Planned Development C-2, Commercial adding Storage Units, Mini to the allowed uses is being presented with approval by ordinance. This rezoning request is for 3.2882 acres with 2.625 acres intended for the Swisher 35-E Self Storage. The remainder 0.663 acres is landscaped detention. Cross Engineering is the applicant and authorized representative for the property owner and is representing the Provident Realty Advisors who has interest in the property. They have requested a zoning change for a planned development district with a base zoning of C-2, Commercial. The Planned Development district (PD C-2) would allow for Storage Units, Mini as a permitted use. The Use - "Storage Units, Mini" - under the Unified Development Code (UDC) guidelines is allowed by approval of a Specific Use Permit (SUP) within the I, Industrial zoned districts only. Mr. Chris Anderson, Development Partner with Provident Realty Advisors has proposed on Lot 9, Block A of the proposed replat to construct three buildings for mini storage. The comparison chart below provides the required and proposed regulations and standards for the proposed self-storage project:

UDC	C-2	UDC Standards	Proposed for this PD C-2 Zoning District
2.07.03	Storage Uses, Mini	Not allowed in C-2	Allowed in this PD
2.08.05	Maximum Height	2 1/2 stories/ 40'	3 stories / 40'
2.09.03	Vehicle Parking Regs	1 space / 2 employees and 1 space / 1000 sf floor area	1 space / 200 sf floor area
2.09.05	Residential Adjacency	Class 1 Masonry w/in 400' of Residential or other materials allowed if the bldg. is not visible from the roadway with a double row of trees	Double row of trees
2.09.06	Non-Residential Architectural Standards	5' at every 50' of bldg. length for flat roofs.	5' at every 50' of building length only below the roof line

This agenda items if for consideration of the zoning change only. If the zoning change is approved and prior to

construction, the developer will submit detailed site plan documents (site plan, elevations, landscape and photometric) for consideration to the Planning and Zoning Commission and City Council. Zoning on this site is currently C-2, Commercial. Any time you have 20% of the land area opposed to the location within 200 feet it triggers a ¾ vote from the City Council to pass the item. The property did go over 20% by this afternoon and we are sitting at about 20.26% so the City Council will need a ¾ vote in order to pass the item if they so wish.

The applicant went before the Commission on August 22, 2016 however, a quorum was not set and no action could be taken. A special session meeting was called for September 12, 2016 and the Planning and Zoning Commission approved the project with the following conditions that the single story buildings provide a pitched roof and the gate access to Burl Street be labeled on the site plan as “Emergency Access Only” and also to provide 5,000 to 10,000 square feet of office warehouse to the storage facility site and that the “Emergency Access” on Burl Street be added to the Ordinance calling it out as “Emergency Access”.

Part of the Ordinance tonight does not include these conditions and so if Council moves to pass this or add additional conditions they will need to be on record tonight to add these conditions.

Staff would recommend approval with the addition of more office warehouse within the site.

Chris Anderson, Developer/Applicant, Providence Realty - we heard some discussion earlier from some of the neighbors here about why should there be a self-storage here? There is a number of reasons that it is a good use for the location and as a neighbor, it has a very low intensity for traffic and parking and generate roughly 10 car trips a day for this size facility. This is generally a non-occupied structure and is very quiet. There is not a self-storage facility like this in Corinth and I would probably within 8 miles of this facility. This is a good product for bad economic times and good economic times. People need to store stuff.

It is very limited on City services, we don't have to provide a lot of water or sewer, kitchen facilities and things like that. There are gates proposed on the very south side towards the back and towards the railroad tracks and then on the north side to make a loop there and there is also a gate that would be proposed on the fire access going out the back. These two up front our gates that would auto operated if you are a customer there. If anyone wants to go out the back and they can't go there, that is fire access only.

The detention pond serves the lot to the south which is Lot 8 and also the Lot to the north which is Lot 10 and basically everything that is north of the drive that exists to the freeway from the hotel down and everything south of that drive goes to another detention pond on another part of our site that was handled with our plat.

This is a 3-story building and it is within the height that is allowed in a C-2. There are also some single stories pieces that are towards the north, they work as a little bit of a screen and there is already an existing screening wall that starts at the freeway and goes to the railroad tracks that was built when the plat was originally was re-done for the hotel in 2008/09.

Councilmember Johnson – I am sure you read our comp plan and our land use maps and you know on our current zoning that the place where a public storage goes is in industrial. Why didn't you come to us and ask for a comp plan change to make this property industrial so that we would not be in this situation?

Chris Anderson, Developer/Applicant, Providence Realty – the situation is one where I would needed the zoning would change either way, either it would change to this SUP or a change to industrial. The reason that we don't want to ask for industrial is it brings in all kinds of industrial uses that are much less desirable especially to mix with neighbors behind and within our development which is otherwise C-2 with restaurants and retail. I do run into this kind of thing a lot where self-storage is deemed an industrial use which it is very much a retail use. It has an entirely retail sort of business plan about attracting customers and that sort of thing. Part of the attractiveness is it does not belong in industrial area and you don't want to send your customers in an industrial area rent the facility. You want something that is retail compatible and attractive and bright on the inside. It is just a completely different product from the way everyone sees it.

Councilmember Johnson – what do you propose to lease into that office space?

Chris Anderson, Developer/Applicant, Providence Realty – I don't know, what they suggested was what is called office warehouse and that does tend to be a little more industrial or heavy commercial use. Office warehouse would be something that had a small office or show room up front and a warehouse behind. From a building code standpoint it is a different occupancy type.

Councilmember Johnson – whenever our comp plan was developed all those uses and various things we put in various places there is a purpose for that and one of those purposes that industrial received the public storage is because that is where our citizens wanted it. We have some existing that is here but today they would not be there but they were existing before the comp plan was written and changed and our land use plan was developed. We have acres of industrial all up and down the east side of the freeway. My problem with this is if you wanted to put that there the best thing to do is to come back industrial zoning. It is a true indicator of what the citizens wanted and that was why the uses were generated that way.

Chris Anderson, Developer/Applicant, Providence Realty – I completely respect that process and where it came about. Again, I want to stress that what you see here is a different type of product and I think it could be easily understood that when you are thinking of land uses in general and someone says self-storage mini warehouse it says industrial and needs to go over there. A lot of other Cities are easing up on that and the trend is going that way. Something that would be a C-2 or C-3 here generally these things are now allowed in those districts like Frisco, Plano and Richardson I think all have them in commercial districts has an SUP and the reason for an SUP in those districts is to be able to control the kind of self-storage product that you want to see.

Councilmember Johnson – if there a big demand by our citizenry to build this into commercial zoning such as C-1, C-2, C-3 my email box would not be full of people saying don't do this. The Citizens of Corinth have chosen that be in industrial zoning.

Councilmember Glockel – I think even if you were to come back in and ask this to be put in industrial it still would be the same problem that you see tonight. We would still have the opposition of a 3-story building backing up to a residential area. It does not seem to be a good fit for the community with the 3- story.

Mayor Heidemann – does that property generate any sales tax?

Chris Anderson, Developer/Applicant, Providence Realty – it has a retail component to it. There is an office in the bottom roughly 1800 to 2200 square feet where they sell moving supplies, boxes, blankets all kinds of stuff related to moving into a storage from a retail perspective and it does generate some retail sells.

Councilmember Burke – just an observation but this does not seem like to me this is a kind of development that triggers other development. If this does not pass it is not going to interfere with your ability to develop those other pad sites.

Chris Anderson, Developer/Applicant, Providence Realty – that is correct. The way we structured our request was that the modifications to the development standards to allow that building apply to that use but the base underline of the zoning of C-2 is always still there.

Mayor Heidemann opened the public hearing at 8:15 p.m.

Rory Sanders, 406 Springtree Road, Lake Dallas, TX – against the self-storage facility.

Mayor Heidemann closed the public hearing at 8:17 p.m.

BUSINESS: Consider and act on an ordinance for a zoning change from C-2, Commercial to Planned Development C-2 (PD C-2) on property legally described as 3.2882 acres being a portion of Lot 1, Block A, Swisher 35E Addition

and shown on the proposed replat as Lot 9 and Lot X2, Block A, Swisher 35-E Addition in the City of Corinth, Denton County, Texas.

MOTION made by Council Member Scott Garber to deny the Ordinance for the zoning change as described. Seconded by Council Member Lowell Johnson.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Council Member Don Glockel

NAY: Mayor Pro-Tem Joe Harrison

Passed

8. **PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING A REQUEST BY THE APPLICANT RICHARD FRONTERHOUSE, WITH GLENN THURMAN, INC., AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER FIRST TEXAS HOMES, INC., FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW A "TEMPORARY CONCRETE BATCH PLANT" ON PROPERTY ZONED PLANNED DEVELOPMENT (PD) SF-4, SINGLE FAMILY RESIDENTIAL DISTRICT ON APPROXIMATELY 2.5 ACRES OUT OF A TOTAL 25.75 ACRES LEGALLY DESCRIBED AS LOTS 1-30, Block A; Lots 1-11, Block B; Lots 1-10, Block C; Lots 1-10, Block D; Lots 1-10, Block E and Lots 1-17, Block F, Valencia Addition being 25.752 acres situated in The Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract Number 153 in the City of Corinth, Denton County, Texas. This property is located on the north side of F.M. 2181, west of Post Oak Dr.

Fred Gibbs, Planning and Development Director - A Temporary Concrete Batch Plant is proposed for a duration of approximately two (2) weeks on approximately 2.5 acres out of the recently approved Valencia Addition on the north side of F.M. 2181, west of Post Oak Drive in order to pave public right-of-way that is being dedicated to the City as part of the proposed 87 lot single family residential subdivision. The property is zoned Planned Development (PD) SF-4, Single Family Residential District. The final plat for the single family subdivision was approved by the Planning and Zoning Commission on February 22, 2016.

"Concrete Batch Plants" are only allowed by-right in the U-1, Utility District with conditional standards. All other zoning districts require approval of a Specific Use Permit (SUP) with conditional standards. The applicant is meeting or exceeding all Conditional Standards for a Concrete Batch Plant per Section 2.07.04 of the Unified Development Code, as well as all requirements of the Texas Commission on Environmental Quality.

The maximum height of the "wet" batch plant stackers will be 20' tall, and the closest distance from a single family residential property line will be 310' and 980' from the furthest point. The batch plant stackers and equipment will not have lighting and will produce a noise level of an average of 75 dB (decibels) and will only produce 85 dB on start-up of the mixer. The average of 75 dB is typical of noise produced by a vacuum cleaner or average radio and 85 dB is typical of heavy traffic, a noisy restaurant or a power lawn mower.

Prior to the Planning and Zoning Commission public hearing, Staff asked the applicant to obtain a letter from the Homeowner's Association and/or meet with the residents and address any concerns. The applicant has provided a letter from the Board of Directors of the Post Oak Homeowners Association in support of the Temporary Batch Plant.

Please see the Conditional Development Standards for Concrete Batch Plants below:

CONDITIONAL DEVELOPMENT STANDARDS 2.07.04 (7). CONCRETE BATCH PLANT	
Required	Proposed
All Buildings and Equipment fenced with a chain link fence	10' Chain Link Fence
Site Plan meeting all of the following requirements:	
1. Provide Site Plan	Site Plan Attached Pending SUP Approval
2. Building Permit Approved	
3. Min. Setback from all neighboring Residential Districts = 300'	Min. 310' Internal access limed and compacted
4. Vehicular Access paved sufficiently to allow Emergency Vehicle Access	
5. Copy of TCEQ (Texas Commission on Environmental Quality) approved permit prior to issuance of Building Permits	TCEQ Permit Pending
6. Council may impose additional conditions	TBD

On August 22, 2016, the Planning and Zoning Commission recommended Approval of the Temporary SUP, subject to TCEQ permit approval and subject to the expiration of the SUP on the 30th day after a building permit is issued.

Staff recommends approval of the Temporary SUP, subject to TCEQ permit approval and subject to the expiration of the SUP on the 30th day after a building permit is issued, and clean-up of the site and removal of all materials associated with this SUP after the SUP has expired.

The Concrete Batch Plant will only be in operation for approximately 7 days, and on-site a total of two weeks, including set-up and tear-down of equipment. The batch plant will be less intrusive to the adjacent single family residential homes than a traditional pour of concrete that would have numerous concrete truck traffic, continuous noise and dust, and a longer construction period. The proposed Temporary Concrete Batch Plant will be on-site for approximately two weeks, and will allow the concrete to be self-contained within the equipment and poured on-site, as opposed to being continuously trucked-in.

In addition to the requirements of the Unified Development Code, Concrete Batch Plants are also regulated and must apply for permits with the Texas Commission on Environmental Quality and must comply with all State requirements.

Richard Fronterhouse, Glenn Thurman Inc. – the hours of operation is 7:00 am until 6:00 p.m.

Councilmember Harrison – we have already had one incident and if we have a problem how do we preclude any more incidents over there? I understand you have contractors and sub-contractors but what do we do?

Richard Fronterhouse, Glenn Thurman Inc. – we had a talk this morning about how important this job was and staying between the lines. I can give you a time approval and you the Vice President of Operations phone number and you can call him directly and he will get things fixed in the event of a problem.

Councilmember Glockel – you are looking at 66,000 pounds of trucks coming down our streets and tearing it up and I know this will be noisy for a couple of weeks for the residents and I appreciate their patience with it but I think it would be much better to have that for two weeks or 10 days then for 28 days.

Fred Gibbs, Planning and Development Director – I just wanted to let you know our current works hours is from 7:00 a.m. to 9:00 p.m. Monday through Sunday. If the City Council wants to make a definitive time-frame on days of the week this would be the time to do that within this SUP.

- East Retail
- West Utility/Financial Services

SURROUNDING PROPERTIES FUTURE LAND USE

- Subject Property Retail
- North Multi-Family
- South Retail
- East Retail
- West Commercial/Retail

The applicant is requesting an amendment to the Comprehensive Plan from Retail to Mixed Use with Residential in order to rezone the property from C-2 Commercial to Planned Development (PD) MX-R with modified development standards. The applicant intends to develop the property with a vertical, mixed-use development consisting of 240 multi-family units with approximately 7,700 sq. ft. of office/retail (commercial) on the first floor of two of the buildings closest to F.M. 2181.

The Unified Development Code requires consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan. The proposed zoning is not in conformance with the Comprehensive Plan. Therefore, a Comprehensive Plan Amendment is necessary. In order for the Commission to consider the companion rezoning request, the Commission must first consider and take action on this Comprehensive Plan Amendment request.

Staff recommends approval of this Comprehensive Plan Amendment Future Land Use Designation request as submitted.

The Mixed Use with Residential land use will be compatible with the adjacent multi-family property to the north and west, and the ground floor office/retail nearest the entrance off of F.M. 2181 will be compatible with the retail uses to the south and east along F.M. 2181.

Since the property does not have direct access and frontage onto F.M. 2181, it is not feasible for retail/commercial uses to develop on the entire tract. The vertical, mixed-use development with limited retail on the ground floor of the multi-family nearest the fire lane access off of F.M. 2181 and immediately adjacent to the retail shopping center to the east will not only be compatible, but will also create additional small office/retail opportunities for this area.

The outdoor seating/event area, benches, street trees, pavers, and hardscape trail around the retention pond will help to create an inviting, gathering space and sense of place that may help to bring vibrancy and synergy to this area.

On August 22, 2016, the Planning and Zoning Commission recommended approval of the Comprehensive Plan Amendment request as submitted.

Marc Tolson, Arrive Architecture Group –the apartments range from 685 square feet to 1300 square feet. 53% will be one bedroom and only 6% will be three bedrooms. We have 61 garages that are connected into the building and some outside, they are all screened and you cannot see them from the outside. The garages open up to a 6 foot covered breezeway that connects all the units within the building.

Councilmember Harrison – on the connectivity between Kensington to the shopping center just east of you, have you worked with that owner on the connectivity?

Marc Tolson, Arrive Architecture Group – they have reached out to us and we will work with them on the connectivity there.

Mayor Heidemann opened the public hearing at 8:50 p.m. No one spoke during the public hearing. Mayor Heidemann closed the public hearing at 8:51 p.m.

BUSINESS: Consider and act on an amendment to the Comprehensive Plan Future Land Use Designation from Retail to Mixed Use with Residential on approximately 8.826 acres of land legally described as Lot IR, Block 1, Tallal Addition, in the City of Corinth, Denton County, Texas. (This property is located on the north side of F.M. 2181, and the east side of S. Garrison Rd.)

MOTION made by Mayor Pro-Tem Joe Harrison to approve the amendment to the Comprehensive Plan Future Land Use Designation from Retail to Mixed Use with Residential on approximately 8.826 acres of land legally described as Lot IR, Block 1, Tallal Addition, in the City of Corinth, Denton County, Texas. Seconded by Council Member Don Glockel

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

- 10. PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT/OWNER ANTHONY SWARTZ OF OXFORD 2181, INC. FOR A ZONING CHANGE FROM C-2 COMMERCIAL DISTRICT TO PLANNED DEVELOPMENT (PD) MX-R MIXED USE WITH RESIDENTIAL DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS ON APPROXIMATELY 8.826 ACRES OF LAND LEGALLY DESCRIBED AS LOT 1R, BLOCK 1, TALLAL ADDITION, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS.

Fred Gibbs, Planning and Development Director – this is the second process of the last item I spoke of earlier. This is the first Mixed Use Residential project we have encountered. Basically as part of this re-zoning tonight you will be approving the site plan as part of this re-zoning so this will be the only time the City Council will see the site plan. This district is to create a mix of different zoning categories.

The applicant is proposing a vertical mixed-use development with residential in order to develop 240 multi-family units with approximately 7,700 sq. ft. of office/retail (commercial) on the first floor of two of the buildings closest to F.M. 2181.

The applicant is proposing the following in lieu of the MX-R dimensional regulations per Section 2.06.01 of the UDC as shown below:

MX-R (Mixed Use with Residential)	REQUIRED	PROVIDED
Minimum Floor Area:	850 sq. ft. per Dwelling Unit	650 sq. ft. per Dwelling Unit (Average of 850 sq. ft. per Dwelling Unit)
Maximum Front Setback	25' feet	85' feet

2. Dwelling unit sizes may vary but the overall average shall be 850 sf. per unit based on all units

combined.

3. Building Location in Relationship to the Maximum Front Yard Setback facing S. Garrison Street. The front façade of any structure facing a street shall be as shown on the Concept Plan.

4. A maximum of the floor area of the entire development for residential use shall be as shown on the site plan.

5. A minimum of the floor area of the entire development for retail/non-residential use shall be as shown on the site plan.

SURROUNDING PROPERTIES ZONING

- Subject Property C-2, Commercial
- North (PD) Multi-Family
- South C-2, Commercial/Hickory Creek
- East C-2, Commercial
- West U-1, Utility/C-2, Commercial

SURROUNDING PROPERTIES EXISTING LAND USE

- Subject Property Vacant
- North Multi-Family
- South Retail/Financial Services
- East Retail
- West Utility/Financial Services

SURROUNDING PROPERTIES FUTURE LAND USE

- Subject Property Retail
- North Multi-Family
- South Retail
- East Retail
- West Commercial/Retail

Staff recommends Approval of this request, subject to approval of the companion Comprehensive Plan Amendment request.

The Mixed Use with Residential land use will be compatible with the adjacent multi-family property to the north and west, and the ground floor office/retail nearest the entrance off of F.M. 2181 will be compatible with the retail uses to the south and east along F.M. 2181.

Since the property does not have direct access and frontage onto F.M. 2181, it is not feasible for retail/commercial

uses to develop on the entire tract. The vertical, mixed-use development with limited retail on the ground floor of the multi-family nearest the fire lane access off of F.M. 2181 and immediately adjacent to the retail shopping center to the east will not only be compatible, but will also create additional small office/retail opportunities for this area.

The outdoor seating/event area, benches, street trees, pavers, and hardscape trail around the retention pond will help to create an inviting, gathering space and sense of place that may help to bring vibrancy and synergy to this area.

On August 22, 2013, the Planning and Zoning Commission recommended approval of this zoning request as submitted.

Mayor Heidemann opened the public hearing at 8:58 p.m. No one spoke during the public hearing. Mayor Heidemann closed the public hearing at 8:59 p.m.

BUSINESS: Consider and act on a zoning change from C-2 Commercial District to Planned Development (PD) MX-R Mixed Use with Residential District on 8.826 acres of land legally described as Lot IR, Block 1, Tallal Addition, in the City of Corinth, Denton County, Texas. (This property is located on the north side of F.M. 2181, and the east side of S. Garrison Rd.)

MOTION made by Mayor Pro-Tem Joe Harrison to approve a zoning change from C-2 Commercial District to Planned Development (PD) MX-R Mixed Use with Residential District on 8.826 acres of land legally described as Lot IR, Block 1, Tallal Addition, in the City of Corinth, Denton County, Texas. Seconded by Council Member Lowell Johnson.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

11. Consider and act on an Ordinance adopting the 2016-2017 Annual Budget and appropriating resources for the budget year beginning October 1, 2016.

MOTION made by Council Member Lowell Johnson to approve an Ordinance adopting the 2016-2017 Annual Budget and appropriating resources for the budget year beginning October 1, 2016 and ending September 30, 2017. Seconded by Mayor Pro-Tem Joe Harrison.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

12. Consider and act on an Ordinance levying and adopting the tax rate for the 2016-2017 Fiscal Year.

MOTION made by Mayor Pro-Tem Joe Harrison to approve an Ordinance that the property tax rate be increased by the adoption of a tax rate of \$0.58193 per \$100 assessed valuation, which is effectively a 9.26% increase in the tax rate. Seconded by Council Member Don Glockel.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

13. Consider and act on an Ordinance approving the 2016 Tax Rolls and accepting the anticipated collection rate

of 100 percent for the fiscal year beginning October 1, 2016 and ending September 30, 2017.

MOTION made by Council Member Lowell Johnson to approve the Ordinance accepting the 2016 Tax roll and to accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2016 and ending September 30, 2017. Seconded by Council Member Don Glockel.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

14. Consider vote to ratify the property tax increase reflected in the city's annual budget for FY 2016-2017.

MOTION made by Mayor Pro-Tem Joe Harrison to ratify the property tax increase reflected in the city's annual budget for FY 2016-2017. Seconded by Council Member Lowell Johnson.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

15. Consider and act on a Resolution approving the progression within the pay group for eligible employees on the police and fire pay schedules for Fiscal Year 2016-2017; and providing for an effective date.

MOTION made by Mayor Pro-Tem Joe Harrison to approve a Resolution approving the progression within the pay group for eligible employees on the police and fire pay schedules for Fiscal Year 2016-2017; and providing for an effective date. Seconded by Council Member Sam Burke

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

16. Consider and act on nominations, appointments, resignations and removal of members from the Planning & Zoning Commission, Economic Development Corporation, Finance Audit Committee, Keep Corinth Beautiful, Zoning Board of Adjustments, and Board of Construction Appeals.

MOTION made by Mayor Pro-Tem Joe Harrison to appoint Breien Velde, Place 2 to the Planning and Zoning Commission, Reappoint Dwayne Zinn, Place 4 to the Planning and Zoning Commission, Reappoint Marc Powell, Place 5 to the Planning and Zoning Commission, Appoint Chuck Mill, Place 6 1st Alternate to the Planning and Zoning Commission, Reappoint David Burnett, Place 3 to the Economic Development Corporation, Reappoint Tina Henderson, Place 7 to the Economic Development Corporation, Reappoint Council Representative Lowell Johnson, Place 1 to the Keep Corinth Beautiful Commission, Appoint David Rinaldi, Place 6 to the Keep Corinth Beautiful Commission, Reappoint Council Representative Lowell Johnson, Place 2 to the Finance Audit Committee, Appoint Mike Taylor, Place 3 to the Finance Audit Committee Seconded by Council Member Sam Burke.

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

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 Glockel – would like to re-visit Cliff Oaks lighting for the school zones. You cannot see the school zone lighting when you get to that intersection. The light needs to be adjusted a little bit.

Lee Ann Bunselmeyer, Acting City Manager – we are set to close on the 2 acre tract for the fire station next Wednesday and will be able to move forward with building a new fire station.

Mayor Heidemann – this last week we recognized the 15th Anniversary of 9-11. I would like to thank the police and fire for what they put on the line every day for us as citizens. Would like to thank Cody Collier for a great job on the process we are using for mosquito/ West Nile so far we have had extreme success this year.

National Night Out is on October 4 and would encourage citizens to participate. We also have an upcoming event on October 22, Pumpkin Palooza Fall Festival.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above listed agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code:

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) 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.

Council met in Closed Session from 6:05 p.m. until 6:55 p.m.

a. Interlocal agreement for fire services.

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.

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.

Council met in Closed Session from 6:06 p.m. until 6:55 p.m.

a. Deliberations of the employment, reassignment or duties of the City Manager.

b. Deliberations regarding the appointment, evaluation, reassignment, duties, discipline, or dismissal of appointees to the Planning and Zoning Commission, Economic Development Corporation and Zoning Board of Adjustments.

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 closed 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 Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

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

ADJOURN:

Mayor Heidemann adjourned the meeting at 9:11 P. M.

AYES: All

Meeting adjourned.

Approved by Corinth City Council on the 20 day of October, 2016.

Kimberly Pence
Kimberly Pence, City Secretary
City of Corinth, Texas