STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH

On this the 15th day of November, 2016 the City Council of the City of Corinth, Texas met in a Regular Session at the Corinth City Hall at 7:05 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: Fred Gibbs, Planning and Development Director
Guadalupe Ruiz, Human Resources Director
Kim Pence, City Secretary
Brenton Copeland, Technology Services Asst. Manager
Mack Reinwand, 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 7:10 p.m., Councilmember Garber 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 September 8, 2016 Workshop Session.

2. Consider and act on minutes from the October 20, 2016 Regular Session.

3. Consider and act on minutes from the October 20, 2016 Workshop Session.

MOTION made by Council Member Scott Garber Motion to approve the Consent Agenda as presented. 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

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.

There was no Citizen Comments made.

BUSINESS AGENDA

4. Consider and act on a Site Plan for Panda Express Chinese Kitchen on property legally described as Lot 5, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.

Fred Gibbs, Planning and Development Director - Originally this site was the home of Executive Mobile Home Park. Development of the Swisher-35 Addition began with a conveyance plat approved in October 2005 to allow for the sale of a portion of the property. The final plat with construction plans was approved by City Council in June 2007 allowing for the development of the Comfort Inn located on Lot 3.

An approved site plan is required prior to construction for all commercial projects. Panda Restaurant Group, Inc, authorized representative of the property owner, Swisher @ 35E Corinth LP, has proposed a Panda Express Chinese Kitchen Restaurant on Lot 5, Swisher 35E Addition. A final replat was approved by the Planning and Zoning Commission in August 2016. The developer / property owner, Swisher @ 35E Corinth LP, has submitted an amended plat to be approved by the Director of Planning. The approved plat allows for the reconfiguration of the lots.

At this time, the development team for Panda Express is seeking approval of their site plan for construction / development. The applicant has proposed alternative requests to the non-residential development regulations required in the Unified Development Code. The alternatives they have proposed are shown below in the comparison chart:

	Current Development Regulations	Proposed Regulations
UDC Section 2.0.07 Accessory Buildings	Shall Apply	Shall Apply
UDC Section 2.09.02 Tree Preservation	Shall Apply	Shall Apply
UDC Section 2.09.01 Landscape Regulations	Shall Apply	Shall Apply
UDC Section 2.09.03 Vehicle Parking Regulations	Shall Apply	Shall Apply
UDC Section 2.09.04 Building Façade Material Standards	Class 1 Masonry but no more than 80% one material	**Shall Apply Except:** Alternative compliance is being requested to use a masonry material called Nichiha.

UDC Section 2.09.05 Residential Adjacency Standards	Pitched roof for structures having a footprint of 6,000 sf or less.	**Shall Apply Except:** A parapet roof is proposed.
UDC Section 2.09.05 Residential Adjacency Standards	Class 1 Masonry	**Shall Apply Except:** Alternative compliance is being requested to use a masonry material called Nichiha.
UDC Section 2.09.06 Nonresidential Architectural Standards	Shall Apply	Shall Apply
UDC Section 2.07.07 Lighting and Glare Regulations	Shall Apply	Shall Apply
UDC Section 4.01 Sign Regulations	Shall Apply	Shall Apply
UDC Section 4.02 Fence and Screening Regulations	Shall Apply	Shall Apply

Planning and Zoning Commission and the Staff recommends approval of the Panda Express Chinese Kitchen Restaurant site plan subject to filing the Amended Plat.

Eric Abeln, Heights Venture Archetecture – our site is at the Swisher/ I-35 development. The building is situated to the north. We have heavy landscaping, about ten times more than the ordinances require and the back of the building is screened as best as possible. The Nichiha panels is the material requested and only comprises 26% of the overall material and it is a cement product.

MOTION made by Mayor Pro-Tem Joe Harrison to approve the site plan for Panda Express Chinese Kitchen Restaurant subject to filing the amended plat. 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

5. Consider and act the Site Plan for Arby's on property legally described as Lot 1R, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.

Fred Gibbs, Planning and Development Director - An approved site plan is required prior to construction for all commercial projects. Sun Holdings, authorized representative of the property owner, Swisher @ 35E Corinth LP, has proposed an Arby's Restaurant on Lot 5, Swisher 35E Addition. A final replat was approved by the Planning and Zoning Commission in August 2016. The developer / property owner, Swisher @ 35E Corinth LP, has submitted an amended plat to be approved by the Director of Planning. The approved plat allows for the reconfiguration of the lots.

At this time Arby's is ready to begin the construction / development process. The applicant has proposed alternative requests to the zoning and development regulations required. Those changes are shown below in the comparison chart:

	Current Development Requirements	Proposed Standards
UDC Section 2.07.07 Accessory Buildings	Shall Apply	Shall Apply

UDC Section 2.09.02 Tree Preservation	Shall Apply	Shall Apply
UDC Section 2.09.01 Landscape Regulations	Shall Apply	Shall Apply
UDC Section 2.09.03 Vehicle Parking Regulations	Shall Apply	Shall Apply
UDC Section 2.09.04 Building Façade Material Standards	Class 1 Masonry but no more than 80% one material	**Shall Apply Except:** Class 1 Masonry is being used however Alternative Compliance has been requested to allow 100% brick with color variation.
UDC Section 2.09.05 Residential Adjacency Standards	Pitched roof for structures having a footprint of 6,000 sf or less.	**Shall Apply Except:** A parapet roof is proposed.
UDC Section 2.09.05 Residential Adjacency Standards	Class 1 Masonry	**Shall Apply Except:** Class 1 Masonry is being used however Alternative Compliance has been requested to allow 100% brick with color variation.
UDC Section 2.09.06 Nonresidential Standards	Shall Apply	Shall Apply
UDC Section 2.07.07 Lighting and Glare Regulations	Shall Apply	Shall Apply
UDC Section 4.01 Sign Regulations	Shall Apply	Shall Apply
UDC Section 4.02 Fence and Screening Regulations	Shall Apply	Shall Apply

Planning and Zoning staff recommends approval of the Arby's site plan subject to filing the amended plat.

Clinton Coultas, Holtman Designworks – we put our presentation together for Popeye's and Arby's, we had to replat for one lot. Initially our lots were separate but they did not meet the minimum lot requirement for 30,000 square feet per Corinth's zoning Ordinance so we had both of them listed as the same lot.

The masonry chosen for this is to comply is brick and we do know it is not to exceed 80% of one material per façade and we are proposing dark brown smooth textured brick and the artic white brick- velour textured as the different bricks.

Councilmember Garber – are we opposed to going with the Nichiha?

Clinton Coultas, Holtman Designworks – we are not opposed to that.

Fred Gibbs, Planning and Development Director – I think it just comes down to when you are looking at different materials you dot want one material to overpower this other. If the Nichiha is something that is part of the elevations it could be worked in but concerned about how much is worked in and I don't know the percentage of the façade that would have this other product.

Councilmember Garber – I understand.

MOTION made by Council Member Don Glockel to approve the Arby's site plan subject to

filing the amended plat. 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

6. Consider and act on the Site Plan for Popeye's Restaurant on property legally described as Lot 1R, Block A, Swisher 35E Addition zoned C-2, Commercial in the City of Corinth, Denton County, Texas.

Fred Gibbs, Planning and Development Director – you saw the presentation in the previous item for this tonight.
At this time Popeye's is ready to begin the construction / development process. The applicant has proposed alternative requests to the non-residential development regulations required. Those changes are shown below in the comparison chart:

	Current Development Regulations	**Proposed Regulations**
UDC Section 2.07.07 Accessory Buildings	Shall Apply	Shall Apply
UDC Section 2.09.02 Tree Preservation	Shall Apply	Shall Apply
UDC Section 2.09.01 Landscape Regulations	Shall Apply	Shall Apply
UDC Section 2.09.03 Vehicle Parking Regulations	Pitch roof for structures having a footprint of 6,000 sf or less	**Shall Apply Except:** A parapet roof is proposed
UDC Section 2.09.04 Building Façade Material Standards	Shall Apply	Shall Apply
UDC Section 2.09.05 Residential Adjacency Standards	Shall Apply	Shall Apply
UDC Section 2.09.06 Nonresidential Standards	Shall Apply	Shall Apply
UDC Section 2.07.07 Lighting and Glare Regulations	Shall Apply	Shall Apply
UDC Section 4.01 Sign Regulations	Shall Apply	Shall Apply
UDC Section 4.02 Fence and Screening Regulations	Shall Apply	Shall Apply

Staff and the Planning and Zoning Commission recommends approval of the Popeye's site plan subject to the filing of the Swisher 35E amended plat.

MOTION made by Council Member Lowell Johnson to approve the site plan for Popeye's Restaurant

subject to the filing of the Swisher 35E amended plat. 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

7. Consider and act on the revised site plan for North Texas Storage on property legally described as Lot 2R, Block A, Rogers-O'Brien Business Park Addition being 4.98 acres zoned Planned Development (PD) in the City of Corinth, Denton County, Texas.

Councilmember Glockel recused himself from any discussion on item #7.

Fred Gibbs, Planning and Development Director - City Council approved the detailed site plan for North Texas Storage in June 2016 which included site details for Mini-Warehouse and Office/Warehouse Facility. The Applicant provided detailed site plan documents with site layout, landscape plans and building elevations. The development will utilize the existing driveways on FM 2181 as well as the driveway / fire lane off of Cliff Oaks Drive.

At this time; the applicant and developer O'Neal Gray with Charco Properties L.P. has proposed revisions to the elevations associated with the site plan. The footprint of the site is not changing however Mr. Gray has proposed in the submitted revisions to add a third story to buildings A and B.

Additional changes include increasing architectural features to buildings A & B as well as the addition of accent niches to break up the extension walls. The applicant intends to replace the CMU block (originally approved) with brick veneer and Austin stone. The modifications to the project regarding the building materials meet or exceed the regulations of the Planned Development Ordinance in affect.

The original site renderings approved as part of the Site Plan process by City Council in June for North Texas Storage are attached as well as revised site plan documents providing the revised elevations and the proposed three story height requested. The proposed height is allowed by the planned development ordinance.

The retention/detention pond area is slated for the long anticipated fountain and security fencing with the construction of the first phase of this development.

Staff recommends approval of the Revised Site Plan.

Councilmember Harrison – is there a masonry wall along Cliff Oaks?

Fred Gibbs, Planning and Development Director – I don't think the applicant is proposing a masonry wall there. I believe it has some additional landscaping and it does have some wrought iron fencing and I believe it will be gate controlled on the two entrance ways. The intent is to have this as a free access through the site from FM 2181 to Cliff Oak.

Councilmember Garber – what is the height difference from what is currently there to this new 3-story is there a huge elevation difference?

Fred Gibbs, Planning and Development Director – 10 feet.

MOTION made by Council Member Scott Garber to approve the revised site plan for North Texas Storage. 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

Other: Council Member Don Glockel (ABSTAIN)

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 Johnson – bring back pay proposal analysis for review.

Mayor Heidemann – the City is having their annual Thanksgiving luncheon tomorrow and Council is invited to attend.

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.

a. Planned development zoning districts.

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.

a. Lot 18R, Block One, Pinnell Subdivision.

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 Executive Session from 7:46 p.m. until 8:04 p.m.

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

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.

There was no action taken from Executive Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 8:05 p.m.

AYES: All

Meeting adjourned.

Approved by Corinth City Council on the 15 day of December 2016.

Kimberly Pence

Kimberly Pence, City Secretary
City of Corinth, Texas

CITY OF CORINTH
TEXAS