

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

On this the 21st day of May 2020 the City Council of the City of Corinth, Texas met in Regular Session at the Corinth City Hall at 7:00 P.M., 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:

Mayor Heidemann
Sam Burke, Mayor Pro Tem
Scott Garber, Council Member
Lowell Johnson, Council Member
Tina Henderson, Council Member
Kelly Pickens, Council Member

Staff Members Present

Bob Hart, City Manager
Patricia Adams, Messer, Fort & McDonald
Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director
Jason Alexander, Corinth Economic Development Corporation Director
Helen-Eve Beadle, Planning & Development Director
Cody Collier, Public Works Director
Melissa Dolan, Parks, Recreation and Strategic Asset Manager
Shea Rodgers, Technology Services Communications Manager
Lana Wylie, Sr. Administrative Assistant

Others Present:

Scott Scherer, Harris Kocher Smith
Gerardo Oseguera, Northlake Contractors

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:

Mayor Heidemann called the meeting to order at 7:00 P.M. City Manager Bob Hart delivered the Invocation, due to the COVID-19, the Pledge of Allegiance and the Texas Pledge did not take place.

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 Consider and act on an agreement with SHI Government Solutions to renew the Enterprise Agreement with Microsoft, providing software and email services.
2. Consider and act on minutes from the April 16, 2020 workshop session.
3. Consider and act on minutes from the April 16, 2020 regular session.

MOTION made by Councilman Garber to approve the Consent Agenda as presented. Seconded by Mayor Pro Tem Burke.

AYES: Burke, Garber, Johnson, Henderson, Pickens
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.

Each of the citizens participated in the meeting through ZOOM.

Kevin McKenna, 3310 Chalkstone Cove is the President of Corinth Area Baseball and would like to ask the City Council to open the baseball fields May 31, 2020. He explained how they will follow Governor Abbot's guidelines to best provide a safe environment. Mr. McKenna also inquired with the City Council why the city decided to open the playgrounds and basketball activities but not baseball.

Chris Medley, 2013 Baker Drive serves on the Corinth Area Baseball Board as the Vice President. He conveyed his gratitude to the city officials for allowing CAB the opportunity to play this season, in some form or fashion. He also requested that the City Council open the sports fields earlier than June 14th, with consideration of opening the fields on May 31 per Governor Abbot's most recent announcement.

Ashley Fisher, 3302 Chalkstone Cove did not want to speak, rather to listen to the discussion regarding the baseball fields. She did note on the form that she would love for the fields to open up sooner but is very proud and thankful for everything the city has done.

PUBLIC HEARING:

Mayor Heidemann opened the Public Hearing at 7:30 p.m.

4. Conduct a public hearing, consider testimony, and act upon an ordinance amending the zoning classification from SF-4, Single Family Residential to PD, Planned Development with a base district of SF-4, Single Family Residential on an ±3.691 acre tract of land legally described as Tracts 31 and 32 of the E. Marsh Survey, Abstract No. 0833, within the City of Corinth, Denton County, Texas and is more commonly known as 3100 Tower Ridge Drive, Corinth, TX. (Tower Ridge Single Family PD)

- Staff Presentation
- Applicant Presentation
- Public Hearing
- Staff Response
- Take Action

Helen-Eve Beadle, Planning & Development Director - The applicant is requesting a Planned Development district to facilitate the development of a single-family subdivision encompassing 18 lots plus two homeowners' association (HOA) lots.

The property is the located near the southwest corner of Tower Ridge Drive and Meadowview Drive. The property is bounded by single family homes to the north, single family homes, and a church to the east, single family homes to the south, and the Lake Dallas High School baseball field to the west.

Adjacent Land Uses:

- North Single-family residential – SF-4, zoning
- East Single-family residential and church – SF-4, zoning
- South Single-family residential – SF-4, zoning
- West School (Lake Dallas High School Baseball Field) – SF-4, zoning

Due to current market trends and the very small size of the property the applicant is requesting consideration in the reduction of the size of the lots. The SF-4, Single Family Residential zoning district requires that each lot be a minimum of 7,500 square feet in size. The applicant is requesting consideration of a reduction of the lot size to a 5,000 square foot minimum. The proposed lots range in size from 5,321 square feet to 9,677 square feet. The applicant is requesting a reduction on lot width from 70 feet in width to 50 feet along the front building line with 40 foot widths being the minimum for lots on cul-de-sac “Lots 11-14” and on the eyebrow “Lots 3-5” when measured along the building line. Additionally, the applicant requests a reduction in the lot depth for cul-de-sac and eyebrow lots from 100 feet to 85 feet. Reference Concept Plan.

The smaller lot sizes ensure that the applicant can provide a product at the price point that the market will support. The applicant is also proposing the utilization of 85% of the City’s “Class 1” masonry materials on the exterior of the homes. Last fall the Texas Legislature removed cities’ ability to regulate exterior materials on residential and commercial developments meaning that any material currently allowed by the International Building Codes are allowed to be used on the exterior of buildings. Staff requested, and the applicant has agreed to language being included within the Planned Development District regulations which ensures that the proposed homes are built to the same standard as other homes in the community. The addition of the masonry requirement supports the consideration of smaller lot sizes.

It is the applicant’s intent to attempt to preserve as many of the existing trees as possible on the site. In our initial conversations with the developer last fall they stated that the existing trees on the property were a motivating factor for their purchase of the property. The applicant intends to utilize the existing trees to provide buffers from adjacent roadways and neighboring properties as well as to improve the aesthetics of the development. That being said, an analysis has not yet been performed on the property to determine the number of trees that may be saved, but the applicant has stated that they are going to make every effort possible to reduce the impact to the existing tree canopy including developing all of not the majority of the homes as two story to reduce the buildings foot print on each lot so that trees may be preserved. The applicant is responsible for mitigation of the protected trees “6 inches and greater” that are removed from the property by either replacing the caliper inches of protected trees removed or by paying a fee in lieu into the City’s tree fund for each caliper inch of protected trees removed. Tree mitigation plans are reviewed and approved by City Council and occur later in the development process.

On April 16, 2020 the applicant and staff met with homeowners that chose to participate living within 200 feet notification area of the subject property via a Zoom web conference to inform them of the development and to address any questions or concerns that they may have had with the development. While the residents were disappointed to see the property being developed after so many years, the general consensus was that they were understanding of the development need and were generally pleased to hear that the homes would be priced above the average price of their existing homes, but did have some very small concerns about the taxing implications of rising home values resulting from the development.

One of the concerns expressed by residents was regarding drainage on the property. Residents stated that the current drainage situation is very poor. The applicant has stated that they will mitigate any additional runoff as a result of their development. However, the developer could make no guarantees that the existing conditions would be improved as a result of their development but did promise that the drainage conditions would not be worsened following the development of the property. The City’s development regulations will not allow any increased runoff from the property and the proposed detention pond will accommodate the anticipated drainage.

Residents also asked about any planned improvements to Tower Ridge Drive. The applicant will be responsible for paying roadway impact fees for each home built within the development, but the applicant has no requirement to improve Tower Ridge Drive. The roadway impact fees are deposited into a City fund for roadway improvements or expansions throughout the City. Tower Ridge Drive is listed as a five plus year project on the City's Capital Improvements Plan (CIP) meaning that while the City does have plans to improve Tower Ridge Drive, it does not have any plans to improve the roadway within the next five years.

The final concerns expressed by residents were the sidewalks along Tower Ridge. Currently there is an existing sidewalk on the eastern "northbound" side of Tower Ridge. Residents stated that there is an ample amount of foot traffic along Tower Ridge due to it being in close proximity to an Elementary School and a High School. The residents asked when a sidewalk would be constructed on the western "southbound" side of Tower Ridge as there are a number of individuals that choose to walk across their property or within the road rather than crossing the road to walk in the sidewalk on the eastern side.

The applicant stated that they will be constructing a sidewalk along the boundaries of their property as required but had no plans to construct a sidewalk along the entire western length of Tower Ridge. It is staff's position since there is an existing sidewalk along the eastern side of Tower Ridge, at a four-way stop, pedestrians cross safer at intersections rather than midblock. The City would prefer to construct the sidewalk in this location with the complete upgrade of Tower Ridge through a CIP project.

Proposed Development Regulations:

Base Zoning: Single Family SF-4

Modifications to Base Zoning:

1. – Residential Dimensional Regulations Chart
 - o Minimum Front Yard Setback – 20 feet
 - o Garage Setback – 20 feet
 - o Minimum Lot Area – 5,000 square feet
 - o Minimum Lot Width – 50 feet minimum along the front building line (40 feet along front building line for cul-de-sac and eyebrow lots)
 - o Minimum Lot Depth – 100 feet (85 feet for cul-de-sac and eyebrow lots)
 - o Maximum Building Area (all buildings) – 45%

If not specifically listed above, the regulations from SF-4 shall apply.

Building Material Standards: The combined percentage of exterior facades shall not be less than 85% Class 1 masonry materials: "fired brick, natural and manufactured stone, granite, and marble."

Public Notices:

Public hearing notices were mailed to all residents within 200 feet of the proposed zoning change request on April 20, 2020 for the Planning and Zoning Commission meeting and the on April 30, 2020 for the City Council meeting. At the time of packet creation there was one letter in support and four letters in opposition to the proposed change.

Notice of the public hearings were published in the Denton Record Chronicle on April 15, 2020 edition for the Planning and Zoning Commission and on May 4, 2020 for the City Council public hearing.

Compliance with the Comprehensive Plan:

The Comprehensive Plan designates the future land use of this tract as Low Density Residential. The proposal complies with the City's Comprehensive Plan.

Planning & Zoning Commission Recommendation:

The Planning and Zoning Commission considered the rezoning request at a special called meeting on May 4, 2020 and during the public hearing several property owners voiced their opposition to the change of zoning. In summary, the

oppositions voiced concerns of the development causing their property taxes to increase, the loss of the trees to development, safety and privacy, construction noise, increased traffic generated by the development, and the condition of Tower Ridge Drive and when the City will be making improvements to the property.

The Planning and Zoning Commission unanimously recommended the item for City Council approval with a vote of 3-0.

Earlier, there was a question about how we would handle some of the building material regulations and how we would enforce those. Our City Attorney has advised adding a Developer or Sub-divider Agreement. Our anticipation is that we continue with the Public Hearing, allowing anyone to speak, close the Public Hearing and action along with the agreement of the building materials would occur at a meeting in June.

Scott Scherer, Harris Kocher Smith and Gerardo Oseguera, Northlake Contractors outlined the proposed development regulations as stated above.

Lowell Johnson, Council Member asked how the drainage will run Mr. Scherer has worked with staff, it will be collected through a pipe, at the detention pond.

Scott Garber, Councilmember asked for elevations and starting prices of the homes. Mr. Oseguera stated they do not have elevations but 2,200 to 2,800 square foot, with at price range of upper \$300 - \$400.

Mayor Heidemann asked if the developer has any objections to the developer agreement suggested by the City Attorney. Mr. Oseguera said they did not foresee a problem with the agreement.

Elizabeth Lewis, 3119 Meadowview Dr. – I back up to where the drainage will be. I sent a letter in opposition because I'm concerned about safety, crime, loss of privacy, loss of trees and there's too much noise already on Tower Ridge. That road is in extremely bad shape and I know that they claim that they're going to be saving a lot of trees, but from what I know, once you disrupt a tree root system that tree is going to die and it's going to go and that's part of what we enjoy, me and most of the neighbors on my side, we enjoy having those trees and I know you want to keep them, but I have a feeling that that's not going to work out as much as we would like. I would like to know when this development starts, what are the hours of operation? Currently I work from home, and my next door neighbors, each have small children and I don't know what the city timeframe is on noise. How long does development plan on taking and what if he does not sell out? I mean is the plan to dump all the trees and then start building once people start offering to purchase a house there? How long could this take to develop? That's basically what I need to know, because the property values are going to go up, and it's going to probably force me out of my house, as well. Thank you.

John Hammermeister, 3187 Meadowview Dr. – I have a few concerns about the about the street and the drainage, because that street is right in front of patchwork to look like a quilt. I drive around on the wrong side of the road to avoid potholes. Anyhow, the water comes through there like crazy. The water is going to be coming through also from, from this baseball field that's right by my house. I'm interested more about the about the pond. Sounds like a great idea, because there's some the wildlife out there. Are there any more details from anyone on where exactly that might end up and whether or not we can get that street some better repairs? Those are my main concerns.

Helen-Eve Beadle, Planning & Development Director – To address Ms. Lewis' question regarding construction hours, the city's construction hours are from 7am to 9pm. Mr. Hammermeister's concerns about this street condition, the Tower Ridge project is in our CIP, it is a five plus year, so it won't occur within these next five years; however, the City Council always has the opportunity working with city staff to reprioritize, any of our CIP projects. Regarding the detention pond, I'm not sure I think the engineer would be better to answer that question. I don't know if it's what we call dry detention, where it just fills up at a rainstorm and releases water at the regular existing runoff rate, or if it's a wet pond, which is really a retention pond that will always have water, and then the, the storm water would be above that and added to it.

Scott Scherer, Harris Kocher Smith - The intention for the detention pond is for it to be a dry pond. We plan to

landscape it and make it look nice.

Judith Keller, 3201 Meadowview Drive – John and Elizabeth have pretty much stated what I was going to say, especially about Tower Ridge Road, it is bad. The other thing I would be concerned about is, I'm on the corner of Tower Ridge Meadowview and the four way stop sign, you can come sit at my house one day and watch the traffic and how they run the stop sign, so safety is a real concern to me. The trees are great; we love the trees, of course, but I can't imagine paying \$350,000 - \$400,000 for a house, and then have to drive Tower Ridge Road to get to it. It's just bad and then when it rains, it's bad. We have expressed our concerns throughout several of the meetings, and I hope something will be done, safety-wise. I would hate for somebody to get hurt because of the quality of the road. Thank you.

Mayor Heidemann – Entered in, for the records: Daniel and Jacquelyn Stauffer of 3195 Meadowview Drive are in opposition. Colten and Jenny Kisner at 3197 Meadowview Drive, also in opposition. David and Linda Lovell of 3200 Peakview Drive, they are in support of the project. Patrick and Tina McGee of 3203 Peakview Drive, they are in opposition. Licia Szydowski of 3201 Peakview Drive, also in opposition.

Mayor Heidemann closed the Public Hearing at 7:39 p.m.

Motion Tabled until a Developer Agreement is in place and reviewed by the City Attorney, Director of Planning and Development and the Developer.

BUSINESS AGENDA:

5. Consider and act on an ordinance of the City Council of the City of Corinth, Texas, amending Chapter 152, "Floodplain Damage Prevention", of Title XV, "land usage", of the Code of Ordinances of the City of Corinth and readopting Chapter 152 in its entirety; adopting new flood maps released by the Federal Emergency Management Agency; providing for the incorporation of premises; providing for an amendment; providing a cumulative repealer clause; providing a severability clause; providing a penalty clause; providing for publication; and providing an effective date.

MOTION made by Mayor Pro Tem Burke to approve as presented. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

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.

Scott Garber, Councilmember inquired about the ballfields and how to proceed.

Bob Hart, City Manager stated the City of Corinth is cooperating within the COVID guidelines.

Cody Collier, Public Works Director updated the City Council on the condition of the ballfields, allowing for a season, in mid-July; also noted all other facilities are currently open to the associations.

Lowell Johnson, Council Member asked for an update on the ordinance dealing with fencing along thoroughfares.

Tina Henderson, Council Member doesn't have a clear picture of the ballfield situation regarding practice fields and would like to have a discussion in the next meeting.

Cody Collier, Public Works Director stated space isn't the issue. Some of the members prefer to practice on the game fields. There is plenty of room, it is more of a preference.

Bob Hart, City Manager updated the City Council of the purchase of the speed limit signs from the prima facie speed limit reduction.

Mayor Heidemann would like to see an ordinance on golf carts and inquired on the Lake Cities Fourth of July event.

Bob Hart, City Manager noted the golf cart discussion will take place on the June 18th meeting and isn't sure about the Fourth of July event.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above 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 Bar of Texas clearly conflicts with the Texas Open Meetings Act.

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.

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.

6. Consider and take appropriate action regarding a contract between the City and Wildstone Construction, LLC for the completion of the Paving, Drainage and Water Improvements for Lake Sharon Drive in an amount not to exceed \$4,100,000, authorizing the City Engineer to finalize standard city construction documents and authorizing the City Manager to execute final construction documents.

MOTION made by Councilman Garber to approve as presented. Seconded by Councilmember Pickens.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

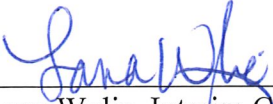
ADJOURN:

Mayor Heidemann adjourned the Regular meeting at 7:56 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the 2 day of July 2020.



Lana Wylie, Interim City Secretary
City of Corinth, Texas

