

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING
May 7, 2018 – 7:00 PM.
502 Elm Street, Sanger, Texas

COUNCIL MEMBERS PRESENT: Mayor Thomas Muir, Councilman Bill Boutwell, Councilman Lee Allison, Councilman David Clark, Councilman Allen Chick, Councilman Gary Bilyeu

COUNCIL MEMBERS ABSENT: None

The Mayor and all Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: Alina Ciocan, Acting City Manager; Ramie Hammonds, Building Official; Muzaib Riaz, Planner, Neal Welch, Director of Public Works, Cheryl Price, City Secretary

1. Call Meeting to Order, Invocation, Pledge of Allegiance.

The Regular City Council Meeting was called to order by Mayor Muir on Monday, May 7th, 2018 at 7:03 PM. The Invocation was given by Councilman Boutwell. The Pledge of Allegiance was led by Councilman Chick.

2. CITIZEN INPUT: *(Citizens are allowed 3 minutes to speak. The City Council is unable to respond or to discuss any issues brought up during this section).*

There were no citizens who wished to speak on this portion of the agenda.

3. CONSENT AGENDA:

a) Approval of Minutes:

- 1. City Council Regular Meeting April 16, 2018**

b) Disbursements

c) Approve the 2018-19 Interlocal Cooperation Agreement for Shared Governance Communications and Dispatch Services System Between Denton County and the City of Sanger's Police and Fire Department; and, Authorize the Mayor, Police Chief and Fire Chief to Execute Agreement.

A motion was made by Councilman Bilyeu to approve the Consent Agenda as presented. The motion was seconded by Councilman Boutwell. There was brief discussion called regarding Disbursements. Acting City Manager Alina Ciocan noted that at the last meeting Councilman Clark inquired about an item on the Disbursements - an invoice for Gary Dill in the amount of \$5,600.00 related to the McReynolds Project. Staff researched the information and concluded that the invoice will be addressed with Pavcon once the project is completed. The motion to approve the Consent Agenda as presented was called and carried unanimously with a 5-0 vote.

4. Consider Any Items Removed from Consent Agenda.

None.

REGULAR AGENDA

Mayor Muir noted that Troy Hamm with the Children's Advocacy Center was present. Because of the number of items on the Agenda, the Mayor moved Item No. 22 regarding the presentation for the Children's Advocacy Center to the beginning of the Regular Agenda.

Agenda Item No. 22. Services Update and Presentation from The Children's Advocacy Center.

Mr. Troy Hamm, Board of Director for the Children's Advocacy Center for Denton County was recognized. He noted that the purpose for his visit tonight is to thank the City for its ongoing support for the center and provide updated information that occurred during the 2017 fiscal year. He advised that the center provides the victims of abuse and their families education, healing, and justice. He provided statistics for 2017. He noted that they are doing some improvements and are about to start a new facility in Denton. He invited anyone who wanted to learn more about the center to come for a tour at any time. He thanked the Mayor, City Council, City Staff, Chief Amyx and the entire Police Department for their time, attention and support of the Children's Advocacy for Denton County.

5. Conduct a Public Hearing Regarding a Request to Amend the Planned Development District Created by Ordinance #09-29-03 (PD 09-29-03) to Extend the Boundaries to Include an Approximately 57.99 Acre Tract and Rezone Said Tract From "A" Agriculture District to Planned Development District 09-29-03; Adopting an Amended Exhibit "A" "Development Plan" and Amending Exhibit "B" "Site Plan".

Alina Ciocan, Acting City Manager provided a brief summary. The Lake Ridge Development was originally approved and rezoned by City Council back in 2003. At that time the City Council approved the rezoning of 76.2 Acres to include Single Family and Multi Family development. However, at that time they did not approve an ordinance when they approved the rezoning. Months later, in September, they came back with an ordinance. In the ordinance, the meets and bounds description left out a portion of the development. Basically, they only rezoned Lakeridge Phase I. It has come to our attention now that we are working on Lake Ridge Phase III and was brought to our attention from our third-party Engineer, that the legal description in the ordinance that was approved did not include the whole development. The ordinance being presented tonight includes the correct acreage and some additional provisions that have come out as a result of reviewing Lake Ridge Phase III. Staff sent out 56 Public Notices and received three (3) returned notices - (1) in favor and two (2) in opposition from the following individuals:

FAVOR

Eric Farmer, 1003 Lake Ridge Drive

OPPOSED

Shellie Smith, 2001 Ridgeview Court
Pat Wadsworth, 4005 Park Lane

Mayor Muir opened the Public Hearing at 7:16 PM and solicited anyone who wished to speak on the item. There being no citizens who wished to speak, the Public Hearing was closed at 7:17 PM.

6. **Consider, Discuss and Act on Ordinance #05-06-18 – Amending the Comprehensive Zoning Ordinance and the Official Zoning Map by Amending the Planned Development District Created by Ordinance #09-29-03 (PD 09-29-03) to Extend the Boundaries to Include an Approximately 57.99 Acre Tract and Rezone Said Tract From “A” Agriculture District to Planned Development District 09-29-03; Adopting an Amended Exhibit “A” “Development Plan” and Amending Exhibit “B” “Site Plan”.**

Ordinance Caption:

ORDINANCE 05-06-18

AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP AS HERETOFORE AMENDED BY AMENDING THE PLANNED DEVELOPMENT DISTRICT CREATED BY ORDINANCE 09-29-03 (PD 09-29-03) TO EXTEND THE BOUNDARIES THEREOF TO INCLUDE AN APPROXIMATELY 57.99 ACRE TRACT THEREIN AND REZONE SAID TRACT FROM “A” AGRICULTURE DISTRICT TO PLANNED DEVELOPMENT DISTRICT 09-29-03; ADOPTING AN AMENDED EXHIBIT “A” “DEVELOPMENT PLAN” TO INCLUDE ADDITIONAL DEVELOPMENT CONDITIONS; AMENDING EXHIBIT “B” “SITE PLAN”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Alina Ciocan, Acting City Manager provided additional summary. She advised that the Ordinance has been reviewed by Legal Counsel. Some additional provisions have been included. In 2005 City Council did an amendment of the Planned Development which is Item #1 below. Staff has some additional comments that were included as conditions of the Preliminary Plat and are included in the Planned Development as well - Items #2-5 below

1. Any single family residential lots within Lake Ridge Phase II and any future phases that are less than 110 feet deep shall have a 15-foot rear yard.
2. A permanent secondary access to the subdivision from a public roadway shall be provided with the approval of any future single-family residential plat or construction beyond Phase III within the parent tract.

3. A secondary water distribution system connection shall be provided with the approval of any future single-family residential plat or construction beyond Phase III within the parent tract.
4. Detention for the remaining parent tract including Phase III shall be provided with the approval of any future single-family residential plat or construction.
5. The location of the area designated for multi-family use is depicted in the attached Exhibit "B".

The applicant is aware of these conditions and they are in agreement. The above stipulations are all included in the Ordinance. Councilman Allison noted that the Agenda Item Exhibit mentions 57.99 acres, staff noted that the area is split out on the exhibit, the Lakeridge PD is 57.99 Acres, the Single-Family acreage area is 53.89, the Multi-Family is 4.1 Acres. It was noted that there is a small amount of flood plain on the Multi Family Zoned (MF-2) area. Staff noted that the MF-2 is not being developed at this time, they are working on it. She noted that the Engineer representing the city, Mike Anderson with Belcheff & Associates is also present tonight to answer any questions.

Matt Haskins, Homeyer Engineering, engineer for the developer, was recognized. He provided an exhibit and noted the 4.1 acres proposed for MF-2 and pointed out where the flood plain is currently located. He advised they have submitted to FEMA a proposal to remove the flood plain. He noted there would be some flood plain on the lot but that it would be well out of the development area. Through questioning by Councilman Allison it was noted that they have applied for a LOMR. There was brief discussion regarding the exhibit and the location of the flood plain. Councilman Bilyeu began discussion regarding what was part of the original PD, what the original conditions were, and asked if the 1400 square foot homes applied to the whole Single-Family area. Staff noted he was correct that 1400 is the minimum square footage requirement. There was miscellaneous discussion on the allowable uses and sizes, variances and additional conditions. Mayor Muir noted that this is more of a clean-up. Acting City Manager, Alina Ciocan noted that there were no modifications to any of the setbacks, or other criteria already in place.

A Motion was made by Councilman Boutwell to approve Ordinance #05-06-18 – Amending the Comprehensive Zoning Ordinance and the Official Zoning Map by Amending the Planned Development District created by Ordinance #09-29-03 (PD 09-29-03) to extend the boundaries to include an approximately 57.99 Acre Tract and Rezone Said Tract From “A” Agriculture District to Planned Development District 09-29-03; Adopting an Amended Exhibit “A” “Development Plan” and Amending Exhibit “B” “Site Plan”. The motion was seconded by Councilman Bilyeu. Councilman Clark asked about the three people who responded to the public hearing and noted one of them had a concern about drainage and asked if there was anything that could be addressed before moving on with this item. Staff noted that drainage could not be addressed with the PD; but, could be addressed with the plats and civil plans. Councilman Clark noted that if the individuals were in the audience he just wanted to see if it could be addressed. Motion was called. Motion to approve carried unanimously with a 5-0 vote.

7. Consider, Discuss and Act on the Preliminary Plat of Lake Ridge Estates Phase 3, Being 11.15 Acres in the Reuben Bebee Survey, Abstract No. 29, Generally

Located North and East of Lake Ridge Phase 1.

Alina Ciocan, Acting City Manager noted that this is Lake Ridge Phase III consisting of 11.15 Acres – 54 Lots. A portion of this subdivision is located in the flood plain. The applicant has filed a LOMR application with FEMA that is pending. This project was reviewed by the City's third-party engineer. The Engineer provided a letter of recommendation with the following Preliminary Plat Comments and recommendation:

1. No preliminary drainage plan (with substantiating calculations) has been provided.
 - a) It is recommended that prior to approval of a Final Plat or Construction Plans for Phase III, appropriate drainage plans and calculations be provided.
2. No on-site detention has been provided.
 - a. It is suggested that a variance may be granted such that prior to approval of any plat or construction of any future phase within the parent tract, detention for the remaining developed tract including Phase III be approved,
3. Revised floodplain boundaries have been proposed by the Engineer
 - a. It is recommended that prior to approval of the Final Plat for Phase III, FEMA verification and acceptance of the revised floodplain boundaries be obtained and minimum finished floor elevations be noted on the Plat.
4. A secondary (loop) connection to the water distribution system is recommended.
 - a) It is suggested that a variance may be granted that prior to approval of any plat or construction of any future phase within the parent tract, an acceptable secondary connection to the water distribution system be provided.
5. A permanent public secondary access roadway is recommended.
 - a) It is suggested that a variance may be granted to accept the interim access as proposed however prior to approval of any plat or construction of any future phase within the parent tract, an acceptable secondary (permanent) public roadway connection be provided.

Recommendation

It is recommended that conditional approval of the Preliminary Plat for Lake Ridge Phase III be granted subject to the above comments.

Alina Ciocan, Acting City Manager advised staff is recommending approval subject to the reviewing engineer's comments. As was discussed, the applicant has submitted a LOMR application to FEMA. She noted that three of the five comments (Comments 2, 4 and 5) have also been addressed in the Planned Development (PD). Comment Number 3 will be addressed with the Final Plat during the next item, and this comment has still yet to be resolved. Staff is recommending conditional approval of this plat based on these comments.

A motion was made by Councilman Bilyeu to approve the Preliminary Plat of Lake Ridge Estates Phase 3, Being 11.15 Acres in the Reuben Bebee Survey, Abstract No. 29, Generally Located North and East of Lake Ridge Phase 1. The motion to approve was seconded by Councilman Allison. Motion carried unanimously with at 5-0 vote.

- 8. Consider, Discuss and Act on the Final Plat of Lake Ridge Estates Phase 3, Being 11.15 Acres in the Reuben Bebee Survey, Abstract No. 29, Generally Located North and East of Lake Ridge Phase 1.**

Alina Ciocan, Acting City Manager noted that similar to the notes of the Preliminary Plat there are Engineer recommendations by the City's third-party engineer, Belcheff & Associates. Based on the Engineer's recommendations, staff is recommending denial of the plat. She advised that the Planning and Zoning Commission did approve the plat subject to the engineer's comments being resolved. She summarized the following comments and recommendation from the engineer.

Final Plat (02/09/18) Comments on Submittal for Lake Ridge Phase III by City Third party Engineer Belcheff & Associates

1. It is understood that a LOMR request was submitted under case # I 8-06-054P. It is recommended that building permits for individual lots and final acceptance by the City of public facilities not be provided until final LOMR approval is received.
 - a) To authorize early construction, in lieu of formal LOMR approval, detailed engineering study documents and completion of a City of Sanger Floodplain Development permit may be submitted for review and approval.
 - b) Finished floor elevations 2' above 100-yr WSE, as determined by the detailed engineering study, should be provided on the face of the Final Plat.
2. Off-site easements should be acquired by separate instrument(s) and acknowledged (and filing information noted on the Plat) by the City prior to Plat approval.

General

1. No on-site detention or substantiating calculations have been provided (recommended deferral to future phase of construction via preliminary plat approval.)
2. Any public improvements, onsite or offsite necessary to support this proposed development should be included within a Developer's Agreement.
3. No off-site analysis was performed as a part of this review to determine if adequate water or sanitary sewer facilities exist to service this development.
4. Additional submittals may generate further comments based on new information provided by the applicant.

Recommendation

It is recommended that the Final Plat and Construction Plan be denied for approval as submitted. If however, the City is inclined to approve the Final Plat and Construction Plan submittal for Lake Ridge Phase III it is recommended that the comments listed above be resolved prior to filing of the Phase III Final Plat or proceeding with construction.

Alina Ciocan, Acting City Manager noted that if this item is approved with conditions we would have to be sure that the LOMR was approved by FEMA prior to filing and before proceeding with any construction. There was minor discussion regarding the city having to monitor subject to the conditions.

Matt Haskins, Homeyer Engineering noted that the city would not have to accept anything, including the improvements until the LOMR was approved by FEMA.

Mike Anderson, Belcheff Engineers was recognized. He noted that this project did not submit a CLOMR, there was no conditional letter of map revisions, or no comments provided to them for consideration from FEMA regarding the proposed improvements and thus hesitation for approval of construction of public facilities and improvements until such time as the LOMR is approved. They did provide a recommendation, if the city is comfortable in approving conditions and inclined to approve it, prior to the LOMR being approved. He noted that Mr. Haskins provided them with the detailed study information that was forwarded to FEMA which is in the process, as stated in the letter. They were also provided a copy of their flood plain development information which they

have not yet reviewed; but, it appears to be complete. He believed they could make this work; however, they believe there is risk to the city, which is relatively minor, but there is the risk in that this project could move forward with construction, and facilities could get built; and, on the off chance that the LOMR was not approved and the city has partially completed facilities that are on private property which aren't necessarily accepted and owned by the city. He noted this could create potential issues for the city down the road; nuisance and safety issues, etc. There was detailed discussion regarding the flood plain and finished floor elevations between the engineers and Councilman Allison. It was noted that the Flood Plain has changed and Councilman Bilyeu asked when they were aware of the change. Alina Ciocan, Acting City Manager noted that they are not the original developers. Councilman Bilyeu asked what was going to be accomplished by not having a clean final plat. Why should we approve it conditionally. Mr. Haskins stated that they are not asking that they not have a clean final plat. They are asking that Final Plat be approved now on the condition that the LOMR is approved. Councilman Bilyeu noted that he believed when a final plat is brought in that it should be totally complete – that is why it is called “final”. Alina Ciocan, Acting City Manager advised that the goal that the developer is trying to accomplish is to start construction on improvements. The developer noted most of the dirtwork has been done and is completed for LOMR approval. All they are asking that they get final approval and begin construction while waiting on FEMA. All of the dirtwork has been done, the surveys have been done. Councilman Chick asked when the LOMR is supposed to be approved. Developer noted they are currently in second submittal with FEMA and they submitted 4 to 5 weeks ago and they are supposed to take 4 weeks to reply so it should be soon, they may have more comments. They know that FEMA reviewed their model and they did not have any questions about the model. The approval will come and it will take another two months for the map to actually be changed. There was further discussion between the developer, engineers and Council Members regarding beginning construction on the subdivision for water, sewer, and roads before the approval of the LOMR. He asked staff, if council recommended denial would they have to start the process over again. Staff noted that Councilman Allison was correct and it would be a 60-day process. He asked if we could add a condition for a hold harmless agreement. Staff noted that was a legal question and would have to consult legal. Councilman Chick asked if this was a precedence that we want to establish - not having a final plat that is final - clean. Mike Anderson, Belcheff Engineers, noted that they have reviewed the construction plans. He noted that they did a good job on their construction plans. The final comments that remain on this sheet have gone from three pages to the one page there is now. From the city's perspective, from a public infrastructure perspective, the construction plans are ready to go – but it goes back to to the FEMA approval – the flood plain issue. The developer said he would be happy to sign a hold harmless agreement. Mike Anderson, Belcheff Engineers noted that the City needs to be sure and have a payment performance and maintenance bond for the storm drain, roads, water and sewer lines. Staff noted this is in our ordinance and we would require it. There was discussion regarding denial or approval of the plat. It was noted that this item could not be tabled since it was a plat. Councilman Chick noted that the reason Council is debating this is because this is something we don't want to do and the developer is forcing Council's hands to help them out. He understands they want to get it going, but everything has a track and a way to be done. The developer advised that they started the process in October and had agreements to go with staff to get through this process. Staff noted that they let the applicant and developer know on multiple occasions that the City wanted to see FEMA approval

before submittal of the final plat. Staff noted that the question is the timing of the LOMR and they were hoping to receive the letter by the time the plat came to Council, but they did not receive it in time. Discussion ensued. Mayor Muir advised that he believed that Council understands the issues and asked Council if there were any further questions to clarify or if Council would like to make recommendation on the item.

A motion was made by Councilman Clark to deny the Final Plat of Lake Ridge Estates Phase 3, being 11.15 Acres in the Reuben Bebee Survey, Abstract No. 29, generally located North and East of Lake Ridge Phase 1. Motion to deny was seconded by Councilman Bilyeu. Discussion was called. Councilman Boutwell noted that it is apparent that the applicant has been working diligently on this and they showed good faith effort. It is unfortunate, but we do not want to put the city at risk and it is a difficult situation for the developer and for us because we try to assist our people in our little town, however, and wherever we can. Councilman Allison noted he would like to preface that voting against the motion was not publicly voting against the direction of the city and what we are trying to accomplish and move forward with; but, he could see it moving forward with conditions, and could certainly appreciate all of his fellow City Councilmembers opinions at this meeting tonight. Councilman Bilyeu noted there was a comment regarding the administrative process and he feels this is part of the administrative process as well. When we start making exceptions, we are setting a precedence when everybody else does it right and it puts undue burden on staff; so, in our attempts to clean up the administrative processes he believes this is the appropriate action. The motion was called by Mayor Muir. Motion to deny carried with three in favor and two (2) against with Councilman Boutwell and Councilman Allison voting against the denial of the plat.

9. Conduct a Public Hearing Regarding a Request for A Specific Use Permit (SUP) to Allow A Studio as a Use at 802-806 Utility Road, Generally Located South of Utility Road.

Ramie Hammonds, Building Official was recognized to present the request noting the applicant is requesting a Studio Use for the location. She noted the location is zoned Industrial and does not necessarily meet the typical industrial layout. It has five portable buildings on it that were previously owned by Sanger ISD. They are now wanting to use the buildings and lease them out as studio type uses. Staff would support that use and feels it is a fitting type use for the location; however, the size of the buildings does not allow for industrial type uses in those buildings.

There was a brief recess at 8:19 PM – Meeting was reconvened at 8:26.

Ramie Hammonds provided the definition of Studio, noting that in our ordinance it is defined as: art, music, ceramics, drama, speech, dance, or similar skills, a building or rooms used for instruction, coaching or counseling in drama, speech, dance or similar personal skills or arts.

Mayor Muir opened the public hearing at 8:26 PM and solicited any citizens who wished to speak during the public hearing. There being no persons who wished to speak, the public hearing was closed at 8:28 PM.

10. Consider, Discuss and Possibly Act on Ordinance #05-07-18 – Granting a Specific

Use Permit to Allow A Studio as a Use at 802-806 Utility Road, Generally Located South of Utility Road.

Ordinance Caption:

ORDINANCE# 05-07-18

AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO ALLOW A STUDIO AS A USE AT 802-806 UTILITY ROAD; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Alina Ciocan, Acting City Manager advised that staff has looked at several cities to see how they handle the proposed use of studios and studios are actually allowed by right in an Industrial District. As staff is revamping some of the ordinances we will look at the land use table and propose changing some of the uses. Councilman noted there was a response in relation to parking and asked, when they apply for a CO if staff checks to see that there are a correct number of parking spaces based on the use. Staff noted that he was correct and the parking would be addressed based on the use at the time of the request for a Certificate of Occupancy (CO). Councilman Bilyeu noted that typically a SUP has a time limit on it. Staff noted that they did not consider adding a time limit to this SUP mainly because staff will be looking at the land use table and will be proposing updating the ordinance for this to become an allowable use within the light industrial district. She noted that if Council chooses to put a time limit on it they may do so. Councilman Bilyeu noted if we make the SUP permanent it stays with the land, if we put a time limit on it and the ordinance is changed to allow the use the time limit will go away and the SUP will no longer run with the property. Councilman Bilyeu noted he is for a time limit because he does not like the SUP running concurrent with the land forever. Staff noted they could make the SUP expire with the change in the land use table. There was discussion as to a time period and staff noted they anticipated proposing an ordinance change in the next few years.

A motion was made by Councilman Bilyeu to approve Ordinance #05-07-18 – to grant a Specific Use Permit to allow a Studio as a use at 802-806 Utility Road, generally located south of Utility Road with an added condition of a four (4) year time limit on the Specific Use Permit (SUP). The motion to approve was seconded by Councilman Boutwell. The motion to approve carried unanimously with a 5-0 vote.

11. Conduct a Public Hearing Regarding a Request for Approval of Alternative Exterior Building Materials and/or Design for a Proposed Accessory Building Located at 401 1st Street.

Ramie Hammonds, Building Official provided a summary. She noted the applicant is proposing to use a hardie board siding for construction on the accessory building he is proposing to build. He meets the lot coverage so he is within the rights to build the building; however, our ordinance requires on hundred (100%) percent masonry or equal to the masonry on the house. The applicant is asking for an exception to that and to

use a hardie board siding. It was noted the home is 100% brick. There were no responses received for or against the item.

Muir opened the public hearing at 8:36 PM and solicited any citizens who wished to speak during the public hearing.

Mr. Joe Ellis, the Applicant was recognized and noted he has been working on improving the property. He noted that if he bricked the building it was going to look like a tiny house. He originally wanted a metal building and noted that he can look down the street and see a metal building covered with graffiti. He has spoken with all of his neighbors and has letters from them, which he brought, and also has photos of what the Hardie board looks like and presented them to the Council. Councilman Boutwell noted there is different kinds of Hardie Board now some that have wood grain. Mr. Ellis stated that is what he is going to use.

Adrian Butler, who owns a rental home next to the property stated that Mr. Ellis has been a good neighbor. Mr. Butler noted that a 30 x 30 building is a large building. He asked the dimensions, size eaves, and how far from property lines. It was noted that it is a big lot but the overall coverage is within the allowed limits. There being no further discussion the public hearing was closed at 8:41 PM.

12. Consider, Discuss and Act on a Request for Approval of Alternative Exterior Building Materials and/or Design for a Proposed New Accessory Building Located at 401 1st Street.

Councilman Boutwell noted that there are different kinds of hardie board, that some even have a wood grain. Mr. Ellis stated that is the type he is planning to use. Councilman Chick asked if there has been alternate material such as Hardie Board approved on storage buildings before. It was noted there was one building approved last year with hardie board that was moved onto a lot. There was minor discussion regarding construction details.

A motion was made by Councilman Bilyeu to approve the request for Alternative Exterior Building Materials (Hardie Board Siding) for a proposed new accessory building located at 401 1st Street. The motion was seconded by Councilman Boutwell. The motion carried unanimously 5-0 vote.

13. Conduct a Public Hearing Regarding a Proposed Amendment to the Comprehensive Plan and Future Land Use Map from Rural Residential Use to Urban Low Density Use for Approximately 50.337 Acres Described as A0029R, Bebee Tracts Tr 22, 22A and A0792A J. Morton, Tr 51, and Generally Located South of FM 455 and North of Union Hill Road.

Ramie Hammonds, Building Official provided a summary. She noted this is a request to amend the Comprehensive Plan and Future Land Use Map. The request is to go from Rural Residential to Urban Low-Density Use. They are looking to develop single family homes on half acre lots. There is also a companion request to zone the property if this is approved. Mayor Muir noted that following items 13-16 are related.

Mayor Muir opened the Public Hearing at 8:49 PM and solicited any citizens who wished

to speak on the Public Hearing. There being no persons who wished to speak, the public hearing was closed at 8:49 PM.

14. **Consider, Discuss and Possibly Take Action on Ordinance #05-08-18 - Granting an Amendment to the Comprehensive Plan and Future Lane Use Map from Rural Residential Use to Urban Low Density Use for Approximately 50.337 Acres Described as A0029R, Bebee Tracts Tr 22, 22A and A0792A J. Morton, Tr 51, and Generally Located South of FM 455 and North of Union Hill Road.**

Ordinance Caption:

ORDINANCE# 05-08-18

AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE LAND USE PLAN AND FUTURE LAND USE MAP BY CHANGING THE USE CLASSIFICATION FROM RURAL RESIDENTIAL TO URBAN LOW DENSITY RESIDENTIAL ON A CERTAIN APPROXIMATELY 50.337ACRES DESCRIBED AS 0029R, BEBEE TRACTS TR 22, 22A AND A0792A J.MORTON, TR 51, AND GENERALLY LOCATED SOUTH OF FM 455 AND NORTH OF UNION HILL ROAD; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ramie Hammonds advised when the property was annexed into the City it was zoned as Rural Residential and is being changed to Urban Low Density. Councilman Boutwell asked what the difference is between Rural Residential and Urban Low Density. Mr. Muzaib Riaz noted that Urban Low Density allows for Single Family Residential of six (6) units per acre and was introduced to the Councilmembers as the City's new planner. Councilmembers welcomed him. It was noted that Rural Residential is 1 acre or larger. The applicant is proposing half-acre lots. Mayor Muir noted that the smallest lots they could possibly do on the property is a half-acre or more because they would have to have septic systems and there is a property requirement for septic systems.

A motion was made by Councilman Boutwell to approve Ordinance #05-08-18 - granting an Amendment to the Comprehensive Plan and Future Lane Use Map from Rural Residential Use to Urban Low Density Use for approximately 50.337 Acres described as A0029R, Bebee Tracts Tr 22, 22A and A0792A J. Morton, Tr 51, and generally located South of FM 455 and North of Union Hill Road. The motion to approve was seconded by Councilman Bilyeu. Motion carried unanimously with at 5-0 vote.

15. **Conduct a Public Hearing Regarding a Request to Rezone Approximately 50.337 Acres From A Agricultural to Single Family Residential District 3, Described as A0029R, Bebee Tracts Tr 22, 22A and A0792A J. Morton, Tr 51, and Generally Located South of FM 455 and North of Union Hill Road.**

Alina Ciocan, Acting City Manager was recognized and advised that the property allows for SF-3. She noted there are different minimum dwelling size categories with in the

SF-3 zoning and the applicant has requested Category 2 which is 2000 square feet. Mayor Muir noted again that the smallest lots they could do would be a half-acre because they would have to have septic systems. Councilman Allison asked if staff regulates the Septic Systems and staff noted that it is done by an outside party, the city does not have the staff required to monitor a septic system.

Mayor Muir opened the public hearing at 8:59 PM and solicited any citizens who wished to speak during the public hearing.

Ann Criscroft, manager at one of the storage businesses on FM 455 was recognized. They are concerned about the traffic with over 200 cars going in and out and wanted to know if there would be a light at the intersection. Mayor Muir noted that FM 455 is a TxDOT road and it took quite a while to get a light at the High School. He noted that the chances are probably small that they will get a light anytime in the near future. She said that she has about 145 boats coming in and out at any time and is concerned with the traffic. She noted on the septic system, for their system, they were required to have a company service their septic system.

There being no persons who wished to speak, the public hearing was closed at 9:02 PM.

- 16. Consider, Discuss and Possibly Take Action on Ordinance #05-09-18 – To Approve a Request to Rezone Approximately 50.337 Acres From A Agricultural to Single Family Residential District 3, Described as A0029R, Bebee Tracts Tr 22, 22A and A0792A J. Morton, Tr 51, and Generally Located South of FM 455 and North of Union Hill Road.**

Ordinance Caption:

ORDINANCE# 05-09-18

AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION FROM “A” AGRICULTURAL DISTRICT TO “SF-3” SINGLE-FAMILY RESIDENTIAL DISTRICT-3 ON APPROXIMATELY 50.337 ACRES DESCRIBED AS A0029R, BEBEE TRACTS TR 22, 22A AND A0792A J.MORTON, TR 51, AND GENERALLY LOCATED SOUTH OF FM 455 AND NORTH OF UNION HILL ROAD; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Bilyeu confirmed with staff that this is not presented as a PD so there are no specific requirements for the monument sign, parks, etc. Ramie Hammonds, Building Official added that is correct and noted that the developer is requesting straight zoning and will have to go with all of the requirements of the SF-3 Zoning. Acting City Manager Alina Ciocan noted that there was initial discussion regarding a PD and it was noted that they are targeting the higher square footage and once they started looking at zoning we did have a zoning district that catered to what they were looking for. It is the Developer’s desire to turn it into a custom development she noted that she has included information in the Agenda Packets. Councilman Bilyeu asked if they need to be specific to say SF-3 C-2 Zoning for the 2000 minimum square foot homes. Staff noted it should

be included in the motion. There was discussion regarding the curb and it was noted that this is just the zoning at this point and it would be addressed later.

A motion was made by Councilman Bilyeu to approve Request to Rezone Approximately 50.337 Acres From A Agricultural to Single Family Residential District 3, C-2 zoning, minimum 2000 square foot homes, Described as A0029R, Bebee Tracts Tr 22, 22A and A0792A J. Morton, Tr 51, and Generally Located South of FM 455 and North of Union Hill Road. The motion to approve was seconded by Councilman Clark. Motion carried unanimously with a 5-0 vote.

17. Consider, Discuss and Act on the Preliminary Plat of the Lois Business Park Addition, Being 39.84 Acres in the R. Bebee Survey, Abstract No 29, Generally Located East of IH-35 and South of Lois Road.

The applicant is proposing to develop the property into three lots to build 30,000 square foot warehouse type units on the lots. The long-term plan is to put four warehouse units on the property, but they are just starting out with one. Both the applicant's engineer and the City's third-party engineer are present if there are any questions. The City's engineer has reviewed the project and recommends approval. It was noted the lot the first building would be placed on would be Lot 1. Councilman Boutwell noted there was some dirt moving going on at the property and staff noted it was the city putting in water and sewer lines. There was discussion as to where the utilities were located on the property. Staff noted that the entire property is going to be serviced by Sanger water, sewer and electric.

A motion was made by Councilman Bilyeu to approve the Preliminary Plat of the Lois Business Park Addition, Being 39.84 Acres in the R. Bebee Survey, Abstract No 29, Generally Located East of IH-35 and South of Lois Road. The motion was seconded by Councilman Clark. The motion carried unanimously with a 5-0 vote.

18. Conduct a Public Hearing Regarding the Final Replat of the Prairie Ranch Estates Addition Phase 1 Lots 5A & 5B Block A, Being 2.02 Acres in the William Mason Survey, Abstract Number 801, Generally Located South of Lois Road and East of Metz Road.

Mayor Muir opened the Public Hearing at 9:14 and solicited anyone who wished to speak.

Jackie representing the property owner at 4002 Lois Road West which is adjacent to the lot was recognized. She asked if the warehouses were going to be closer to Metz or I-35. Staff noted the warehouses that were just discussed were going to be closer to Walmart at I-35. She asked what type of development is planned for this property. It was noted the two lots were planned for one-acre residential lots. She noted that since she has met the property owner at the meeting she would speak with them.

There being no further persons who wished to speak, the public hearing was closed at 9:16 PM.

19. Consider, Discuss and Act on the Final Replat of the Prairie Ranch Estates Addition Phase 1 Lots 5A & 5B Block A, Being 2.02 Acres in the William Mason

Survey, Abstract Number 801, Generally Located South of Lois Road and East of Metz Road.

Alina Ciocan, Acting City Manager summarized. The applicant is proposing to subdivide the tract into 2 lots of record being 1.01 acres each. The property is located in the City of Sanger ETJ. The replat has been sent to Denton County for their review and comments were provided and have been implemented. Staff recommends approval. It was noted that applicants are present.

A motion was made by Councilman Bilyeu to approve the Final Replat of the Prairie Ranch Estates Addition Phase 1 Lots 5A & 5B Block A, being 2.02 Acres in the William Mason Survey, Abstract Number 801, Generally Located South of Lois Road and East of Metz Road. The motion was seconded by Councilman Boutwell. The motion carried unanimously with a 5-0 vote.

20. Consider, Discuss and Act on the Final Plat of the Prairie Ranch Estates Addition Phase 2, Being 9.66 Acres in the William Mason Survey, Abstract Number 801, Generally Located South of Lois Road and East of Metz Road.

Alina Ciocan, Acting City Manager summarized that this is the same development. It is a final plat for the second phase of the Prairie Ranch Estates Addition located in the City's ETJ. The plat has been sent to Denton County for their review and comments were provided and have been implemented. Staff recommends approval. It was noted that applicants are present. There was no questions or discussion.

Councilman Boutwell made a motion to approve the Final Plat of the Prairie Ranch Estates Addition Phase 2, Being 9.66 Acres in the William Mason Survey, Abstract Number 801, Generally Located South of Lois Road and East of Metz Road. The motion was seconded by Councilman Clark. The motion carried unanimously with a 5-0 vote.

21. Consider, Discuss and Possibly Approve Resolution No. 05-01-2018 – Approving an Economic Development Incentive Agreement with R & L Carriers, Inc.; and, Authorize the Mayor to Execute Agreement.

Acting City Manager Alina Ciocan summarized this project. R & L Carriers has requested Economic Development Incentives to construct a 120,000 square foot trucking terminal complex. The approximate cost of this development is \$14,000,000. They are projecting to ultimately create 200 jobs. The proposed economic development agreement would provide for:

- Ad valorem tax rebate – 50 % for a period of seven (7) years. This is based upon enhanced value, so no existing tax revenue will be lost due to this grant.
- Site improvements as described in the agreement (extension of water & sewer lines).
- Fee waivers – 50% of permitting and inspection fees, 50% of roadway impact fees and 100% of water and wastewater fees.

She summarized a few minor revisions to the agreement requested by the applicant:

- 1) Adding an additional address to mail the contract;

- 2) The document will be notarized in Florida so it was changed from Texas to Florida;
- 3) move the Exhibit labels to the outside of the boxes on the exhibits.

This agreement has been reviewed by legal counsel. Staff believes this is a great project and enhances the tax base. Councilman Bilyeu asked for clarification, if she had said it would be 120,000 square foot facility. Staff noted it is proposed at this time to 120,000 square feet at this time. The incentives were briefly discussed. Councilman Bilyeu asked if the city would service utilities and staff noted city would provide water, sewer and electric. Councilman Bilyeu asked if there were any triggers for development. Staff noted that they have to get a building permit by December 2018 and have to be operational within two years. The agreement is for seven years and starts when they get a Certificate of Occupancy. There was more discussion regarding the details of the Agreement. Councilman Bilyeu noted that there was a lot of hard work put into this and he wanted to take the time to praise the Director of Economic Development, Alina Ciocan. Councilman Bilyeu stated it was a great project and a lot of hard work went into it. We need more projects like this. There was brief discussion regarding economic development projects.

A motion was made by Councilman Bilyeu to approve Resolution No. 05-01-2018 – approving an Economic Development Incentive Agreement with R & L Carriers, Inc.; and, authorize the Mayor to execute agreement. The motion was seconded by Councilman Boutwell. The motion carried unanimously with a 5-0 vote.

22. Services Update and Presentation from The Children’s Advocacy Center. (This item was moved to the first item under regular agenda.

This item was moved to the first item under Regular Agenda – for summary see first item under Regular Agenda.

23. INFORMATION ITEMS:

- a) **Financial Statements – March 31, 2018**
- b) **City of Sanger – Capital Projects as of April 30 2018**

Mayor Muir noted that there was a discrepancy on the Capital Projects on the Phase II East Water line - staff noted that they will take a look at it and provide a revised report. Mayor Muir thought it may be an error and that it looks like it should be shifted down.

Councilman Clark asked Director of Public Works Neal Welch if the water wells and ground storage were complete. Neal Welch stated that we have been using the wells for a year. Councilman Clark asked about the Scada, if it was complete and Mr. Welch stated that they were still working on it and tweaking things because we have had some lightening strikes that burned some components up. He stated that he believed the project is complete. Councilman Clark asked about the nitrification plan and Mr. Welch said it is 95% complete.

- c) **Sanger Public Library Quarterly Statistics Report - 2nd Quarter FY 17-18**
- d) **All American Dogs Report**
- e) **Atmos Energy Rider GCR – Rate Filing under Docket No. 10170**

24. FUTURE AGENDA ITEMS: (The purpose of this item is to allow the Mayor and members of Council to bring forward items they wish to discuss at a future meeting, A Council Member may inquire about a subject for which notice has not

been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting. Items may be placed on a future meeting agenda with a consensus of the Council or at the call of the Mayor).

There were no future agenda items proposed.

25. ADJOURN.

There being no further business Mayor Muir adjourned the meeting at 9:33 PM.