



*** PUBLIC NOTICE ***

**NOTICE OF A CITY COUNCIL REGULAR SESSION IMMEDIATELY FOLLOWING
A WORKSHOP SESSION
OF THE CITY OF CORINTH**

**Thursday, April 19, 2018, 5:30 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

CALL TO ORDER:

WORKSHOP BUSINESS AGENDA

1. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.
2. Discuss the proposed Lynchburg Creek Master Drainage Plan Study.
3. Discuss Wayfinding Signs for homebuilders and public facilities.
4. SAFER Application briefing (Due April 28th).
5. Discuss amendments to the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code including Sections 2.07.03 and 2.07.04 by amending Uses Permitted, Uses Prohibited, Uses Permitted by Specific Use Permit and Conditional Development Standards related to Industrial, Commercial, Office, Retail, and Residential land use categories.
6. Discuss the Regional Transportation Council position.

ADJOURN WORKSHOP SESSION

***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 & TEXAS PLEDGE:

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

PROCLAMATION:

Motorcycle Safety Awareness Month

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 March 1, 2018 Workshop Session.
2. Consider and act on minutes from the March 1, 2018 Regular Session.
3. Consider and act on minutes from the March 15, 2018 Workshop Session.
4. Consider and act on minutes from the March 15, 2018 Regular Session.
5. Consider and act on minutes from the March 22, 2018 Special Session.
6. Consider and act on a Resolution appointing Bob Hart to the Upper Trinity Regional Water District.
7. Consider authorizing the City Manager to approve the Professional Services Contract with Lamb-Star Engineering for design services to remodel the Public Works Facility and site/drainage design work for the Fire Department's Training facility.
8. Consider and act on the abandonment by Ordinance of the temporary grading easement being described and depicted in Exhibit "A" (the "Temporary Grading Easement") and attached to the proposed Ordinance. This abandonment shall extend only to the Temporary Grading Easement title and interest that the City Council may legally and lawfully abandon. The permanent easement acquired by the City pursuant to Cause No. PR-2009-00932 in the Probate Court of Denton County, Texas and recorded as Doc No. 2010-27633 in the Deed Records of Denton County, Texas is not impacted by this Ordinance and all rights pertaining thereto are retained by the City of Corinth.
9. Consider and act on a Resolution of the City Council of the City of Corinth denying a Special Use Permit for the installation of a new 121-foot tall cell tower and associated equipment on a property legally described as Lot 1-R, Block A, North Central Texas College Addition No. 2.

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.

PUBLIC HEARING

10. TO HEAR PUBLIC OPINION REGARDING A REQUEST BY THE APPLICANT, ROBERT P. GARZA, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER NANCY REED, FOR A ZONING CHANGE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE NO. 13-05-02-08 AND PLANNED DEVELOPMENT ORDINANCE NO. 07-03-01-05 BY REVISING THE LAND USE REGULATIONS AND DEVELOPMENT STANDARDS ON PROPERTY LEGALLY DESCRIBED AS TRACT 1 BEING 3.189 ACRES SITUATED IN THE L. YOUNG SURVEY, COUNTY ABSTRACT 1451 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located on the northwest corner (NWC) of Post Oak Drive and Robinson Road.

- Staff Presentation
- Applicants Presentation
- Public Hearing
- Response by Applicant
- Response by Staff

Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code, Ordinance No. 13-05-02-08, as amended and amending Planned Development Ordinance No. No. 07-03-01-05 by revising the Land Use Regulations and Development Standards on property legally described as Tract 1 being 3.189 acres situated in the L. Young Survey, County Abstract 1451 in the City of Corinth, Denton County, Texas. This property is located on the northwest corner (NWC) of Post Oak Drive and Robinson Road.

11. Discuss and consider a petition for a Major Subdivision Waiver for relief from the driveway separation distance requirements of the Unified Development Code, Section 3.05.04, Access Management, to allow a separation distance of approximately 171' from the Post Oak intersection for a new driveway. The property is located on 3.017 acres legally described as Tract 1 being 3.189 acres situated in the L. Young Survey, County Abstract 1451 in the City of Corinth, Denton County, Texas. This property is located on the northwest corner (NWC) of Post Oak Drive and Robinson Road.

12. **PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08 INCLUDING SECTIONS 2.07.03 AND 2.07.04 BY AMENDING USES PERMITTED, USES PROHIBITED, USES PERMITTED BY SPECIFIC USE PERMIT AND CONDITIONAL DEVELOPMENT STANDARDS RELATED TO INDUSTRIAL, COMMERCIAL, OFFICE, RETAIL, AND RESIDENTIAL LAND USE CATEGORIES.

- Presentation by Staff
- Public Hearing
- Response by Staff

13. Conduct a public hearing on the need to continue Section 130.04 of the Corinth Code of Ordinances, imposing a curfew for juveniles and consider an act on amending Chapter 130 of the Corinth Code of to continue the Curfew for Minors for an additional three (3) years.

BUSINESS AGENDA

14. Discuss and consider a petition for a Major Subdivision Waiver for relief from the driveway separation distance requirements of the Unified Development Code, Section 3.05.04, Access Management, to allow a separation distance of 244', curb-to-curb, in lieu of 250' from the Post Oak intersection, and a separation distance of 77', curb to curb, in lieu of 250' from the nearest adjacent driveway. The property is located on 3.017 acres legally described as a portion of Lot 1, Block 1, State Farm Addition, in the City of Corinth, Denton County, Texas. This property is located south of the Post Oak Drive intersection on the southbound frontage road of IH-35E and is commonly known as 1251 Post Oak Drive.

15. CONSIDER AND ACT ON AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF CORINTH, TEXAS, BY AMENDING CHAPTER 71, STOPPING, STANDING AND PARKING, BY MODIFICATIONS TO SECTION 71.02, PARKING DESIGNATIONS FOR PORTIONS OF PUBLIC RIGHTS-OF-WAY, PROHIBITING PARKING, STANDING, AND STOPPING ALONG PORTIONS OF INTERSTATE HIGHWAY 35 SERVICE ROAD (STEMMONS FREEWAY), PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

16. Consider and act on a Resolution nominating one candidate to a slate of nominees for the Board of Managers of the Denco Area 9-1-1 District.

17. Consider and act on an ordinance approving an amendment to the fiscal year 2017-2018 Budget and Annual Program of Services to provide for expenditure of funds from the Storm Drainage Fund for the Lynchburg Creek Design Study.

18. Consider approval of the Lynchburg Creek Master Drainage Plan in the lump sum amount of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000).

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.

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 of Texas clearly conflicts with chapter 551.

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. Purchase Right-of-way at 2101 Lake Sharon Blvd

BUSINESS AGENDA:

19. Hear and discuss land owner proposal for resolution of Right-of-Way sale and related issues at 2101 Lake Sharon Blvd.

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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.

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. Purchase Right-of-way at 2101 Lake Sharon Blvd

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:

Posted this 13 day of April, 2018 at 11:30 a.m. on the bulletin board at Corinth City Hall.

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

WORKSHOP BUSINESS ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018
Title: Lynchburg Creek Design Study
Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary
Finance Review: Yes **Legal Review:** N/A
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Discuss the proposed Lynchburg Creek Master Drainage Plan Study.

AGENDA ITEM SUMMARY/BACKGROUND

Jones Carter Engineering has submitted a proposal in the amount of \$250,000 to provide a Master Drainage Study for the Lynchburg Creek Basin. The Lynchburg Creek Master Drainage Plan fits into a long term strategy to facilitate development inside the basin, protect existing structures, and minimize future flood damages and injuries caused by flooding. The scope of the study includes a plan that will provide solutions to flooding and drainage issues in the Lynchburg Creek Basin. The study will focus on the Amity Village subdivision at the upper end of the basin, the area around the confluence of the creek with IH-35E, and the Red Oak Drive area, These three area have all been drainage concerns in the past. The Lynchburg Creek Master Drainage Plan will also include an assessment of the existing drainage infrastructure to identify other worthwhile improvements including undersized culverts and ditches and other concerns with recommended solutions.

The Lynchburg Creek Master Plan will leverage work already completed for Risk Mapping of FEMA's Lynchburg Creek Basin being administered through the North Central Texas Council of Governments. These updated RISK maps show areas inside the city that will be brought into the 100-year floodplain when the FEMA maps are updated. This study will provide multiple alternatives solutions with construction cost estimates (as well as estimated damages and # of structures) that will help the city proactively plan for drainage improvements to relieve flood prone areas and help minimize damages to existing structures caused by flooding. Ultimately, a project must be completed and approved by FEMA before it can be removed from the floodplain. The recommended solutions will be used to seek State or Federal funding to provide a solution to the flooding issue.

RECOMMENDATION

N / A

Attachments

Proposal Lynchburg Master Plan



6509 Windcrest Drive, Suite 600
Plano, Texas 75024
Tel: 972.488.3880
Fax: 972.488.3882
www.jonescarter.com

April 4, 2018

Mr. Bob Hart
City of Corinth
3300 Corinth Parkway
Corinth, Texas 76208

Re: Professional Engineering Services for
Lynchburg Creek Master Drainage Plan
City of Corinth, Texas
(Jones | Carter Work Order No. 1)

Dear Mr. Hart:

We appreciate the opportunity to present this proposal for the civil engineering services pursuant and in accordance with the Master Agreement for Professional and Engineering Services between the City of Corinth and Jones & Carter, Inc.

Project Understanding

Corinth is participating in the FEMA Cooperating Technical Partners (CTP) program being administered through the North Central Texas Council of Governments to update floodplain data and mapping along Lynchburg Creek. Preliminary output provided to the City by the CTP consultant have presented previously undocumented drainage and flooding concerns. Additionally, the City is aware of historic flooding and drainage concerns within the watershed. The City would like to evaluate the watershed to identify and evaluate solutions to reduce the impact of flooding and estimate their costs and benefits. The City would like to use the results of this evaluation to prioritize projects and plan for funding, including evaluation of grant programs, to implement preferred alternatives.

Based on our understanding of the City's needs, watershed characteristics, and the grant funding process, we prepared the following scope of services and fee proposal for your consideration.

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Scope of Services

The objective of the Master Drainage Plan is to provide the City with a plan to address critical drainage and flooding issues within the Lynchburg Creek watershed that will improve the safety and welfare of existing residents and allow for future development to proceed without further impacting residents.

1) Support City Staff with Council Approval

JC will attend up to 2 city council meetings and/or workshops to assist City staff in describing the scope and benefits of this planning effort. Additional meetings can be attended as an additional service if requested.

2) Collection & Review of Baseline Information

JC will obtain and review available watershed data. Some data will need to be provided by the City. The data will include: data, models, maps, and exhibits from the ongoing CTP; 2004 Storm Water Master Plan; previous drainage studies; Letters of Map Revision; record drawings; and drainage complaints reported by citizens.

With respect to flooding, three areas of concern have been identified in previous discussion with the City: (1) Amity Village, (2) Red Oak Drive, and (3) the area between Corinth Parkway and Interstate 35 East. JC will utilize the obtained data and in-field assessments to identify additional potential locations that could benefit from master drainage planning. Providing evaluation of potential solutions, recommendations, and estimates for these additional areas of concern can be included as an additional service.

JC will attend a kick-off meeting with the City covering the following topics:

- Project Communication – Establish the frequency and method of communication with City staff.
- Project Scope
- Project Milestones & Schedule
- Project Deliverables

3) Alternative Concept Development for Identified Flood Issues

JC will identify up to 2 conceptual improvements for each of the 3 previously identified flood concerns. With the Amity Village area, recommendations for the Corinth City Center development from the 2004 Storm Water Master Plan will be re-evaluated to accommodate for the denser development. Improvements may include channel rerouting, widening, and/or deepening, detention basin development, or other flood mitigation improvements. Conceptual improvements will include detention within the “Buc-ee’s site” and off-line detention for the Red Oak Drive area.

JC will meet with the City to prioritize the evaluation of problem areas and alternatives. Upon approval of the concepts presented in the meeting, we will proceed with detailed analysis of the concepts.



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4) Evaluation of Additional Problem Areas

Our field assessment will look to identify erosion issues that could result in property damage, erosion/scour issues at outfalls, and instream structures such as bridge and culvert crossings. Additionally, we will observe ditches, culverts, and inlets within the watershed to note apparent capacity and maintenance issues. Further, we will perform cursory calculations for areas noted in the field to assess grades and capacities.

A brief letter report describing areas of additional concern shall be provided, and reviewed with the City to determine if they will be included in the master planning effort. Providing evaluation of potential solutions, recommendations, and estimates for these additional areas of concern are included as hourly task.

5) Hydrologic & Hydraulic Analyses of Flood Mitigation Improvements

JC will modify the detailed hydrologic and hydraulic models obtained from the ongoing CTP program to include the conceptual improvements for the flood concerns. The models are anticipated to be HEC-HMS and HEC-RAS models encompassing the overall watershed. The hydrologic models are anticipated to only include existing development conditions.

JC will model the alternatives using existing watershed development conditions to determine the specific design parameters and impacts of each. JC will use the watershed models to assess any adverse impacts elsewhere in the watershed caused by the proposed alternatives.

Schematics of the improvements will be prepared and the resulting floodplain reductions will be delineated and mapped. A 20% level construction cost estimate of each alternative will be developed with an appropriate contingency included.

The benefit of each alternative will be quantified in several ways. Using HEC-FDA, we will evaluate the Expected Annual Damages (EAD) in dollars of the existing condition and concepts for each problem area. We will also quantify the number of structures in the floodplain and the floodplain area in acres. Using the expected benefit in dollars and the cost in dollars, we will calculate a benefit/cost ratio using FEMA specifications of each alternative. JC will review the preliminary results of the alternatives analysis with the City prior to preparing the final report. A table like the one below will be compiled to document the alternatives.

**City of Corinth
 Lynchburg Creek Master Drainage Plan
 Alternative Summary Table**

Eval. Area	Concept	Description	Construction Cost (\$)	Expected Annual Damages (\$)	Structures in the Floodplain	Floodplain Area (ac)
Amity Village	Existing Conditions		N/A			
	Concept 1					
	Concept 2					
Red Oak Drive	Existing Conditions		N/A			
	Concept 1					
	Concept 2					
Corinth Pkwy to I-35E	Existing Conditions		N/A			
	Concept 1					
	Concept 2					

6) Evaluation of Projects Eligibility for FEMA Grant Funding

JC will evaluate the applicability of FEMA grant funding that is available for construction of flood mitigation projects. We will evaluate the Flood Mitigation Assistance (FMA) program, the Pre-Disaster Mitigation Grant (PDM) program, and the Hazard Mitigation Grant Program (HMGP). The grant programs each have specific requirements and involve coordination with the State of Texas Water Development Board (TWDB) or Texas Division of Emergency Management (TDEM).



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7) System Analysis & Improvements

The scope of the System Analysis & Improvements task cannot be fully realized until the completion of Task 4. However, to provide a comprehensive master plan, JC will further evaluate the drainage infrastructure draining to Lynchburg Creek and its tributaries. Based on evaluation of the available data, including the 2004 Storm Water Master Plan and field reconnaissance, JC will identify stormwater runoff issues, develop conceptual design solutions, and rank and prioritize design alternatives and maintenance projects for incorporation in the master drainage plan report.

8) Master Drainage Plan Report

JC will prepare a written report describing the alternatives, costs, and benefits with supporting calculations, exhibits, models, and other relevant information for the City for use as a planning tool for the Lynchburg Creek watershed. The Master Drainage Plan will include an implementation and phasing plan for the preferred alternatives. This will consider the cost/benefit ratio, funding sources, and project duration. The project duration will consider permitting, easement acquisition, design, and construction. JC will meet with the city up to 2 times to review the report and assist in the selection of preferred alternatives.

Additional Services

Storm Water Master Plan

In line with recommendations from the 2010 Comprehensive Plan, JC can prepare a comprehensive update for the City’s Storm Water Master Plan by evaluating the other watersheds within the City.

Grant Applications

As an additional service, JC can prepare and submit grant applications for preferred alternatives to the TWDB and/or the TDEM on behalf of the City.

Proposed Fee

● Support City Staff/Review Baseline Data	\$	12,000
● Alternative Concept Development for Flood Issues	\$	18,000
● Evaluation of Additional Problem Areas	\$	28,000
● Hydrologic & Hydraulic Analyses	\$	130,000
● System Analysis & Improvements	\$	25,000
● Master Drainage Plan Report & Grant Evaluation	\$	37,000
Total Master Drainage Plan:	\$	250,000 (Lump Sum)

Mr. Bob Hart
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Information Provided by Client

1. Relevant CTP data including, but not limited to:
 - a. hydrologic and hydraulic models
 - b. topographic data
 - c. maps and exhibits
2. Recent LOMRs not incorporated into the CTP project
3. Drainage Studies
4. 2004 Storm Water Master Plan
5. Record drawings
6. Operations & Maintenance Manuals (pumped facility upstream of Amity Village, etc.)
7. Record and As-built drawings for infrastructure in the study area
8. Records of drainage complaints from citizens
9. Assistance with right of entry for areas within private property
10. Assistance with damage category data for HEC-FDA analysis (approximating structure and content values for potentially flooded structures)
11. Data required for grant applications

Project Schedule

JC will complete the scope of services defined herein according to the following simplified schedule. Note that durations are in calendar days, commencing with receipt of a signed proposal and the information to be provided by the City noted above.

- | | |
|--|-------------------|
| • Collection & Review of Baseline Data | 30 calendar days |
| • Alternative Concept Development for Flood Issues | 30 calendar days |
| • Evaluation of Additional Problem Areas | 45 calendar days |
| • Hydrologic & Hydraulic Analysis | 140 calendar days |
| • System Analysis & Improvements | 30 calendar days |
| • Master Drainage Plan Report & Grant Evaluation | 30 calendar days |

The schedule of hourly tasks will vary depending on the scope.

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Special Considerations

This proposal is based on the following special considerations:

1. This proposal shall be subject to the Master Agreement for Professional and Engineering Services between the City of Corinth and Jones & Carter, Inc.
2. The models will be created utilizing existing LiDAR and GIS information provided to JC by the City. Topographic surveys or other field verification of this data is not included in this scope of services. Should additional information be required, JC will provide an estimated scope and fee as an amendment to this proposal.
3. We do not anticipate that field survey or environmental evaluations will be needed for this phase of the evaluation, but we can provide these as additional services if they are needed in the future.
4. This scope of services does not include detailed design, construction plans and specifications, or FEMA Letter of Map Change submittals. JC can provide an estimated scope and fee for these tasks if requested.
5. Any review or permit fees associated with the project shall be paid by the Client, or if paid by JC, shall be considered as a reimbursable expense, to be billed at cost plus 10% and are not included in any lump sum or not-to-exceed fees proposed.
6. Hourly Services shall be provided in accordance with the enclosed Schedule of Hourly Rates. These schedules are subject to revision on January 1st of each year.
7. Reimbursable expenses including outside services not performed by JC personnel shall be provided in accordance with the enclosed Schedule of Reimbursable Expenses. These services typically include deed research, reproduction, and deliveries. These schedules are subject to revision on January 1st of each year.
8. Fees do not include sales taxes that may be imposed.
9. The proposed fees shall be considered in their entirety for the scope of services. Should you wish to contract with us for only a portion of the work, we reserve the right to negotiate individual scope items on their own merits.
10. This proposal shall be valid for sixty days from this date and may be extended upon approval by this office.



Mr. Bob Hart
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We thank you for the opportunity to submit this proposal. An executed copy of this proposal will serve as our notice to proceed. Please return one copy to our office. Should you have any questions, please call.

Sincerely,

Mark J. Holliday, PE
Division Manager
Municipal and District Services

Zachary R. Toups, PE, CFM
Vice President
Hydrology and Hydraulics

ACR

\\jonescarter.corp\cfs\Projects\z_DA\Opportunities\PP100-1445-00 Lynchburg Creek Drainage\Project Management\Job Setup\Proposal-20180404.docx
Enclosure(s)

APPROVED BY:

Signature

Name and Title (Printed)

Date



SCHEDULE OF HOURLY RATES

Effective January 2018 - Subject to Annual Revision in January 2019

ENGINEERING PERSONNEL

Engineer I	\$ 88
Engineer II	\$ 94
Engineer III	\$107
Engineer IV	\$115
Engineer V	\$130
Engineer VI	\$145
Engineer VII	\$160
Sr. Project Engineer	\$175
Sr. Project Manager	\$200
Division Manager	\$210
Senior Manager/Regional Manager/Practice Leader	\$225
Corporate Manager	\$250

ELECTRICAL ENGINEERING PERSONNEL

Electrical Engineer I	\$ 94
Electrical Engineer II	\$105
Electrical Engineer III	\$120
Electrical Engineer IV	\$130
Electrical Engineer V	\$140
Electrical Engineer VI	\$155
Electrical Engineer VII	\$170
Sr. Electrical Project Engineer	\$190
Sr. Electrical Project Manager	\$220

CONSTRUCTION PERSONNEL (Includes Mileage)

Project Representative I	\$ 53
Project Representative II	\$ 60
Project Representative III	\$ 70
Project Representative IV	\$ 85
Project Representative V	\$ 95
Project Representative Coordinator	\$100
Project Representative I – Treatment Facilities	\$ 75
Project Representative II – Treatment Facilities	\$ 85
Project Representative III – Treatment Facilities	\$100
Project Representative IV – Treatment Facilities	\$110
Project Representative V – Treatment Facilities	\$125
Project Representative VI – Treatment Facilities	\$135
Project Representative VII – Treatment Facilities	\$150
Construction Manager I	\$ 88
Construction Manager II	\$ 94
Construction Manager III	\$107
Construction Manager IV	\$115
Construction Manager V	\$130
Construction Manager VI	\$145
Construction Manager VII	\$160

OFFICE PERSONNEL

Office Assistant	\$ 35
Engineer's Assistant I	\$ 45
Engineer's Assistant II	\$ 60
Engineer's Assistant III	\$ 75
Engineer's Assistant IV	\$ 86
Admin I	\$ 40
Admin II	\$ 50
Admin III	\$ 65
Admin IV	\$ 73
Admin V	\$ 85

Staff Assistant	\$ 90
Assistant Controller/ Chief Accountant	\$100
Corporate/Project Acct. I	\$ 70
Corporate/Project Acct. II	\$ 85

SURVEYING PERSONNEL

1-Person Field Crew	\$125
2-Person Field Crew	\$160
3-Person Field Crew	\$195
4-Person Field Crew	\$225
Scanner Equipment	\$100
Survey Technician I	\$ 60
Survey Technician II	\$ 75
Survey Technician III	\$ 95
Project Surveyor I	\$ 67
Project Surveyor II	\$ 80
Project Surveyor III	\$ 95
Project Surveyor IV	\$108
Chief of Survey Crews	\$100
Registered Prof. Land Surveyor	\$150
Survey Manager	\$175

DESIGNERS/DRAFTING PERSONNEL

CAD Operator I	\$ 44
CAD Operator II	\$ 52
CAD Operator III	\$ 62
CAD Operator IV	\$ 73
CAD Operator V	\$ 87
Designer I	\$ 84
Designer II	\$ 94
Designer III	\$100
Designer IV	\$110
Designer V	\$120
Designer VI	\$135
GIS Operator I	\$ 65
GIS Operator II	\$ 80
GIS Operator III	\$ 90
GIS Operator IV	\$110
GIS Operator V	\$125

PLANNING PERSONNEL

Planner I	\$ 75
Planner II	\$ 90
Planner III	\$105
Planner IV	\$120
Planner V	\$150



SCHEDULE OF REIMBURSABLE EXPENSES
 Effective January 2017
 Subject to Annual Revision in January 2018

1. Reproduction performed in office

<u>Size</u>	<u>Black & White</u>	<u>Color</u>
8½ x 11 (single-sided)	\$0.05/page	\$.50/page
8½ x 11 (double-sided)	\$0.15/page	\$ 1.00/page
8½ x 14	\$0.15/page	\$.75/page
11 x 17	\$0.20/page	\$ 1.00/page
<u>Large Document Prints/Plots</u>	<u>Black & White</u>	<u>Color</u>
Translucent Bond	\$0.30/sq ft	\$ 3.00/sq ft
Color Bond	\$0.35/sq ft	\$ 4.00/sq ft
Photographic Bond	\$4.00/sq ft	\$ 6.00/sq ft
Vellum	\$1.00/sq ft	N/A
Mylar (4 mil)	\$2.00/sq ft	N/A
<u>Aerial Backgrounds</u>		
All sizes	\$5.00/sheet (plus above sq. ft. cost)	

- 2. Transportation (mileage): \$0.54/mile
- 3. Subcontracts and all other outside expenses and fees: Actual cost plus 10% service charge
- 4. Surveying Expenses
 - a. Crew Rates: Includes time charged portal to portal and the first 120 miles of transportation and standard survey equipment
 - b. Special Rental Equipment: Actual cost plus 10%
 - c. Stakes: Cost plus 10% service charge where an excessive number of wooden stakes or any special stakes are required
 - d. Iron Rods and Pipes: Cost plus 10%
 - e. All-Terrain Vehicle (ATV): \$150/day
 - f. Overnight Stays: \$190/night
 - g. Overtime Rates: Jobs requiring work on weekends or holidays billed at 1.5 times the standard rate
 - h. Sales Tax: To be paid on boundary-related services.
 - i. Deliveries, abstracting services, outside reproduction costs, and other reimbursable expenses charged at cost plus 10%

Final 2017
Standard

WORKSHOP BUSINESS ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: Wayfinding Signs

Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Discuss Wayfinding Signs for homebuilders and public facilities.

AGENDA ITEM SUMMARY/BACKGROUND

Staff has discussed and met with a company placing uniform directional or wayfinding signs in the community. Many communities use these types of signs as a method of controlling or eliminating “bandit” signs that are often placed in the right of way. The permitted signs include homebuilder signs and public facilities directional signs, e.g., schools, parks and city buildings. The signs are paid through fees for the signs, thus no cost to the city. Moreover, the signs are encouraged through the Scenic City program.

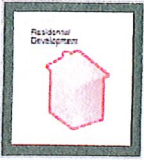
The item has been placed on the agenda to determine Council’s interest in placing these signs in Corinth.

RECOMMENDATION

N/A

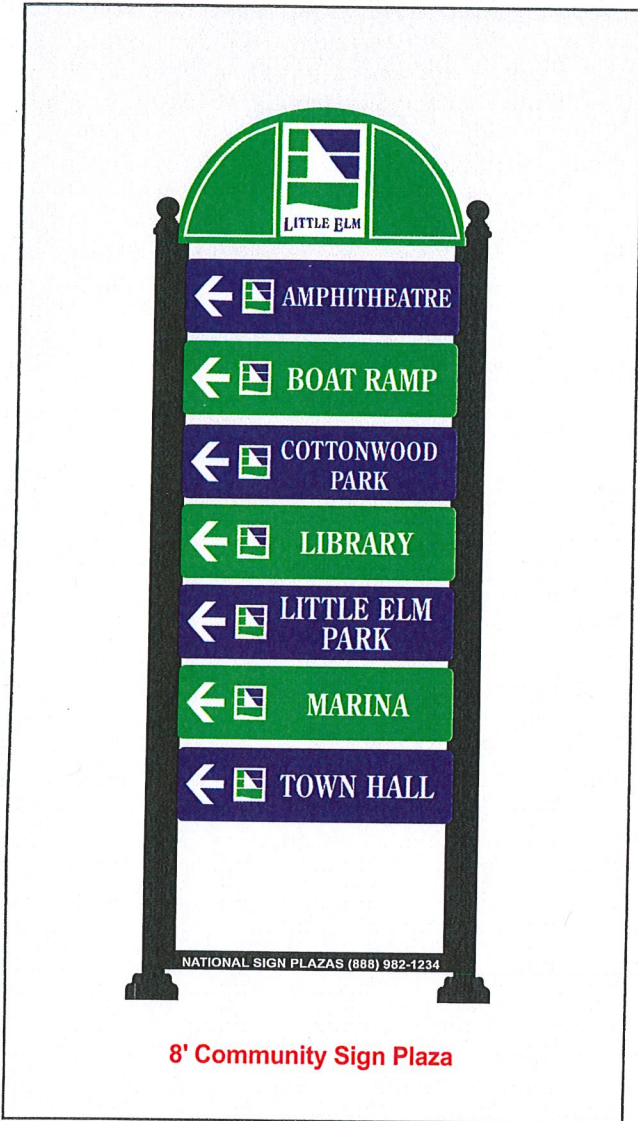
Attachments

Exhibit



Residential Development

➤ NSP'S Residential Development Program offers our Clients a proven and effective way to manage their community image during periods of growth and development. By working with the homebuilding industry in your community, not against them, NSP can help you develop a program that will provide your homebuilders with a necessary avenue for new home sales.

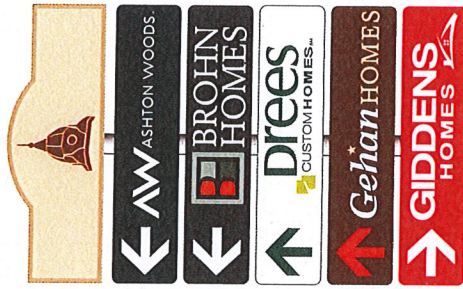


Texas Homebuilder Program Client Cities

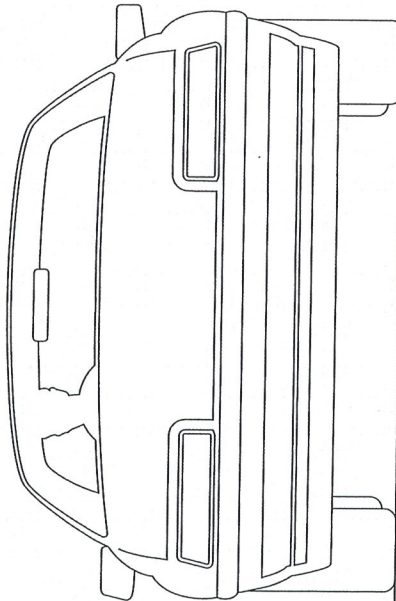
- | | | |
|------------|--------------|-------------|
| Sachse | Cibolo | Dickinson |
| Wylie | Georgetown | Rosenberg |
| Fate | Hutto | Richmond |
| Little Elm | Pflugerville | League City |
| Anna | Leander | Pearland |
| Celina | Cedar Park | Conroe |
| Kennedale | Selma | Waxahachie |

Denton, TX Homebuilder Kiosk Design Concepts

8'



8'



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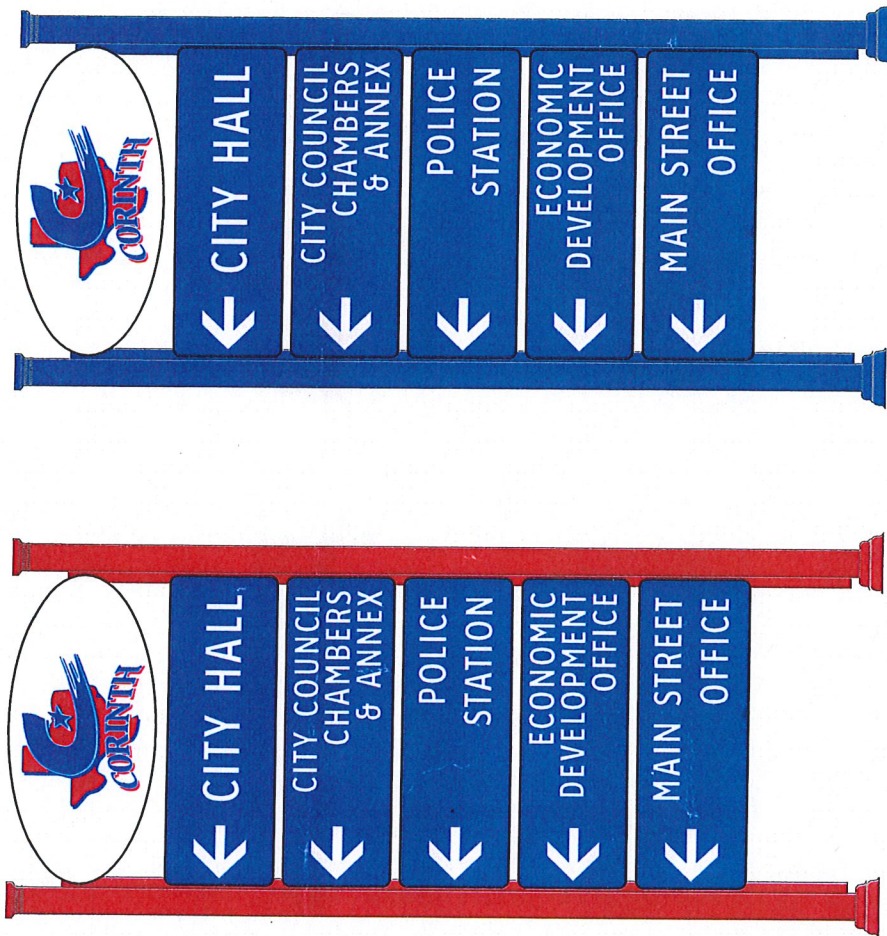
PROJECT _____
CLIENT _____
ADDRESS _____
PHONE _____

SALESPERSON _____
DESIGNER _____
ORIGINAL DATE _____
REVISIONS _____

CLIENT APPROVAL
AS IS WITH REVISION(S)

SIGNATURE _____ DATE _____

Kiosk Options



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PROJECT _____
 CLIENT _____
 ADDRESS _____
 PHONE _____

SALESPERSON _____
 DESIGNER _____
 ORIGINAL DATE _____
 REVISIONS _____

CLIENT APPROVAL
 AS IS WITH REVISION(S)

SIGNATURE _____ DATE _____
 Your signature indicates final approval of this design, releasing National Sign Plazas, Inc. from responsibility of incorrect information.

Colors shown are not true matches to final product. For exact color match, refer to actual materials being used.

WORKSHOP BUSINESS ITEM 5.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018
Title: Amend UDC - Sections 2.07.03 Uses and 2.07.04 Conditional Development Standards
Submitted For: Barbara Cubbage, Planning & Development Manager
Submitted By: Barbara Cubbage, Planning & Development Manager
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Discuss amendments to the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code including Sections 2.07.03 and 2.07.04 by amending Uses Permitted, Uses Prohibited, Uses Permitted by Specific Use Permit and Conditional Development Standards related to Industrial, Commercial, Office, Retail, and Residential land use categories.

AGENDA ITEM SUMMARY/BACKGROUND

The Unified Development Code was adopted in May 2013. Text amendments following adoption and miscellaneous updates are necessary to eliminate unclear language, correct errors, and update content based on interpretations and practices of the department. Following its adoption, updates have been made. "Uses" have been added and "processes" have been changed as well. Updates can be initiated by changes in State, Federal and Local laws as well.

Staff, P&Z and City Council over the last five years have discussed updating the "Uses". With the changes in our City with regards to growth and infrastructure improvements including Interstate 35, FM 2181, FM 2499 and Lake Sharon Drive, it seems the perfect time to re-evaluate the Use Chart. Associated with the Use Chart is the Conditional Development Standards. Some "Uses" are not permitted outright but may be allowed if certain standards and conditions are met and the Planning and Zoning Commission and City Council grants approval. Conditional Development Standards assure neighbors, residential and non-residential alike, that uses of adjacent properties will be as compatible as possible with property uses established.

RECOMMENDATION

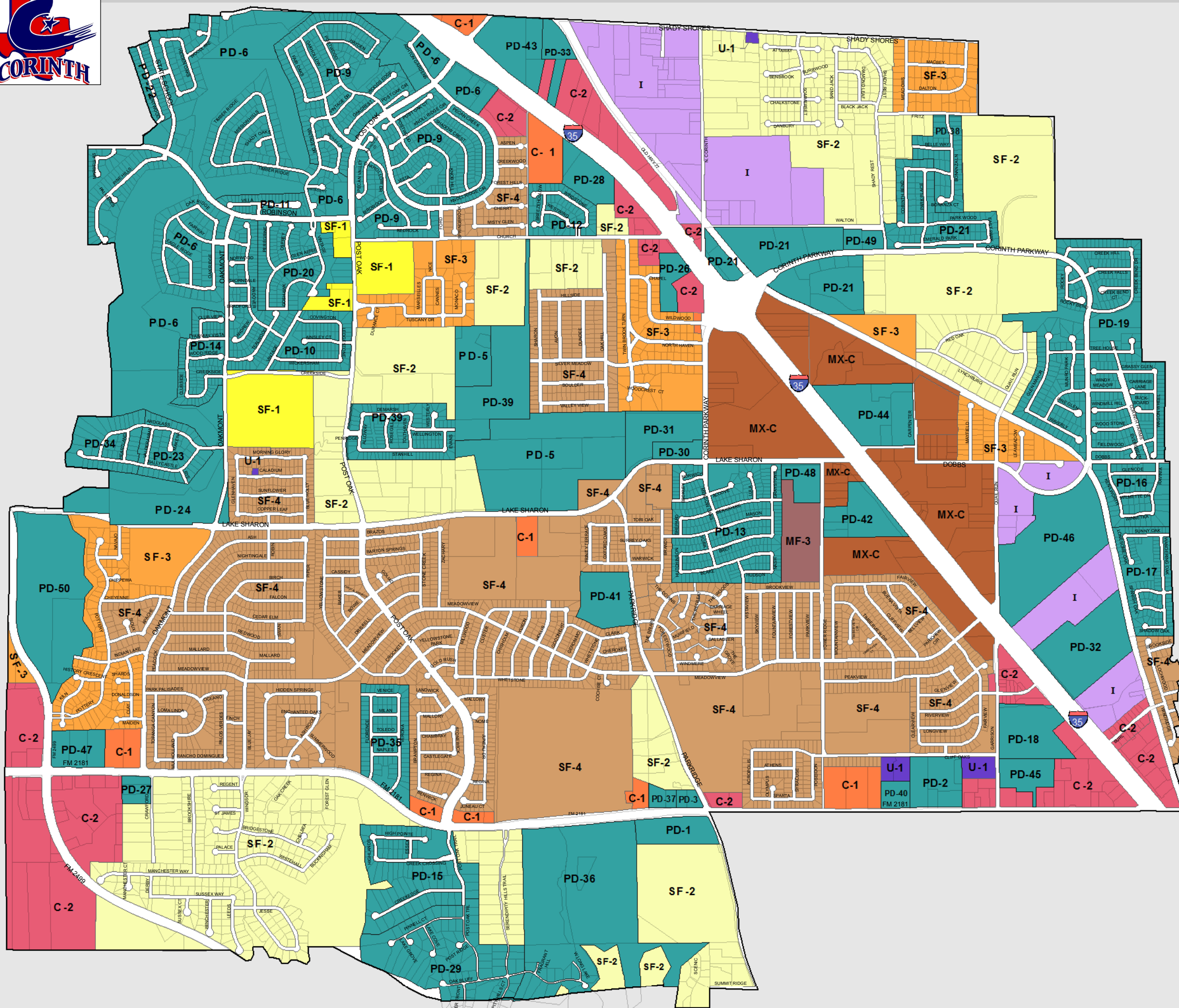
Using the Zoning Map and Future Land Use Map in conjunction with the Use Chart, Staff recommends City Council Members review and discuss "Uses" that might be added, eliminated or conditioned which will be appropriate for Corinth with the current and anticipated changes.

Attachments

- Current Zoning Map
- Future Land Use Map
- Use Chart and Conditional Development Standards



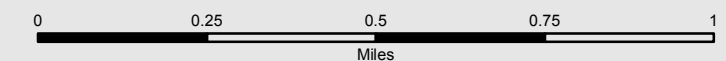
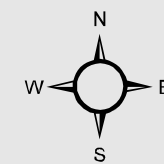
City of Corinth Zoning Map



Legend

Zoning Districts

- C-1 Commercial
- C-2 Commercial
- C-3 Commercial
- I Industrial
- MF-1 Multi-Family Residential
- MF-2 Multi-Family Residential
- MF-3 Multi-Family Residential
- MHD Modular Home District
- MX-C Mixed Use Commercial
- PD Planned Development
- SF-1 Single Family Residential
- SF-2 Single Family Residential
- SF-3 Single Family Residential
- SF-4 Single Family Residential
- U-1 Utility



Denton

Shady Shores

Shady Shores

Lake Dallas

Hickory Creek

Copper Canyon

Lake Lewisville

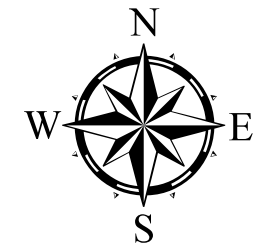
Future Land Use Plan



- Future Land Use**
- Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Mixed Residential
 - Mixed Use with Residential
 - Parks and Open Space
 - Public/Semi-Public
 - Mixed Use Non-Residential
 - Office/Business Park
 - Retail
 - Commercial
 - Industrial
 - Multi-Modal Transit Center
 - Transit Oriented Development
 - Corinth City Center
- Road Types**
- Major Arterial
 - Minor Arterial
 - Collector
 - Corinth City Limits
 - FEMA 100 Year Floodplain

Plate 4-1

Note:
A Comprehensive Plan shall not constitute zoning district regulations or establish zoning district boundaries.





Subsection 2.07. Zoning Use Regulations

2.07.01. Uses Permitted by District

Land and buildings in each of the zoning districts may be used for any of the specified uses in Section [2.07.03. Use Chart](#). No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which it is located.

Legend for Use Chart	
P	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a 2.10.10. Specific Use Permit
#	Use is permitted in the district indicated if the use complies with conditional development standards or limitations in the corresponding numeric end note in 2.07.04. Conditional Development Standards .

2.07.02. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the [City](#). If the [Director of Planning](#) is unable to classify the use under one of the existing listed uses, then the [Director of Planning](#) shall initiate a [Zoning Text Amendment](#) pursuant to procedures set forth in [2.10.04. Zoning Text and Map Amendments](#).



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2.07.03. Use Chart

The use of land or buildings shall be in accordance with those listed in the following Use Chart. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses permitted in the zoning district in which it is located, as shown in the Use Chart.

Uses	Residential Zoning Districts									Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations
	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	C-1, Commercial	C-2, Commercial	C-3, Commercial	I, Industrial	U-1, Utility	MX-R, Mixed Use Residential	MX-C, Mixed Use Commercial	PD, Planned Development	
Legend for Use Chart																		
P	Use is permitted in district indicated																	
	Use is prohibited in district indicated																	
S	Use is permitted in district upon approval of a 2.10.10, Specific Use Permit																	
#	Use is permitted (or permitted by SUP) if the use complies with conditional development standards or limitations in the corresponding numeric end note in 2.07.04, Conditional Development Standards .																	
§	Reference to 2.09.03, Vehicle Parking Regulations																	
Residential Uses																		
Assisted Living/Nursing Home							P	P	P	S	S	S	P		P	S	20	E.7
Carport																	20	None
Dwelling, Single Family (detached)	P	P	P	P	P	P-1	P	P	P							S	20	C.1
Dwelling, Single Family (attached – duplex)					P	P-1	P	P	P						P	S	20	C.1
Dwelling, Single Family (attached – townhouse)					P	P-1	P	P	P						P	S	20	C.1
Dwelling, Multi-Family						P-1	P	P	P						P	S	20	D.2
Guest House/Servants' Quarters	P-2	P-2															20	C.1
Manufactured Home (HUD Code)																	20	C.1
Modular (Industrialized) Home	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3						P-3	S	20	C.1
Retirement Housing							P	P	P						P	S	20	E.
Studio Residence															P	S	20	D.2/E.7
Nonresidential Uses																		
Adult Day-Care Services	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	20	E.3
Agricultural Use	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	20	E.19/26
Ambulance Service											P	P	P			P	20	E.19
Amusement, Commercial (indoors)											P	P	P		P	P	20	E.19
Amusement, Commercial (outdoors)											S-5	S-5	S-5			S-5	20	E.6
Antique Shop										P	P	P	P		P	P	20	E.21
Art Gallery or Museum										P	P	P	P		P	P	20	E.14
Automobile Body Shop												P	P				20	E.19
Automobile or Other Motorized Vehicle Sales and Service											S-6	P	S-6			S-6	20	E.19
Automobile Parts Store										P	P	P	P			P	20	E.19
Automobile Service Garage (Major)											P	P	P			P	20	E.8
Automobile Service Garage (Minor)										P	P	P	P			P	20	E.8
Bank or Financial Institution										P	P	P	P		P	P	20	E.1
Barber or Beauty Shop										P	P	P	P		P	P	20	E.21
Book Store										P	P	P	P		P	P	20	E.21
Bowling Alley										P	P	P	P		P	P	20	E.2
Car Wash, Full Service										P	P	P			S	P		
Car Wash, Self Service											P	P				S		
Carpentry Shop													P				20	E.19
Caterer or Wedding Service										P	P	P	P		P	P	20	E.19
Ceramic and Pottery Manufacturer													P				20	E.19
Child-Care: Foster Family Home (Independent)	P	P	P	P													20	C.1
Child-Care: Foster Group Home (Independent)	P	P	P	P													20	C.1
Child-Care: Licensed Child-Care Center										S	S	S	S		S	S	20	E.3
Child-Care: Licensed Child-Care Home	P	P	P	P													20	E.



Uses	Residential Zoning Districts										Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations
	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	C-1, Commercial	C-2, Commercial	C-3, Commercial	I, Industrial	U-1, Utility	MX-R, Mixed Use Residential	MX-C, Mixed Use Commercial	PD, Planned Development		
Legend for Use Chart																			
P	Use is permitted in district indicated																		
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S	Use is permitted in district upon approval of a 2.10.10. Specific Use Permit																		
#	Use is permitted (or permitted by SUP) if the use complies with conditional development standards or limitations in the corresponding numeric end note in 2.07.04. Conditional Development Standards .																		
§	Reference to 2.09.03. Vehicle Parking Regulations																		
Child-Care: Listed Family Home	P	P	P	P													20	C.1	
Child Care: Registered Child-Care Home	P	P	P	P													20	C.1	
Church or Other Place of Worship, including Parsonage/Rectory	P	P	P	P	P	P	P	P	P								20	E.4	
College or University	S	S	S	S	S	S	S	S	S	S	S	S		S			20	E.10	
Computer/Chip Manufacturer												P					20	E.15	
Concrete Batch Plant	S	S	S	S	S	S	S	S	S	S	S	S		S	S				
Country Club	P	P	P	P				P	P	P							20	E.19	
Dance, Music, or Drama Studio										P	P	P	P		P	P	20	E.21	
Donation or Recycling Collection Point	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7		S-7	S-7		20	E.26	
Educational Services Office										P	P	P	P		P	P	20	E.16	
Electrical Power Substations													P				20	E.15/26	
Exterminating Company										P	P	P	P		P		20	E.21	
Farmer's Market										S	S	S	S				20	E.19	
Feed Store											P	P	P		P		20	E.19	
Financial Loan – Credit Access Business												P-8					20	E.1	
Financial Loan – Deferred Presentment Transaction												P-8					20	E.1	
Financial Loan – Motor Vehicle Title Loan												P-8					20	E.1	
Firewood Sales	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	20	E.26	
Fix-It Shop, Bicycle Repair, Blade Sharpening, Small Engine Repair												P	P	P	P		20	E.15	
Furniture Repair and Upholstering Shop										P	P	P	P		P	P	20	E.15	
Gas Regulator Stations or Metering Stations														P			20	E.15/26	
Gas or Oil Well and Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20	E.15/26	
Gasoline Filling or Service Station/Car Wash											S-10	P	P			S-10	20	E.8	
Golf Course	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20	E.9	
Grocery Store										P	P	P	P		P		20	E.21	
Gym or Health/Fitness Center										P	P	P	P		P	P	20	E.21	
Heliport or Helistop											S-11	S-11	S-11	S-11			20	E.19	
Home Based Business	P-12	P-12	P-12	P-12													20	C.1	
Hospital, Acute Care											S	S	S		S	S	20	E.11	
Hospital, Chronic Care											S	S	S		S	S	20	E.11	
Hotel										S	P	P	P		S		20	E.12	
Institution for the Care of Alcoholic, Psychiatric, or Narcotic Patients											P	P					20	E.13	
Jewelry Manufacturing or Assembly												P					20	E.15	
Kennel/Veterinary Office											S-13	S-13	S-13		S-13		20	E.16	
Laundry, Commercial											P	P	P		P		20	E.19	
Laundry, Dry Cleaning Drop-Off/Pick-Up										P	P	P	P		P	P	20	E.21	
Laundry, Self-Service										P	P	P	P		P	P	20	E.21	
Leather Product and Saddle Manufacturing												P					20	E.15	
Library	P	P	P	P	P	P	P	P	P					P			20	E.14	
Light Assembly and Manufacturing Processes													P				20	E.15	
Manufactured Home Sales											S	S					20	E.16/26	
Manufacturing or Industrial Operations													S				20	E.15	



Uses	Residential Zoning Districts									Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations
	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	C-1, Commercial	C-2, Commercial	C-3, Commercial	I, Industrial	U-1, Utility	MX-R, Mixed Use Residential	MX-C, Mixed Use Commercial	PD, Planned Development	
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§	Reference to 2.09.03. Vehicle Parking Regulations																	
Medical Clinic										P	P	P	P		P	P	20	E.5
Motel, Motor Hotel, or Tourist Court										S	P	P	P			P	20	E.12
Movie Picture Theatre										S	P	P	P		P	P	20	E.25
Newspaper Printing											P	P	P			P	20	E.19
Office, Professional, Medical, or Business										P	P	P	P		P	P	20	E.16
Outside Display										P-14	P-14	P-14	P-14		P-14	P-14	20	E.19/26
Outside Storage										S-15	S-15	S-15	S-15	S-15		P-15	20	E.19/26
Park, Playground, or Community Center, Public	P	P	P	P	P	P	P	P	P						P		20	E.17
Pet Shop (Retail Sales Only)										P	P	P	P		P	P	20	E.21
Photographer's or Artist's Studio/Film Processing										P	P	P	P		P	P	20	E.19
Plastic Products Manufacturing													P				20	E.15
Play Field or Stadium, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20	E.25/26
Plumbing/Electrical/Air Conditioning Store (Retail Sales Only)										P	P	P	P			P	20	E.19
Police or Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20	E.19
Portable Building	S-16	S-16	S-16	S-16						S-16	S-16	S-16	S-16	S-16		S-16	20	E.19/26
Printing/Duplication Shop or Mailing Center										P	P	P	P		P	P	20	E.19
Private Club										S-21	S-21	S-21	S-21				20	E.20
Public Building										P	P	P	P		P	P	20	E.19
Public Parking Garage										P	P	P	P		P	P	20	E.19/26
Radio or TV Station													P				20	E.19/26
Research and Development Laboratories													P				20	E.15
Restaurant or Cafeteria, with or without Curb or Drive-In Service										S	P	P	P		P	P	20	E.20
Restaurant or Cafeteria, without Curb or Drive-In Service (Service to be entirely within the building)										P	P	P	P			P	20	E.20
Retail Stores and Shops										P	P	P	P		P	P	20	E.21
RV Park																S	20	E.22
School, Career													S		P		20	E.10
School, Private	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	20	E.10/23
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	20	E.10/23
Seamstress or Tailor Shop										P	P	P	P		P	P	20	E.19
Sexually Oriented Business												P-17						E.21
Shoe Repair Shop										P	P	P	P		P	P	20	E.19
Storage Units, Mini													S				20	E.24
Tattoo Studio											S	S	S			S	20	E.21
Taxi Garage or Dispatch											P	P	P			P	20	E.19
Telephone Exchange (No Offices or Storage Facilities)	P	P	P	P			P	P	P								20	E.19
Temporary Building for New Construction	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	20	E.19/26
Textile Manufacturing, with dust and odor control																	20	E.15
Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular													S-19	S-19			20	E.19
Utility Storage/Repair Buildings														P			20	E.19
Water Storage														P			20	E.19
Water Treatment Facility														P			20	E.19
Warehouse													P			S	20	E.24
Wedding Chapel, Reception Facility, Special Events Center										S	S	S	S			S	20	E.21



Uses		Residential Zoning Districts								Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations	
Legend for Use Chart		SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	C-1, Commercial	C-2, Commercial	C-3, Commercial	I, Industrial	U-1, Utility	MX-R, Mixed Use Residential	MX-C, Mixed Use Commercial		PD, Planned Development
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§	Reference to 2.09.03. Vehicle Parking Regulations																		
	Weight Loss Center										P	P	P	P		P	P	20	E.21
	Wholesale Center										P	P	P	P			P	20	E.21
	Woodworking and Planing Mill													P				20	E.15



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2.07.04. Conditional Development Standards

A. The following conditional development standards shall apply:

1. [MX-D, Mixed Density Residential](#) Standards

Uses are allowed pursuant to [2.04.06. A.2.](#)

2. [Guest House/Servants' Quarters](#) Standards
 - a. See [2.07.07. Accessory Buildings and Uses](#) for standards..
3. [Modular \(Industrialized\) Home](#) Standards

- a. Modular (Industrialized) Homes shall be permitted within all [Residential Zoning Districts](#).
- b. Modular (Industrialized) Home Requirements

A Modular (Industrialized) Home shall meet the following requirements.

- i. The Modular (Industrialized) Home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
- ii. The Modular (Industrialized) Home conforms to all applicable zoning standards for the respective zoning district.
- iii. The Building Official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act ([Article 5221f V.T.C.S.](#)).
- iv. The Modular (Industrialized) Home is placed on an approved platted lot.
- v. Per the [Texas Occupations Code §1202.253](#), single family and duplex Modular (Industrialized) Homes shall:
 - (a) Have a value equal to or greater than the median taxable value for each single family dwelling located within 500 feet of the lot on which the Modular (Industrialized) Home is proposed to be located, as determined by the most recent county certified tax appraisal roll;
 - (b) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the Modular (Industrialized) Home is proposed to be located;
 - (c) Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single family dwellings; and
 - (d) Be securely affixed to an approved permanent foundation.
- vi. For purposes of above subsection [2.07.04. A.3.b.v above](#), "value" means the taxable value of the industrialized housing and the lot after installation of the housing.

4. [Agricultural Use](#) Standards
 - a. Barns or Enclosures for Livestock
 - i. No barn or enclosure for cows, horses, mules, donkeys, sheep, goats, or similar livestock shall be located nearer than 100 feet to any dwelling or nearer than 200 feet to any property line.
 - ii. These barns or enclosures are not subject to any masonry requirements if the site is (3) three acres or larger in size and the buildings are set back 200 feet from any dwelling other than that of the resident.
 - b. Restriction of Agricultural Uses within Residential Zoning Districts
 - i. When in a residential zoning district, [Agricultural Uses](#) and buildings are permitted only on land comprising three (3) or more acres and are incidental and secondary to the use permitted within the residential districts and which do not change the character of the district, including garages for implements or equipment, greenhouses, tool sheds, pens, barns, workshops, well houses, or enclosures for cows, horses, mules, donkeys, sheep or goats.
 - ii. Chickens are permitted as household pets within all residential lots, subject to the following requirements:
 - (a) No more than four hens are permitted,
 - (b) Roosters are prohibited, and
 - (c) A permit is required to keep chickens.
 - c. Pens or Enclosures for Chickens as Household Pets within Residential Zoning Districts
 - i. Pens or enclosures for chickens as household pets are permitted on all residential lots and shall meet the following standards.
 - (a) Setbacks:
 - (i) Front Setback: Behind the front building line;
 - (ii) Side Setback: 30 feet from the side lot line; and
 - (iii) Rear Setback: 20 feet from the rear lot line.
 - (b) Proximity to Owner's House:
 - (i) Enclosures must be within 10 feet of the owner's house.
 - (c) Maximum Enclosure Size:
 - (i) Four feet by ten feet.
 - ii. These pens or enclosures are not subject to any masonry requirements.
 - d. Household Chicken Permit
 - i. A person commits an offense if the person maintains or keeps chickens without having obtained a permit from the City.
 - ii. A person shall apply to the [Director of Planning](#) for a permit to keep chickens. The Application shall be submitted on a form provided by the City and include such information as is specified to ensure the applicant complies with City ordinances.
 - iii. The [City Manager](#) shall issue a permit if the applicant meets all requirements of the UDC and other applicable City ordinances.
 - iv. In the event a permit holder violates the requirements of the UDC or other applicable ordinance, the [City](#) shall revoke the permit.
 - v. The permit holder may appeal the revocation to the [City Manager](#) within five days of receipt of the notice of revocation, and shall state the basis for the appeal. The [City Manager](#) shall



consider the evidence and determine, by a preponderance of the evidence, if the revocation should be upheld. The determination of the [City Manager](#) is final.

5. [Amusement, Commercial \(outdoors\)](#) Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
 - c. No intermittent or flashing lights shall be permitted.
 - d. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.
 - e. No exterior auditory devices shall be permitted.
6. [Automobile or Other Motorized Vehicle Sales and Service](#) Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
 - c. No intermittent or flashing lights shall be permitted.
 - d. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.
 - e. All building facades shall be constructed with the same masonry materials that meet the masonry regulations for the zoning district in which the property is located.
 - f. No exterior auditory devices shall be permitted.
7. [Concrete Batch Plant](#) Standards
 - a. The purpose of the Section is to establish requirements for a Specific Use Permit for a Concrete Batch Plant. This use may be approved by specific use permit in all zoning district as a temporary use, not to exceed six month intervals with two extensions if authorized by the City.
 - b. All associated equipment and buildings shall be fenced for safety with a chain link fence.
 - c. A specific use permit granted to operate a Concrete Batch Plant must meet the following requirements:
 - d. A site plan which complies with the requirements of [2.10.08. Site Plans](#) of the Unified Development Code submitted and is approved.
 - e. A building permit is approved.
 - f. The minimum building setback for all Concrete Batch Plant structures and equipment shall be established and maintained for all yards at the distances specified for the zoning district adjoining the complex as shown below:
 - g.

<u>Adjoining Zoning District</u>	<u>Required Setback</u>
h. C-1, C-2, MXC, LI	100 feet
i. All Neighboring Residential Districts	300 feet

- j. Vehicular access to the boundaries of the Concrete Batch Plant site from the street thoroughfare shall be paved sufficiently to allow emergency vehicle access as approved by the City.
- k. Prior to obtaining a building permit from the Building Official; the applicant shall submit a copy of the State of Texas approved permit for the proposed site and abide by the State allowed noise standards.
- l. In granting the Specific Use Permit (SUP), the City Council may impose such additional conditions as reasonably necessary."

8. Financial Loan Standards

The following conditional standards apply to [Financial Loan – Credit Access Business](#), [Financial Loan – Deferred Presentment Transaction](#) and [Financial Loan – Motor Vehicle Title Loan](#):

- a. To obtain a certificate of occupancy as a credit access business, including for a new building or in any existing building or portion of a building, the business must meet the following requirements:
 - i. No credit access business may be located within one thousand (1,000) feet of another credit access business, measured in a direct line from front door to front door.
 - ii. No credit access business may be located within five hundred (500) feet of a residential use; the 500 foot distance shall be measured in a direct line from the front door of the credit access business building to the property line of the residential use.
- b. If there is any conflict between this subsection and an adopted Site Plan or Development Plan, the more specific standard shall apply.

9. Firewood Sales Standards

- a. Firewood Sales may be approved by specific use permit in all zoning districts as a temporary use, not to exceed four months per calendar year.
- b. A site plan which complies with the requirements of [2.10.08. Site Plans](#) of the Unified Development Code must be submitted and approved.
- c. The use of the property or Firewood sales shall be in accordance with the site plan.
- d. Firewood or equipment associated with tax sale of firewood shall be setback at least 15 feet from all property lines.
- e. Firewood must be setback out of the sight visibility triangle (20 foot) to allow safe ingress and egress.
- f. Parking is prohibited within the right of way.
- g. The sale of firewood is permitted only between the hours of 7:00 a.m. to 7:00 p.m.
- h. All signage must meet the City's sign ordinance (banners and other signage).
- i. No permit shall be granted unless there is a main building.
- j. Firewood sales must be an accessory use to the main use of the property.
- k. In granting the Specific Use Permit (SUP), the City Council may impose such additional conditions as reasonably necessary."



10. [Gasoline Filling or Service Station/Car Wash](#) Standards

- a. Allowed by [Specific Use Permit](#).
- b. Gasoline pumps, pump islands, canopies, or car washes, where adjacent to property zoned as single family residential uses shall maintain a minimum setback of at least one hundred twenty-five feet (125').
- c. The hours of any car wash operation may be limited when located adjacent to property zoned for single family residential uses.
- d. No exterior illumination (either direct or indirect) shall cross a residential property line nor be a nuisance to traffic.
- e. No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.

11. [Heliport or Helistop](#) Standards

- a. Allowed by [Specific Use Permit](#).
- b. No heliport or helistop shall be located within 1,000 feet of any church, school, hospital, library, public park or within 1,000 feet of any dwelling unless:
 - i. Noise attenuation methods are implemented to achieve noise levels no greater than if the heliport or helistop were located 1,000 feet from any such property in an unprotected state;
 - ii. The Federal Aviation Administration has approved approach and departure paths for the proposed heliport or helistop which require all departures to be made at an angle of more than 90 degrees from any boundary or any such property which is less than 1,000 feet from the proposed heliport or helistop; and
 - iii. No substantial adverse impact exists on residence or businesses within the 1,000 foot requirement.

12. [Home Based Business](#) Standards

A [Home Based Business](#) shall meet the following requirements:

- a. No persons other than members of the family residing on the premises shall be engaged in such business;
- b. The use of the dwelling unit for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 500 square feet or ten percent (10%) of the square footage of the dwelling area, whichever is greater, shall be used in the conduct of the home based business;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home based business;
- d. No sign advertising a home based business shall be placed on property where a home based business is conducted. Only one vehicle (motorized or non-motorized), one ton carrying capacity or less may advertise for the home based business;
- e. No home based business shall be conducted in an [Accessory Building](#);
- f. Any sales in connection with such home based business shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises;

- g. No traffic shall be generated by a home based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home based business shall be met off the street and other than in a required front yard;
 - h. No equipment, process or work shall be used or conducted in such home based business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work shall be used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
 - i. The operation of beauty culture schools, beauty parlors, barber shops, vehicle repair, lawn mower or other small or large engine repair, and any boarding house/rooming house shall not be permitted as a home based business or as an accessory use; and
 - j. No [Outside Storage](#) or [Outside Display](#) of any type shall be permitted with any home based business.
13. [Kennel/Veterinary Office](#) Standards
- a. Allowed by [Specific Use Permit](#).
 - b. All commercial kennels with indoor and/or outdoor pens and runs (except where related to indoor medical treatment) shall be located a minimum of fifty (50) feet from adjacent residential properties to minimize noise and odor nuisances.
 - c. Disposal of all waste materials shall be in accordance with the Texas Department of Health regulations.
14. [Outside Display](#) Standards
- a. Outside Display areas shall not be placed or located more than thirty feet (30') from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.
 - b. Outside Display areas shall be permitted year round.
 - c. Outside Display areas shall be additionally restricted in regards to occupying required parking spaces. Outside Display areas shall not occupy any of the parking spaces that are required by this UDC for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display and a maximum of two (2) displays per calendar year.
 - d. Outside Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - e. Outside Display areas shall not extend into public Right-of-Way or onto adjacent property.
 - f. Outside Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - g. Outside Display is permitted only as an [Accessory Use](#) and is not a permitted [Principal Use](#).
15. [Outside Storage](#) Standards
- a. Allowed by [Specific Use Permit](#).
 - b. Outside Storage is limited to a maximum of five (5) percent of the total lot area, shall not be located in front of or on top of the building, and must be screened.



- c. Outside Storage screening shall be required only for those areas surrounding Outside Storage.
- d. Outside Storage of materials, commodities, or equipment shall be screened with a minimum six foot (6') screening fence or wall, and shall not be visible from the street or from adjacent property.
- e. No Outside Storage may exceed the height of the screening wall or fence.
- f. In addition to the screening fence or wall surrounding [Outside Storage \(2.07.04. A.15.c\)](#), a second level of screening is required at the property line.
- i. A six foot (6') screening fence or wall shall be provided and maintained at the common property line or street adjacent to the area to be screened by one or a combination of the following methods:
 - (a) Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;
 - (b) Wrought iron in conjunction with solid landscape screening;
 - (c) Wood or wood vinyl in conjunction with solid landscape screening; and,
 - (d) An equivalent alternative screening method approved by the Director of Planning.

16. [Portable Building](#) Standards

- a. Allowed by [Specific Use Permit](#).
- b. Approval for a Portable Building shall be valid for a maximum of one (1) year subject to renewal for an additional one (1) year period.
- c. The Specific Use Permit Application should include a narrative explaining the transition from a temporary to a permanent structure.
- d. All Portable Buildings shall be constructed in accordance with the appropriate State or Federal codes that regulate their construction or shall meet all requirements of the City's codes.
- e. [Portable Buildings](#) shall be anchored to withstand winds up to 75 miles per hour.
- f. [Portable Buildings](#) for human occupation, such as a classroom or office facility, shall have a building façade match the façade of the main building.
- g. Concrete parking shall be provided for all parking.
- h. Portable Buildings shall be maintained in a neat and presentable condition at all times.
- i. Upon expiration of the Specific Use Permit, the Portable Building shall be immediately removed and the premises shall be restored to its previous condition.

17. [Sexually Oriented Business](#) Standards

Sexually Oriented Businesses include but are not limited to the following uses:

- a. Applicable Uses
 - i. Adult Arcade
 - ii. Adult Bookstore or Video Store
 - iii. Adult Cabaret
 - iv. Adult Dancing Establishment
 - v. Adult Entertainment Business

- vi. Adult Motel
- vii. Adult Motion Picture Theatre
- viii. Adult Novelty Store
- ix. Adult Theatre
- x. Escort Agency
- xi. Nude Modeling Studio
- xii. Sex Parlor
- xiii. Sexual Encounter Center
 - b. Location
- i. A person commits an offense if the person operates or causes to be operated a [Sexually Oriented Business](#) as follows:
 - (a) Within one thousand feet (1,000') of any property line of any residentially zoned property; or,
 - (b) Within one thousand feet (1,000') of any property line of any public, private, or parochial school or library; or,
 - (c) Within one thousand feet (1,000') of any property line of any public or private park, playground, greenbelt, or other recreational area or facility; or
 - (d) Within one thousand feet (1,000') of any property line of any church, convent, monastery, synagogue, or other place of worship; or,
 - (e) Within one thousand feet (1,000') of any property line of any lot devoted to residential use; or,
 - (f) Within one thousand feet (1,000') of any property line of any other [Sexually Oriented Business](#); or,
 - (g) Within the same building or structure wherein another [Sexually Oriented Business](#) occurs.
- ii. For the purposes of this UDC, measurement shall be made as follows:
 - (a) The distance between two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the first property boundary to the nearest portion of the second property boundary.
 - (b) The distance between any [Sexually Oriented Business](#) and the uses listed in [2.07.04.A.17.b.i](#) shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the first property boundary to the nearest portion of the second property boundary.
- c. Licensing and Other Requirements

For licensing and other requirements, see [Ordinance Number 11-11-17-23](#), or as amended.

18. [Temporary Building for New Construction](#) Standards

- a. Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for two (2) years in accordance with a permit issued by the City Building Official. A six (6) month extension may be approved by the City Building Official. After the initial extension is given, the Building Official may approve a second six (6) month extension.



- b. Upon completion or abandonment of construction or expiration of permit, the temporary field offices and buildings shall be removed.

19. [Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular](#) Standards

The purpose of this section is to establish procedures governing the issuance of a [Specific Use Permit](#) for the location of telecommunications towers and antennas.

- a. The City of Corinth recognizes today's rapidly changing technological environment and realizes the public's increasing acceptance of and demand for superior personal wireless communication services and with the adoption of this ordinance, the City's objectives are to:
 - i. Encourage the location of towers in non-residential areas and minimize the total number, height, and obtrusiveness of towers and antennas throughout the community;
 - ii. Encourage strongly the joint use of new and existing tower sites through co-location;
 - iii. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal (e.g., pre-existing buildings or structures such as water towers, church steeples, bell towers, clock towers, and lighting stanchions or on municipal-owned properties and facilities) to camouflage or conceal the presence of antennas or towers;
 - iv. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 - v. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- b. An application for a [Specific Use Permit](#) for a tower, antenna, or use of an alternative tower structure must be submitted to the [Director of Planning](#). An application will not be considered until it is complete. A complete application must contain the following:
 - i. An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower.
 - ii. [Site Plans](#) to scale specifying the location of tower(s), transmission building, setbacks, driveways and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.
 - iii. A report from a professional structural engineer licensed in the State of Texas documenting the following:
 - (a) Tower height and design, showing a cross-section of the tower structure.
 - (b) Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.
 - iv. A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.
 - v. Each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:
 - (a) The applicant must contact the owners of all existing towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list must be provided of all owners contacted, the date of the contact, and the form and content of the contact. Where an existing tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower is not complete until the owner of the existing

- tower responds, unless the applicant submits sufficient information for the [Director of Planning](#) to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile.
- (b) The applicant must request the following information from each tower owner contacted:
 - (i) Identification of the site by location, existing uses, and tower height.
 - (ii) Whether each tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant must provide each owner with the height, length, weight, and other relevant data about the proposed antenna.
 - (iii) Whether each tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner must specify in general terms what structural changes would be required.
 - (iv) If structurally able, would share use by the existing tower be precluded for reasons related to RF interference. If so, the owner must describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
 - (c) The [Director of Planning](#) must maintain and provide, on request, records of responses from each owner. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.
 - (d) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The [City](#) may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.
- vi. Any other information which may be requested by the [Director of Planning](#) to fully evaluate and review the application and the potential impact of a proposed tower or antenna.
- c. The [City Council](#) will consider an application for a [Specific Use Permit](#) for a tower using the following procedure:
 - i. After the close of the public hearing, any council member who moves to deny the application will state his or her reasons for making the motion for denial.
 - ii. Before the vote is called, any council member proposing to vote in favor of the motion of denial who has additional reasons for supporting the motion must state the reasons.
 - iii. If the [City Council](#) votes to deny the application for the [Specific Use Permit](#), the [City Attorney](#) will prepare a proposed written decision for the [City Council](#) to consider at a following meeting. The decision to deny the application is not final until the [City Council](#) adopts a written decision.
 - d. Building Codes; Safety Standards; Setbacks
 - i. After receiving the appropriate zoning approval, no tower, antenna, or other appurtenance shall be installed without first obtaining a building permit issued by the [Building Official](#).
 - ii. To ensure structural integrity, the owner of a tower shall ensure that the tower is constructed and maintained in compliance with standards contained in applicable local building codes ("Uniform Building Codes, UBC") and applicable standards for towers, published by the Electronics Industries Association Standard 222, ("EIA-222") "Structural Standards for Steel Antenna Towers and Antenna Support Structures."
 - iii. A tower inspection report (based upon applicable UBC and EIA-222 standards) shall be prepared by an engineer licensed in the state of Texas and filed with the [Building Official](#) in



accordance to the following schedule: 1) monopoles – at least once every ten years; 2) lattice towers – at least once every five years; and 3) guyed towers – at least once every three years. However, should an issue of safety be raised, the [Building Official](#) may require an immediate inspection.

- iv. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards, unless the applicant can demonstrate a hardship and thus establish the need for additional time. If the owner fails to bring the tower into compliance within said 30 days, the [City](#) shall remove the tower at the owner's expense.
- v. Tower Setback
 - (a) No television, radio, microwave, telephone or cellular tower or antenna for a commercial use shall be located within a distance equal to or less than the height of such tower from any residential structure or from any area zoned residential, or shown as residential on the current Comprehensive Plan. The distance shall be measured in a straight line from the closest point of the tower to the closest point of such area or residential structure or property line.
- e. Requirements
 - i. No advertising is permitted on an antenna or tower.
 - ii. No signs or illumination are to be placed on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction. The [Director of Planning](#) may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
 - iii. A new cell may not be established if there is a technically suitable space available on an existing tower within the search area that the new cell is to serve. For the purpose of this section, the search area is defined as the grid for the placement of the antenna.
 - iv. Accessory structures used in direct support of a tower are allowed but must not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
 - v. Towers may be located on sites containing another principal use in the same buildable area. Towers may occupy a parcel meeting the minimum Lot size requirements for the zoning district in which it is located. For a monopole tower, the minimum distance between the tower and any other principal use located on the same Lot shall be 20% percent of the tower height or 25 feet, whichever is greater.
 - vi. No outside storage shall be permitted on the tower site.
- f. Appearance
 - i. Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
 - ii. At a tower site the design of the Building and related structures must use materials, colors, textures, screening, and landscaping that will blend the tower and facilities to the natural setting and built environment.
 - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely

compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

g. Landscaping and Screening

The following requirements shall govern the landscaping surrounding towers; however, in locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.

- i. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. Mitigation of any tree removal shall be in accordance to [2.09.02. Tree Preservation](#).
- ii. Tower facilities (e.g., tower/antennas and any necessary equipment building) shall be enclosed by an eight foot, solid screening fence or masonry wall or a wrought iron fence with an eight foot evergreen, and shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from any public roadway or any property used for a residential purpose. Any fence constructed in accordance with this section shall provide a knock box or other entry device for public safety access per the requirements of the Fire Marshal.
- iii. Where abutting residentially used land zoned or used for residential purposes, public land or public streets, or land designated as low or medium density residential on the City's Land Use Plan, the applicant shall provide screening and landscaping as required by this [Unified Development Code](#).
 - h. To encourage shared use of towers, no building permit or [Specific Use Permit](#) is required for the addition of antennas to an existing tower so long as the height of the tower or structure on which the antenna is placed is not increased and the requirements of this section are met.
 - i. Any [Specific Use Permit](#) which is granted for a new tower is specifically subject to the condition that the tower owner abide by the following provisions relating to shared use, regardless of whether or not the ordinance granting the permit contains the conditions:
 - i. The tower owner must respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - ii. The tower owner must negotiate in good faith for shared use by third parties; and
 - iii. The tower owner must allow shared use where the third party seeking the use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to make modifications of the tower and transmitters to accommodate the shared use, and to observe whatever technical requirements are necessary to allow shared use without creating interference.
 - j. The willful failure of an owner whose tower was approved under this section to comply with the requirements of this section is grounds for withholding approval of any application by the owner for a building permit for the approved tower, for revoking the [Specific Use Permit](#) granted for the tower, and for refusing to approve a new [Specific Use Permit](#) for any new tower or antenna.

20. PD, Planned Development Standards

Permitted uses shall be determined through the Section [2.06.03. PD, Planned Development](#) and Section [2.10.09. PD, Planned Development Application and Review](#).

21. Private Club Standards



- a. A [Specific Use Permit](#) for a [Private Club](#) may not be granted for property located in a residential district.
- b. An applicant for a [Specific Use Permit](#) for a [Private Club](#) shall, along with his application, submit a plan of the inside of the building where the [Private Club](#) is proposed; the plan shall indicate to scale the bar area, seating area, kitchen and other amenities and facilities.
- c. The special conditions of a [Specific Use Permit](#) for a [Private Club](#) shall provide that such [Private Club](#) shall only be operated and allowed in connection with the operation of a restaurant, either in the same or any adjacent or contiguous room of the same building. Such special conditions shall require that such restaurant shall derive no more than 50 percent of its gross revenues from the sale of alcoholic beverages. Such special conditions shall require that the operator comply with the provisions of the [Texas Alcoholic Beverage Code](#) ("TABC"). The City shall have the right to audit the books of such [Private Club](#) to assure compliance with the requirements of this subsection. The permittee shall be required to pay the costs of such audit. A country club/recreation area shall be exempt from the requirements of this subsection.
- d. A [Private Club](#) shall not be permitted in conjunction with a non-conforming use as defined in the [UDC](#).
- e. Dancing or other entertainment which exposes less than opaquely the female breast below the top of the areola or the human genitals is prohibited in establishments where alcoholic beverages are served.
- f. There shall be no exterior signs advertising the sale of alcoholic beverages.
- g. The [Private Club](#), country club/recreation area and restaurant shall comply with all City, County, State and Federal laws.

22. Photovoltaic Systems (detached) Standards

- a. See 2.07.07. Accessory Buildings and Uses for standards."

WORKSHOP BUSINESS ITEM 6.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: Regional Transportation Council Position

Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Discuss the Regional Transportation Council position.

AGENDA ITEM SUMMARY/BACKGROUND

Your current primary representative on the Regional Transportation Council is Sara Bagheri, Mayor Pro-Tem, City of Denton. Your current alternate representative is John Ryan, Councilmember, City of Denton. You may choose to keep your current representatives or appoint a new primary representative and/or alternate representative.

I encourage you to make your new appointment or appointments prior to June when the new two-year terms begin. Your designation should be confirmed in writing by all entities included in this group.

RECOMMENDATION

N/A

Attachments

Memo



The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

April 3, 2018

The Honorable Chris Watts
Mayor
City of Denton
215 E. McKinney
Denton, TX 76201

The Honorable Thomas Muir
Mayor
City of Sanger
P.O. Box 1729
Sanger, TX 76266

The Honorable Bill Heidemann
Mayor
City of Corinth
3300 Corinth Parkway
Corinth, TX 76208

The Honorable Michael Barnhart
Mayor
City of Lake Dallas
212 Main Street
Lake Dallas, TX 75065

Dear Mayors Watts, Muir, Heidemann, and Barnhart:

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area. The Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO. The RTC is responsible for direction and approval of the Metropolitan Transportation Plan, the Transportation Improvement Program, the Congestion Management Process, and the Unified Planning Work Program, and for satisfying and implementing federal and state laws and regulations pertaining to the regional transportation planning process.

Membership on the Regional Transportation Council is either by direct membership or group representation. Each seat on the Regional Transportation Council will be provided a primary member and permitted an alternate member. The Cities of Denton, Sanger, Corinth, and Lake Dallas share a seat on the Regional Transportation Council. The RTC's Bylaws and Operating Procedures state that the person representing a group of several cities shall be selected by the mayors using a weighted vote of the maximum population or employment of the cities represented, and the person selected shall serve a two-year term beginning in June of even-numbered years and shall be serving on one of the governing bodies they represent. A table containing population and employment figures is enclosed.

The Regional Transportation Council maintains a cluster seat for each of the three urbanized areas of Denton, Lewisville, and McKinney. The Bylaws revision states that representation for the three urbanized area seats can come from any of the cities within the respective cluster. The Bylaws further state that in the spirit of integrated transportation planning, all cities within a city-only cluster are eligible to hold the RTC membership seat for the cluster, and the cities should strongly consider rotation of the seat among the entities within the respective cluster. Items to consider when contemplating seat rotation may include: 1) a natural break in a member's government service, such as the conclusion of an elected term, 2) a member's potential to gain an officer position or advance through the officer ranks,

April 3, 2018

3) a member's strong performance and commitment to transportation planning, or 4) the critical nature of a particular issue or project and its impact on an entity within the cluster.

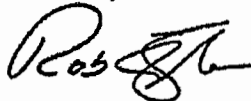
An alternate member is the individual appointed to represent an entity or group of entities on the Regional Transportation Council in the absence of the primary member. The alternate member must be predetermined in advance of a meeting and will have voting rights in the absence of the primary member. An entity or group of entities may elect to appoint its alternate member(s) from a pool of eligible nominees. The same requirements apply to alternate members as to primary members. If a primary member is an elected official, then the alternate member must also be an elected official; if a primary member is a non-elected individual, then the alternate member can be either a non-elected individual or an elected official. Cities and/or counties within a cluster group are strongly encouraged to reflect diversity in their selections of primary and alternate members as well as membership rotation amongst the group depending on the qualifications of the appointees. A best practice may be to appoint the alternate member from an eligible entity within the cluster that is not providing the primary member.

Your current primary representative on the RTC is Sara Bagheri, Mayor Pro Tem, City of Denton. Your current alternate representative is John Ryan, Councilmember, City of Denton. You may choose to keep your current representatives or appoint a new primary representative and/or alternate representative. I encourage you to make your new appointment or appointments prior to June when the new two-year terms begin. Please mail (P.O. Box 5888, Arlington, TX 76005-5888) or fax (817/640-3028) your correspondence to Vercie Pruitt-Jenkins of NCTCOG. Please note that your designation should be confirmed in writing by all entities included in this group.

In addition, the Regional Transportation Council has established an Ethics Policy in accordance with Section 472.034 of the Texas Transportation Code. This policy applies to both primary and alternate RTC members, whether elected or non-elected. All RTC members must also adhere to Chapter 171 of the Local Government Code and to the Code of Ethics from their respective local governments and public agencies. Please remind your representatives to be cognizant of these policies and codes.

Please contact Vercie Pruitt-Jenkins at 817/608-2325 if you have any questions. We look forward to hearing from you.

Sincerely,



Rob Franke, Chair
Regional Transportation Council
Mayor, City of Cedar Hill

VPJ
Enclosure

cc: The Honorable Sara Bagheri, Mayor Pro Tem, City of Denton (RTC Primary Member)
The Honorable John Ryan, Councilmember, City of Denton (RTC Alternate Member)
Mr. Mike Brice, City Manager, City of Sanger
Mr. John Cabrales, City Manager, City of Lake Dallas
Mr. Bob Hart, City Manager, City of Corinth
Mr. Todd Hileman, City Manager, City of Denton

**2018 REGIONAL TRANSPORTATION COUNCIL
MEMBERSHIP STRUCTURE**

<u>City</u>	<u>2017 Population Estimates¹</u>	<u>2014 Employment Estimates²</u>	<u>Maximum of Population & Employment</u>
City Membership			
Plano	277,720	274,623	277,720
McKinney	169,710	58,005	169,710
Anna	12,390	534	12,390
Princeton	9,460	1,645	9,460
Fairview	9,110	1,968	9,110
Melissa	8,850	1,325	8,850
Allen	95,350	39,278	95,350
Lucas	7,030	2,101	7,030
Wylie	48,140	19,940	48,140
Rowlett	57,840	13,289	57,840
Sachse	23,950	1,960	23,950
Murphy	19,980	3,623	19,980
Frisco	161,400	74,099	161,400
Prosper	20,160	3,077	20,160
Little Elm	38,250	4,486	38,250
The Colony	41,160	8,576	41,160
Celina	10,310	1,820	10,310
Providence Village	6,310	322	6,310
Dallas	1,270,170	1,126,984	1,270,170
University Park	22,820	13,536	22,820
Highland Park	8,510	5,272	8,510
Garland	234,710	101,932	234,710
Addison	15,730	66,566	66,566
Richardson	107,400	130,960	130,960
Irving	234,710	288,487	288,487
Coppell	40,820	42,084	42,084
Mesquite	143,060	61,034	143,060
Balch Springs	24,480	6,183	24,480
Seagoville	15,900	5,666	15,900
Sunnyvale	5,440	5,155	5,440
Grand Prairie	187,050	84,554	187,050
Duncanville	39,240	16,227	39,240
DeSoto	52,120	19,240	52,120
Cedar Hill	47,320	16,201	47,320
Lancaster	37,730	13,267	37,730
Glenn Heights	11,680	1,114	11,680
Hutchins	5,350	4,084	5,350
Carrollton	130,820	107,662	130,820
Farmers Branch	31,560	78,393	78,393
Denton	128,160	76,474	128,160
Sanger	8,100	4,287	8,100
Corinth	20,800	6,429	20,800
Lake Dallas	7,260	1,811	7,260
Lewisville	103,640	68,798	103,640
Flower Mound	71,850	34,187	71,850
Highland Village	15,380	5,396	15,380

<u>City</u>	<u>2017 Population</u>	<u>2014 Employment</u>	<u>Maximum of Population & Employment</u>
Fort Worth	815,430	504,040	815,430
Arlington	382,230	212,737	382,230
N. Richland Hills	67,120	27,093	67,120
Richland Hills	7,920	6,055	7,920
Haltom City	42,740	23,793	42,740
Watauga	23,600	5,813	23,600
White Settlement	16,830	9,029	16,830
River Oaks	7,310	1,880	7,310
Lake Worth	4,710	6,125	6,125
Westworth Village	2,620	1,097	2,620
Saginaw	21,320	10,131	21,320
Azle	11,800	4,554	11,800
Keller	44,620	15,242	44,620
Grapevine	49,130	92,774	92,774
Southlake	28,880	32,998	32,998
Colleyville	24,630	10,358	24,630
Westlake	1,310	6,360	6,360
Trophy Club	11,250	1,173	11,250
Roanoke	8,040	8,135	8,135
Hurst	38,410	21,743	38,410
Euless	54,870	20,205	54,870
Bedford	48,560	30,660	48,560
Mansfield	63,670	31,353	63,670
Benbrook	22,260	7,238	22,260
Forest Hill	12,500	3,749	12,500
Crowley	14,440	5,648	14,440
Everman	6,110	1,766	6,110
Kennedale	7,420	4,006	7,420

County Membership

	<u>2017 Population</u>
<u>Collin County</u>	932,530
<u>Dallas County</u>	2,502,270
<u>Denton County</u>	814,560
<u>Tarrant County</u>	1,966,440
<u>Ellis County</u>	173,410
Ennis	18,660
Waxahachie	34,410
Midlothian	24,450
Red Oak	12,600
<u>Kaufman County</u>	116,140
Forney	18,590
Kaufman	6,670
Terrell	<u>16,570</u>
Combined Ellis and Kaufman Population	289,550

<u>Johnson County</u>	164,970
Burleson	43,960
Cleburne	29,780
Keene	6,280
Joshua	6,680
<u>Hood County</u>	64,840
Granbury	<u>9,310</u>
Combined Johnson and Hood Population	229,810
<u>Hunt County</u>	94,350
Commerce	8,240
Greenville	26,800
<u>Rockwall County</u>	93,130
Rockwall	42,120
Heath	7,820
Royse City	11,540
Fate	<u>11,380</u>
Combined Hunt and Rockwall Population	187,480
<u>Parker County</u>	130,150
Weatherford	27,660
Mineral Wells	16,740
<u>Wise County</u>	62,460
Decatur	6,530
Bridgeport	<u>6,130</u>
Combined Parker and Wise Population	192,610

Transportation Providers

DART
DCTA
FWTA
DFW International Airport
TxDOT Dallas
TxDOT Fort Worth
NTTA

Sources:

¹ Population - NCTCOG 2017 Population Estimates

² Employment - NCTCOG 2014 Small Area Employment Estimates

PROCLAMATION

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: Proclamation: Motorcycle Safety Awareness Month

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

Finance Review: N/A

Legal Review: N/A

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

PROCLAMATION:

Motorcycle Safety Awareness Month

AGENDA ITEM SUMMARY/BACKGROUND

N/A

RECOMMENDATION

N/A



MAYOR'S PROCLAMATION

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

WHEREAS, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve;

NOW, THEREFORE I, Bill Heidemann, Mayor of the City of Corinth do hereby proclaim the month of May, as Motorcycle Safety and Awareness Month in this city. Further, I urge all residents to do their part to increase safety and awareness in our community.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City to be affixed this 19th day of April in the year 2018.



Bill Heidemann, Mayor

CONSENT ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: March 1, 2018 Workshop Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the March 1, 2018 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the March 1, 2018 Workshop Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the March 1, 2018 Workshop Session minutes.

Attachments

Minutes

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

On this the 1st day of March 2018 the City Council of the City of Corinth, Texas met in a Workshop Session at the Corinth City Hall at 5:30 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:

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

Members Absent:

None

Staff Members Present:

Bob Hart, City Manager
Curtis Birt, Fire Chief
Barbara Cabbage, Interim Planning and Development Director
Mike Brownlee, City Engineer
Lee Ann Bunselmeyer, Director of Communications & Strategic Services
Kim Pence, City Secretary
Brenton Copeland, Technology Services Assistant
Mack Reinwand, Messer, Rockefeller, &Fort

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 P.M.

WORKSHOP BUSINESS AGENDA

1. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.

Consent Agenda item #2 discussion:

2. Consider and act on minutes from the February 1, 2018 Regular Session.

Councilmember Glockel would like to pull this item from the Consent Agenda to add on page 35 two names Chief Birt and Assistant Chief Ross to the minutes.

Consent Agenda item #3 discussion:

3. Consider and act on minutes from the February 15, 2018 Workshop Session.

Councilmember Garber stated he would like to pull this item from the Consent Agenda and would like to listen to the tape.

Business item #6 Discussion:

6. Discuss and consider approval of a Development Agreement for Huffines Children's Trust including reimbursement provisions for funding water, sanitary sewer and storm sewer public infrastructure improvements in the amount of \$424,049.35 and the reallocation of funds from the Water/Wastewater Capital Project Fund-Amity Village Sewer Rehab project totaling \$307,267 and partial funds from the settlement of \$116,782.35.

Mayor Heidemann recused himself from any discussion on item #6.

Bob Hart, City Manager - we have been working with Don Paschal, Representative for Huffines and what we are talking about here the reimbursements for the public improvements. This is part of the Development Agreement.

Mike Brownlee, City Engineer - tonight we are bringing a revised agreement that has got some reimbursement in there. The developer is asking to be reimbursed for the public infrastructure cost for oversizing the storm sewer, replacing damaged sanitary sewer, and relocating and abandoning a portion of asbestos cement water line in the TX DOT ROW. The public storm sewer system extends north from the Huffines site (after detention) to Lake Sharon and turns west to connect to the existing storm drain at Tower Ridge. The storm sewer was oversized to Lake Sharon Drive to allow for off-site drainage to be conveyed underground, and the upsized at Tower Ridge to accept additional offsite flows and convey that flow to the existing system at Tower Ridge. Oversizing was prorated at 28% of the total cost (by capacity up to the Lake Sharon ROW from the Huffines site) and the cost to install improvements inside the Lake Sharon right of way is reimbursed at 100% of the cost. The total reimbursement cost of the storm sewer improvements is \$152,700.85 and includes construction costs of \$132,650.18 and administrative costs of \$20,050.67.

The existing 12" water line parallel to the TX DOT frontage in front of the development was originally not contemplated for replacement. However, the actual alignment was found to be in conflict with both the Huffines grading plan and the future construction of Phase II IH35E improvements. Therefore, the alignment is proposed to be installed inside the existing utility easement on the Huffines property in advance of Phase II IH35E improvements. To the extent possible, the existing asbestos pipe is being left undisturbed due to the cost of mitigation. Mitigation may be required for a portion of the line that will be exposed by changes to the grades in the right of way. Fifty percent of the cost of the asbestos abatement will be paid by the developer. The new 12" waterline will replace the existing 12" waterline entirely along the Huffines frontage. This option is being pushed forward now, since it will be more costly to move the line after development occurs due to conflicts with the bio-swales, irrigation, and landscaping plans. The total cost of the waterline relocation is \$153,120.72 which includes \$132,933.39 for construction, (including 50% of the asbestos cement line removal /abatement at \$15,809.04), and \$18,369.30 for administration costs.

The existing sanitary sewer line was damaged prior to starting the Huffines project by a third party. Funds were collected from the third party in a settlement to cover the cost of replacing the line. In order to expedite the project, Huffines agreed to build the sanitary sewer as part of their project for a total cost of \$118,227.78. The total includes \$105,466.35 for construction and \$12,761.43 in administrative costs. The city received settlement funds in excess of that amount to pay for the cost of construction and other miscellaneous costs.

The original developer agreement for this project contained reimbursement provisions for the cost of the sewer, but did not contemplate reimbursement for storm sewer and water improvements.

Councilmember Glockel - it says mitigation may be required for a portion of the line that will be exposed due to grade changes and it does not say anything else and then you read on and it says \$15,000 for mitigation and I was trying to figure out if "maybe" and \$15,000 there has got to be a little difference.

Mike Brownlee, City Engineer - we think we scrubbed it clean and the Huffines folks came in and said they would pay for half and that helped a lot. It started out it was going to be just the City and then all developer and then we just said ok, we are splitting the difference.

Councilmember Harrison - is there more money that we got out of the settlement that will be applied to the northern portion?

Mike Brownlee, City Engineer - some of the money we spent on design and sewer line. Some of the money we spent on acquiring the easement and some on attorney fees but we have some left over but it not a big pot of money, it is probably \$20,000 or \$30,000.

Councilmember Harrison - so the \$118,000 was to do the whole thing?

Mike Brownlee, City Engineer - yes, we covered our cost.

Councilmember Harrison - ok. If we would have gone out and fixed it, we would have had to get a contractor and done the whole process and Huffines is doing it for us?

Mike Brownlee, City Engineer - yes, they have been good to work with.

Business item #8 Discussion:

8. Consider and act on conducting a Masonic Lodge ceremony to install a cornerstone for the Fire Station #3.

Councilmember Garber - I would like to see if there is just a general consensus for that ceremony because if there is not then I may have over-estimated the willingness of everyone that was wanting to do it. What I would like to do is strike that vote and we could just generally consent not to have that specific ceremony. I would like to propose some ideas in lieu of that ceremony.

Is there consensus for this specific ceremony?

Councilmember Johnson - I have no problem either doing both of them, one here and one there or not doing either of them.

Councilmember Burke - I have no strong feelings about it.

Councilmember Harrison - I have no problem with doing it.

Councilmember Glockel - we have been talking about doing it for a year and the process and I don't have any reason not to do it.

Councilmember Garber - ok, so I would like to move ahead with a vote tonight. In addition to that, I

would like to make sure that we are inviting other major groups in this City specifically Antioch Church, Global Spheres and I think that there are some other larger churches other major stake holders in this City that would love to be a part of this ceremony and would love to be an inclusive part of those events.

Bob Hart, City Manager - you are talking about for the Cornerstone?

Councilmember Garber - not for that specific ceremony but I am saying the open house part of the Public Safety Facility.

Councilmember Harrison - I think that was always the plan with the ceremony.

Councilmember Garber - have we reached out to those leaders?

Lee Ann Bunselmeyer, Director of Communications & Strategic Services - we sent out invitations or emails to our VIP list and we will be sending out formal invitations in the mail in the next couple of weeks. We do have all the community leaders on that one.

2. Hold a discussion regarding policies on fences adjacent to parks.

Bob Hart, City Manager - I am raising this because of a question that came up in Eagle Pass Park and I will use that as an example but I do want to expand it to include all the parks, City wide.

Morrison Homes received a fence permit on June 28, 2000 to construct a screening fence along the back of four homes that abut the park. We reviewed the plat of Eagle Pass subdivision and it did not require the construction of the screening fence. We also went back and reviewed the Ordinance and determined there were no such requirement on the part of the developer to construct a fence to screen the park for new homes and so typically what happens is the property owner does not want the park there so they construct a fence but we do not have a requirement that the fences have to be installed.

On March 16, 2017 a letter was sent to six residents explaining the fence that was behind their property and separates their property from the park was their responsibility. So the policy question we are asking for is what should the policy be for fences that separates the park from residential property? You can go to any of these parks around the City and see we are going to have a very similar situation going on and we just need some guidance on what the Council's position is on this on who is responsible, whether it is the City or the homeowner?

Councilmember Burke - which side of the property line is the fence on?

Barbara Cabbage, Interim Director of Planning and Development - we require fences to be on the property line.

Councilmember Burke - I guess in all cases the developer or the homeowner went and got a permit so that they could construct a fence?

Barbara Cabbage, Interim Director of Planning and Development - correct.

Councilmember Burke - and in no case did the City construct a fence as part of an agreement with a developer or homeowner?

Barbara Cabbage, Interim Director of Planning and Development - correct. We don't require fences

on residential properties that abut to residential properties. The only thing we would require with residential would be the screening walls that are along the collector thoroughfares.

Councilmember Glockel - we did require a builder on the north side to put up a fence because the lot lines were longer on one side than the other that I as an existing homeowner could not say "I want a 6' foot fence here" because the other lot was a lot and a half longer on the opposite side. We did require that builder to put up a fence.

Councilmember Burke - I remember that now it was the one that we had a street light issue with. It was two residents back to back there.

Barbara Cubbage - our Ordinance does not require that and the fence Ordinance that we have had since 1997 has never required for there to be residential fences. That was something that Council required as part of the PD process.

Councilmember Garber - what would be the ideal guidance that staff would be looking for?

Bob Hart, City Manager - for any of these, if there are fences that separate the residential property from the parks, if the fences need to be repaired, should the homeowner be responsible for making those repairs or should the City be responsible or the Home Owners Association?

Under the current Ordinances, if an individual has a home next to a park, then their no requirements that a fence be put up. Some of the homeowners decided to put one up and in some cases there is the wrought iron fence, some cases there is chain linked fence, and some cases there are some privacy screening fence. But that has always been the call on the part of the homeowner.

Councilmember Garber - if there is no requirement on the cities part to have the fence, then it doesn't seem like we should be sharing in the expense of fixing a fence that was not ours to begin with.

Johnny Crabtree, 1708 Post Oak - I moved to Corinth in 1999. When this all happened I spoke to the builder and asked him if I could pay additional money for a wrought iron fence like I have across the front of my home and the builder said no, we already have the permits to build a cedar fence. I explained to him that I was a builder and that fence would fall down. I then came to the City and was told the builder already got the permits and I would have to live with it. Now it is falling down and the City it telling me I need to build another fence if I want one there. I didn't build that fence and it is not mine. If the City would have let me put the fence that I wanted and was willing to pay the difference for it would still be there because my fence in the front of my home is still there and will be there when I am dead and gone.

Councilmember Garber - is this the reason we are here?

Bob Hart, City Manager - it would be related to this and probably the owner at 1612 also.

Councilmember Garber - so the City did not share in the cost of that back fence, it was the developer but the City required the permits that would not allow you to share the upgrade cost that you were willing to pay for at the time to construct that fence. It sounds to me like you are still willing to pay the additional costs but I guess what we are asking for is the City to rebuild the original fence that was there, that original costs?

Johnny Crabtree, 1798 Post Oak - honestly, I don't care if you fix it or not, it is not my fence. I have just been told I was going to pay for it. The HOA said they gave it to the City.

Councilmember Harrison - we don't have an Ordinance that says he has to have a privacy fence there. He could put a wrought iron fence there or whatever he wants to is that correct?

Barbara Cabbage, Interim Planning and Development Director - that is correct. Or no fence.

Johnny Crabtree, 1798 Post Oak - but the City allowed the developer to tear my fence down back then.

Councilmember Harrison - you can put whatever fence you want to in there.

Johnny Crabtree, 1798 Post Oak - should I have to go in there and do all the demo and tear all that out? It is not mine? I would have to pay a lot of money to do that.

Council Glockel - we have been talking about this since April. Bob and I have discussed this and he has been researching this at my request. The fence that was there was a real good fence until the developer took it down. Had he not taken it down, assumingly because the other ones are still intact and in real good shape, this would have been also? The fact that somebody took it down and was allowed to take it down and when you go to HOA they said it is not ours that is the City's property. It is kind of a catch 22 and there is a lot of cost involved.

Councilmember Garber - do you want the fence or is someone encouraging you to replace the fence that you don't want to put money into?

Johnny Crabtree, 1798 Post Oak - I wish I had my fence that I had because it would still be there. I have been threatened to be fined by the City. I don't mind a fence but it is \$22.00 a foot to build that fence. It is not cheap.

Councilmember Burke - if the fence were to be knocked down and gone would that be ok?

Johnny Crabtree, 1798 Post Oak - I don't care what you do with it. I didn't build that fence. There is a lot of children back there and if there were no fence you might hear a lot of parents. If I wasn't going back there and putting screws in it to hold it together it would be a problem.

Councilmember Garber - it seems to me what has brought this on is the City?

Johnny Crabtree, 1798 Post Oak - yes.

Barbara Cabbage, Interim Planning and Development Director - the City would not just allow someone to go in and take a fence down and replace it. They would have to work with property owner. The builder or developer would work with the property owner on an agreement between them two. I don't know what happened back then but I know we have done that to help get us through several subdivisions and that is the process we have taken and is our current process as well.

Councilmember Garber - how many other properties are specifically like Mr. Crabtree's?

Bob Hart, City Manager - this would have had to happen probably in 2000. The process that Barbara Cabbage talked about is all I have ever seen in other Cities. I have never seen a developer unilaterally put a fence like that.

Councilmember Burke - I think going forward, we need to have a policy about fencing that goes between

homes that are built and parks that abut them that has some kind of lengthy depreciation or that will last a long time, maybe not just wood fences. Maybe we need to consider that to avoid this in the future. If it is an HOA, they sign off for being responsible for the maintenance. Mr. Crabtree's situation seems like it is a very unique circumstance. Generally, the City cannot take on the responsibility for maintaining all those private fences. That is my thoughts.

Councilmember Garber - what I think would be prudent here is to separate the general practice for the parks and my original comment would stand. I think that is a good practice. After hearing Mr. Crabtree and what has been presented here, I am with Mr. Burke and this does not sound like a normal situation and if we need to carve his out and have a discussion specifically over his circumstance because I think they are two different issues. That would be my suggestion.

Bob Hart, City Manager - you could probably ask for some legal consultation to get some guidance on this.

Councilmember Burke - that would be a great idea.

CLOSED SESSION

Mayor Heidemann recessed the Workshop at 6:21 p.m. *See 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 governmental body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

a. Discussion regarding fence policies.

Council met in Closed Session from 6:22 p.m. until 6:40 p.m.

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

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 from Closed Session.

ADJOURN:

Mayor Heidemann recessed the Workshop meeting at 6:41 P.M. Council went into the Regular Session meeting at 7:00 p.m. until 7:25 p.m.

Mayor Heidemann reconvened the Workshop Session at 7:30 p.m.

3. Discuss policy guidelines for fire service levels.

Bob Hart, City Manager - Went over the current fire contract and operational levels for the two fire stations. Discussed general conversations that have taken place with Lake Dallas, Hickory Creek, and Shady Shores regarding the fire service levels.

We have been using the same methodology that has been used in 2008, 2012 and 2016. We brought students in from UTA to look at this methodology and to obtain feedback. The students presented five options for the cost allocation formulas. In our conversations and based on the data we collectively decided that the historical approach is good and should be continued.

It looks like the application for the SAFER Grant will be due near the end of April, which means that we won't know about the funding or the offer to fund until September. I don't see anything happening with the SAFER Grant this fiscal year.

Councilmember Harrison - what are the other three cities proposals currently?

Bob Hart, City Manager - I started talking to the other three cities by bringing in the students in September, 2017. The students finished the report in December and then all the cities started meeting in mid - January. We went through the report, and discussed the service levels and the philosophy on how we run medic and fire calls. We have talked a little bit about expectations of service. We have talked formulas and dollar projections and have spent time just to review response times.

Councilmember Harrison - what are the other three cities position on Station 3?

Bob Hart, City Manager - they recognize that there is added value to Station 3 and they are willing to contribute in FY 21/22 to some of the cost to Station 3. Their position is they have a contract and they have fixed costs in place and they want to know why they have to go back to their Council and ask them to pay more for a contract they already have in place. I think if anyone of you were on their Council, you would have the same position.

When we examine the per capita costs of fire service in comparable cities throughout the Metroplex, at six (6) firefighters, we are still within the acceptable range of cost of providing fire service on a per capita basis amongst the cities. Once we have nine (9) firefighters, we are near the upper level or exceed the normal range of what cities pay. When we go to twelve (12) firefighters or beyond, we are outside the norm. That

is looking at the per capita costs based on the population with the numbers that we have today.

We are assuming we will submit the SAFER Grant application and hear something back in August/September. We will have about sixty (60) days to decide whether we want to accept the grant or take something less. I would suggest that we apply for nine (9) positions, get through the conversations and figure out where we are and then decide if we want to accept nine (9), three (3), six (6) or none. Applying does not lock us into anything. The only way that we would recommend that we accept the grant and make a commitment to hire the firefighters is if we have a commitment from the three cities to extend the contract. Under the existing contract, we have to have a new contract approved by 2020.

Station 3 Staffing Options

Option A

Quint
Rescue Truck
12 Firefighters

Option B

Quint
Rescue Truck
6 Firefighters
(SAFER Grant)

Option C

Quint
Rescue Truck
Reallocate Existing Personnel

Station #2

Squad & Medic

Bob Hart, City Manager -Option A is if we live in an ideal world. Option B and this is the one we are pursuing and Station #2 we have a Squad unit or a beefed up brush truck and a Medic Unit. We would also reassign staff from Station #2. Option C would be to move the Quint and Rescue Truck over and reallocate the existing personnel between the two stations.

Councilmember Burke - what is the maximum that we can increase the tax rate above the current rate?

Lee Ann Bunselmeyer, Director of Communications and Strategic Services - the projections on the tax rate are assuming no growth in AV Value. If you have growth in AV Value and those cents are less cause you are going to maybe increase 8% a year like we have been doing. But right now we had to make an assumption, so it is no growth and this is basically worse-case scenario.

Councilmember Harrison - there are other things we are working on that we are not going to be able to complete unless we increase the tax rate.

Councilmember Burke - you are correct.

Councilmember Harrison - we are going to have to do something to adjust that to this whole process, what is acceptable to the citizens.

Bob Hart, City Manager - I am not saying that you have to raise the tax rate 3.0 cents here, 2.5 cents here or almost 4.0 cents here, those are not cumulative. If you raise the tax rate 3.0 cents then you have taken care of it almost all three years.

Councilmember Harrison - so if Council out in the future says we want to cut the tax rate and if the answer is no, then Council says to let 27 people go....

Bob Hart, City Manager - you always have that right. It is in all of our best interest to stay together and that is what I want to see if you are on the same page there. We have conversations continuing and I plan

to meet with them again in a little over two weeks.

Councilmember Burke - when do you think you will have a proposal to go on to talk to us about?

Bob Hart, City Manager - I would expect to come back to you and have a meaningful discussion by the end of April.

Councilmember Garber - the SAFER Grant acceptance shows here October of 2018, so we would have to make that decision by then because we have passed the budget for the following year and we would need to know what we are doing so if taxes do need to go up for any reason we are not juggling the budget.

Mayor Heidemann - budget season is here and they need to know what the view on Council is to start doing the what-if's on the budget.

It was the Consensus of the Council to proceed with negotiations with the other three (3) cities.

Mayor Heidemann adjourned the meeting at 8:36 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: March 1, 2018 Regular Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the March 1, 2018 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the March 1, 2018 Regular Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the minutes from the March 1, 2018 Regular Session.

Attachments

Minutes

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

On this the 1st day of March 2018 the City Council of the City of Corinth, Texas met in a 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:

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

Members Absent:

None

Staff Members Present:

Bob Hart, City Manager
Curtis Birt, Fire Chief
Lee Ann Bunselmeyer, Director of Communications & Strategic Services
Barbara Cubbage, Interim Planning and Development Director
Mike Brownlee, City Engineer
Kim Pence, City Secretary
Brenton Copeland, Technology Services Assistant
Mack Reinwand, Messer, Rockefeller, &Fort

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

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

Mayor Heidemann called the meeting to order at 7:00 p.m., Councilmember Garber delivered the invocation and led in the Pledge of Allegiance and the Texas Pledge.

PRESENTATION: Lance Hendrik gave an update on Keep Corinth Beautiful.

Lance Hendrik – In 2017 we ended up with 450 volunteer hours, 223 trash bag collections. What we ended up doing last year is we took one of our big events and we put that towards the Pumpkin Palooza event, that took a little hit on our trash collections. Last year we started the “Return of the Monarch Butterfly” fly area on the backside of the ballfields. We tried to help the city by providing hybrid seed and getting it to grow from there. This year we’re going to expand it, but start it with plants. We’ll have an event and we’ll actually plant plants.

Last year, the City Manager brought his UTA class in and we did a strategic plan. The group came in and

looked at our situation on where we're growing, where we're stagnant and what are some things we can do. We did find out that we do need some help from the city, that's the only way we're going to get volunteers to come and support what we're trying to do. We are looking at the bigger picture. We want to grow and continue to grow. Mr. Hart is looking for a VISTA opportunity where we can get a person in here, that is funded by another source, they will be a liaison to help us be in contact with the school districts, the scouts and the other organizations so we can grow the Keep Corinth Beautiful program. In 2018 we have some really good board members so I appreciate the processes that you all went through to get us new board members. They have come in with some great ideas. March 24th we have our UNT big event clean-up day. I'm going to increase the number of people we ask for because we are going to help with the Easter egg event that day. We are going to go ahead and do a lot of cleanup. This is the time we go out and clean up and handle all the city flower beds we maintain.

At our last meeting we were fortunate to have Principal Caldwell from the Corinth Primary School visit with us. They are looking at wanting to grow their community garden and community projects. They have a little 4-H club. They want to develop the Cliff Oaks/Tower Ridge Parkway area, that's a geothermal sight where they put geothermal wells. So nothing can be built there. He has a plan and some funds. We are willing to come in there volunteer with man hours and whatever else we can offer them to help.

We will be expanding our Monarch butterfly, we are going to grow it bigger. Almost double the size.

Councilmember Garber – What time on the 24th?

Lance Hedrick – 9:00 am – 2:00 pm. We meet here at City Hall.

Lowell Johnson – I might add for those of you that are coming out, remember it's a clean-up event where we do work. We'll have plenty to do.

Mayor Heidemann - I would like to thank you for all your efforts for what you are doing with Keep Corinth Beautiful. It sounds like you've got that rejuvenated and that you have good focus. Whatever support you need from the Council and from the city, don't be afraid to bring it to the Council and we will be more than happy to discuss it and see if we can help you out. Thanks again for all your efforts and for your leadership in keeping Corinth beautiful.

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 February 1, 2018 Workshop Session.
2. Consider and act on minutes from the February 1, 2018 Regular Session.

Councilmember Glockel pulled Item #2 from the Consent Agenda.

3. Consider and act on minutes from the February 15, 2018 Workshop Session.

Councilmember Garber pulled Item #3 from the Consent Agenda.

4. Consider and act on minutes from the February 15, 2018 Regular Session.

MOTION made by Councilmember Harrison to approve Consent Agenda #1 and #4 as presented. Seconded by Councilmember Burke.

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

MOTION CARRIED

CITIZENS COMMENTS

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

No one spoke during Citizens Comments.

PUBLIC HEARING

9. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT RANDI RIVERA WITH G&A CONSULTANTS, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNERS 777 LAKES, LB FOR A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT SINGLE FAMILY-4 (PD SF-4) ON 55.995 ACRES LEGALLY DESCRIBED AS TRACTS 1C AND 1D OUT OF THE BBB & CRR SURVEY, COUNTY ABSTRACT 190, TRACT 1 OUT OF THE S. KEPHART SURVEY, COUNTY ABSTRACT 721 AND TRACT 1D OUT OF THE GW MCGLOTHLIN SURVEY, COUNTY ABSTRACT 888 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located south of the proposed Lake Sharon Drive extension and east of FM 2499.
(AT THE APPLICANTS REQUEST, THE PUBLIC HEARING WILL BE CONTINUED TO MARCH 15, 2018 CITY COUNCIL REGULAR SESSION).

BUSINESS: Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code, Ordinance No. 13-05-02-08, as amended, for a zoning change from Single Family-3 (SF-3) to Planned Development Single Family-4 (PD SF-4) on 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out the S. Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas.

Bob Hart, City Manager – at the applicants request, the public hearing and the business item immediately following will be deferred until the March 15th Regular Council meeting.

MOTION made by Councilmember Glockel to postpone item #5 on the Agenda to the March 15, 2018 meeting. Seconded by Councilmember Harrison.

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

MOTION CARRIED

BUSINESS AGENDA:

Mayor Heidemann recused himself from item #6 from any discussions. He turned this item over to Mayor Pro-Tem Harrison.

6. Discuss and consider approval of a Development Agreement for Huffines Children’s Trust including reimbursement provisions for funding water, sanitary sewer and storm sewer public infrastructure improvements in the amount of \$424,049.35 and the reallocation of funds from the Water/Wastewater Capital Project Fund-Amity Village Sewer Rehab project totaling \$307,267 and partial funds from the settlement of \$116,782.35.

Bob Hart, City Manager – This is an amendment to a development agreement that you had previously approved with Huffines development for their project at I-35 and Lake Sharon. It does have the components that deal with the storm water and taking that into our system where there are some public improvements that are made for that. Also for the relocation of a wastewater line and there is a substantial part of the public improvement there. Also for the relocation of a water line and the removal of some of the asbestos line. We have reviewed this during the workshop and we are bringing this to you as a recommendation for an amended development agreement.

MOTION made by Councilmember Glockel to approve the Huffines Children’s Trust as written. Seconded by Councilmember Burke.

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

MOTION CARRIED

7. Consider and act on an Ordinance adopting a new Rate Review Mechanism (RRM) Tariff to govern future annual rate filings by Atmos Mid-Tex.

Bob Hart, City Manager – Corinth is a member of the Atmos review of coalition with cities throughout the state. The executive committee for that group has negotiated a rate review mechanism for any future rate filings by Atmos and they have requested the member cities to adopt this ordinance adopting that rate review of mechanism. It would apply to all gas customers within the City of Corinth and presumably all the cities that are members will be passing a comparable ordinance this month.

Mayor Heidemann – When they pass this, this is the same rate for all the cities that were represented under that umbrella?

Bob Hart, City Manager – Yes sir.

MOTION made by Councilmember Burke to approve the ordinance as presented. Seconded by Councilmember Harrison.

AYES: Burke, Garber, Johnson, Harrison, Glockel

NOES: None

ABSENT: None

MOTION CARRIED

8. Consider and act on conducting a Masonic Lodge ceremony to install a cornerstone for the Fire Station #3.

Bob Hart, City Manager – A few comments before I turn this over to Councilmember Garber. The staff has been working with the Masonic Lodge about placing a cornerstone plaque at the corner on the Fire Station #3. A component of that plaque would contain the Masonic Lodge symbols and would be dated for the date of the ceremony, which is tentatively planned, for March 21st at 11:00am. The other side of the corner piece would also have an engraving that would be the dedication plaque for the building as well. That was what had been worked on.

Councilmember Garber – The reason I put this on is not so much, by any means stifling religious freedom in the City of Corinth. What I'm more concerned about is if anybody would have an issue with any of these ceremonies that happen on public property or with a brand new public building that would give us the opportunity to opt out the vote and that is why I requested to put this on the agenda tonight. I do have a question especially the dedication, what's our plan to put on the dedication plaque portion of that?

Bob Hart, City Manager - It's been a while since I've looked at this, so this is from my memory. It has a list of all of the Councilmembers and the staff members that have been involved in the project. So it will be a traditional dedication plaque. There is one out in front of City Hall, as an example, as a bronze plaque. So it would be a comparable plaque to that with the Council listing and the officials.

Councilmember Garber - Is it attached or involved in any way with the Masonic plaque that would be on the corresponding wall? Are they two separate plaques?

Bob Hart, City Manager – If you can imagine, it's kind of a limestone or white and it's a corner piece. One side will have the Masonic symbol and the date of the dedication ceremony for laying of the corner stone if you will, the other side is the one that would have the dedication plaque. What I would probably suggest is if you don't want to do this ceremony, that we would continue to have the corner stone as a dedication plaque and come over on this side and do some kind of dedication piece, perhaps for April 28th when the building is officially dedicated or something along that line, put a Corinth logo it. We would have to come up with an idea, but in that sense it would be the same two pieces that would still fit on the corner,

dedication plaque on one corner and some other piece on the other side.

MOTION was made by Councilmember Garber that we do not move forward with the Masonic Lodge ceremony on the Public Safety Building.

MOTION DIED FOR LACK OF A SECOND

MOTION was made by Councilmember Harrison that we approve conducting the Masonic Lodge ceremony to install a cornerstone on Fire Station #3. Seconded by Councilmember Glockel.

Councilmember Burke – Councilmember Garber, what is your concern?

Councilmember Garber – The larger concern for myself is that I feel that this is different than having religious leaders, from around Corinth of all different creeds, this is a specific ceremony set aside for a specific religious organization to put a plaque of a specific religious nature onto a public building to the exclusion of other parts of the community. What I feel is this is not just praying over a public safety building, this is an actual religious ceremony that is being performed. I feel that it is important that there not be general consent provided to these religious ceremonies and I feel that it is important to be able to opt out. I don't want to be associated with that specific ceremony in this public venue. That is my concern.

Mayor Heidemann – Just for clarification, the Masonic order is not a religious order it is a paternal organization.

Councilmember Garber – I understand but they relate the cornerstone to Jesus Crist.

AYES: Johnson, Harrison, Glockel

NOES: Garber, Burke

ABSENT: None

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

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

Mayor Heidemann – I would like to remind everybody that this Saturday from 9:00 am until 4:00 pm is a visionary meeting for anybody that's interested in coming to City Hall. This is a first step in trying to get some data or some understanding of where we want the city to be going in the future and we need all the input we can get. The more diversity there the better the plan will be. If anybody's available, it's from 9:00 am until 4:00 pm on Saturday.

CLOSED SESSION

There was no closed Session during the Regular Session meeting.

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 of Texas clearly conflicts with chapter 551.

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

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 7:25 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: March 15, 2018 Workshop Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the March 15, 2018 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the March 15, 2018 Workshop Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the March 15, 2018 Workshop Session minutes.

Attachments

Minutes

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

On this the 15th day of March 2018 the City Council of the City of Corinth, Texas met in a Workshop Session at the Corinth City Hall at 5:30 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:

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

Members Absent:

Sam Burke, Council Member

Staff Members Present:

Bob Hart, City Manager
Barbara Cubbage, Interim Planning and Development Director
Kim Pence, City Secretary
Cody Collier, Director of Public Works, Park Maintenance, Recreation, and Utility Operations
Shea Rodgers, Technology Services Manager
Lori Levy, Senior Planner
Jason Alexander, Economic Development Director
Mack Reinwand, Messer, Rockefeller, &Fort

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 p.m.

WORKSHOP BUSINESS AGENDA

- 1. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.**

Business Item #4 Discussion:

TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT, TOM TRONZANO, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, BB3 LEARNING SYSTEM, INC. FOR A ZONING CHANGE FROM SF-2, SINGLE-FAMILY RESIDENTIAL DISTRICT TO PLANNED DEVELOPMENT (PD) MX-R, MIXED-USE RESIDENTIAL DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS IN ORDER TO DEVELOP A DAY CARE FACILITY ON

ONE TRACT, AND A FUTURE MIXED-USE RESIDENTIAL AND/OR OFFICE/RETAIL DEVELOPMENT ON ANOTHER TRACT OF LAND ON PROPERTY LEGALLY DESCRIBED AS A TRACT IN THE J.P. WALTON SURVEY, ABSTRACT NO. 1389 AND PART OF LOT 1, BLOCK A, A.L. LAMASCUS ADDITION, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. THIS PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF CORINTH PKWY. AND SHADY REST LANE.

Consider and act on an ordinance for a zoning change from SF-2, Single-Family Residential District to Planned Development (PD) MX-R, Mixed-Use Residential District with modified development standards in order to develop a day care facility on one tract, and a future mixed-use residential and/or office/retail development on another Tract of land on property legally described as a tract in the J.P. Walton Survey, Abstract No. 1389 and part of Lot 1, Block A, A.L. Lamascus Addition, in the City of Corinth, Denton County, Texas. This property is located on the northwest corner of Corinth Pkwy and Shady Rest Lane.

Councilmember Harrison –On the placement of the school itself, the way I read this is the front entrance is facing Corinth Parkway. If the family is going to drop off the child, would they come in off of Corinth Parkway and turn left to go to the main entrance?

Lori Levy, Senior Planner - If you're coming down Corinth Parkway, there's a left turn only so you could go up Shady Rest, go to Walton and go through that driveway off of Walton.

Councilmember Harrison – If I'm coming in to drop off a child, if I come in off of Corinth Parkway, I turn left to go into the main entrance to the building, correct?

Lori Levy, Senior Planner – Correct.

Councilmember Harrison – So there's nowhere to park. It's not a drop off and then once you get in there how do you get out?

Lori Levy, Senior Planner – You can go through Walton Road and go back up Corinth Parkway then go that way.

Councilmember Harrison - I understand, but I'm saying you turn left and you go into this parking lot. And now I'm in the parking lot. How do I get out of the parking lot? I pull in here, this is the main entrance, then how do I turn around and go back? There's no exit here.

Lori Levy, Senior Planner – You would have to come in the parking spot, back up and go back out.

Mayor Heidemann – It's my understanding the way the day care is centered is that you pull in and you do park because the parents take the child into the day care center. Is that correct? It's not like the school where you just drop them off and they run into the school.

Councilmember Harrison – Ok, no problem. There are berms along Corinth Parkway and a berm halfway up to the entrance off of Shady Rest, there's a berm on the east side of the property and all along the south side, are we going to build a berm on the north side of that property along Shady Rest?

Lori Levy, Senior Planner – There's going to be a light screening.

Councilmember Harrison – When will that come in for approval or whatever?

Lori Levy, Senior Planner – For the Goddard School they will have to put all of their parking lot screening, which would be the screening shrubs, the bio swale....

Councilmember Harrison – And the bio swale will handle everything on the north point of the property.

Lori Levy, Senior Planner – It's not designed yet, the intention of the bio swale is to produce the need for detention as best we can. They will be required to put in the bio swale type area, not full design but for area A & B, at least with native plantings, we'll work with them on that.

Councilmember Harrison – That makes sense, thank you.

Councilmember Glockel – When we refer to the residential, where is that going to be? It keeps referring to mixed use with residential. What does that mean?

Lori Levy, Senior Planner – The PDMXR district is tending to have mixed vertical use, residential and retail office, commercial, it differs with the planned development mix commercial district in that commercial district is not vertical mixed use, its actually horizontal mixed use. That is one difference, the other one is in that district.....

Councilmember Glockel – I think you're missing my question, I understand your answer, but I don't think you understand my question. The first two mixed use residential is it just saying that because that's the way the UDC is written or is there going to be residential and this?

Lori Levy, Senior Planner – That is what it's called out in the UDC, that's the district, and again the difference is the vertical mixed use component and 75% residential is typically required in the PDMXR district.

Councilmember Glockel – Is there going to be residential on this piece of property?

Lori Levy, Senior Planner – We are allowing flexibility to where they could either have the residential mixed with it or they can have just retail, office, restaurant on that plan.

Councilmember Glockel – And what was the P & Z's recommendation?

Bob Hart, City Manager – They supported it.

Lori Levy, Senior Planner – We had the Planning & Zoning Commission meeting this past Monday and there was 3 to 1 support. There was a recommendation for sound mitigation. A sound wall that was wanted by a resident, that motion failed so that was the one against.

Councilmember Glockel – Sound mitigation over along the Parks of Corinth?

Lori Levy, Senior Planner – Right, they wanted a 10’ foot sound wall. We really don’t believe that’s the intention in this district.

Councilmember Glockel – Are we only dealing with area A tonight? Are we approving the whole plat?

Lori Levy, Senior Planner – The entire PD, the areas A & B.

Councilmember Glockel – But we don’t know what the intent is for B.

Lori Levy, Senior Planner - It’s conceptual, the difference is they will have to come through with the site plan in accordance with what’s written for area B now. Area A, the Goddard School, since everything is known about that, they will not have to come back with the site plan, it’s for everything that’s part of the PD tonight.

Business Item #5 Discussion:

Consider and act on a request from the applicant Tom Tronzano, authorized representative for the property owner, BB3 learning system, Inc. for a major subdivision waiver to the city of Corinth required distance from the intersection along a collector street to the proposed driveway on property legally described as a tract in the J.P. Walton Survey, Abstract No. 1389 and part of Lot 1, Block A, A.L. Lamascus Addition, in the City of Corinth, Denton County, Texas. This property is located on the northwest corner of Corinth Pkwy. And Shady Rest Lane.

Lori Levy, Senior Planner – That is the companion item, a major subdivision waiver for the PD, for a reduction to the distance from the driveway on Walton to the driveway off of Shady Rest Lane. Its 132’ feet in lieu of the 150’ foot that’s required and the driveway distance to the corner of Corinth Parkway, actually meets the requirement, it exceeds it.

Councilmember Harrison – What was the Planning & Zoning Commission’s recommendation?

Lori Levy, Senior Planner – They unanimously approved it, 4-0.

Business Item #6 Discussion:

TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT RANDI RIVERA WITH G & A CONSULTANTS, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNERS 777 LAKES, LP FOR A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT SINGLE FAMILY-4 (PD SF-4) ON 55.995 ACRES LEGALLY DESCRIBED AS TRACTS 1C AND 1D OUT OF THE BBB & CRR SURVEY, COUNTY ABSTRACT 190, TRACT 1 OUT OF THE S. KEPHART SURVEY, COUNTY ABSTRACT 721 AND TRACT 1D OUT OF THE GW MCGLOTHLIN SURVEY, COUNTY ABSTRACT 888 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located south of the proposed Lake Sharon Drive extension and east of FM 2499.

Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the

Unified Development Code, Ordinance No. 13-05-02-08, as amended, for a zoning change from Single Family-3 (SF-3) to Planned Development Single Family-4 (PD SF-4) on 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out of the S Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas.

Councilmember Harrison – On this development, will there be a masonry wall along 2499 and will there be a masonry wall along Lake Sharon?

Barbara Cabbage, Interim Planning and Development Director – I think there is a sound wall along 2499 that TXDOT put in and when they begin their development plans for the platting it will be required to put in that masonry wall along Lake Sharon Dr.

Councilmember Harrison – What about 2499?

Barbara Cabbage, Interim Planning and Development Director – 2499 will already have the sound wall that TXDOT put in.

Business Item #7 Discussion:

Discuss and consider approval of the Storm Water Facility Maintenance Agreement associated with the Lake Sharon Dam on property legally described as 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out of the S Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas.

Councilmember Harrison – The only question I have is, for the attorney, we not accepting any responsibility for the dam, the maintenance of the dam, that's strictly up to the developer, the owner of the property and the Home Owners Association in Lake Sharon 3?

Mack Reinwand, City Attorney – That's right.

Councilmember Harrison - It doesn't affect Lake Sharon 1 or Lake Sharon 2.

Mack Reinwand, City Attorney – That's correct.

Bob Hart, City Attorney – We've got a paragraph addition and a modification on one paragraph. We got this today.

Mack Reinwand, City Attorney – That change relates to clarification on the role of the owner of the dam in preparing an emergency action plan and of the role of the city. They have to put together a plan, the city is certainly going to be a part of that to an extent, we have to review and look at the emergency actions that are to be put in place. We'll be giving them feedback on that.

What we wanted to do is clarify the rules of the developer and the owner and the city in putting together that plan. That's what this change does.

Councilmember Harrison – We're going to develop this, fulfill whatever these responsibilities are that states in there, we're going to do that.

Mack Reinwand, City Attorney – It's a state mandated process to put that plan together and it's the developers obligation. He'll go out and do the inundation analysis and do all the engineering, put together the plan for if there was a breach, how would notification go out and what emergency response would there be. That's where the developer comes to the city and we sit down and figure out how that part of its going to work. Notifications of the citizens, what kind of response we're going to have and that will involve more than just the city. Anybody that would respond in that type of emergency would be involved in that.

Business Item #8 Discussion:

TO HEAR PUBLIC OPINION REGARDING A REQUEST BY THE APPLICANT, PETER KAVANAGH, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, NORTH CENTRAL TEXAS COLLEGE (NCTC) FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW A CELL TOWER ON PROPERTY ZONED I, INDUSTRIAL, LEGALLY DESCRIBED AS LOT 1-R, BLOCK A, NORTH CENTRAL TEXAS COLLEGE ADDITION NO. 2 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. (This property is located at 1500 North Corinth Street.)

Consider and act on an ordinance for a Specific Use Permit (SUP) to allow a Cell Tower on property zoned I, Industrial legally described at Lot 1-R, Block A, North Central Texas College Addition No. 2 in the City of Corinth, Denton County, Texas.

Bob Hart, City Manager – Before we go into the meeting tonight you'll want to have an Executive Session with the Attorney to be briefed on some of the issues on this item. But we can cover everything else on it here.

Councilmember Harrison – Reading this, in all these items that are in red, have we received any of that or is that part of what you're going to discuss when we go to Executive Session?

Bob Hart, City Manager – No, we don't think they have a complete application.

Barbara Cabbage, Interim Planning and Development Director – The items in red are actually the outstanding items that were not turned in with the application for the specific use permit. They're required within the conditional development standards that are required with any cell tower application. These have not been submitted.

Councilmember Glockel – Not being real familiar with the tower, I do know in my past history when I built towers in this part of the country I had to contact Lakeview Airport as well. Is that a necessity here?

Barbara Cabbage, Interim Planning and Development Director – There's a part in the conditional development standards that says that staff can ask for additional information, because I know that Hidden Valley Airport is there I did ask them for a letter from the FAA, but I did not receive that either. So, we

don't have permission from them.

Councilmember Harrison – You're talking about the airport in Lake Dallas. The way I read that, we were dealing with Hidden Valley, but he's dealing with the airport in Lake Dallas.

Councilmember Glockel – I'm just asking is the requirement to deal with them, are they far enough out of this circle. They are very close to this sight.

Barbara Cabbage, Interim Planning and Development Director – I personally was not familiar with the one in Lake Dallas. I was just familiar with the one in Hidden Valley.

Bob Hart, City Manager – But we still didn't get the letter from the FAA.

Barbara Cabbage, Interim Planning and Development Director – Correct.

Mayor Heidemann - That probably covers both of them.

Barbara Cabbage, Interim Planning and Development Director – I would think so.

Business Item #9 Discussion:

TO HEAR PUBLIC OPINION REGARDING AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE (UDC) ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.07.01—USES PERMITTED BY DISTRICT BY ADDING PHOTOVOLTAIC SYSTEMS (ATTACHED) AND PHOTOVOLTAIC SYSTEMS (DETACHED) AND PROVIDING THE REQUIREMENTS OF SECTION 2.07.07 ACCESSORY BUILDINGS AND USES.

Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.07.01 — Uses Permitted by District; Adding Photovoltaic Systems (Attached) and Photovoltaic Systems (Detached) and providing the requirements of Section 2.07.07 Accessory Buildings and Uses.

Bob Hart, City Manager – This is to allow solar panels on buildings in the community.

Councilmember Glockel – There's a lot of houses with the cellular capability. How are we doing that today, we don't have an ordinance to cover that?

Bob Hart, City Manager – This is only dealing with solar panels. Under state law, a lot of the HOA's in town have prohibitions against solar panels. State law says that those are not valid but we need an ordinance to permit those. That's what this accomplishes. They still have to meet some of the design, they have to go through the architectural review board with the HOAs but it does allow people to put solar panels on the roofs or the grounds as long as they are screened by a fence.

Mayor Heidemann - That's a state law?

Bob Hart, City Manager – The state law says that HOAs cannot prohibit the installation of solar panels.

Councilmember Harrison – Isn't this a new law?

Mack Reinwand, City Attorney – That's right.

Bob Hart, City Manager – The Council of Governments (COG) in this region is promoting the solar panels through what they call the "so smart program", it's a national program to encourage solar panels. So the Council of Governments (COG) is encouraging all the cities in the area to adopt these types of ordinances and then based on how that's put together, that's how you get the rating and all with the COG and the "so smart" program.

Councilmember Glockel – But today if I live outside of an HOA that restricts me, we apparently allow solar panels to be placed on roofs in the City of Corinth without any of this.

Bob Hart, City Manager – Yes, that's right.

Barbara Cabbage, Interim Planning Director - What this does is it give parameters, not so much for the ones on the roof but for the ones that are on the ground so that somebody doesn't put something where it's obtrusive and sticking up over the fence and too close to the property line.

Councilmember Harrison – So right now what we're going to do is we're going to develop a streamline process and we're going to develop a community solar program and we're going to expand a communicative solar finance option for residential and commercial properties? Is that what we're going to do?

Bob Hart, City Manager – When we go into the "so smart program", through COG, then we will adopt the same type of permitting processes that the other cities have done. That's an internal mechanism on how we'll review those and how we do permits. So we are consistent with everybody in the region. If a homeowner wants to go in and finance it then we will coordinate those permits and all with the homeowner and whoever is financing the solar panels. It's not us putting any money or doing anything, but making that process and streamlining it so it's easy to do.

Councilmember Harrison – Going back to Don's question, if his next door neighbor wants to put solar panels up right now, do they get a building permit to do so?

Barbara Cabbage, Interim Planning Director - That is correct.

Councilmember Harrison – then he gets the permit and he can apply the solar panels?

Barbara Cabbage, Interim Planning Director - That is correct.

Business Item #10 Discussion:

Consider and act on a Joint Election Agreement and Contract for Election Services with Denton County for the May 5, 2018 General Election.

Councilmember Glockel – Has anyone checked with the Denton ISD to see if they have anyone running in this election? Because it talks about the three of us going to split that deal.

Kimberly Pence, City Secretary – Denton ISD will have an election, I don't know about Lake Dallas ISD, but we will split it with Denton.

WORKSHOP BUSINESS AGENDA:

2. Hold a discussion on donation bins.

Mack Reinwand, City Attorney – The city was approached last year by a known proprietor that does this kind of collection on behalf of Cooks Children's and MADD and other organizations that do fundraising in the city. They looked at our ordinance which basically prohibits this type of collection in the city. They approached us about their concerns legally with that.

We've gone out looking at ordinances that would allow this but control it based on some of the input from Council. The ordinance is based on other ordinances that have been challenged legally and it seems to be quite a bit of litigation related to this, this new industry comes online and tries to come into cities. We looked at ordinances that have been upheld, pulled mostly from provisions that have been upheld by courts and put those together. What this does is tries to regulate how much of this goes on, how it looks aesthetically, obviously you don't want this just coming in and showing up all over town.

We limited it to certain types of commercial/industrial areas, we have prohibited certain roads from having this at all based on the type of roads they are, we've put separation requirements 1000 ft. between bins, and one of the big concerns of this is you don't want stuff to start piling up around the bin itself.

You have to have a 24 hour notice and phone service available and it has to be posted on the box. If we send them more than 2 notices in a year of them having this issue and them having to clean it up, they would remove their box and lose their permit to have it out there.

I think based on the conversations we've had with some of the industry folks, they like those heightened standards because it keeps away the people that fly by night and show up and put their bin down. They seem to like those standards and want to abide by those, they think it helps them as being a reputable company.

There was some concern about the schools doing this in their lots. The way it's drafted now the schools are exempted from the regulations here.

Councilmember Harrison - It talks about a representative of a foundation, are these only tax-exempt entities?

Mack Reinwand, City Attorney – No they are not. Some of these are for profit, they are professional solicitors. That is how they would designate themselves. They professionally are hired on behalf of these companies, these non-profits, to go out there and do the solicitation for them.

Councilmember Harrison – So basically it's anybody that wants to put up one. But they have to have permission from the landowner or whoever.

Mack Reinwand, City Attorney – That's right. The landowner is liable and potentially under any kind of violation. If there's an offense, say there are pile ups under the collection bin, and they haven't cleaned it up, we have the authority here and it's clear the property owner as well as the donation bin owner are potentially cited for that violation.

Barbara Cubbage, Interim Planning Director – There's a very specific application process that they have to go through, it's very clear and concise, this is what you have to do to apply and these are the consequences if you have unclean areas within the year's time.

Councilmember Harrison – Can you have two on the same plot?

Mack Reinwand, City Attorney – No. It's one per parcel and there's a 1000' separation requirement. If you get one in first you may not be able to on the next lot over depending on the distances.

Councilmember Glockel – I need to go back to #9. When we talk about the solar panels for example you can't be stuck above the fence or be intrusive to the neighbors, in here it's written the power of the HOA, it's not written in here as a city. Is it going to be in our ordinance the same way it is in the HOA?

Barbara Cubbage, Interim Planning Director – Yes, the HOA's have their own requirements.

Councilmember Glockel – But the HOA's can challenge the Texas law if any one of these eight items are violated. One of them stuck up in the air over a fence and not installed on a roof correctly or illegal material, they can challenge that and make the person not put it up in their HOA. What I'm asking is do we have those same type of things in our ordinance today or will we after this is written?

Barbara Cubbage, Interim Planning Director – After this is written, this will be in our ordinance under the accessory building for the ones that are on the ground.

Mack Reinwand, City Attorney - If they are not on the building itself and they are on the ground they will be treated as accessory structures, so in the city that requires they be in the back yard or be screened. . Most of these would still apply. The color one I'm not so sure about. Do we require our accessories to be similar to the building?

Barbara Cubbage, Interim Planning Director – They do have to be similar.

Mack Reinwand, City Attorney - That would take care of the color question. So a lot of these, yes it would fall under our accessory requirements.

Councilmember Glockel – They specifically have three colors that are acceptable in this HOA challenge to the state. Are the three colors going to be in ours? And it has to be horizontal with the roof? Not higher than the roof line?

Bob Hart, City Manager – Yes, that is all going to be within the ordinance and the reason you're seeing it that way, those are the industry standards.

Councilmember Glockel - I don't disagree with them, I think they're great examples, it specifically says this is HOA's way to challenge state law. I'm asking are we going to have that in our ordinance to Don Glockel that doesn't live in a HOA.

Bob Hart, City Manager – You're going to follow that same thing.

Councilmember Harrison – So those areas, those residential areas that don't have an HOA will be covered by that? By the city, which the city is going to be identical to whatever the HOA is doing?

Bob Hart, City Manager – Yes that is right.

3. Policy discussion on tax abatement.

Bob Hart, City Manager - I want to have a very general, very short discussion. We have a policy for doing tax abatements and we have one business that has a tax abatement agreement with us. That's the context of this conversation. The agreement that was made in this particular case is that they could get a tax abatement of 50% of their taxes over a five year period provided that they increase the value of their property by \$12,000,000. The prior value was \$790,000 so in order to enjoy the 50% tax abatement, they had to have a total tax evaluation of \$12,790,000. When the tax rolls came in, this past year, they set the value of the land and building at \$12,000,000. Which is \$790,000 below that threshold to trigger that. So, therefore they not getting the tax abatement on year one. If the value comes in greater than the \$12,790,000 under the current agreement that will kick in for years 2, 3, 4, and 5.

That's the way it's set up today. The question was whether or not you would entertain or be open to a request to amend that agreement to lower the threshold to allow them to participate in that

Councilmember Garber – My first thought is, if we entered into an agreement with someone then we need to stick to it. If the increase in property value needs to be \$12,000,000 then that's what we agreed on going into that. If there's things that have happened since then, then maybe there's a reason why the \$790,000 was missing year one. Up to and including did they talk with Denton County about their property value and have it lowered? If they did that and they didn't hit the \$790,000 or the \$12,000,000 then it's not up for discussion as far as I'm concerned. If there is a good reason as to why this happened, perhaps, but I would pretty much stick with the original agreement.

Bob Hart, City Manager – I think you probably summarized it very well. They spent about \$14,500,000 on the property, the initial appraisal was higher, it was appealed and they settled out at \$12,000,000, and after all that had been done they went back and read the agreement. They realized they were a little short.

Councilmember Johnson – I agree with Scott, we made an agreement some years ago with the hotel, Comfort Suites, similar type of agreement, they were not able to make their performance levels either and they were not granted an exception. I would think if we're going to have a policy we probably need to maintain, so yes, I feel the same way.

Councilmember Glockel – I agree with both Councilpersons, I have a question. If we moved it to \$12,000,000 and it came in at \$13,000,000+, would they get the abatement to \$12,000,000 or would they get the 50% all the way to whatever it is?

Bob Hart, City Manager – 50% all the way to whatever it is. If it goes to \$14,000,000, they get abated \$7,000,000.

Councilmember Glockel – And it came in over \$13,000,000 this year and they negotiated it down which was unfortunate, but it happened. I have to agree with the other two Councilmen.

Councilmember Harrison – We made our agreement.

Mayor Heidemann – You got your answer.

Bob Hart, City Manager – Thank you.

Bob Hart, City Manager - Sam Burke is not going to be here tonight, he requested that the executive session items on the property be deferred to the next meeting. This was after the agenda came out.

Councilmember Harrison – On both pieces of property?

Bob Hart, City Manager – On both, yes sir.

Councilmember Glockel – When's the next meeting?

Bob Hart, City Manager – I'm going to ask that we have a special meeting on March 22, 2018, one week from today, so we can discuss the audit. We need you to accept that prior to April 1st, we were making some adjustments on that yesterday, we'll have it available either this weekend or Monday and then we'd like to have you consider that. We could do the real estate then or we can differ it to the April meetings. Does that work for you on the 22nd?

Councilmember Glockel – I won't be in town enough to work on my information. I don't think it's going to work for me.

Bob Hart, City Manager – Ok, we can defer that until April 19th if we could.

Councilmember Glockel – That's fine.

Mayor Heidemann recessed the Workshop Session at 6:18 p.m. * See Closed Session

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 of Texas clearly conflicts with chapter 551.

City Council met in Closed Session from 6:16 p.m. until 6:45 p.m. to discuss Business Item #8 on the Agenda.

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. **Purchase of Right-of-Way at 2101 Lake Sharon Blvd.**
- b. **Land for water tower site on Quail Run near Corinth Parkway.**

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.

There was no action taken during Closed Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 6:46 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 4.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: March 15, 2018 Regular Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the March 15, 2018 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the March 15, 2018 Regular Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the March 15, 2018 Regular Session minutes.

Attachments

Minutes

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

On this the 15th day of March 2018 the City Council of the City of Corinth, Texas met in a 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:

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

Members Absent:

Sam Burke, Council Member

Staff Members Present:

Bob Hart, City Manager
Barbara Cabbage, Interim Planning and Development Director
Cody Collier, Public Works Director
Kim Pence, City Secretary
Jason Alexander, Economic Development Corporation Director
Lori Levy, Senior Planner
Shea Rodgers, Technology Services Manager
Mack Reinwand, Messer, Rockefeller, &Fort

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

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

Mayor Heidemann called the meeting to order at 7:00 p.m., Councilmember Garber delivered the invocation and led in the Pledge of Allegiance and the Texas Pledge.

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 revised minutes from the February 1, 2018 Regular Session.
2. Consider and act on revised minutes from the February 15, 2018 Workshop Session.

MOTION made by Councilmember Harrison to approve Consent Agenda #1 and #2 as presented. Seconded by Councilmember Garber.

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

MOTION CARRIED

3. Consider and Act on an inter-local agreement with Denton County for the use of their fiber optic network to reach servers located at City of Denton facilities.

Councilmember Glockel - pulled item #3 for discussion. What is the availability of dark fiber, as long as there is a dark fiber available, is there a clause that we have to get out if they need their fiber back?

Shea Rodgers, Technology Services Manager - no, it is all terminated inside here. They would not have any use for the fiber other than providing us data capabilities. It is physically inside City Hall right now so they have a fiber in-point at our server room upstairs.

Councilmember Glockel - how do we get that 10 GB to the other facilities we have like the police department? The new Public Safety?

Shea Rodgers, Technology Services Manager - that would be a different phase. Right now we would still use Charter to connect City Hall to the Public Safety Facility. This one connection is just for City Hall to the City of Denton facilities via the Courts building from Denton County.

Councilmember Glockel - in some of the verbiage it talked about we went from 50 MB service to 100 MB and we are out growing it and I could see where that is very easily done especially with some of the things they do on the public safety side but I thought we put a fiber to the police department a couple 3 years ago to do some of this?

Shea Rodgers, Technology Services Manager - the original fiber that was put into City Hall was for the Telex connection and that is not active right now, we are waiting until we move into the new public safety facilities. The application has to be re-done whenever we move physical locations anyway. Part of the fiber optic connection that we have now will move that Telex data then the other part of the fiber optic will move data to and from our servers at City of Denton facilities.

Councilmember Glockel - so this contract goes into effect in June, we won't have any connect fee then?

Shea Rodgers, Technology Services Manager - no sir, I don't think so. They have everything in place and the money that we are paying them is more or less just a maintenance fee in case the fiber were cut or damaged.

Councilmember Glockel - is it redundant?

Shea Rodgers, Technology Services Manager - it is not redundant, however we anticipate maintaining our 100 MB connection via Charter to the City of Denton so if one were to get damaged or cut, we will then default over to the redundant connection.

MOTION made by Councilmember Garber to approve item #3 of the Consent Agenda. Seconded by Councilmember Harrison.

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

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.

Mike Danes, 3700 Parkwood Court - I am not speaking against the proposed zoning changes. I really feel it is important that the City ensures that there are some conditions placed with it. I would like to see that a surety bond is posted when this is put up for construction for the roads that we have back there. They are residential roads and are subject to being easily torn up more so than roads that are made for area where there is commercial buildings at. Also, in light of the fact there will probably an increase in traffic based on both the school and the proposed commercial development there I am requesting there be a condition set forth that a sound wall be placed on Shady Rest area that backs up against the Parks of Corinth subdivision.

Lisa Clawson, 1411 Park Place - by having a private pre-school so close to my house I think would increase my property value. I am in favor of adding sales tax, the traffic would probably increase. The sound walls I do get and maybe if we can't do a wall maybe a wall of trees to add to the beauty of the City. I am in favor of this and I like the fact they reside in our town so they have a vested interest as well.

PUBLIC HEARING

4. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT, TOM TRONZANO, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, BB3 LEARNING SYSTEM, INC. FOR A ZONING CHANGE FROM SF-2, SINGLE-FAMILY RESIDENTIAL DISTRICT TO PLANNED DEVELOPMENT (PD) MX-R, MIXED-USE RESIDENTIAL DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS IN ORDER TO DEVELOP A DAY CARE FACILITY ON ONE TRACT, AND A FUTURE MIXED-USE RESIDENTIAL AND/OR OFFICE/RETAIL DEVELOPMENT ON ANOTHER TRACT OF LAND ON PROPERTY LEGALLY DESCRIBED AS A TRACT IN THE J.P. WALTON SURVEY, ABSTRACT NO. 1389 AND PART OF LOT 1, BLOCK A, A.L. LAMASCUS ADDITION, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. THIS PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF CORINTH PKWY. AND SHADY REST LANE.

Karen Danks, 3700 Parkwood Court - only in favor if sound wall is provided along Shady Rest Lane on the Parks of Corinth side and a surety bond must be provided to pay for possible damage to roads.

- 4a. Consider and act on an ordinance for a zoning change from SF-2, Single-Family Residential District to Planned Development (PD) MX-R, Mixed-Use Residential District with modified development standards in order to develop a day care facility on one tract, and a future mixed-use residential and/or office/retail development on another Tract of land on property legally described as a tract in the J.P. Walton Survey, Abstract No. 1389 and part of Lot 1, Block A, A.L. Lamascus Addition, in the City of Corinth, Denton County, Texas. This property is located on the northwest corner of Corinth Pkwy and Shady Rest Lane.

Lori Levy, Senior Planner - the Public Hearing, and items #4a and #5 are companion items and I would like to speak on them together. The applicant is proposing a rezoning from SF-2, Single Family Residential District on approximately 4.2 acres to a Planned Development (PD) MX-R Mixed Use with Residential District with modified development standards in order to develop a Goddard School Day Care facility on Area A for Phase 1. Two buildings with a mix of residential and/or retail along Shady Rest Lane, and a restaurant along Corinth Parkway is conceptually proposed for Area B. Both proposed Areas/Lots include stamped concrete driveways into the development, benches and planters and benches with litter receptacles on the property along Corinth Parkway and Shady Rest Lane and along Walton Road for Area B that will be maintained by the property owner. A 5' sidewalk will also be provided along all rights-of-way with connections from the development to provide connectivity to the adjacent Corinth Community Park.

Area A. would be eminent development for the Goddard School and they have a full site plan developed that is part of the recommendation tonight so that would be what the Council would be considering tonight. In other words that would not come back to Council for a site plan. Area B is conceptual, that is for a future development of either the combination of residential retail office and restaurant uses on the property.

A bio-swale for Area A and Area B along Corinth Parkway and up to a portion of Shady Rest Lane is proposed for low impact development to reduce the need for detention and will also be maintained by the property owner.

This is in conformance with the Comprehensive Plan. The Comprehensive Plan recommends mixed-use with residential and it also is in our Transit Oriented Development (TOD) Area.

The Goddard School cannot fit as neatly into that category so they do have some exceptions for that.

The applicant did meet with the Home Owners Association as well as the property management company with their proposal on two separate occasions prior to the Planning and Zoning Commission meeting to try to address the concerns with the residents of the Parks of Corinth. The Planning and Zoning Commission recommended approval of the Plan Development request 3-0 due to wanting some sound wall mitigation.

Councilmember Garber - where would the discussed sound wall be located?

Lori Levy, Senior Planner - if I am understanding correctly, he is wanting it off of Shady Rest Lane.

Mayor Heidemann open the Public Hearing at 7:26 p.m.

Ryan Burton, Legal Counsel for property owner, Lucas, Texas 75002 - The Goddard School is an early childhood development school for ages six (6) months to six (6) years of age. There is approximately over 400 schools currently in the United States. This particular facility is 10,000 square feet and our focus is only on Block A.

Councilmember Garber - is sound normally a concern coming from a private daycare like this?

Erin, Site Development Manager for Goddard Systems - no, we design the playgrounds so they are large enough for larger groups to be out there but in reality they take one classroom out at a time for playground. At maximum there would be 24 kids on the pre-school side and 16 kids on the infant/toddler side. So you are looking at a total of 40 kids on the playground at one time.

Councilmember Johnson - in a MX-R Planned Development, there is the possibility of residential. If you were to decide to do residential what are talking about as far as the density goes?

Kevin Patel, 1333 McDermott Drive, Allen, Texas 75013 - right now he just looking to build the Goddard School only. I don't think he has the capacity to build retail immediately. There may be a small type of facility not 10/15 or 20 town homes because it would not fit so it has to be retail and some sort of residential. The second floor level can be residential and retail on first floor. There is no reason to exceed a two-story in this particular case.

Mayor Heidemann closed the public hearing at 7:28 p.m.

MOTION made by Councilmember Garber to approve an ordinance for a zoning change from SF-2, Single-Family Residential District to Planned Development (PD) MX-R, Mixed-Use Residential District with modified development standards in order to develop a day care facility on one tract, and a future mixed-use residential and/or office/retail development on another Tract of land on property legally described as a tract in the J.P. Walton Survey, Abstract No. 1389 and part of Lot 1, Block A, A.L. Lamascus Addition, in the City of Corinth, Denton County, Texas. This property is located on the northwest corner of Corinth Pkwy and Shady Rest Lane. Seconded by Councilmember Harrison.

AYES: Garber, Johnson, Harrison, Glockel

NOES: None

ABSENT: Burke

MOTION CARRIES

5. Consider and act on a request from the applicant Tom Tronzano, authorized representative for the property owner, BB3 Learning System, Inc. for a major subdivision waiver to the City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow a reduction in the minimum required distance from the intersection along a collector street to the proposed driveway on property legally described as a tract in the J.P. Walton Survey, Abstract No. 1389 and part of Lot 1, Block A, A.L. Lamascus Addition, in the City of Corinth, Denton County, Texas. This property is located on the northwest corner of Corinth Pkwy and Shady Rest Lane.

Lori Levy, Senior Planner - Item #5 is a major subdivision request for the driveway off of Shady Rest Lane for Area B. That is due to the distance requirement from the corner of Walton Road to the driveway off of Shady Rest Lane in lieu of 150 feet that is required there is a slight deficit and it is approximately 132 feet. They are able to meet the distance from that driveway to the corner of Corinth Parkway and Shady Rest Lane.

The Planning and Zoning Commission did recommend approval of the major subdivision waiver request unanimously.

MOTION made by Councilmember Harrison to approve the request from the applicant Tom Tronzano, authorized representative for the property owner, BB3 Learning System, Inc. for a major subdivision waiver to the City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow a reduction in the minimum required distance from the intersection along a collector street to the proposed driveway on property legally described as a tract in the J.P. Walton Survey, Abstract No. 1389 and part of Lot 1, Block A, A.L. Lamascus Addition, in the City of Corinth, Denton County, Texas. This property is located on the northwest corner of Corinth Pkwy and Shady Rest Lane. Seconded by Councilmember Glockel.

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

MOTION CARRIED

PUBLIC HEARING:

6. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT RANDI RIVERA WITH G&A CONSULTANTS, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNERS 777 LAKES, LP FOR A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT SINGLE FAMILY-4 (PD SF-4) ON 55.995 ACRES LEGALLY DESCRIBED AS TRACTS 1C AND 1D OUT OF THE BBB & CRR SURVEY, COUNTY ABSTRACT 190, TRACT 1 OUT OF THE S. KEPHART SURVEY, COUNTY ABSTRACT 721 AND TRACT 1D OUT OF THE GW MCGLOTHLIN SURVEY, COUNTY ABSTRACT 888 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located south of the proposed Lake Sharon Drive extension and east of FM 2499.

Barbara Cabbage, Interim Director Planning and Development - there is 3 phases and this would be the proposed 3rd phase. The two other phases were approved in 1998/1999. Zena Development on behalf of the property owners 777 Lakes is proposing a 79 lot subdivision. The property is currently zoned Single-Family 3. The applicant is proposing to do Single-Family 4 with a Planned Development. What they are proposing is consistent with the Future Land Use designation as low density residential. The lots that they are proposing are 6,250sf up to 24,464sf. The majority of those lots are between 6,000sf and 8,000sf for the most part. The other 22 lots are between 9,000sf and 24,000sf.

The regulations have been established and the chart below compares the SF-3, SF-4 and the proposed PD.

	SF-3	SF-4	PD
Minimum Front Yard Setback	25'	25'	25'
Minimum Side Yard Setback	7.5'	25'	5' / 10' adjacent to ROW
Minimum Side Yard Setback - Corner Lot	15'/25' from side entry garage	15'/25' from side entry garage	25' if a garage on a corner lot proposes side street entry
Minimum Rear Yard Setback	30% of depth or 30'	30% of depth or 30'	20'
Minimum Lot Area	10,000 sf	7500 sf	6250 sf
Minimum Lot Width	80' at bldg. line / 70' at front property line	70' at bldg. line / 60' at front property line	50' at building line
Minimum Lot Depth	100'	100'	125'
Minimum Floor Area	1700 sf	1500 sf	2000 sf
Maximum Height	35' / 2.5 Stories	35' / 2.5 Stories	35' / 2.5 Stories
Maximum Building Coverage	30%	30%	50%
Typical Building Pad Dimensions	N/A	N/A	40' wide / 80' deep

- Zena has proposed planting three shade or ornamental trees - 3” caliper minimum where the UDC requires two trees of the same minimum caliper.
- To shadow Lake Sharon Phase II, residential lots in Phase III that abut the lake open space shall have ornamental metal fences along the lake frontage.
- The developer has requested to forego providing a tree survey for trees located in the rights-of-way, easements and pad sites (limited to 40’ x 80’). The site is considered a “heavily treed lot” showing more than 50% tree canopy coverage. Staff does not oppose this request and has added that exemption to the Planned Development ordinance.
- The lake and the dam associated with this project has been an item of discussion from the development onset of Lake Sharon Estates subdivision. As with all ordinances related to zoning; the City of Corinth’s consulting attorneys completed a legal review of the Planned Development ordinance associated with Phase III of Lake Sharon Estates. Section F of the Lake Sharon Phase III Planned Development Ordinance will be a Storm Water Facility Maintenance Agreement (SWFMA).
- The applicant and the Public Works Director, Cody Collier, addressed Parkland Dedication before the Corinth City Council on October 19, 2017. A 10’ wide concrete paved walking trail along the west side of Lake Sharon will be constructed along with park benches and a shade structure situated in the open space for required Park and Trail Dedications for Residentially Zoned Property.

Councilmember Glockel - the 79 lots today, what did that change from? Was is 60 something?

Barbara Cabbage, Interim Director Planning and Development - I don't have that information.

Councilmember Glockel- I have a concern about HOA's funding for some of these things that need to be

done to the subdivision and now there are 79 potential homes here that will carry that burden. I believe which is more than there was before.

Mayor Heidemann opened the Public Hearing at 7:40 p.m. No one spoke during the Public Hearing.

Mayor Heidemann closed the Public Hearing at 7:41 p.m.

- 6a. Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code, Ordinance No. 13-05-02-08, as amended, for a zoning change from Single Family-3 (SF-3) to Planned Development Single Family-4 (PD SF-4) on 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out of the S Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas.

MOTION made by Councilmember Harrison to approve the ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code, Ordinance No. 13-05-02-08, as amended, for a zoning change from Single Family-3 (SF-3) to Planned Development Single Family-4 (PD SF-4) on 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out of the S Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas. Seconded by Councilmember Johnson.

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

MOTION CARRIED

7. Discuss and consider approval of the Storm Water Facility Maintenance Agreement associated with the Lake Sharon Dam on property legally described as 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out of the S Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas.

Bob Hart, City Manager - this is the agreement that deals with the lake and the Dam. This sets it up so that the lake and the dam is part of the storm water detention system and would allow them to proceed with improvements to the dam to meet the TCEQ requirements and they can install the infrastructure within the subdivision. However, they will not be able to take out a building permit for the building of homes until the dam is completed and meets the TCEQ requirements.

MOTION made by Councilmember Harrison to approve the Storm Water Facility Maintenance Agreement associated with the Lake Sharon Dam on property legally described as 55.995 acres legally described Tracts 1C and 1D out of the BBB & CRR Survey, County Abstract 190, Tract 1 out of the S Kephart Survey, County Abstract 721 and Tract 1D out of the GW McGlothlin Survey, County Abstract 888 in the City of Corinth, Denton County, Texas. Seconded by Councilmember Johnson.

Councilmember Harrison - we are ensuring that the responsible homeowners, developers and owners of the property are accepting the responsibility for maintenance and fixing of the dam. Those 79 lots are at some point going to be held responsible for the maintenance of the dam itself.

Councilmember Glockel - I think it is important for the citizens to understand what are concern is with the dam. That dam has been inspected five times since 1976 through 2014. But the primary issues noted during these inspections included excessive vegetation tree growth over all parts of the embankments and in the approach to the emergency spillway. These have never been addressed. The most recent 2014 inspection noted all of these issues along with a failed service spillway. The issues with the dam are getting more severe as we work through this so it is imperative that it gets resolved for the safety of the people downstream. That is what we are trying to do with this process tonight.

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

MOTION CARRIED

PUBLIC HEARING:

8. TO HEAR PUBLIC OPINION REGARDING A REQUEST BY THE APPLICANT, PETER KAVANAGH, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, NORTH CENTRAL TEXAS COLLEGE (NCTC) FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW A CELL TOWER ON PROPERTY ZONED I, INDUSTRIAL, LEGALLY DESCRIBED AS LOT 1-R, BLOCK A, NORTH CENTRAL TEXAS COLLEGE ADDITION NO. 2 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. (This property is located at 1500 North Corinth Street.)

Barbara Cabbage, Interim Director of Planning and Development - North Central Texas College (NCTC) has authorized Peter Kavanagh with Zone Systems being the representative for Verizon Wireless to secure approval from the City of Corinth for a Specific Use Permit (SUP) to locate an antenna facility (Cell Tower) near the Walton Drive entrance to NCTC. The proposed facility will encompass a 40' x 40' pad site that will include a 121-foot stealth monopole antenna. The antenna will be self-contained within this tower structure. There will be ground equipment surrounded by an 8' masonry wall.

Verizon Wireless maintains that the location of this facility will provide in-building coverage to this general area and increase speeds for data delivery to mobile devices outside and indoors. The facility is cited to make no noise and will not interfere with other types of telecommunications.

The Comprehensive Plan shows this area designated as public/semi-public and also within the Transportation Oriented Development area of the city, which allows development and space around a central transit location such as a multi-modal transit center. The general character of the transit oriented development area should be toward medium density development and the functionality of the TOD depends on the availability of pedestrian options. The types of development depicted in the Comprehensive Plan for this area show pedestrian-friendly options and buildings along the street front. The location of the tower along the street frontage will eliminate an important remaining available property from being developed in conformity with the Comprehensive Plan.

Cell Towers (Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular) are allowed with approval of a Specific Use Permit in Industrial and Utility zoning districts and are subject to Conditional Development Standards found in the Unified Development Code Section 2.07.04(A)(19). These standards establish procedures governing the issuance of a Specific Use Permit for the location of the type of tower being proposed. At this time there are still some elements of the Conditional Development Standards that the applicant has not provided to the City in the application packet and deficient requirements of Unified Development Code Section 2.07.04(A)(19) are listed below:

b) An application for a Specific Use Permit for a tower, antenna, or use of an alternative tower structure must be submitted to the Director of Planning. An application will not be considered until it is complete. A complete application must contain the following. Staff comment: **we have not received a complete application.**

b(i) An inventory of the applicant's existing towers that are either existing towers that are either within the City of within one mile of the corporate limits, specifying the location, height, and design of each tower. Staff comment: **required items have not been submitted.**

b(ii) Site Plans to scale specifying the location of tower, transmission building, setbacks, driveways and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses. Staff comment: **this item is lacking required information – including the landscape plan and existing land uses.**

b(iii) A report from a professional structural engineer licensed in the State of Texas documenting the following:

(a) Tower height and design, showing a cross-section of the tower structure.

(b) Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated. Staff comment: **these items have not been submitted.**

b(iv) A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible. Staff comment: **this has not been provided.**

b(v) each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:

(a) The applicant must contact the owners of all existing towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list must be provided of all owners contacted, the date of the contact, the form and content of the contact. Where an existing tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower is not complete until the owner of the existing tower responds, unless the applicant submits sufficient information for the Director of Planning to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile. Staff comment: **this has not been completely provided.**

...

(c) The Director of Planning must maintain and provide, on request, records of responses from each owner. Staff comment: **all existing towers have not been provided for.**

f. Appearance

Staff comment: **this section cannot be verified as no specs on the tower has been provided.**

g. Landscaping and Screening

Staff comment: **landscaping plans have not been submitted. Detailed specs for the screening fence and gate have not been provided.**

Other requests from Staff:

A letter showing that the FAA has given approval due to the Hidden Valley private airstrip on the north side of Shady Shores Road.

Councilmember Glockel - The FAA typically does not require lighting unless it is 200 feet. But they might require lighting even though it is 120 feet. I think it is important for the safety of the neighboring citizens and everyone involved to have these specifications tied down.

Peter Kavanagh, Dallas, Texas, Representing Verizon Wireless - our request this evening is for a Specific Use Permit (SUP) to provide for a mobile telephone antenna that will serve essentially the central part of the city. The primary issue for you and staff is always going to be land use.

We are in an industrial area which is where you should put any kind of infrastructure that is up in the air, which is what we have to put out for them to function. You have a long term comprehensive plan and we are in the middle of the future transit center area.

One of the things that is always important to understand is that mobile telephone companies do not want to put up any more antenna's than they have to. The issue is always put an antenna up where is it absolutely necessary to improve the community telecom system.

Mr. Kavanagh presented pictures of the proposed antenna location.

As you have probably heard from your own police department, 60% of all phone calls now to 9-1-1 are from cellular phones and about half of those are from inside of buildings. When we look at this antenna that we plan to locate here, when we turn that on basically we are solving a problem that is exists. You will have incredibly better in building coverage in the middle of your city that you don't have now.

One of the concerns that staff and the Planning and Zoning Commission had was locating our antenna along Walton Road and I think that was a mistake on our part. We have gone back to the school and they have allowed us to push this back 300 feet so that we will be 300 feet off of the road. The advantage to that is it will allow activity or construction typical in front of our pole so our pole will be in the backyard of any development in this area. We would be effectively behind the MetroPlex Cabinet property, whatever matches up with them, whether it be the school or an outside development it would be between us and the future Walton Road.

The site plan is simple, we put an eight foot wall around our site. The biggest problem that cellular systems

have when there is a bad storm is not that the towers get knocked over, I have never known one to go down but the lack of electricity. When you lose electricity we put a generator out so it will kick in and continue to provide service.

This will be a slim line pole, that is the antennas are interior to the pole and there would be two more canisters below that and we would be 105/115 feet to the center line and there would be space below us for another user or another carrier could go in. Verizon, AT&T all these companies have national agreements with the other carriers to share space on poles so if another carrier comes along they would go in there as well.

One of the things that was mentioned by a citizen during the public comments at the Planning and Zoning Commission meeting was concern about the health concerns of the pole being adjacent to the nursing home/rehab center. In fact the issue is the absolute opposite in that there is a whole lot of medical monitoring being done through the cellular system. Basically, 7 million people in the United States now use remote monitoring to connect medical devices which include ventilators, blood pressure monitors, pacemakers, cardio-vascular defibrillators and things like that, that people are connected to that send out cellular and otherwise signals to their physicians or medical carriers. Probably by 2021 everybody in this room will know someone that has some kind of medical device monitored remotely in their home or someone in their family. This is where medicine is going and again most homes don't have a landline so they use cellular for data. Signal strength is why we are here tonight. We are trying to provide adequate signal strength in the middle of your community for these devices to work.

We don't prepare engineer drawings of the pole until we buy the pole. The companies that manufacture the structure prepare drawings of that at the time you buy it and the time you manufacture it. They are all done individually and at that time they also would be a soil analysis to determine the depth and width of the foundation. It will be engineered structured and you do not do that until you know that you can build it.

Councilmember Glockel - is this going to be lighted if it is 120 feet?

Peter Kavanagh, Dallas, Texas Rep for Verizon Wireless - it will be very rare to light the pole. There is a couple around Love Field and Dallas that are lighted. I must apologize, I told staff that I would have that FAA letter and I don't. We would not touch this until we get a letter of approval from the FAA.

Mayor Heidemann opened the Public Hearing at 8:15 p.m.

Lisa Clawson, 1411 Park Place - why not closer to the highway versus closer to the housing? I found it interesting in the information that the other land owners and landlords were not really interested in pursuing this. It was only North Central Texas College (NCTC). Are the other antennas in the area the same style? I feel it is an eye sore. I think we are going to need communications however I question the location. We need better internet in the area and I think that would do a lot more to attract businesses to the area than an expanded cell phone use.

Butch Honce, 1634 Oak Ridge - in favor however, the concern I have now is they are back 300 feet and there is a huge retention pond there up against Walton and if that floods or has any issues we are going to catch it over in the cabinet shop.

Marvin Weller, 1405 Park Place - against the proposed cell tower.

Mary Jo Weller, 1405 Park Place - against the proposed cell tower.

Melvin Locklear, 1602 Oak Hollow Drive - against the proposed cell tower. Concern with the appearance of the tower.

Mayor Heidemann closed the Public Hearing at 8:24 p.m.

8a. Consider and act on an ordinance for a Specific Use Permit (SUP) to allow a Cell Tower on property zoned I, Industrial legally described at Lot 1-R, Block A, North Central Texas College Addition No. 2 in the City of Corinth, Denton County, Texas.

MOTION made by Councilmember Johnson to deny the request. Seconded by Councilmember Garber.

Councilmember Johnson - the location that Verizon is looking at here is incompatible with the objectives of our Comprehensive Plan. Our Comprehensive Plan designates this area for transit oriented development which is a downtown setting which integrates biking, pedestrian friendly development with retail development on the street front. The location of the tower interferes with limited available space for pedestrian-based development along the street frontage in the transit oriented development area.

There are reasonable alternative sites to provide coverage to the area, reasonable alternative sites do exist in fact, as you demonstrated there may be one there on the NCTC property. The reasonable efforts to gain approval for alternate locations for the facilities, I don't believe really wouldn't be fruitless, I just don't think anybody asked.

The application, foremost, is incomplete that was submitted to the city. The applicant did not provide an inventory of the existing towers around them and what available space there is on those towers. The site plan fails to specify a Landscape Plan, and identify existing land uses around it. The application does not include a report from a structural engineer documented the height, and the design showing a cross section of the tower structure as well as the anticipated capacity of the tower including the number and types of antennas which can be accommodated. I appreciate your explanation on that point but I still believe that is part of the requirement of the application.

The applicant did not provide a letter of intent to lease any excess space on the tower. Specifications for the screening fence and gate have not been provided and as we discussed the FAA authorization letter is part of the application process and is required to be there.

AYES: Garber, Johnson, Harrison, Glockel

NOES: None

ABSENT: Burke

MOTION TO DENY CARRIED

PUBLIC HEARING:

9. TO HEAR PUBLIC OPINION REGARDING AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE (UDC) ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.07.01 — USES PERMITTED BY DISTRICT BY ADDING PHOTOVOLTAIC SYSTEMS (ATTACHED) AND PHOTOVOLTAIC SYSTEMS (DETACHED) AND PROVIDING THE REQUIREMENTS OF SECTION 2.07.07 ACCESSORY BUILDINGS AND USES.

Bob Hart, City Manager - Currently we can place solar panels in certain areas of Corinth. However, many of our HOA's do not permit the installation of solar panels in their homes. The State law changes would overturn that with some standards. This Ordinance will allow the placement of solar panels on homes and they still have to meet some of the HOA standards but it would provide some uniformity in the placement of solar panels both on the roof and on the ground throughout the community. By adopting this Ordinance we will also be able to participate with the other cities in the North Texas area through our Council of Governments in what is referred to as a SoSmart program. This is a program intended to encourage solar panels with the region. This Ordinance is consistent with what is going on in other communities within the North Central Council of Governments region.

Mayor Heidemann opened the Public Hearing at 8:30. No one spoke during the Public Hearing.

Mayor Heidemann closed the Public Hearing at 8:31 p.m.

- 9a. Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.07.01 — Uses Permitted by District; Adding Photovoltaic Systems (Attached) and Photovoltaic Systems (Detached) and providing the requirements of Section 2.07.07 Accessory Buildings and Uses.

MOTION made by Councilmember Garber to approve an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.07.01 — Uses Permitted by District; Adding Photovoltaic Systems (Attached) and Photovoltaic Systems (Detached) and providing the requirements of Section 2.07.07 Accessory Buildings and Uses. Seconded by Councilmember Glockel.

AYES: Garber, Johnson, Harrison, Glockel

NOES: None

ABSENT: Burke

MOTION CARRIED

BUSINESS AGENDA:

10. Consider and act on a Joint Election Agreement and Contract for Election Services with Denton County for the May 5, 2018 General Election.

MOTION made by Councilmember Harrison to approve the Joint Election Agreement and Contract for Election Services with Denton County for the May 5, 2018 General Election. Seconded by Councilmember Johnson.

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

MOTION CARRIED

11. Consider and act on an ordinance of the City of Corinth, Texas, amending the Code of Ordinances of the City of Corinth, Texas, by adding Chapter 118 Unattended Donation / Collection Boxes providing a penalty of fine; providing a severability clause; providing an effective date.

Barbara Cabbage, Interim Planning and Development Director - there are several items that lay what you can and cannot do with the unattended donation/collection boxes. The boxes are allowed 20 feet back from the property line on FM 2181, and North Corinth Street. Those properties that are not on FM 2499, Lake Sharon and Corinth Parkway can be up to 20 feet from the property line. They have to be 1000 feet apart and only 1 box in each specific location. The second time boxes are out of compliance, the City would contact the owner of the boxes and they would be given 24 hours to clean up the boxes. School districts are not a part of these regulations.

Councilmember Harrison - there is no provision to light these boxes is there? The applicant can go ahead and light it if they need to right?

Mack Reinwand, City Attorney - they can, there is a provision in there that says the light has to be ten (10) feet from a continually operating light source of at least one foot candle.

Councilmember Glockel - is Interstate 35E left out for any reason? That is our main corridor, should it not be part of this?

Barbara Cabbage, Interim Planning and Development Director - if that is something Council would like to see in the Ordinance we can certainly add that.

Bob Hart, City Manager - so you are suggesting that we have the 1,000 feet setback like we do on the other major thoroughfares?

Councilmember Glockel - section A covers it. Everything else it 1,000 feet unless it is named below. Is that what you are thinking?

Mack Reinwand, City Attorney - right now there is no provision from Interstate 35E, Other than it would have that 20ft right-of-way setback requirement. Would you like to have a more excessive setback requirement for Interstate 35E, similar to what we did to some of the streets that we are trying to protect in the City by moving 100 feet back from the Interstate 35E right-of-way or the alternative, right now there has to be 1,000 foot separation between the boxes but they can be technically 20 feet back from the Interstate 35E right-of-way as it is drafted right now. Council would need to give input on that. So a 20 foot setback where we would not have to do anything or would you like to see 100 foot setback from Interstate 35E?

Councilmember Glockel - other than FM 2181, you talk about 100 feet setback on Lake Sharon, FM 2499, and Corinth Parkway maybe it is appropriate for Interstate 35E as well.

MOTION made by Councilmember Garber to approve an ordinance of the City of Corinth, Texas, amending the Code of Ordinances of the City of Corinth, Texas, by adding Chapter 118 Unattended Donation / Collection Boxes. Seconded by Councilmember Johnson.

Mack Reinwand, City Attorney - is this with Interstate 35E included with those list of streets that need 100ft setback or do you want to wait at this point?

Councilmember Glockel - I would prefer listing Interstate 35E so we don't have them sitting right up next to the service road.

Councilmember Glockel made a Friendly Amendment to include Interstate 35E with a 100ft setback. Seconded by Councilmember Harrison.

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

MOTION CARRIED

Main Motion:

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

MOTION CARRIED AS AMENDED

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 - March 24 is our Keep Corinth Beautiful event from 9:00 a.m. until 2:00 p.m. at various locations around the City. We will start at City Hall and go from there. Would like to encourage everyone to come out.

Bob Hart, City Manager - would like to see if the Council can meet on March 22nd for a Special Session at 5:30 p.m. for the purpose of considering and accepting the Comprehensive Annual Financial Report or Audit. We tried to get this placed on the agenda tonight but it was not ready. We have to have the Audit completed so it can be submitted prior to April 1st.

Mayor Heidemann - over the last few weekends we have had a strategic plan workshop and I think we have received some great ideas on where the future might be going for our city. They will be posing a lot of information on the City website and a chance for individuals to vote on some questions and surveys and would encourage everybody to participate.

CLOSED SESSION

There was no closed Session during the Regular Session meeting.

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 of Texas clearly conflicts with chapter 551.

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

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 8:46 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 5.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: March 22, 2018 Special Session

Submitted For: Kim Pence, City Secretary

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on minutes from the March 22, 2018 Special Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the March 22, 2018 Special Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the March 22, 2018 Special Session minutes.

Attachments

Minutes

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

On this the 22nd day of March 2018 the City Council of the City of Corinth, Texas met in a Special Session at the Corinth City Hall at 5:30 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:

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

Members Absent:

None

Staff Members Present:

Bob Hart, City Manager
Jamaine Walker, Director of Finance
Lee Ann Bunselmeyer, Director of Communications and Strategic Services

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 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.

There were no Citizens Comments made.

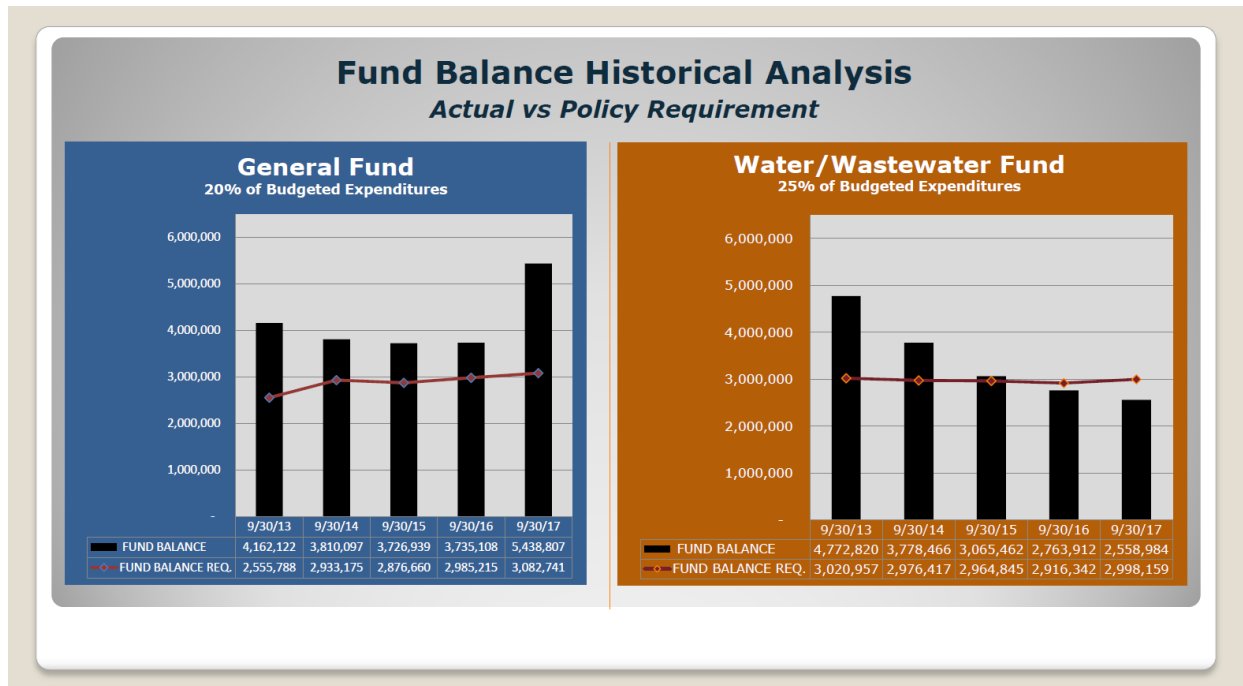
BUSINESS AGENDA:

1. Accept the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2017, as presented by EideBailly, LLP (formerly Davis Kinard & Co, PC).

Jamaine Walker, Finance Director - the Comprehensive Financial Report (CAFR) is broken down into three sections. The Introductory Section which has the transmittal letter, the organization chart and a list of officials. The Financial Section has the Auditor's Report as well as the Financial Statements. The third section is the Statistical Section which has select financial and demographic information.

The CAFR has been designed to comply with GAAP/GASB guidelines. The City received an unqualified opinion from the audit firm. The suggested audit adjustments this year is the current year GASB 68 adjustment which relates to our net pension asset/liability that is reports on our financial statements. We have a 20% of budgeted expenditures requirement for our General Fund and 25% for our Water Wastewater Fund. At the end of the Fiscal Year we have a fund balance of \$5,438,807 with a fund balance requirement of \$3,082,741 which is right at 35% of budgeted expenditures.

On the water/wastewater we have a total of \$2,558,984 with a fund balance requirement of \$2,998,159 which is just above 21%



The Internal Service Fund we have a decrease of \$194,955 or -11.4%. The majority of that is related to the Meter Replacement Fund for 2017. Impact Escrow Funds increased by \$624,190 or 59.9%. This is related to \$500,000 increase in impact fee revenue for 2017. The Grant Funds had a zero balance at fiscal year 2017.

ENDING FUND BALANCE COMPARISON

	9/30/2016	9/30/2017	Variance	% Change
Operating Funds	\$11,328,070	\$13,814,385	\$ 2,486,315	21.9%
Reserve Funds	347,253	390,681	43,428	12.5%
Internal Service Funds	1,705,614	1,510,659	(194,955)	-11.4%
Impact/Escrow Funds	1,048,540	1,672,730	624,190	59.5%
Bond/Capital Project Funds	13,676,737	14,066,639	389,902	2.9%
Special Revenue Funds	748,464	843,928	95,464	12.8%
Grant Funds	1,895	-	1,895	100.0%
Total all Funds	\$28,856,573	\$32,299,022	\$ 3,446,239	11.9%

GENERAL LONG-TERM DEBT As of September 30, 2017

Issue	Original Principal Amount of Issue	Outstanding Principal as of 09/30/17	Outstanding Interest as of 09/30/17	Total Outstanding as of 09/30/17	% Outstanding as of 09/30/17	General Fund Payment	Water/WW Payment	Drainage Payment	Total Debt Payment
2010 CO	1,500,000	205,000	12,486	217,486	13.7%	140,540	-	-	140,540
2016 GO	1,510,000	1,455,000	49,050	1,504,050	96.4%	66,027	18,623	-	84,650
2016 CO	13,275,000	13,275,000	6,598,650	19,873,650	100.0%	696,627	-	-	696,627
2017 GO Refunding	14,240,000	14,240,000	3,460,753	17,700,753	100.0%	1,586,820	1,015,537	195,428	2,797,786
2017 CO	4,855,000	4,855,000	2,051,767	6,906,767	100.0%	-	-	-	-
Total	\$ 35,380,000	\$ 34,030,000	\$ 12,172,706	\$ 46,202,706	96.2%	\$ 2,490,015	\$ 1,034,160	\$ 195,428	\$ 3,719,603

General Fund total Outstanding \$34,826,793
 Water/Wastewater Fund total Outstanding \$9,636,380
 Drainage Fund total Outstanding \$1,739,533

Diane Terrell, Audit Partner for EideBaily, LLP - we proposed very few adjustments as a result of our audit procedures. Our Auditor's Report does present a clean opinion on the financial statements of the City. Due to the level of grant funding this year, the City was not required to have a single audit, which is an audit of the Federal and State Grant Compliance.

We did not report any instances of non-compliance with laws and regulations that would have a material effect on your financial statements nor did we report any findings in internal control over financial reporting.

The financial statements do include certain estimates such as the net pension liability being one of the largest. We had no disagreements with management on accounting issues or regarding estimates that are

made in the financial statements. We had no difficulties in performing our audit.

Councilmember Glockel - we talk about water and wastewater and a dollar figure associated with that and then you go to another line item we talk about water and sewage, I assume wastewater is the same thing?

Jamaine Walker - Finance Director - yes.

Councilmember Glockel - I would call it the same in both places so it is easier to keep up with. If you look at page 7, green being your revenue and blue being your expenses. Under water and wastewater operations, how many how million dollars is that? The first paragraph talks about the water/ wastewater fund and the storm drainage fund. The water and wastewater is \$11,332,588 Million dollars and \$727,197 for the storm water utility. When you look at the chart under water and wastewater it looks to me like it is almost \$14 million dollars. I came up with \$12,059,785 that is the two numbers in the first paragraph. The second paragraph total is \$12,098,839 but if you look at the graph it is almost \$14 million. The graph may be wrong.

Jamaine Walker - you may be right. I will double check it. There is a formula built in to it and it is pulling data from a spreadsheet.

Councilmember Glockel - on page 34 under Operating Revenues it says sewer disposal is wastewater I am assuming. I am trying to figure out under expenses I thought this is where I would see the expenses from the Upper Trinity? If the water sales is \$5,632,605 where is where we bought the water? Where would we find that at?

Lee Ann Bunselmeyer, Director of Communications and Strategic Services - it would be under Utilities and Communications. When you budgeted your utilities it included your electric, water, wastewater, telephones and so forth in the category so in the CAFR those are all lumped in under Utilities and Communications.

Councilmember Glockel - I know this is history but is it split up going forward so we can tell what we are paying the Upper Trinity?

Lee Ann Bunselmeyer, Director of Communications and Strategic Services - their line item is separated on the budgeting component. When you have the CAFR there are certain categories that are preset and you lump stuff together. Is that something we can split out in the future?

Diane - yes we can.

Lee Ann Bunselmeyer, Director of Communications and Strategic Services - yes, so if you want to see Upper Trinity separately we can have that just on utilities and everything else separately so that it stands out.

Councilmember Glockel - wouldn't that make it easier, looking at what we are taking in on water we ought to know what we are paying out so we can see the difference.

Lee Ann Bunselmeyer, Director of Communications and Strategic Services - when we start looking at the budget and things in the coming years, we will show those as a separate item so you can see the amounts that are going directly with the expenditures to the Upper Trinity.

Councilmember Glockel - on page 36, payments to or on behalf of the employees under water and sewer, what is that?

Diane, - payments on behalf of the employees is going to be all your personnel costs and benefits related to that. Payments to Suppliers is going to be all your vendors and everyone that is not an employee.

Bob Hart, City Manager - it is the benefits and salaries that are paid in this case in the water/wastewater fund for the entire fiscal year to the employees. The reason you are seeing it different than on the other documents is because this is a cash flow document and so there is different verbiage that is used on that particular line.

MOTION made by Councilmember Johnson to accept the Comprehensive Annual Financial Report for Fiscal Year ending September 30, 2017 as presented by EideBailly L.L.P. Seconded by Councilmember Harrison.

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

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

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

Councilmember Johnson - Saturday, March 24th from 9 A.M.-12 P.M. Keep Corinth Beautiful is sponsoring a big event and will be doing various projects around the City.

Please keep Jason Alexander in your thoughts and prayers as he had a loss of a family member earlier this week and is attending the funeral and will be back next week.

Mayor Heidemann recessed the meeting at 6:10 p.m. * See Closed Session.

Councilmember Glockel recused himself from Closed Session and did not participate in any discussion due to a conflict of interest.

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 of Texas clearly conflicts with chapter 551.

a. Purchase of Right-of-Way at 2101 Lake Sharon Blvd.

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.

There was no action taken from Closed Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 6:54 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____ 2018.

Kimberly Pence, City Secretary
City of Corinth, Texas

City Council Regular and Workshop Session

Meeting Date: 04/19/2018
Title: Interim Appointment of Bob Hart to the Board of The Upper Trinity Regional Water District
Submitted For: Cody Collier, Director **Submitted By:** Cody Collier, Director
City Manager Review: **Approval:** Bob Hart, City Manager

AGENDA ITEM

Consider and act on a Resolution appointing Bob Hart to the Upper Trinity Regional Water District.

AGENDA ITEM SUMMARY/BACKGROUND

The Upper Trinity Regional Water District was created to insure an adequate water supply for its Members and Customers in Denton and Collin Counties, Upper Trinity provides treated (drinking) water services on a wholesale basis to more than 28 cities, towns and utilities. Each local utility system then delivers the drinking water to its many retail customers for residential, commercial, industrial and municipal uses. The District also provides Waste Water Services. The District oversight is by Directors appointed by each member Agency. There are a total of 28 Directors. Directors are appointed for terms of four years.

The Board of Directors oversees the District annual budget of \$43 million for providing wholesale water and waste water services to the member agencies. They are working on future water supplies from Lake Ralph Hall. They have budgeted over \$15 million to provide for this future source just south of the Red River by Bonham. The Upper Trinity Conservation Trust was created by the District to promote stewardship and enjoyment of the lands along and near the lakes.

Currently, the Board representative for the City is Cody Collier, Public Works Director. Due to scheduling conflicts, Mr. Collier will not be able to attend Board Meetings with U.T.R.W.D. for the remainder of 2018. In the interim, Bob Hart, City Manager for the City of Corinth should be appointed in order to fill the position and act as the Board Member to the U.T.R.W.D. until Mr. Collier can return to the position in January 2019. Board members must be a registered voter residing in Denton County and a non-elected official.

RECOMMENDATION

It is recommended that Bob Hart be appointed as the Board Member to the Upper Trinity Regional Water District, representing the City of Corinth by approval of the attached Resolution.

Attachments

Resolution

RESOLUTION NO. 18-04-19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS APPOINTING BOB HART CITY MANAGER AS INTERIM TO THE UPPER TRINITY BOARD OF DIRECTORS.

WHEREAS, Bob Hart has been employed by the City for over 1 year, he currently holds the position of City Manager for the City of Corinth, Texas; and

WHEREAS, the City of Corinth, Texas has determined; that Mr. Hart is a qualified appointee and will fill the position as Board Member to the Upper Trinity Regional Water District until January 2019.

NOW THEREFORE, the City Council of the City of Corinth, Texas hereby resolves,

SECTION 1

THAT Bob Hart is hereby appointed as Interim to fill the unexpired term of Cody Collier on the Board of Directors of the Upper Trinity Regional Water District, said term of office.

SECTION 2

THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

PASSED AND APPROVED this _____ day of _____, 2018.

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

(SEAL)

APPROVED AS TO FORM:

Mack Reinwand, City Attorney

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: Public Works Facility Remodel And Fire Station Training facility

Submitted For: Cody Collier, Director

Submitted By: Cody Collier, Director

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider authorizing the City Manager to approve the Professional Services Contract with Lamb-Star Engineering for design services to remodel the Public Works Facility and site/drainage design work for the Fire Department's Training facility.

AGENDA ITEM SUMMARY/BACKGROUND

The Public Works facility was constructed in 1996 and has served the purposes of the Public Works Department very well during those 22 years. However; use, age and growth over those years has necessitated upgrades and remodeling. The current condition of all systems are at or exceeding their limitations. The roof has developed several leaks, The HVAC system is outdated and underpowered, flooring and fixtures have degraded beyond repair. Public Works has also acquired additional responsibilities and departments which has created the need to enhance office spacing and better utilize the limited space we have available.

Equipment storage has also been a concern and this is the time to address that as well. Currently all city equipment is stored out in the elements and causes unnecessary damage to the interior and exterior, in some cases, leaving the instrument panels unable to be read and seats destroyed. This plan provides a solution utilizing the space we have to provide a storage facility to house and protect our equipment. Along with equipment protection, we also require surveillance to provide security for our site and assets.

The site improvements, and construction of another building will increase storm water runoff which all drains onto the Lake Cities Fire Department Training Facility. The LCFD has been working towards building their training facility and a major component of that site is the drainage and roadway. Due to the area drainage and the issues Public Works (P.W.) causes their drainage system, P.W. has included their drainage planning and construction into our site improvements as a more regional concept. This will provide for a shared access road (rock construction) connecting our two properties and the ability to enhance drainage between the two properties which provides great benefits to both departments.

Staff presented this information to Council in the February 1, 2018 Workshop to to determine the desire to proceed with these projects. Council instructed staff to proceed and to bring a professional services contract before them again for consideration of approval.

Staff is also requesting a minor change in the design since Council's last review of the design. In the original presentation, we had shown the construction of a second restroom in the first floor office area. Since that time, we have learned the main interior wall can be moved out about three feet and allows for the ability to retain a conference room for the facility. We recognize the need for the conference room outweighs the need for the additional restroom and asked Lamb-Star to make this change to the floor plan. Part of that plan involved relocating the I.T. closet to another location which was addressed as well. These minor changes greatly improved usability of the facility and should result in potential construction cost savings as plumbing, fixtures, and electrical work will not be required for the additional restroom.

If the Contract is approved, staff will then work with Lamb-Star Engineering to finalize the design process and proceed to advertise for construction services bids. Staff will then return to Council with construction bids and a

recommendation to award construction services and commence the remodel and training facility improvements.

Funding for this project was provided in the 2017-18 budget with \$1.5 million.

RECOMMENDATION

Staff recommends Council approve the professional services contract with Lamb-Star Engineering in the amount of \$226,380 and authorizes the City Manager to sign and execute the related documents.

Attachments

Master Service Agreement

Task Order

new 1st floor plan conf room



PROFESSIONAL SERVICES MASTER AGREEMENT

THIS Agreement, made and entered into _____, by and between Lamb-Star Engineering, LP (L-S) and the Client identified herein, provides for the Professional Services described under Item B of this Agreement.

CLIENT: City of Corinth
ADDRESS: 1200 North Corinth Street
Corinth, TX 76208

IS CLIENT FEE OWNER OF PROJECT?

[X] YES [] NO [] N/A

(If answer is NO, please provide name/address of owner.)

NAME/ADDRESS OF OWNER:

CONTACT PERSON: Cody Collier
PHONE NUMBER: 940-498-3249

FAX NUMBER:

SHORT TITLE: Director of Public Works

PROJECT NUMBER ("Project"): 200300.01

DOES CLIENT HAVE OWNER'S AUTHORITY FOR THESE SERVICES? [X] YES [] NO [] N/A

BEGINNING DATE: Feb. 26, 2018

A. DESCRIPTION OF PROJECT SITE:

Based on individual Task Order

B. SCOPE OF SERVICES TO BE PROVIDED BY L-S ("Services") (if additional pages are necessary, they are identified as Attachment A):

Based on individual Task Order

C. THE COMPENSATION TO BE PAID L-S for providing the requested services shall be based on individual Task Order and is identified as Attachment B):

- [X] Direct personnel expense plus a surcharge of _____, plus reimbursable costs.
[X] A Lump-Sum charge of _____, plus out-of-pocket expenses.
[X] Unit Cost/time Charges identified in Attachment B, plus reimbursable costs.

D. IF L-S's SERVICES UNDER THIS AGREEMENT ARE DELAYED for reasons beyond L-S's control, the time of performance shall be adjusted appropriately. Except where the services provided are under a continuous service contract for more than one year, if the services under this Agreement are delayed for a period of more than one (1) year from the beginning date (as above provided), the fees shall be subject to renegotiation; any change in such fees shall apply only to the unfinished services as of the effective date of such change.

IN WITNESS WHEREOF, this Agreement is accepted on the date written above and subject to the terms and conditions above stated.

(SIGN WITH BALL POINT PEN)

CLIENT: _____

Lamb-Star Engineering, LP

SIGNED: _____

SIGNED:

[Handwritten signature]

TYPED NAME: _____

TYPED NAME:

JOHN LAMB

TITLE: _____

TITLE:

PRESIDENT

DATE: _____

DATE:

03/08/2018



**GENERAL PROVISIONS
FOR
PROFESSIONAL SERVICES**

CONTRACT NAME: City of Corinth Professional Master Services Agreement

1. AUTHORIZATION TO PROCEED.

Signing this Agreement shall be construed as authorization by Client for L-S to proceed with the Services, unless otherwise provided for in this Agreement.

2. LABOR COSTS.

In the event L-S's compensation is calculated by reference to L-S's Labor Costs, Labor Costs shall be the amount calculated by the number of hours actually worked by each of L-S's employees on Client's Project, multiplied by an amount charged for each such employee's work, which is calculated by dividing each such employee's annualized, non-overtime compensation (whether salary or paid to such employee at an hourly rate, as the case may be) by 2,080 hours per year.

3. DIRECT EXPENSES.

L-S's Direct Expenses shall be those costs incurred on or directly for the Client's Project, including but not limited to travel expenses (meals, lodging, etc.), survey supplies and materials, laboratory tests and analyses, computer services, word processing services, telephone, courier/delivery charges, printing and reproduction costs, and binding charges. Reimbursement for these expenses shall be on the basis of actual charges when furnished by commercial sources and on the basis of usual commercial charges when furnished by L-S. In the event the requested service involves the use of electronic measuring equipment, computers, plotters, and other special equipment such as boats, swamp buggies, etc., an additional direct charge shall be made for the use of this equipment.

4. OUTSIDE SERVICES.

When technical or professional services are furnished by an outside source, when approved by Client in writing, an additional amount shall be added to the cost of these services for L-S's administrative costs.

5. COST ESTIMATES.

Any cost estimates provided by L-S will be on a basis of experience and judgment. Since L-S has no control over market conditions or bidding procedures, L-S does not warrant that bids or ultimate construction costs will not vary from these cost estimates.

6. PAYMENT TO LAMB-STAR / INTEREST ON PAST-DUE AMOUNTS.

Monthly invoices will be issued by L-S for all Services performed under the terms of this Agreement. For services provided on a Lump Sum basis, the amount of each monthly invoice shall be determined on the "percentage of completion method" whereby L-S will estimate the percentage of the total work (provided on a Lump Sum basis) accomplished during the invoicing period. Monthly invoices shall include, separately listed, any charges for services for which time charges and/or unit costs shall apply. Invoices shall also include, separately listed, any charges for Professional Associates and reimbursable costs. Invoices shall be submitted by L-S as soon as possible after the end of the month in which the work was accomplished. The Client agrees that the monthly invoice from L-S is correct, conclusive, and binding on the Client unless the Client within twenty (20) working days from the date of receipt of such invoice, notifies L-S in writing of alleged inaccuracies, discrepancies, errors in the invoice, or the need for additional backup.

Invoices are due and payable net 30 days. If in default of such payment, the Client hereby agrees to pay interest at the rate of 1½% per month or at the highest rate allowed by law on all past-due amounts. Client shall also be responsible for all costs of collection, including reasonable attorney's fees, regardless of whether legal action is initiated. All payment obligations are performable in Collin County, Texas.

7. L-S'S RIGHT TO SUSPEND SERVICES.

If Client fails to pay any amount due L-S under this Agreement, L-S may, in addition to any other rights afforded under this Agreement or at law, suspend Services. Prior to suspending Services, L-S will provide Client with written notice that L-S will suspend Services unless said failure to pay is cured within 7 days from Client's receipt of L-S's notice. If Client does not cure the problem within such 7-day period, L-S may suspend Services under this Agreement. In the event of a

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suspension of Services, (a) L-S shall have no liability to the Client for delay or damage caused the Client because of such suspension of Services, (b) any periods for completion of work shall automatically be extended by the period of such suspension, and (c) before resuming Services, L-S shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Services. L-S's compensation for the remaining Services and the time schedules shall be equitably adjusted. If the Project is suspended for more than 30 consecutive days, (x) L-S shall be compensated for Services performed prior to notice of such suspension, (y) when the Project is resumed, L-S shall be compensated for expenses incurred as a result of the interruption and resumption of L-S's Services, and (z) L-S's compensation for the remaining Services and the time schedules shall be equitably adjusted. To the extent Client's failure to pay is related to a dispute between the parties, the dispute will be resolved in accordance with Article 14, Article 30.

8. TERMINATION FOR NON-PAYMENT OF FEES.

L-S may terminate this Agreement by giving written notice if any L-S invoice remains unpaid for more than 45 days from the date of the invoice. If termination occurs, L-S will have no further obligations or liability relating to this Agreement. L-S's right to terminate this Agreement shall not be waived by L-S's continued performance during any period of investigation by L-S to determine the reasons for Client's nonpayment.

9. TERMINATION.

Either Client or L-S may terminate this Agreement with or without cause by giving 30 days' written notice to the other party. However, Client may not terminate this Agreement with or without cause if any uncontested invoice is unpaid for more than forty-five (45) days from the invoice dates as set forth in paragraph 8 above. In such event Client shall forthwith pay L-S in full for all work previously authorized and performed prior to effective date of termination. If no notice of termination is given, relationships and obligations created by this Agreement shall be terminated upon completion of all applicable requirements of this Agreement.

10. ADDITIONAL SERVICES.

Services in addition to those specified in Scope of Services will be provided by L-S if authorized in writing by Client. Additional services will be paid for by Client as indicated in any Letter of Proposal, Task Authorization, or such other document as deemed appropriate by Client and L-S. In the absence of an express agreement about compensation, L-S shall be entitled to an equitable adjustment to its compensation for performing such additional services.

11. SALES TAX.

In addition to any other sums or amounts required to be paid by Client to L-S pursuant to this Agreement, Client must also pay to L-S the amount of any applicable sales, use, excise or other tax with respect thereto (other than any general income tax payable by L-S with respect thereto) as the same may be levied, imposed or assessed by any federal, state, county or municipal government entity or agency, or, alternatively, shall provide L-S with acceptable tax exemption certificates.

12. PROFESSIONAL STANDARDS/WAIVER OF WARRANTY.

L-S shall be responsible, to the level of competency presently maintained by other practicing professionals in the same type of work in Client's community, for the professional and technical soundness, accuracy, and adequacy of all design, drawings, specifications, and other work and materials furnished under this Agreement. L-S makes no warranty, expressed or implied. All warranties, whether express or implied, representations, conditions and all other terms of any kind whatsoever implied by statute or common law are, to the fullest extent permitted by applicable law, excluded from this Agreement.

13. LIMITATION OF LIABILITY.

L-S's liability to the Client for any cause or combination of causes is in the aggregate, limited to an amount no greater than two times the amount paid to L-S by Client under this Agreement. **Client hereby waives any right or claim to consequential or punitive damages arising out of or related to this Agreement or the actions of Lamb-Star in the negotiation, administration, or enforcement of such Agreement.**

14. SEVERABILITY.

In case any one or more of the provisions contained in this Agreement shall be held illegal, the enforceability of the remaining provisions contained herein shall not be impaired thereby.



15. ASSIGNMENT TO RELATED ENTITY.

Notwithstanding anything in this Agreement to the contrary, in the event L-S is not qualified and licensed in the relevant jurisdiction to provide any Services required hereunder, L-S may, without the consent of any other party, assign all or any part of its obligation to provide such Services to an entity related to L-S which is qualified and licensed to provide such Services in the jurisdiction involved and which is contractually bound to L-S to provide such Services.

16. NO RESPONSIBILITY FOR CONTRACTORS.

Should the services provided as a result of this contract result in construction of facilities, L-S in no way warrants or guarantees the performance of general contractors or subcontractors. L-S assumes no responsibility for the contractor's or subcontractor's safety program (i.e. means, methods, techniques, sequences, schedules, or compliance with laws, rules, regulations, ordinances, codes, permits, or others).

L-S will not be responsible for delays or defaults in the performance of design services which are beyond its control. It is recognized that neither L-S nor the Client has control over the cost, labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding, market, or negotiating conditions. Accordingly, L-S cannot and does not guarantee construction cost, nor has any fixed limit of construction cost been established as a condition of this contract.

17. FORCE MAJEURE PROVISION.

L-S shall have no liability to the Client under this Agreement if it is prevented from or delayed in performing its obligations under this Agreement, or from carrying on its business, by acts, events, omissions, or accidents beyond its reasonable control, including, without limitation, acts of nature, terrorist acts or potential sabotage, strikes, lockouts, or other industrial disputes, whether involving the work force of L-S or any other party, failure of a utility service, transport, or telecommunications network, act of God, war, riot, civil commotion, malicious damage, compliance with any law or governmental order, rule, regulation, or direction, accident, breakdown of plant of machinery, fire, flood, storm or default of suppliers or subcontractors, provided that the Client is notified of such an event and its expected duration.

18. ENGINEER'S CONSTRUCTION RESPONSIBILITIES.

During construction, and excluding contracted construction management services, L-S shall only answer questions, attend meetings, prepare correspondence, and make revisions to design documents prepared by L-S where such services are directly attributable to L-S errors or omissions. Any other requests for service to modify, change, or revise any plans or documents and attend meetings to coordinate or implement construction of the improvements will be billed on a time and material basis according to L-S Standard Rate Schedule, a copy of which is attached as attachment B.

19. SURVEYING SERVICES.

In accordance with the Professional Land Surveying Practices Act of 1989, Client is informed that any complaints about surveying services may be forwarded to the Texas Board of Professional Land Surveying, 12100 Park 35 Circle, Bldg. A, Suite 156, MC-230, Austin, TX 78753, (512) 239-5263. Similar laws in other states may give Client similar rights where surveying services are performed outside the State of Texas. In accordance with applicable sales tax law, certain surveying services may be taxable. Texas Board of Profession Land Surveying Firm Registration Number 10048300.

20. DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS.

Hazardous materials may exist where there is no reason to believe they could or should be present. L-S and the Client agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work or termination of services. L-S and the Client also agree that the discovery of unanticipated hazardous materials may make it necessary for L-S to take immediate measures to protect human health and safety and/or environment. L-S agrees to notify the Client as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. The Client encourages L-S to take any and all measures that, in L-S's professional opinion, are justified to preserve and protect the health and safety of L-S's personnel and the public and/or the environment. The Client agrees to compensate L-S for the additional cost of such work. To the extent authorized by law, in addition, the client waives any claim against L-S and agrees to indemnify, defend, and hold harmless L-S from any claim or liability for injury or loss arising from L-S's encountering unanticipated hazardous materials. To the extent authorized by law, the client also agrees to compensate L-S for any time spent and expenses incurred by L-S in defense of any such claim, with such compensation to be based upon L-S's prevailing Standard Rate Schedule and expense reimbursement policy.



21. JOBSITE SAFETY, INDEMNIFICATION, AND ADDITIONAL INSURED.

Neither the professional activities of L-S, nor the presence of L-S or its employees, contractors, subcontractors, subconsultants, or any representatives at a jobsite, shall impose any duty on L-S, nor relieve the General Contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the Services in accordance with the Contract Documents ("Contract Documents" are defined as the underlying contracts and agreements entered into between Client and the general contractor and/or owner for the work to be performed on the Project) and any health or safety precautions required by any regulatory agencies. L-S and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The Client agrees that the General Contractor shall be solely responsible for jobsite and worker safety and warrants that this intent shall be carried out in the Client's contract with the General Contractor.

To the fullest extent permitted by law L-S will indemnify, and hold harmless Client, its employees, officers, directors, and agents harmless, from and against all liability claims, losses, costs, expenses, and fees arising out of this Agreement to the extent caused or alleged to have been caused by any wrongful or negligent acts, errors, or omissions of L-S, its agents, employees, subconsultants, subcontractors, or suppliers.

The Client also agrees that the General Contractor shall defend and indemnify the Client, L-S and L-S's subconsultants. The Client also agrees that the Client, L-S and L-S's subconsultants shall be made additional insured under the General Contractor's policies of general liability insurance. The Client also agrees that the general contractor shall defend and indemnify the Client L-S and L-S Subconsultants and Subcontractors from and against all liability, claims, losses, costs, expenses, and fees arising from or to the extent caused or alleged to have been caused by any wrongful or negligent acts, errors, or omissions of general contractor, its agents, employees, subconsultants, or suppliers.

To the fullest extent permitted by law Client will indemnify, and hold harmless L-S, its employees, officers, directors, and agents harmless, from and against all liability claims, losses, costs, expenses, and fees arising out of this Agreement to the extent caused or alleged to have been caused by any wrongful or negligent acts, errors, or omissions of Client, its agents, employees, subconsultants, subcontractors, or suppliers.

22. ELECTRONIC MEDIA.

(a) As a component of the services provided under this Agreement, L-S may deliver electronic copies of certain documents or data (the "Electronic Files") in addition to printed copies (the "Hard Copies") for the convenience of Client. Client and its consultants, contractors and subcontractors may only rely on the Hard Copies furnished by L-S to Client. If there is any discrepancy between any Electronic File and the corresponding Hard Copy, the Hard Copy controls. (b) Client acknowledges that Electronic Files can be altered or modified without L-S's authorization, can become corrupted and that errors can occur in the transmission of such Electronic Files. Client agrees that it will institute procedures to preserve the integrity of the Electronic Files received from L-S until acceptance. Client further agrees that it will review the Electronic Files immediately upon receipt and unless it notifies L-S within forty-eight (48) hours of receipt of the electronic files the Client will be deemed to have accepted the electronic files as received. L-S will undertake commercially reasonable efforts to correct any errors in the Electronic Files detected in such forty-eight (48) hour period. L-S shall not be responsible to maintain the Electronic Files after acceptance by Client. (c) L-S does not warrant or represent that the Electronic Files will be compatible with or useable or readable by systems used by Client or its consultants, contractors and subcontractors. L-S is not responsible for any problems in the interaction of the Electronic Files with other software used by Client or its consultants, contractors and subcontractors.

23. DOCUMENTS.

All original sketches, tracings, drawings, computations, details, design calculations, and other documents and plans that result from L-S's services under this Agreement are and remain the property of L-S and Client as instruments of service. Where such documents are required to be filed with governmental agencies, L-S will furnish copies to the Client upon request. Modification by the Client is prohibited. Any unapproved use or modification shall be at Client's or others' sole risk without liability or legal exposure to L-S unless approved in writing by L-S prior to such reuse.

L-S has the right to photograph any phase of this project, under the terms of this contract, and use the photos in the promotion of the professional practice through advertising, public relations, brochures, or other marketing materials.

24. INTELLECTUAL PROPERTY.



All worldwide right, title and interest in and to any and all Intellectual Property conceived, invented, authored or otherwise made by or on this Agreement shall remain the sole and exclusive property of L-S, its successors and assigns unless licensed or assigned by L-S pursuant to a separate written instrument. The term "Intellectual Property" shall be construed broadly to include all forms of intellectual property including without limitation all: inventions, discoveries, designs, plans, improvements, trademarks, service marks and copyrights in drawings, computer programs, architectural works and in all other original works of authorship.

25. CONTRACT RENEGOTIATION.

L-S reserves the right to renegotiate fee schedule rates annually for open-end hourly rate and time and materials contracts. Agreements in which a portion of the scope extends in duration for more than one year from the date of acceptance are subject to renegotiation.

26. IF L-S's SERVICES UNDER THIS AGREEMENT ARE DELAYED for reasons beyond L-S's control, the time of performance shall be adjusted appropriately. Except where the services provided are under a continuous service contract for more than one year, if the services under this Agreement are delayed for a period of more than one (1) year from the beginning date (as above provided), the fees shall be subject to renegotiation; any change in such fees shall apply only to the unfinished services as of the effective date of such change.

29. GOVERNING LAW/VENUE. This Agreement and the rights and duties of the parties under it are governed by the laws of the State of Texas and venue for any dispute arising under this Agreement shall be in Denton County, Texas.

30. ARBITRATION.

Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association. Any arbitration brought under the terms of this Agreement shall be conducted in the following manner:

a. Each of the parties to this Agreement shall appoint one person as an arbitrator. The two arbitrators so chosen will select a third impartial arbitrator within twenty (20) days of the date of which the second arbitrator is selected. The three arbitrators shall determine all questions presented to them by majority vote. The decision of the majority of the arbitrators shall be final, binding, and conclusive upon the parties of this Agreement.

b. The arbitration hearing shall be held in Collin County, Texas and the award of the arbitrators may be entered in a court of competent jurisdiction in Collin County, Texas. **THE PARTIES HERETO HEREBY CONSENT TO THE JURISDICTION OF THE ARBITRATOR AND OF SUCH COURT AND WAIVE ANY OBJECTION TO THE JURISDICTION AND VENUE OF SUCH ARBITRATOR OR COURT.**

c. The expenses of such arbitration, including but not limited to reasonable attorneys' fees and arbitration costs, shall be borne by the losing party or in such proportion as the arbitrators shall decide.

d. THE RIGHT TO ARBITRATE IS INTEGRAL TO AND NOT SEVERABLE FROM THIS AGREEMENT. THE PARTIES ACKNOWLEDGE THAT THEY HAVE READ THIS ARBITRATION AGREEMENT AND KNOWINGLY CONSENT TO ITS CONSEQUENCES INCLUDING THE WAIVER OF THE RIGHT TO LITIGATE DISPUTES RELATING TO THIS CONTRACT.

31. AMENDMENT.

This Agreement may only be amended by a mutual agreement in writing executed by all parties to this Agreement.

32. ASSIGNMENT.

Neither this Agreement nor any duties or obligations of either Party may be assigned by the Party without the prior written consent of the other Party, which consent may be withheld in the other Party's sole discretion. In the event of an assignment by the Party to which the other Party has consented, the assignee or the assignee's legal representative must agree in writing with the other Party to personally assume, perform, and be bound by all the provisions of this Agreement.

33. NOTICES.

All notices, demands, requests or other communications that may be or are required to be given, served or sent by any Party to any other Party pursuant to this Agreement shall be in writing and shall be mailed by registered or certified mail,



return receipt requested, postage prepaid, or transmitted by hand delivery, addressed as set forth below:

If to L-S, to:

Lamb-Star Engineering, LP
Attn: John Lamb, PE
5700 West Plano Parkway, Suite 1000
Plano, Texas 75093

If to Client, to:

Attn: _____

34. ENTIRE AGREEMENT. THIS AGREEMENT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS BY THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.



PROFESSIONAL SERVICE AGREEMENT
SCOPE OF SERVICES
Professional Master Services Agreement

ATTACHMENT A



ATTACHMENT B

COMPENSATION & BUDGET

LAMB-STAR

The method of payment and compensation is dependent upon and will be shown in each individual Task Order.



**PROFESSIONAL SERVICES MASTER
AGREEMENT**

"TASK ORDER"

This Task Order pertains to an Agreement by and between The City of Corinth, ("Owner"), and Lamb-Star Engineering, L.P. ("Lamb-Star"), dated _____, 20__, ("Agreement"). Lamb-Star shall perform Services on the Project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the Project described below.

TASK ORDER NUMBER: 1

PROJECT NAME: Public Works Improvements, Phases 1 and 2

PART 1.0 PROJECT DESCRIPTION:

Provide Architectural and Engineering Services for Renovations to Existing Building, a New Storage Building, Site Improvements, and Environmental Services.



PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY /Ik. CONSULTANT ON THE PROJECT:

Phase 1 – Renovations to Existing Building

INTERIOR RENOVATION OF EXISTING BUILDING

Current Conditions

Existing Two-Story administration office area within the pre-engineered metal building. The current construction of the office area is wood stud wall framing throughout with wood floor joists for the upper level supported on the lower level walls. Office area currently has a fire suppression system installed. Upper level is accessed by a single stair that currently does not meet code as the riser heights vary throughout the run.

The first-floor administration area currently has:

1. Reception Area
2. Receptionist Office
3. Single User Admin Restroom
4. Conference Room
5. Offices (qty 4)
6. Break Room
7. Workshop Restrooms (qty 2)
8. Workshop Shower Room (qty 1)

The second-floor administration area currently has:

1. Common Area
2. Offices (qty 6)
3. Catwalk for accessing HVAC systems

The users have complained that the HVAC system is unable to adequately condition the administration area. There did not appear to be a working fire alarm system.

Proposed Changes

The end users would like to renovate the first floor to provide the following:

1. Approximately 2,145 square feet
2. Larger Waiting Area with controlled access to rest of administration area
3. Reconfigured Receptionist Office to be more secure from reception area
4. Renovation of existing restroom to make it accessible
5. Additional Storage Room
6. Offices (qty 4)
7. Renovation of Existing Break Room
8. Addition of new IT Closet
9. Addition of new Conference Room
10. Renovation of shop restrooms and shower room to meet accessibility requirements

Second Floor changes:

1. Approximately 2,145 square feet
2. Reclaim catwalk areas for office area
3. New Open Workspace to accommodate 14 cubicles



4. New Mechanical Rooms (qty 2)
5. New Office (qty 1)
6. Storage Room
7. Addition of new exit stair and replacement of existing stair (qty 2)

HVAC System:

- New split DX systems
- New ductwork throughout

Lighting:

- New 2x4 Lay-In LED light fixtures in office areas, corridors, and breakroom
- New recessed LED can light fixtures in restrooms

Fire Protection:

- Rework existing fire sprinkler system heads for new layout
- Add new fire alarm system (none currently)

Floor Finishes:

- Carpet in Office Areas
- Ceramic Tile Floor in Bathrooms
- Ceramic Tile downstairs
- Vinyl Composition Tile or Vinyl plank upstairs

Walls:

- Painted Gypsum Board on wood stud in offices, corridors, break room, etc.
- Ceramic tile wainscot in restrooms with painted gypsum board above.

Ceiling:

- New 2'x2' Ceiling Grid in offices, corridors, and breakroom with 2'x2' tegular edge lay-in ceiling tiles in new grid
- Painted Gypsum Board ceiling in restrooms

Restrooms:

- New Toilet fixtures
- New Wall mounted Sinks
- New restroom accessories (paper dispensers, soap dispensers, toilet paper dispensers)

Millwork:

- New upper and lower cabinets in Break Room
- New solid surface counter top in Break Room

Stairs:

- Replace existing stair with new metal stair with concrete filled pans, and new pipe railing
- Add new exterior galvanized and painted metal stair for second egress stair from second floor

Paint:

- Repaint all walls in administration, restrooms, and break room areas.
- Repaint exterior wall of administration facing shop area

Shop Area:



- No work anticipated in Shop Area

EXTERIOR SKIN RENOVATION

City of Corinth would like to do a partial image upgrade of the front façade and each side façade, back approximately one bay, to bring the building into compliance with the City of Corinth materials requirement. Additionally, the City would like to address the leaks around the skylights in the bay areas.

Proposed Changes:

- Add exterior sheathing and stucco finish on metal lath to the front elevation, and approximately 40' back on either side
- Add stone wainscot base on new brick shelf
- Cast Stone cap between stone and stucco
- New metal Entry canopy to protect front door
- New metal window awnings over existing windows in Administration Area
- Exterior lighting in canopy would be required

ASSUMPTIONS:

1. Proposal is based on a maximum of two site trips during construction phase. Additional trips are available as an additional service.
2. All design and construction phase meetings will be held via tele-conference.
3. Fire Protection will be done as a design-build by the Contractor's subconsultant. Design of fire protection is excluded from this fee proposal. Proposal does include performance specifications for the fire protection system.
4. All design submittals (60%, 90%, IFP) will be delivered as reproducible PDF file. Hard copies are available at cost plus 10% handling.
5. As-Built (Record) drawings are not included in fee proposal and are available as an additional service.
6. Current Zoning would remain as **I** (Industrial).
7. No additional landscaping would be required.
8. Permit, review or impact fees are not included.

ENVIRONMENTAL SERVICES

Phase I Environmental Site Assessment

The objective of the Phase I Environmental Assessment is to identify, to the extent feasible under the processes prescribed in ASTM E 1527-2013, the potential for recognized environmental conditions; that is, the presence or likely presence of any hazardous substances or petroleum products on the property under conditions that indicate an existing release, a past release, or a



material threat of a release of any hazardous substances or petroleum products into the ground, groundwater, or surface water of the property. The Phase I will have four components, described as follows:

1. **Records Review:** Obtain and review records that will help identify recognized environmental conditions in connection with the property. Some records will pertain to properties within an additional approximate search distance in order to help assess the likelihood of potential problems from migrating substances.

2. **Site Reconnaissance:** Visually and physically inspect the property and adjoining properties, to the extent not obstructed by bodies of water, adjacent buildings, or other obstacles, for evidence of hazardous substances or petroleum products.

3. **Interviews:** a) Interview owners and occupants, or their designated representatives, to obtain information regarding current and historical uses of the property that may be related to environmental conditions. b) Conduct inquiries of local agency (e.g. fire department, health department) officials or staff members that may have knowledge or records of environmental conditions or incidents related to the property or the surrounding area. Interviews may in the form of personal contact, telephone contact, or written correspondence.

4. **Evaluation and Report Preparation:** The information gathered from the previous tasks will be evaluated, and the findings will be presented in a report that describes, at minimum, site and vicinity descriptions, current and past uses of the property and adjoining properties, information from records reviews, information from site reconnaissance and interviews, conclusions and opinions of impacts, if any, of recognized environmental conditions. The report will also describe the methodologies used, and will include appropriate documentation and exhibits of information used to conduct the assessment. Recommendations for further study, if any, will be provided in a separate document.

Phase I investigative work includes, but may not be limited to, four basic tasks which are each comprised of several components. The details of these tasks are set forth below, listing the standard components of each. The ASTM E 1527-2013 standard prescribes a review of *reasonably ascertainable* information; that is, information that is publicly available, obtainable from its source within reasonable time and cost restraints, and practically reviewable. The availability of information will vary based on the location of a given site. The Consultant will attempt to review as much of the following information as is reasonably ascertainable for this project.

Task 1: Records Review

Standard Environmental Record Sources

Review documented environmental site listings from Federal and State regulatory agency database



sources, including the following:

<u>Sources</u>	<u>Minimum Search Distance</u>
1. Federal NPL Facilities/Sites Lists	1.0 Mile Radius
2. Federal NPL-Delisted Sites List	0.5 Mile Radius
3. Federal CERCLIS List	0.5 Mile Radius
4. Federal NFRAP List	0.5 Mile Radius
5. Federal RCRA Corraacts List	1.0 Mile Radius
6. Federal RCRA TSD List	0.5 Mile Radius
7. Federal RCRA Generator List	Adjoining
8. Federal Finds List	0.5 Mile Radius
9. Federal ERNS List	Site Specific
10. State Priority List	1 Mile Radius
11. State IOP List	0.5 Mile Radius
<u>Sources</u>	<u>Minimum Search Distance</u>
12. State SWLF/CLI List	0.5 Mile Radius
13. State CLI List	0.5 Mile Radius
14. State LPST List	0.5 Mile Radius
15. State Registered UST/AST List	Adjoining
16. State PST List	0.5 Mile Radius
17. State TCEQ VCP List	0.5 Mile Radius
18. State Brownfield List	0.5 Mile Radius
19. Dry Cleaner List	0.5 Mile Radius
20. IHW List	Adjoining
21. Local Hazmat Spills	Site Specific

Documented regulatory agency sites located within the ASTM prescribed minimum search distance will be identified and plotted on a composite site map.

Physical Setting Sources

USGS Topographic Map(s) will be reviewed to determine site topography and surface drainage patterns of the site and the surrounding area. Current and past structures, roads, well installations, and other improvements will be evaluated, as well as other pertinent physical features such as streams or water bodies. **Federal Emergency Management Agency** floodplain map(s) will be evaluated to determine if the subject property lies within a known floodplain. The appropriate **Soil**



Survey from the **USDA Natural Resource Conservation Service** will be reviewed to determine the site's soil conditions and general surface geology of the area. General descriptions will be made of the subsurface hydrogeology based on information from **USGS Groundwater Maps** or other sources.

Historical Use Information

Historical Aerial Photographs will be obtained from aerial photography firms having inventory of the subject area. The photographs will be reviewed to evaluate previous land use characteristics for the property and adjacent parcels. The photographs will also be checked for possible oil and gas exploration activities, surficial anomalies associated with waste ponds or dumps, and previous commercial and/or industrial activities. A **Chain of Title** will be reviewed from the Denton County Clerk's records to identify site ownership from 1940 forward. The records will be reviewed to evaluate the potential for industrial or environmentally significant land use activities onsite, based on the identities of previous owners. This task will be subcontracted to a title search company.

Local **City Directories** and **Sanborn Fire Insurance Maps**, if available, will be reviewed for listings of the types of past structures or business operations that may have existed on the property. In addition, **Texas Railroad Commission Records** will be reviewed to determine if oil and/or gas exploration or production has occurred on the site. This information will be obtained from a **Regional Oil and Gas Survey Map** prepared by Tobin Research, Inc.

Task 2: Interviews and Agency Inquiries

Owner/Occupant Inquiry

Inquiries will be made of person(s) who may have knowledge of current or historical conditions associated with the subject property. One or more of the following individuals may be contacted for an interview: 1) **Current Owner** 2) **Owner's Representative** 3) **Occupants** or **Tenants** 4) **Adjacent Property Owners/Occupants**. Interviews may be conducted in person, by telephone, or by written correspondence in the form of an **Owner/Occupant Questionnaire**.

Local Agencies and/or Officials

Inquiries will be made of local agencies or officials that may have records of environmental conditions or incidents related to the subject property or adjacent properties. Such agencies may



include the **Local Fire Department, Hazardous Materials Response, City/County Health Department, Local Pollution Control Agency**, or others deemed appropriate for the property, its location, or specific conditions.

Task 3: Additional Records Sources

In the event that site-specific conditions or standard information sources indicate a potential environmental condition(s) associated with the property, other selective files or records may be reviewed for additional information regarding such conditions. This information will be obtained at the discretion of the Consultant based on the findings of the investigation. Other typical sources include specific files from the **Texas Railroad Commission, the Texas Commission on Environmental Quality**, and the **Environmental Protection Agency**.

Task 4: Site Reconnaissance

General Site Setting

Site reconnaissance will be conducted to physically and visually inspect the property for indications of environmental conditions. Observations will be made of the **Current Site Usage, Adjacent Site**

Usage, Topography and Landscape, Structures, Roads, Improvements and, to the extent practicable, **Potable Water Supply, Sewage Disposal System**, and other **Utility Installations**.

Interior and Exterior Observations

The property and any buildings or structures will be inspected for visual or physical evidence of hazardous substances or petroleum products. Exterior observations include, but are not limited to, pits, ponds, lagoons, stained soil or pavement, pools of liquid, strong odors, stressed vegetation, solid waste, waste water and associated discharge(s), above or below ground storage tanks, drums or containers, unidentified substances, wells, or septic systems. If interior inspection is required, observations will include those listed above, if applicable, as well as heating/cooling sources and fuels, stains or corrosion, drains and sumps, storage or treatment areas, and construction materials.

Any listed, or non-listed, indicator of hazardous substances or petroleum products will be identified in the findings of the report.

Asbestos Containing Materials Inspection



Outside Scope Considerations

The subject site contains a warehouse/office building which is subject to Texas Department of Health

(TDH) regulations and will require ACM inspection prior to demolition/renovation activities. However, performance of a pre-renovation/demolition survey often requires destructive sampling, including damage to roof materials, exterior walls, HVAC vibration dampeners, etc. Given the fact the buildings are occupied, a complete pre-demolition/renovation survey is not possible at this time. The Consultant's subcontractor will perform as complete an ACM inspection as possible to identify ACM prior to demolition or renovation of the property. The inspection will be performed by a Texas Department of Health (TDH) licensed inspector; however, since the building is occupied, the inspection may not meet all criteria for a complete predemolition/ renovation inspection. Should this be the case, the information can be used and expanded upon to complete the pre-demolition inspection (if necessary) once the buildings are unoccupied. Samples will be analyzed for asbestos content by Polarized Light Microscopy (PLM). Following receipt of PLM results, a recommendation may be made to analyze samples with content near the threshold value of 1% ACM (if any) by point count analysis. The proposal costs do not include analysis by point count. Should point count analysis be warranted, costs will be discussed with and approved by the client prior to commencing analysis. Every reasonable effort has been made to provide a fair and accurate estimate of costs prior to visual inspection of the site. If unforeseen circumstances with potential to increase the assessment costs are encountered, the client will be notified immediately.

** If the client requires completion of the report in less than twenty-one (21) days, a rush charge of 20% will be added to the cost of the project. Additionally, some standard information sources may not be available for review. Costs associated with obtaining and reviewing information for the purposes of completing Task #3 of Task I in Attachment A will be invoiced at cost plus twenty percent (20%), plus project management review time according to the attached Personnel Rate Sheet (Attachment B) with the exception of specific oil or gas well site information which will be provided for a research fee of one hundred twenty-five dollars (\$125.00) per site. In addition, if it is necessary to investigate any structures on the site, there will be an additional charge of \$125.00 per structure. This estimate includes 31 hours of project management/mapping time. Extraordinary circumstances, such as regulatory agency reviews based upon recent policy changes, may require additional tasks or further detailed analysis not covered in the present scope of work. If the project requires more than a total of 31 hours of project management/mapping time, the extra hours will be billed hourly as additional services, based on the attached rate schedule, but will not exceed 10% (\$385.00) without written approval from the client.*

*** Costs include a maximum of fifty (50) samples for analysis of PLM. If inspection reveals more than 50 samples are necessary, the client will be notified immediately. The proposal costs do not include analysis by point count. Should point count analysis be warranted, costs will be discussed with and approved by the client prior to commencing analysis.*

ASSUMPTIONS:

1. The Consultant will be provided with the following:
 - A survey map of the site
 - Metes and bounds or legal description; and
 - Contact name of the current owner or owner's representative to complete an owner/occupant inquiry.
2. The Client has the authority to enter the property for purposes of conducting environmental assessments and will grant that authority to the Consultant.



Phase 2 – New Storage Building and Site Improvements

ADDITION OF NEW STORAGE BUILDING

The City would like to construct a new pre-engineered metal building for the storage of City owned vehicles and equipment.

The building will be:

- Approximately 60 feet long and 30 feet deep
- Four 10' x 14' overhead doors on one side.
- Two Man doors required to meet the exiting requirements
- High bay lighting
- Convenience electrical outlets will be provided.
- Heat only will be provided.
- Intake louvers and electric fan exhaust fans will be provided for fresh air.
- Sealed concrete floors
- Batt Insulated wall and roof
- Interior metal liner panels up to 8' above finish floor to protect insulation from damage

SITE WORK

City would like to perform several site improvements including the following:

1. Site improvements related to proposed new storage building including grading, water service and extension of existing concrete drive with cul-de-sac or hammerhead turn around for a fire apparatus access road.
2. Replace approximately 120 LF of existing railroad tie retaining wall with proposed concrete retaining wall 4 to 5 feet in height.
3. Get the property at 1200 N Corinth St (A0204a L. Bates, TR 13A, 5.0021 Acres. Lot 13A) platted.
4. Improve overall site drainage with grading or storm system.

PRACTICE FACILITY – LAKE CITIES FIRE DEPT

City would like to develop the existing field behind the existing Lake Cities Fire Station #2. Improvements include:

1. Data gathering to include electronic files for topographic survey and previously submitted site plan
2. Grading design to include proposed contours
3. Design of drainage improvements to include drainage area map, drainage layouts, and drainage calculations
4. Overall site plan to include layout and section of proposed roadway improvements

ASSUMPTIONS:

1. Material testing fees are not itemized and shall be paid for as expenses.
2. Proposal assumes that one site trip is required during design phase. Trips are available as an additional service.
3. Proposal is based on a maximum of two site trips during construction phase. Additional trips are available as an additional service.
4. All design and construction phase meetings will be held via tele-conference.



5. Fire Protection will be done as a design-build by the Contractor's subconsultant. Design of fire protection is excluded from this fee proposal. Proposal does include performance specifications for the fire protection system.
6. All design submittals (60%, 90%, IFP) will be delivered as reproducible PDF file. Hard copies are available at cost plus 10% handling.
7. As-Built drawings are not included in fee proposal and are available as an additional service.
8. Current Zoning would remain as **I** (Industrial).
9. No additional landscaping would be required.
10. Permit, review or impact fees are not included.



PART 3.0 ADDITIONAL SERVICES, NOT PART OF BASIC SERVICES:

N/A

PART 4.0 OWNER'S RESPONSIBILITIES:

The Owner will provide:

- Electronic files and/or plots of work previously done within project limits
- A survey map of the site
- Metes and bounds or legal description; and
- Contact name of the current owner or owner's representative to complete an owner/occupant inquiry.

The Owner has the authority to enter the property for purposes of conducting environmental assessments and will grant that authority to the Consultant.

PART 5.0 PERIODS OF SERVICE:

Date of execution through Dec. 31, 2018



PART 6.0: CONSULTANT'S COMPENSATION FOR SERVICES:

Table 1 - Phase 1 Design Fees

Description	Design Fees
Interior Renovation - Existing Building	
<i>Civil Engineering</i>	\$ -
<i>Architectural Design, Detailing, Consultant Coordination, Quality Control, and Project Management</i>	\$ 21,250
<i>Structural</i>	\$ 3,500
<i>Mechanical Design and Detailing</i>	\$ 3,063
<i>Plumbing Design and Detailing</i>	\$ 3,063
<i>Electrical and Lighting Design and Detailing</i>	\$ 6,125
<i>Project Management</i>	\$ 5,500
Subtotal	\$ 42,500
Exterior Skin Renovation	
<i>Civil Engineering</i>	\$ -
<i>Architectural Design, Detailing, Consultant Coordination, Quality Control, and Project Management</i>	\$ 9,000
<i>Structural</i>	\$ 1,500
<i>Mechanical Design and Detailing</i>	\$ -
<i>Plumbing Design and Detailing</i>	\$ -
<i>Electrical and Lighting Design and Detailing</i>	\$ 1,000
Subtotal	\$ 11,500
Environmental Services	
<i>Phase 1 Site Assessment</i>	\$ 3,850
<i>Records Review</i>	
<i>Site Reconnaissance</i>	
<i>Interviews</i>	
<i>Evaluation and Report Preparation</i>	
<i>Asbestos Containing Material Inspection</i>	\$ 2,530
Subtotal	\$ 6,380
Expenses	
<i>Travel</i>	<i>Included</i>
<i>Reproduction and Mailing</i>	<i>Not included</i>
<i>Permit, Review or Impact Fees</i>	<i>Not included</i>
TOTAL PHASE 1	\$ 60,380



Table 2 - Phase 2 Design Fees

Description	Design Fees
New Pre-Engineered Storage Building (30' x 60')	
<i>Civil Engineering</i>	\$ -
<i>Architectural Design, Detailing, Consultant Coordination, Quality Control, and Project Management</i>	\$ 6,000
<i>Structural</i>	\$ 2,500
<i>Mechanical Design and Detailing</i>	\$ 1,500
<i>Plumbing Design and Detailing</i>	\$ -
<i>Electrical and Lighting Design and Detailing</i>	\$ 2,500
Subtotal	\$ 12,500
Site Work	
<i>Site Improvement for New Storage Building</i>	\$ 24,000
<i>Replace Existing Retaining Wall</i>	\$ 10,000
<i>Overall site drainage improvements</i>	\$ 18,000
<i>Topographic survey (incl. tree survey)</i>	\$ 25,867
<i>Boundary Survey</i>	\$ 11,240
<i>Geotechnical Engineering</i>	\$ 15,000
<i>Plat Property</i>	\$ 10,000
<i>Project Management</i>	\$ 5,893
Subtotal	\$ 120,000
Practice Facility - Lake Cities Fire Department	
<i>Data Collection</i>	\$ 3,000
<i>Topographical Survey</i>	\$ 10,000
<i>Site Grading Improvements</i>	\$ 3,500
<i>Site Drainage Improvements</i>	\$ 6,500
<i>Site Roadway Improvements</i>	\$ 10,500
<i>Site Utility Improvements</i>	\$ -
Subtotal	\$ 33,500
Expenses	
<i>Travel</i>	<i>Included</i>
<i>Reproduction and Mailing</i>	<i>Not included</i>
<i>Permit, Review or Impact Fees</i>	<i>Not included</i>
TOTAL PHASE 2	\$ 166,000

Compensation for Basic Services: Lump Sum of \$226,380 plus direct expenses.

The Compensation amount billed monthly will be based upon Lamb-Star's estimate of the percentage of the Services actually completed during the billing period and any direct expenses.



Non-labor expenses shall be reimbursed as Direct Expenses at invoice or internal office cost. Direct expenses (non-labor) include, but are not limited to, mileage, travel and lodging expenses, mail, supplies, printing and reproduction services.



PART 7.0

**EXECUTED PRIME AGREEMENT BETWEEN OWNER AND LAMB-STAR
ATTACHED HERETO AS REFERENCE.**



PART 8.0 OTHER:

Deliverables and Schedule:

PHASE 1:

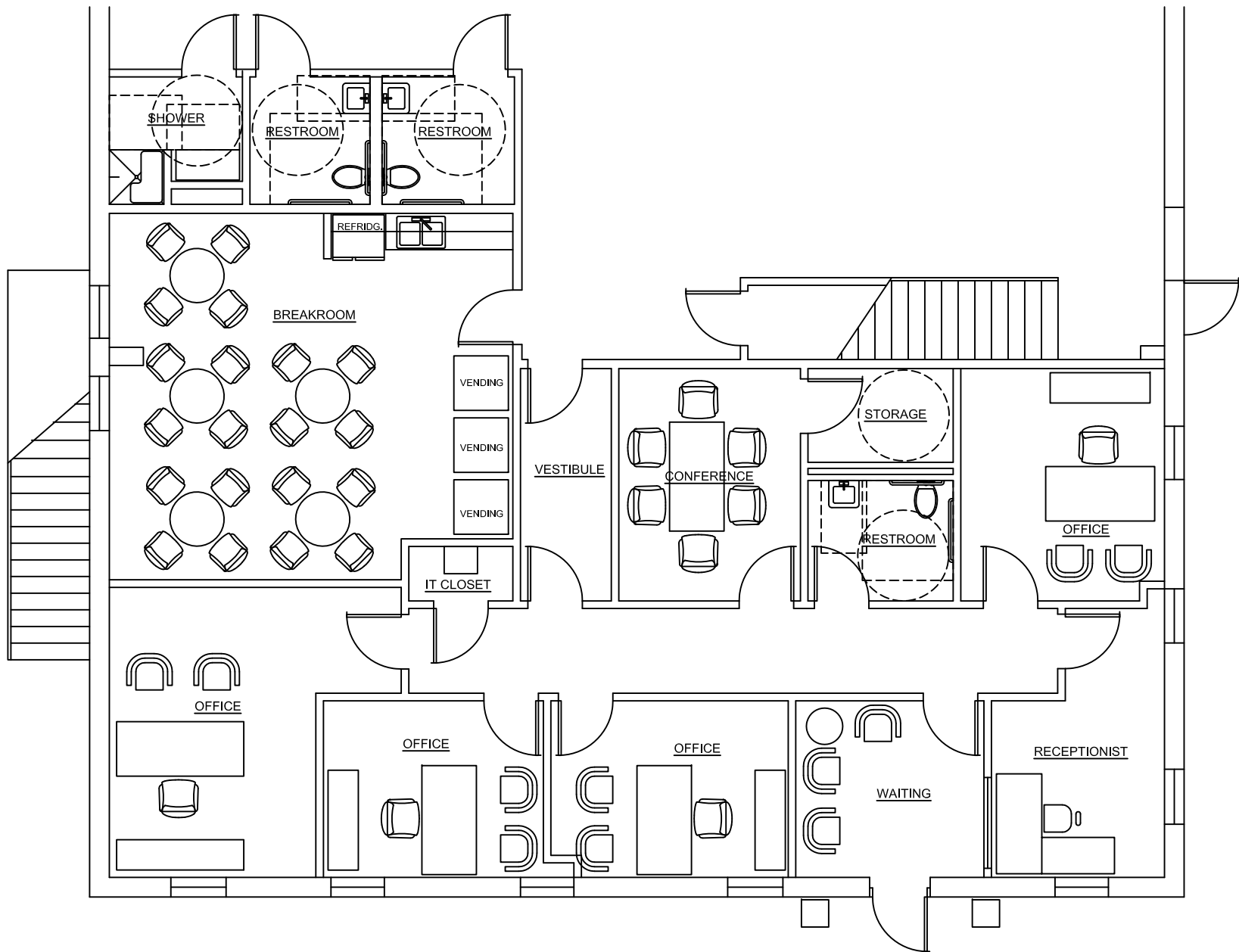
15% Concept Design	Approx. 3 weeks after NTP
65% Construction Documents	Approx. 6 weeks after NTP
95% Construction Documents	Approx. 8 weeks after NTP
Construction Documents/Issue for Bid	Approx. 10 weeks after NTP

Assumes Owner review will be over-the-shoulder with comments the day we meet. If City Council approval will be required at each submittal, we will need to adjust the schedule per meeting schedule and anticipated review period.

PHASE 2:

60% Design Submittal	Approx. 8 weeks after kick-off
90% Design Submittal	Approx. 12 weeks after kick-off
100% Design Submittal	Approx. 16 weeks after kick-off

Assumes 1 week Owner review time.



OPTION 3 - FIRST FLOOR PLAN



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, ABANDONING AND VACATING A TEMPORARY GRADING EASEMENT, LOCATED ON LOT 1, BLOCK A, TOWER RIDGE APARTMENTS, AND AS MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A”; AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas, is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the local Government Code; and

WHEREAS, acting pursuant to law and upon the request and application of the owner or agent of the fee title owner (the “Applicant”) of Lot 1, Block A, TOWER RIDGE APARTMENTS, an Addition to the City of Corinth, Denton County, Texas, and constituting all property abutting and underlying the hereinafter specifically described and depicted temporary grading easement to be abandoned, the City Council of the City of Corinth, Texas (“City Council”), deems it advisable to abandon and vacate the temporary grading easement encumbering Applicant’s property; and

WHEREAS, the City Council finds that the temporary grading easement to be abandoned was acquired pursuant to a condemnation proceedings in Cause no. PR-2009-00932 in the Probate Court of Denton County, Texas and recorded as Doc No. 2010-27633 in the Deed Records of Denton County, Texas; and

WHEREAS, the purpose of the temporary grading easement has been completed and the temporary grading easement is no longer needed for public use, and same should be abandoned and vacated; and

WHEREAS, TEX LOC. GOVT. CODE §272.001(a) authorizes the city to abandon and transfer property to the abutting and underlying fee simple property owner without notice and bidding and without requiring payment of fair market value and TEX PROP. CODE §21.101 is not applicable to this abandonment because the purpose of the temporary grading easement is completed; and

WHEREAS, the City Council, following a public hearing, and after careful study and consideration, is of the opinion and finds that the best interest and welfare of the public will be better served if the hereinafter described and depicted temporary grading easement is abandoned and vacated to the abutting and underlying fee interest owner; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1. The findings and recitals set forth above are incorporated herein.

SECTION 2. The City of Corinth, Texas (the “City”) hereby abandons and vacates the temporary grading easement being described and depicted in **Exhibit “A”** (the “Temporary Grading Easement”) attached hereto and incorporated herein for all purposes. This abandonment

shall extend only to the Temporary Grading Easement title and interest that the City Council may legally and lawfully abandon. The permanent easement acquired by the City pursuant to Cause No. PR-2009-00932 in the Probate Court of Denton County, Texas and recorded as Doc No. 2010-27633 in the Deed Records of Denton County, Texas is not impacted by this Ordinance and all rights pertaining thereto are retained by the City of Corinth.

SECTION 3. The City finds that the Temporary Grading Easement was originally condemned by the City and the purpose of the Temporary Grading Easement has been fulfilled and that a fair market value component of the abandonment will not be charged.

SECTION 4. The abandonment and vacation provided for herein is made and accepted subject to all present zoning and deed restrictions, and all public and private easements and rights-of-way of others, if any, whether apparent, non-apparent, aerial, surface, underground, or otherwise, and subject to any existing and facilities, if any, located within the abandoned area, and the relocation or removal of any or all such facilities shall only be upon approval of the owner of any such facilities and at the cost of the underlying fee owner, its successors and assigns.

SECTION 5. The City Secretary is authorized and directed to prepare and record a certified copy of this ordinance in the Real Property Records of Denton County, Texas. The Mayor is authorized, upon request of Applicant, to execute a quitclaim deed releasing the interest of the City in and to the Temporary Grading Easement.

SECTION 6. This Ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Corinth, Texas on the 19th day of April, 2018.

Bill Heidemann, Mayor

Kimberly Pence, City Secretary

Mack Reinwand, City Attorney

After recording, return Copy to:
City of Corinth
Attn: City Secretary
3300 Corinth Pkwy
Corinth, TX 76208

EXHIBIT "A"
(2 pages)
Legal Description
Temporary Grading Easement

BEING a 40 foot wide strip of land located in Lot 1, Block A, TOWER RIDGE APARTMENTS, an addition to the City of Corinth, Denton County, Texas, according to the plat recorded in Cabinet X, Page 564 of the Plat Records of Denton County, Texas. Said 40 foot wide strip of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the new South right-of-way line of Meadows Oak Drive, lying N 89° 33' 51" E 30.00 feet, from a ½" iron rod stamped "Brittain & Crawford" set at the intersection of the West boundary line of said Lot 1, and the new South right-of-way line of said Meadows Oak Drive;

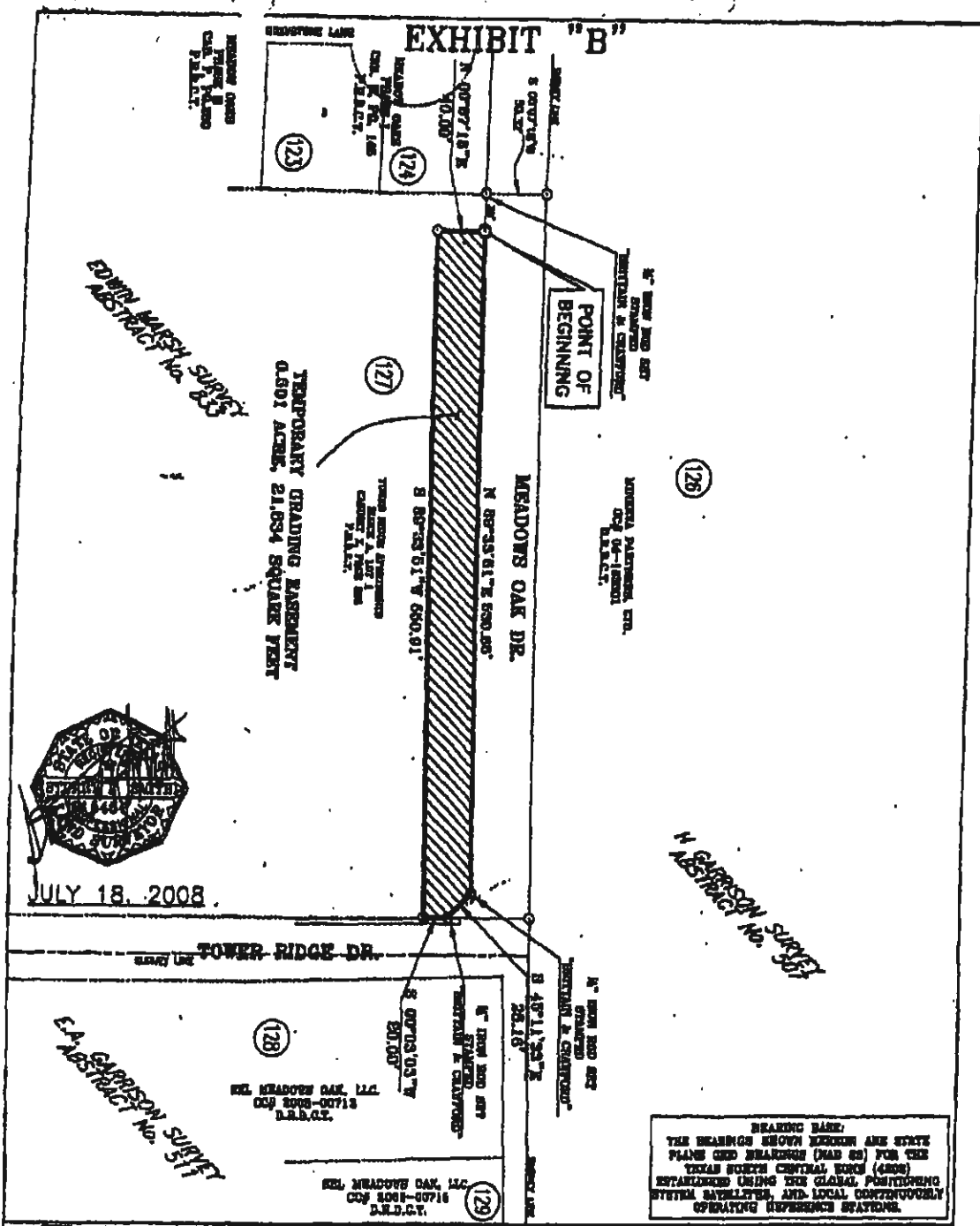
THENCE along the new South right-of-way line of Meadows Oak Drive, as follows:

1. N 89° 33' 51" E 530.86 feet, to a ½" iron rod stamped "Brittain & Crawford" set
2. S 45° 11' 33" E 28.16 feet, to a ½" iron rod stamped "Brittain & Crawford" set at the intersection of the new South right-of-way line of Meadows Oak Drive, and the West right-of-way line of Tower Ridge Drive;

THENCE S 00° 03' 03" W 20.00 feet, along the West right-of-way line of Tower Ridge Drive, to a point;

THENCE S 89° 33' 51" W 550.91 feet, to a point;

THENCE N 00° 07' 18" E 40.00 feet, to the POINT OF BEGINNING, containing 0.501 acre (21,834 square feet) of land.



BEARING BASE:
 THE BEARINGS SHOWN HEREON ARE STATE
 PLANE AND BEARINGS (MAD 80) FOR THE
 TEXAS SOUTH CENTRAL ZONE (4800)
 ESTABLISHED USING THE GLOBAL POSITIONING
 SYSTEM SATELLITES, AND LOCAL CONTIGUOUSLY
 OPERATING REFERENCE STATIONS.



CORINTH, TEXAS
 3300 CORINTH PARKWAY
 CORINTH, TEXAS 76208
 (940) 498-3200

LAKE SHARON DRIVE IMPROVEMENT PROJECT
 CORINTH, DENTON COUNTY, TEXAS

BRITTAIN & CRAWFORD
 LAND SURVEYING &
 TOPOGRAPHIC MAPPING

TEMPORARY GRADING EASEMENT
 0.501 ACRE OF LAND
 LOCATED IN THE EDWIN MARSH
 SURVEY ABSTRACT No. 833,
 CORINTH, DENTON COUNTY, TEXAS

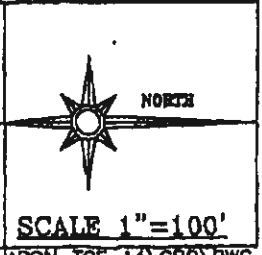


EXHIBIT D

(CRC) C:\SU\FN_LAKE_SHARON\LAKE_SHARON_TCE_14\CRO\DWG.

Denton County
Cynthia Mitchell
County Clerk
Denton, Tx 76202



70 2010 00027633

Instrument Number: 2010-27633

As

Recorded On: March 26, 2010

Misc General Fee Doc

Parties: CITY OF CORINTH

Billable Pages: 9

To

Number of Pages: 9

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Misc General Fee Doc	43.00
Total Recording:	43.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2010-27633

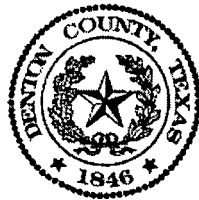
Receipt Number: 670425

Recorded Date/Time: March 26, 2010 11:54:12A

User / Station: J Morris - Cash Station 1

Record and Return To:

CITY OF CORINTH
ATTN ELAINE HERZOG
3300 CORINTH PKWY
CORINTH TX 76208



THE STATE OF TEXAS }
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Cynthia Mitchell

County Clerk
Denton County, Texas

MAR 11 2010

NO. PR-2009-00932

CYNTHIA MITCHELL
DEPUTY

CITY OF CORINTH, TEXAS

§
§
§
§
§
§
§

CONDEMNATION PROCEEDINGS

VS.

IN THE PROBATE COURT

ESTATE OF VIRGIL T. GRIFFITH and
ESTATE OF LORENE GRIFFITH

DENTON COUNTY, TEXAS

JUDGMENT OF COURT IN ABSENCE OF OBJECTIONS

BE IT REMEMBERED:

That on this date came on to be heard and considered the decision of the Special Commissioners filed on the 29th day of January, 2010, in the above-entitled and numbered cause, which is a condemnation proceeding in which the City of Corinth, Texas is Plaintiff and Estate of Virgil T. Griffith and Estate of Lorene Griffith are Defendants.

It appears to the Court that the Plaintiff, City of Corinth, Texas, is a municipal corporation located in Denton County, Texas, organized and existing under and by virtue of its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution; that Plaintiff as a home rule municipality is vested with the power and authority to appropriate private property for public purposes by condemnation proceedings and to exercise all of the powers of eminent domain; that Plaintiff seeks to condemn real property for acquisition of permanent right-of-way and temporary grading easement for the reconstruction and expansion of Meadows Oak Drive, which will help reduce traffic congestion and serve the City of Corinth and other existing and future developments in the City and/or public purposes permitted by law; that prior to the filing of this suit, Plaintiff

W:\Corinth\Condemnations\Griffith Estate II\Pleadings\Final Judgment

Return to: City of Corinth
ATTN: Elaine Neuzog
3300 Corinth Parkway
Corinth, TX. 76208



contacted Defendants to engage in good faith negotiations to reach an agreement with Defendants to acquire the real property and obtain clear title to the property; that all acts, conditions and things required by law, and the ordinances and charter of the City of Corinth precedent to the institution of these condemnation proceedings have been done; that on December 10, 2009, the Court appointed Bill Orr, Lisa Polster and Mike Ramos as special commissioners to assess the value of the real property which is the subject matter of this suit; Defendants were properly served with notice of the lawsuit and notice of the commissioners hearing; that on January 26, 2010, the commissioners hearing was conducted, and the special commissioners awarded the sum of \$29,201.04 (Twenty-Nine Thousand Two Hundred One and 04/100 Dollars) as the total value of the real property, to be paid by the City of Corinth according to the rules of damages set forth in Section 21.042 of the Texas Property Code; that the written award of the special commissioners was filed with the Court on January 28, 2010; that the special commissioners assessed all costs against Plaintiff, including the fee of each special commissioner; that on February 22, 2010, Plaintiff deposited in the registry of the Court the sum awarded by the Special Commissioners; that on March 5, 2010, Plaintiff paid each special commissioners the fee awarded by the Court and forwarded confirmation of payment to the Denton County Clerk; and no objections to the award of the special commissioners were filed within the time required by law.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

a) That the decision of the Special Commissioners be, and the same is hereby, made the judgment of this Court.

b) That the Clerk of this Court record the decision of the Special Commissioners

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in the minutes of this Court.

c) That by virtue of said decision of the Special Commissioners, the City of Corinth, Texas is entitled to condemn and does hereby have judgment against the above-named Defendants for the acquisition of permanent right-of-way located in Denton County and more specifically described as follows:


BEING a 0.667 acre permanent right-of-way and a 0.501 acre temporary grading easement out of an approximate 7.685 acre tract of land out of the E. MARSH SURVEY, Abstract No. 833, Denton County, Texas, being more particularly described by metes and bounds found in Volume 190, Page 357, Deed Records, Denton, County, Texas, and being more particularly described and depicted in Exhibits "A" - Exhibit "D" attached hereto.


d) That the fee right-of-way described above is hereby decreed to and vested in Plaintiff, City of Corinth, Texas.

It further appears that Plaintiff paid into the registry of the Court the sum of \$29,201.04, the amount of damages awarded by the Special Commissioners to the Defendants, and that Plaintiff paid to each Special Commissioner the fee awarded by the Court; and it is therefore:

ORDERED that a Writ of Possession issue on behalf of the City of Corinth, Texas.

SIGNED, RENDERED AND ORDERED this the 11th day of March, 2010.


Presiding Judge
DON R. WINDLE JUDGE
PROBATE COURT
DENTON COUNTY, TEXAS


RECEIVED
DEPUTY

MAR 10 2010

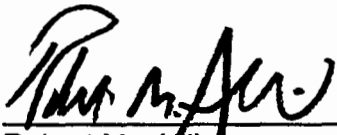
DENTON COUNTY
CYRIL

DON R. WINDLE, JUDGE
PROBATE COURT



W:\Corinth\Condemnations\Griffith Estate I\Pleadings\Final Judgment

APPROVED AS TO FORM AND SUBSTANCE:



Robert M. Alibon
State Bar No. 01078500

Member of the firm of:
TAYLOR, OLSON, ADKINS, SRALLA & ELAM, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Telephone No.: (817) 332-2580
Facsimile No.: (817) 332-4740

ATTORNEY FOR PLAINTIFF
CITY OF CORINTH, TEXAS

W:\Corinth\Condemnations\Griffith Estate II\Pleadings\Final Judgment

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS, COUNTY OF DENTON

I, CYNTHIA MITCHELL, County Clerk of Denton County, Texas do hereby certify that this is a true & correct copy as same appears of record in my office. Witness my hand and seal of office on

3/26/10



Cynthia Mitchell
Denton County Clerk

By Deputy 

EXHIBIT "A"
LEGAL DESCRIPTION
PERMANENT RIGHT-OF-WAY

BEING 0.667 acre of land located in the EDWIN MARSH SURVEY, Abstract No. 833, Corinth, Denton County, Texas, and being a portion of Lot 1, Block A, Tower Ridge Apartments, an addition to the City of Corinth, Denton County, Texas, according to the plat recorded in Cabinet X, Page 664 of the Plat Records of Denton County, Texas. Said 0.667 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a point at the Northwest corner of said Lot 1, and said POINT OF BEGINNING, also lying in the approximate centerline of Meadows Oak Drive, and said POINT OF BEGINNING also lying in the North boundary line of said Marsh Survey;

THENCE N 89° 41' 01" E 580.79 feet, along the North boundary line of said Lot 1, the North boundary line of said Marsh Survey, and the approximate centerline of said Meadows Oak Drive, to a point at the Northeast corner of said Lot 1, and the intersection of the West right-of-way line of Tower Ridge Drive;

THENCE S 00° 03' 03" W 69.10 feet, along the East boundary line of said Lot 1, and the West right-of-way line of said Tower Ridge Drive, to a ½" iron rod stamped "Brittain & Crawford" set in the new South right-of-way line of said Meadows Oak Drive;

THENCE along the new South right-of-way line of said Meadows Oak Drive, as follows:

1. N 46° 11' 33" W 28.16 feet, to a ½" iron rod stamped "Brittain & Crawford" set;
2. S 89° 33' 51" W 580.88 feet, to a ½" iron rod stamped "Brittain & Crawford" set in the West boundary line of said Lot 1;

THENCE N 00° 07' 18" E 50.31 feet, along the West boundary line of said Lot 1, to the POINT OF BEGINNING, containing 0.667 acre (29,070 square feet) of land.

W:\2008\PCORR Lake Ethern\ROW1-revised



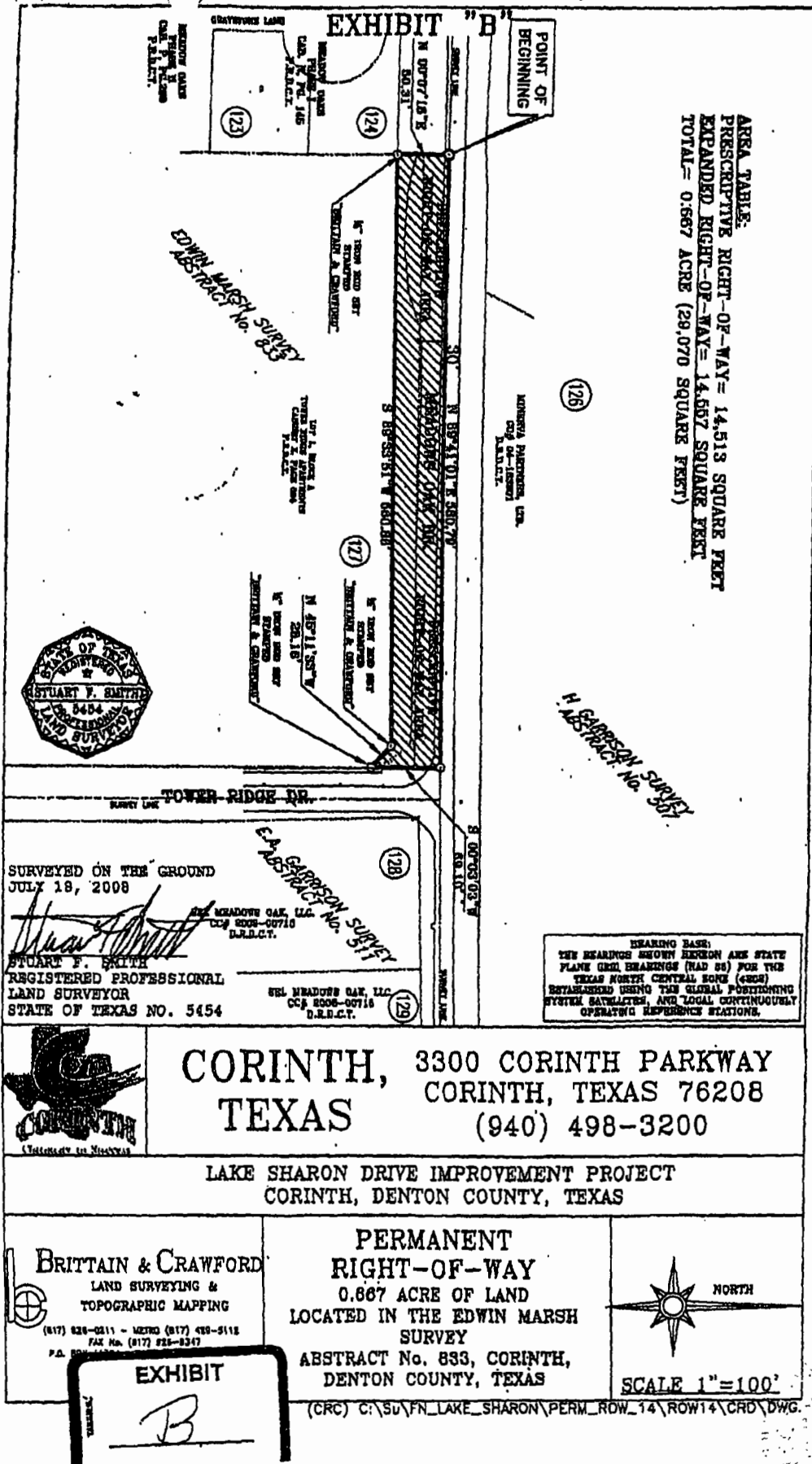


EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY GRADING EASEMENT

BEING a 40 foot wide strip of land located in Lot 1, Block A, TOWER RIDGE APARTMENTS, an addition to the City of Corinth, Denton County, Texas, according to the plat recorded in Cabinet X, Page 684 of the Plat Records of Denton County, Texas. Said 40 foot wide strip of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the new South right-of-way line of Meadows Oak Drive, lying N 89° 33' 51" E 30.00 feet, from a 1/2" iron rod stamped "Brittain & Crawford" set at the intersection of the West boundary line of said Lot 1, and the new South right-of-way line of said Meadows Oak Drive;

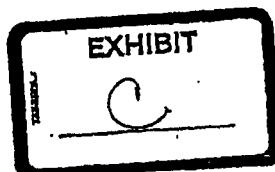
THENCE along the new South right-of-way line of Meadows Oak Drive, as follows:

1. N 89° 33' 51" E 530.86 feet, to a 1/2" iron rod stamped "Brittain & Crawford" set
2. S 45° 11' 33" E 28.18 feet, to a 1/2" iron rod stamped "Brittain & Crawford" set at the intersection of the new South right-of-way line of Meadows Oak Drive, and the West right-of-way line of Tower Ridge Drive;

THENCE S 00° 03' 03" W 20.00 feet, along the West right-of-way line of Tower Ridge Drive, to a point;

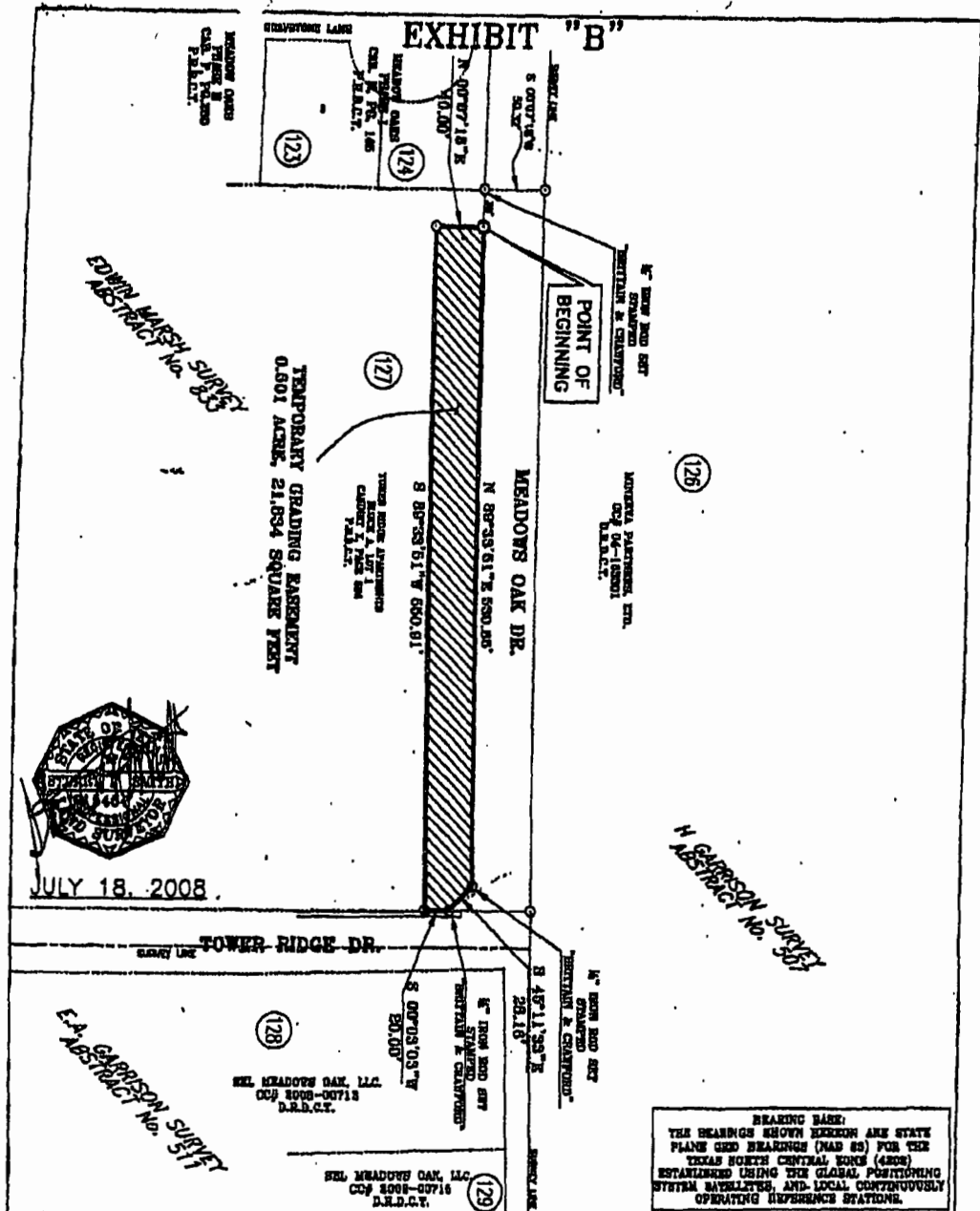
THENCE S 89° 33' 51" W 550.91 feet, to a point;

THENCE N 00° 07' 18" E 40.00 feet, to the POINT OF BEGINNING, containing 0.501 acre (21,834 square feet) of land.



W42008PNCOR Lk + Show/TGE14





BEARING BASE:
 THE BEARINGS SHOWN HEREON ARE STATE
 PLANE GEO BEARINGS (NAD 83) FOR THE
 TEXAS NORTH CENTRAL ZONE (4202)
 ESTABLISHED USING THE GLOBAL POSITIONING
 SYSTEM SATELLITES, AND LOCAL CONTINUOUSLY
 OPERATING REFERENCE STATIONS.



CORINTH, TEXAS
 3300 CORINTH PARKWAY
 CORINTH, TEXAS 76208
 (940) 498-3200

LAKE SHARON DRIVE IMPROVEMENT PROJECT
 CORINTH, DENTON COUNTY, TEXAS

BRITTAIN & CRAWFORD
 LAND SURVEYING &
 TOPOGRAPHIC MAPPING

**TEMPORARY
 GRADING
 EASEMENT**
 0.501 ACRE OF LAND
 LOCATED IN THE EDWIN MARSH
 SURVEY ABSTRACT No. 833,
 CORINTH, DENTON COUNTY, TEXAS



SCALE 1"=100'

EXHIBIT
 D

(CRC) C:\S\FN_LAKE_SHARON\LAKE_SHARON_TCE_14\CRD.DWG.



City Council Regular and Workshop Session

Meeting Date: 04/19/2018
Title: City Council Written Decision Regarding Cell Tower Application
Submitted For: Barbara Cabbage, Planning & Development Manager
Submitted By: Barbara Cabbage, Planning & Development Manager
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on a Resolution of the City Council of the City of Corinth denying a Special Use Permit for the installation of a new 121-foot tall cell tower and associated equipment on a property legally described as Lot 1-R, Block A, North Central Texas College Addition No. 2.

AGENDA ITEM SUMMARY/BACKGROUND

At the March 15, 2018 City Council regular session meeting, Council made the motion to deny a request for a Specific Use Permit to allow a Cell Tower on property zoned I, Industrial legally described at Lot 1-R, Block A, North Central Texas College Addition No. 2. Per the Unified Development Code Ordinance No. 13-05-02-08 Section 2.07.04 19 requires that *if the City Council votes to deny the application for the Specific Use Permit, the City Attorney will prepare a proposed written decision for the City Council to consider at a following meeting. The decision to deny the application is not final until the City Council adopts a written decision.*

The City Attorney has provided a Resolution for Council to consider and act on.

RECOMMENDATION

Staff recommends approval of the resolution.

Attachments

Cell Tower Denial Resolution

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH DENYING A SPECIAL USE PERMIT FOR THE INSTALLATION OF A NEW 121-FOOT TALL CELL TOWER AND ASSOCIATED EQUIPMENT ON A PROPERTY LEGALLY DESCRIBED AS LOT 1-R, BLOCK A, NORTH CENTRAL TEXAS COLLEGE ADDITION NO. 2

WHEREAS, pursuant to the provisions of Unified Development Code of the City of Corinth, Ordinance No. 13-05-02-08, as amended, an application was filed for a Specific Use Permit to allow the installation of a new 121-foot tall wireless communications tower and associated equipment on a portion of that certain real property legally described as Lot 1-R, Block A, North Central Texas College Addition No. 2 being 34.33 acres in the City of Corinth, Denton County, Texas (hereinafter referred to as “subject property”); and

WHEREAS, the Site Plan documents submitted with the Specific Use Permit application describe the location on the subject property where the wireless communications tower is proposed to be situated; and

WHEREAS, pursuant to and in accordance with Unified Development Code Section 2.07.04(A)(19), cell towers are allowed in Industrial zoning districts with approval of a Specific Use Permit and subject to Conditional Development Standards; and

WHEREAS, the Planning and Zoning Commission of the City of Corinth, after giving requisite notice and affording a full and fair hearing to the applicant and the public, and to the persons interested and situated in the affected area and in the vicinity thereof, recommended that said Specific Use Permit for a Cell Tower should not be granted; and

WHEREAS, the City Council conducted a hearing on March 15, 2018 on said application, notice of which was duly given; and at said hearing, the City Council gave all persons a full opportunity to be heard and to present evidence and testimony respecting said matter;

WHEREAS, at said hearing the City Council received and considered evidence and reports from the Director of Planning and Development, the applicant, and citizens; and

WHEREAS, in accordance with the requirements of the Unified Development Code, the City Council member who moved to deny the application for the Specific Use Permit stated the reasons for the motion for denial and this Resolution constitutes the written decision adopted by the City Council,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH:

After considering evidence presented at the Public Hearing, the City Council finds that the following are the relevant facts regarding this proposed project:

1. The subject property has a designation of Public/Semi-Public and is located within the TOD – Transportation Oriented Development area on the Comprehensive Plan of the City of Corinth.
2. The subject property is located in the I – Industrial Zoning District.

3. The Specific Use Permit request is to allow installation of a new 121-foot tall cell tower monopole and associated equipment within a walled enclosure. The cell tower is proposed to be located in the southeast corner of the subject property immediately adjacent to the north side of the Walton Road right-of-way.
4. The site of the cell tower is currently undeveloped.
5. If the cell tower were located at the proposed site, the use of the adjoining vacant property fronting on Walton Road could not be developed for commercial or retail land uses. These locations constitute some of the limited available space in the City of Corinth and the TOD for development of commercial and retail uses along the street frontage.
6. The Comprehensive Plan designates this area for transit oriented development which is a downtown setting which integrates biking, pedestrian friendly development with retail development along the street front.
7. The application submitted for the cell tower is incomplete and the following requirements of the Unified Development Code Section 2.07.04(A)(19) were not met by the applicant for the following reasons:

b) An application for a Specific Use Permit for a tower, antenna, or use of an alternative tower structure must be submitted to the Director of Planning. An application will not be considered until it is complete. A complete application must contain the following. *The applicant did not submit a complete application.*

b(i) An inventory of the applicant's existing towers that are either existing towers that are either within the City of within one mile of the corporate limits, specifying the location, height, and design of each tower. *The applicant did not submit this information.*

b(ii) Site Plans to scale specifying the location of tower, transmission building, setbacks, driveways and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses. *The applicant did not provide the required information, including the landscape plan and existing land uses.*

b(iii) A report from a professional structural engineer licensed in the State of Texas documenting the following:

- (a) Tower height and design, showing a cross-section of the tower structure.
- (b) Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.

The applicant did not submit these items.

b(iv) A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible. *The applicant did not submit this information.*

b(v) each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:

(a) The applicant must contact the owners of all existing towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list must be provided of all owners contacted, the date of the contact, the form and content of the contact. Where an existing tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower is not complete until the owner of the existing tower responds, unless the applicant submits sufficient information for the Director of Planning to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile. *The applicant did not submit complete information.*

...

(c) The Director of Planning must maintain and provide, on request, records of responses from each owner. *All existing towers have not been provided for.*

f. Appearance. *This section cannot be verified as no specifications on the tower have been provided by the applicant.*

g. Landscaping and Screening. *Landscaping plans have not been submitted. Detailed specs for the screening fence and gate have not been provided.*

8. City staff's recommendation to the City Council is "staff does not support the location of the proposed tower. The application packet is not complete and required information is still lacking. Staff does support this request as presented."

The City Council has determined that the Specific Use Permit and related Site Plan approval requested by the applicant cannot be granted without substantially impairing the requirements, intent and purpose of the Comprehensive Plan and Zoning Ordinance of the City of Corinth for the following reasons:

1. The location of the cell tower is incompatible with the objectives of the comprehensive plan and other potential adjacent uses in that:
 - a. The comprehensive plan designates this area for transit oriented development, with a "downtown" setting and which integrates bike and pedestrian friendly development with retail development on the street front and the location of the tower along the street frontage interferes with limited available space for pedestrian based development along the street frontage in the transit oriented development area.
2. Reasonable alternate sites exist to provide coverage in the requested area in that:
 - a. As stated by the applicant during the public hearing, the location of the cell tower adjacent to Walton Road is inappropriate and not well suited for future development of the area.
 - b. An available location exists on the same parcel which would be better suited for a tower location, be setback from Walton Road, more aesthetically harmonious, provide the same service coverage, allow for commercial development of the property, and the owner of the parcel is amendable to an alternate location setback a greater distance from the street frontage.

3. Reasonable efforts to gain approval for alternate locations for the facilities would not be fruitless in that:
 - a. As stated by the applicant and provided in the applicant's presentation materials during the public hearing, the owner of the same parcel is amendable to the tower being setback at another location on the property, which would provide the same service coverage while preserving the limited developable area on the street frontage.
 - b. Existing towers and structures in the vicinity provide adequate alternative locations for the placement of applicant's antennae and equipment and applicant did not make reasonable efforts to collocate on the existing towers.

4. The application submitted to the city is incomplete and does not meet the following application submittal requirements in Section 2.07.04(A)(19) of the City of Corinth Unified Development Code:
 - a. The applicant did not provide an inventory of existing towers and the availability of space on those towers;
 - b. The site plan fails to specify a landscape plan and identify existing land uses near the proposed location;
 - c. The application does not include a report from a structural engineer documenting the height and design, showing a cross section of the tower structure, as well as the anticipated capacity of the tower including the number and types of antennas which can be accommodated;
 - d. The applicant did not provide a letter of intent to lease excess space on the tower;
 - e. The applicant did not provide reasonable efforts to contact owners of existing towers to locate the antennae on existing towers and reasonable efforts to do so would not be futile; and
 - f. Specifications for the screening fence and gate have not been provided with the application.

5. An FAA determination or authorization letter required by the Zoning Administrator based on the proximity of the tower to nearby airports was not provided by the applicant. As stated by the applicant, the applicant stated to the Planning Director that the FAA authorization would be provided before Council consideration of the application, but the authorization was not provided and no adequate reason for not submitting the FAA determination was provided.

In addition, although there was a public comment made during the public hearing regarding health concerns related to installation of cell towers. The Council did not consider such evidence of environmental effects or radio frequency emissions in denying the application.

Finally, based on the above-stated findings, the City Council concludes pursuant the Specific Use Permit findings (Section 2.10.10) of the Unified Development Code that the cell tower is not harmonious with the uses of abutting property and other property in the vicinity in that the proposed use at the location requested will adversely affect safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the sites.

The City Council further considered among other things the character of the district and their peculiar suitability for particular uses and the view to conserve the value of the limited available developable property, buildings, and encourage the most appropriate use of the land throughout this City. The City Council has determined that the proposed use at the proposed location will not complement or be compatible with the surrounding uses and community facilities, contribute to, enhance or promote the welfare of the area and adjacent properties, and be detrimental to the public health, safety or general welfare.

Based upon the above-stated findings and determinations the City Council denies, pursuant to Unified Development Code Section 2.07.04(A)(19), the subject proposal to allow the installation of a cell tower and associated equipment on the subject property. **DENIED on this 19th day of April, 2018.**

DULY RESOLVED by the City Council of the City of Corinth, Texas, on the 19th day of April, 2018.

APPROVED:

BY: _____
MAYOR

DULY RECORDED:

BY: _____
CITY SECRETARY

APPROVED AS TO FORM:

BY: _____
CITY ATTORNEY

City Council Regular and Workshop Session

Meeting Date: 04/19/2018
Title: Childrens Lighthouse Addition Rezoning Planned Development Amendment
Submitted For: Barbara Cabbage, Planning & Development Manager
Submitted By: Barbara Cabbage, Planning & Development Manager
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

TO HEAR PUBLIC OPINION REGARDING A REQUEST BY THE APPLICANT, ROBERT P. GARZA, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER NANCY REED, FOR A ZONING CHANGE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE NO. 13-05-02-08 AND PLANNED DEVELOPMENT ORDINANCE NO. 07-03-01-05 BY REVISING THE LAND USE REGULATIONS AND DEVELOPMENT STANDARDS ON PROPERTY LEGALLY DESCRIBED AS TRACT 1 BEING 3.189 ACRES SITUATED IN THE L. YOUNG SURVEY, COUNTY ABSTRACT 1451 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located on the northwest corner (NWC) of Post Oak Drive and Robinson Road.

- Staff Presentation
- Applicants Presentation
- Public Hearing
- Response by Applicant
- Response by Staff

Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code, Ordinance No. 13-05-02-08, as amended and amending Planned Development Ordinance No. 07-03-01-05 by revising the Land Use Regulations and Development Standards on property legally described as Tract 1 being 3.189 acres situated in the L. Young Survey, County Abstract 1451 in the City of Corinth, Denton County, Texas. This property is located on the northwest corner (NWC) of Post Oak Drive and Robinson Road.

AGENDA ITEM SUMMARY/BACKGROUND

APPROVAL PROCESS

The Planning and Zoning Commission recommendation will be presented to City Council for final consideration.

NOTIFICATION TO PUBLIC

Notification prior to the Planning and Zoning Commission meeting by sign placement, written notice and newspaper (prior to City Council) is required for the zoning change process. Prior to the Planning and Zoning Commission meeting; 31 public hearing letters were sent to individuals whose properties fall within 200' of the subject properties.

AGENDA ITEM DESCRIPTION

The subject property zoned Neighborhood Shopping as one of the non-residential elements of the Planned Development ordinance created in 1986 for the Oakmont Subdivision. In 2007 this zoning district, Neighborhood Shopping was amended to add "Specialty Coffee Shop with Drive-Thru" and to provide site plan documents for a retail center. The proposed retail project did not develop.

At this time, the applicant, Robert Garza, authorized representative for the property owner, is requesting a zoning change to amend the 2007 zoning ordinance associated with the site. Mr. Garza's client is proposing a two-lot non-residential subdivision where the Children's Lighthouse Day Care would be constructed on the north end of the property and on lot 2 (southern portion of the tract of land) a retail center is proposed as a separate project in the future. Both the daycare center and retail are allowed uses in the Neighborhood Shopping district. Vibhuti Patel has had the property under contract since October 2017 and will be developing the site for the Children's Lighthouse.

The amendment to the existing ordinance is necessary as the site plan associated with the 2007 ordinance amendment is no longer valid. The applicant has submitted a PD Concept Map for Childrens Lighthouse Addition providing conceptual placement of the daycare on Lot 1 and a conceptual layout of a building on Lot 2. There are aspects of the UDC not found in the current Neighborhood Shopping requirements from the 2007 ordinance amendment which was created before the UDC was approved and has now been incorporated in the ordinance provided, in particular the Residential Adjacency Standards associated with residential properties within 400' of a non-residential development. The applicant and developer have worked with City Staff to incorporate these standards into this project.

Associated with this zoning amendment is a companion item being a petition from the applicant for a Major Subdivision Waiver requesting relief from the driveway separation distance requirements of the Unified Development Code, Section 3.05.04, Access Management, to allow a separation distance of approximately 171' from the Post Oak intersection for a new driveway. The Unified Development Code requires 200' separation. The second driveway will reduce the loading on the northern driveway, will help internal circulation and reduce u-turn conflicts in the public Right of Way. The applicant has provided additional documents associated with this companion item. The zoning change and the MSW will be acted on separately.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

RECOMMENDATION

STAFF RECOMMENDATION

Staff recommends approval of the zoning change amending the Planned Development ordinance however Staff does not support including the elimination of vehicle stacking for the child care use. If the applicant would like to proceed with this item it would be more appropriate to process it with a Major Subdivision Waiver or alternative options such as deceleration lanes approved by the City Engineer. In addition, Staff has added a "Condition" to the ordinance that speed humps would be required on the driveway within the daycare area of Lot 1 and pre-approved product and placement through the Fire Department.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommendation will be presented to City Council during the presentation as the Commission will consider this item on April 16, 2018 in a special session meeting.

Attachments

Location_Zoning_FLUP Maps

Plat

Building Setback

Dimensional Site Plan

Landscape Plan L-1

Landscape Plan L-2

Landscape Plan L-3

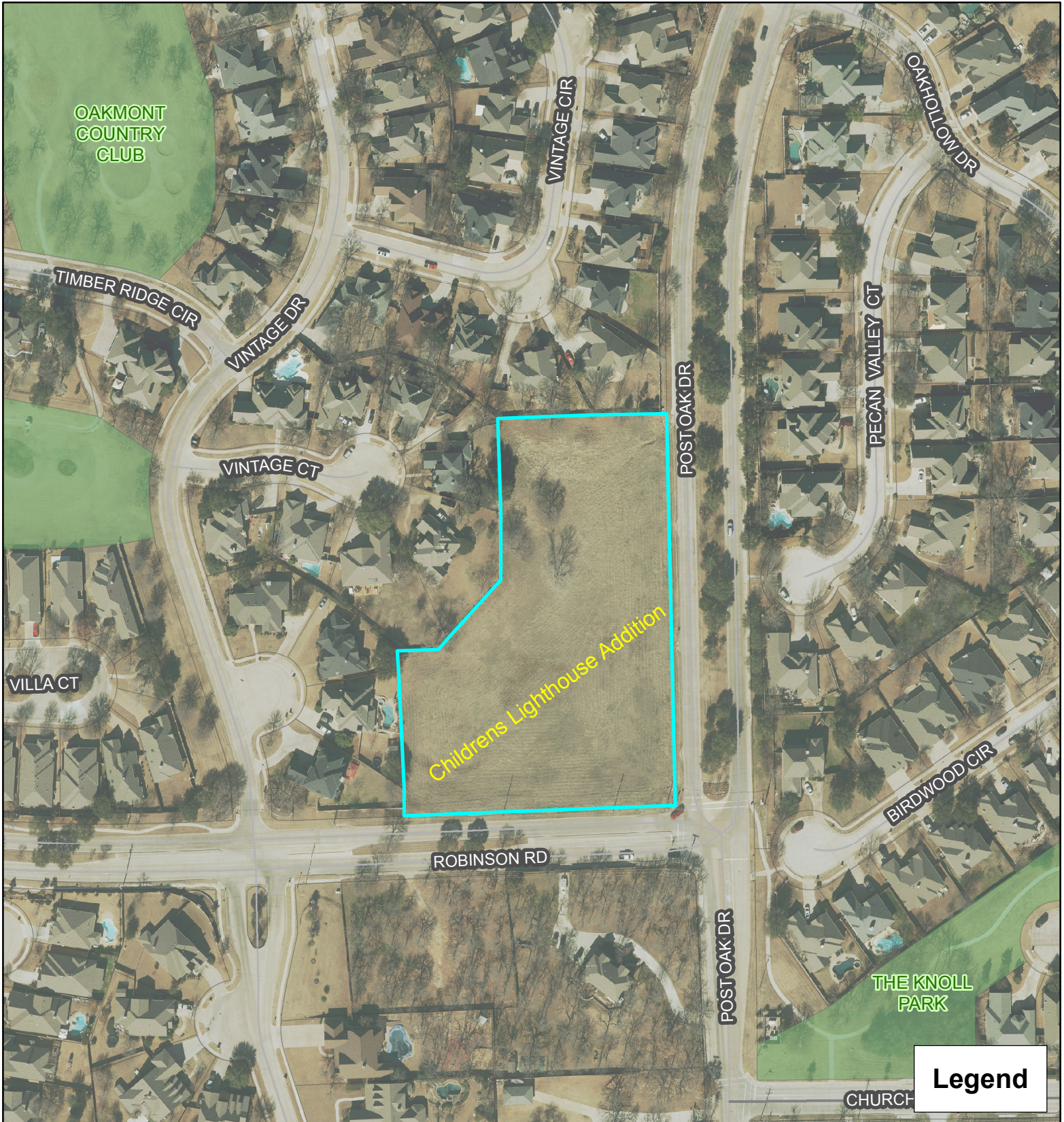
Landscape Plan L-4
Architectural Elevations 1
Architectural Elevations 2
Site Lighting Plan
Childrens Lighthouse Ordinance



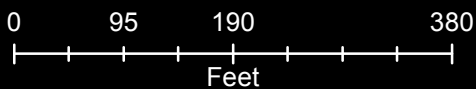
CITY OF CORINTH

CHILDRENS LIGHTHOUSE ADDITION

Re-Zoning Planned Development Amendment

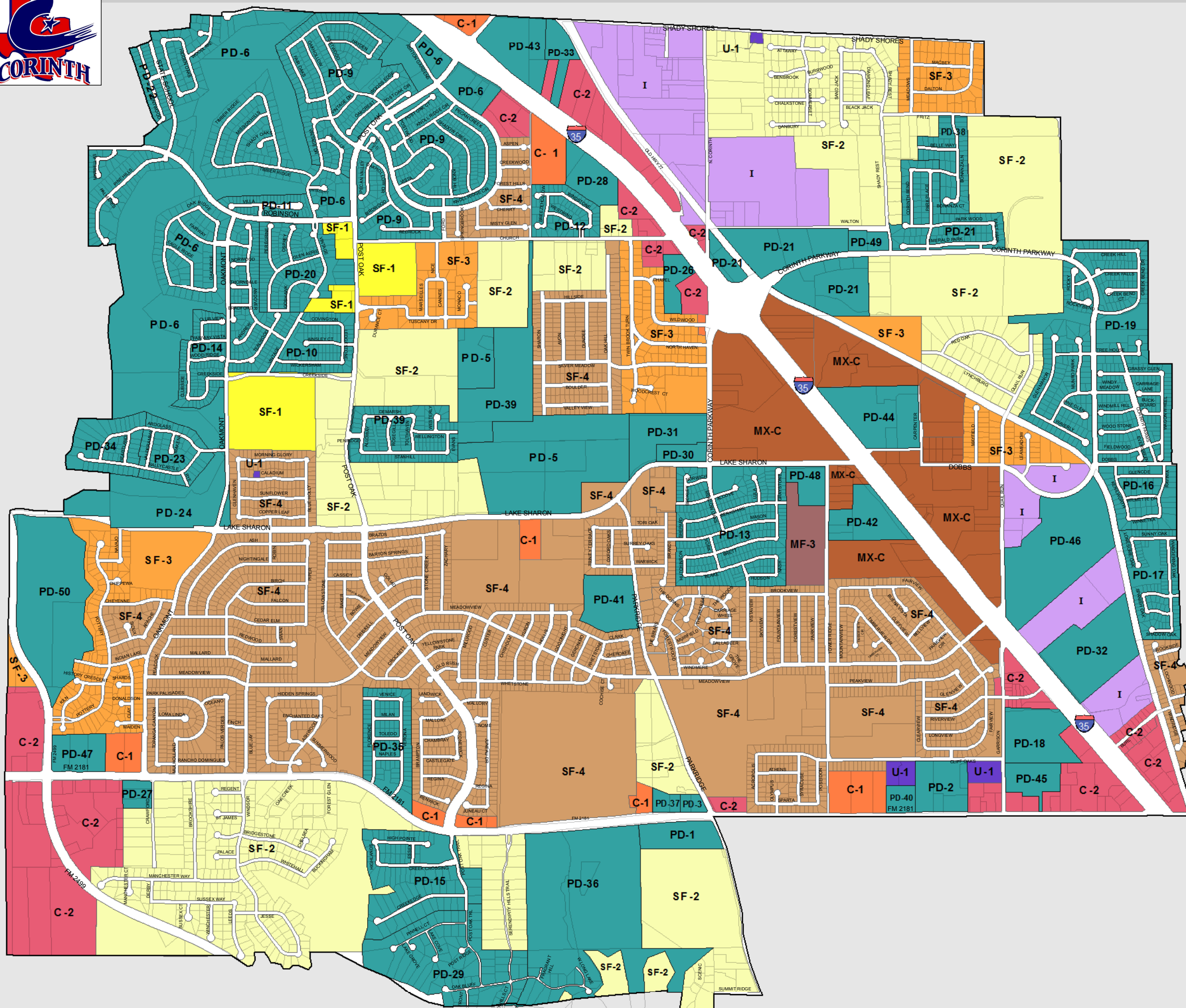


Legend





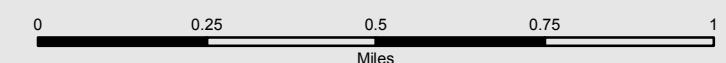
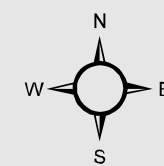
City of Corinth Zoning Map



Legend

Zoning Districts

- C-1 Commercial
- C-2 Commercial
- C-3 Commercial
- I Industrial
- MF-1 Multi-Family Residential
- MF-2 Multi-Family Residential
- MF-3 Multi-Family Residential
- MHD Modular Home District
- MX-C Mixed Use Commercial
- PD Planned Development
- SF-1 Single Family Residential
- SF-2 Single Family Residential
- SF-3 Single Family Residential
- SF-4 Single Family Residential
- U-1 Utility



Denton

Shady Shores

Shady Shores

Lake Dallas

Hickory Creek

Copper Canyon

Lake Lewisville

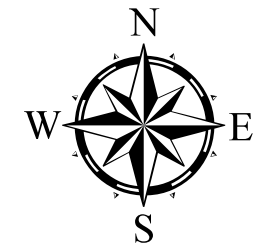
Future Land Use Plan

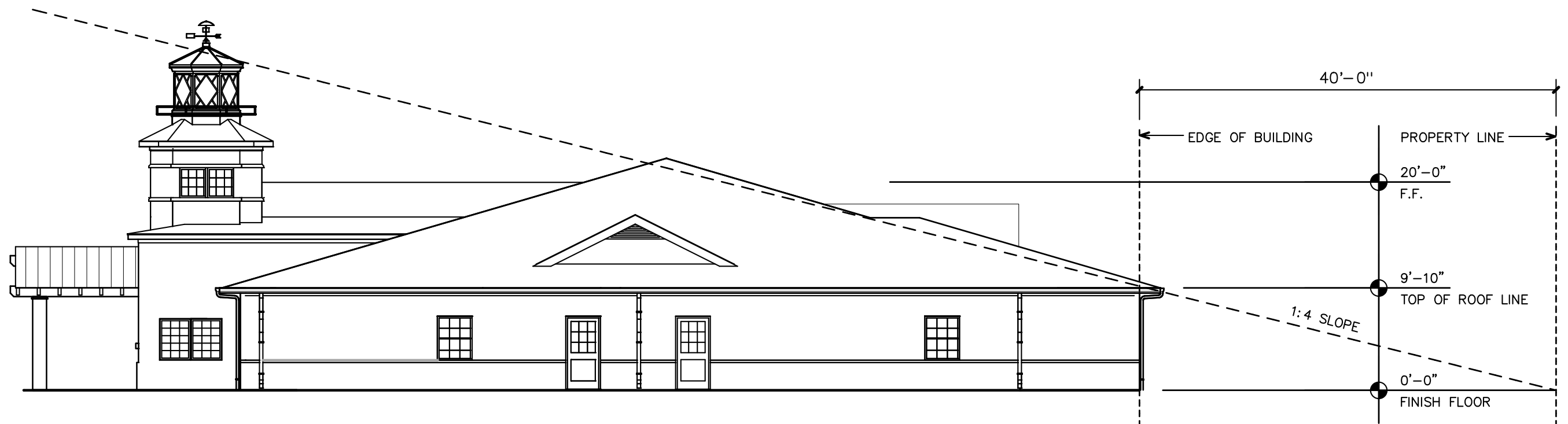


- Future Land Use**
- Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Mixed Residential
 - Mixed Use with Residential
 - Parks and Open Space
 - Public/Semi-Public
 - Mixed Use Non-Residential
 - Office/Business Park
 - Retail
 - Commercial
 - Industrial
 - Multi-Modal Transit Center
 - Transit Oriented Development
 - Corinth City Center
- Road Types**
- Major Arterial
 - Minor Arterial
 - Collector
 - Corinth City Limits
 - FEMA 100 Year Floodplain

Plate 4-1

Note:
A Comprehensive Plan shall not constitute zoning district regulations or establish zoning district boundaries.



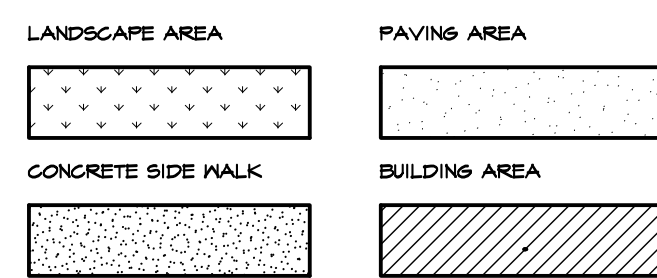


BUILDING SETBACK FROM RESIDENTIAL PROPERTY LINE

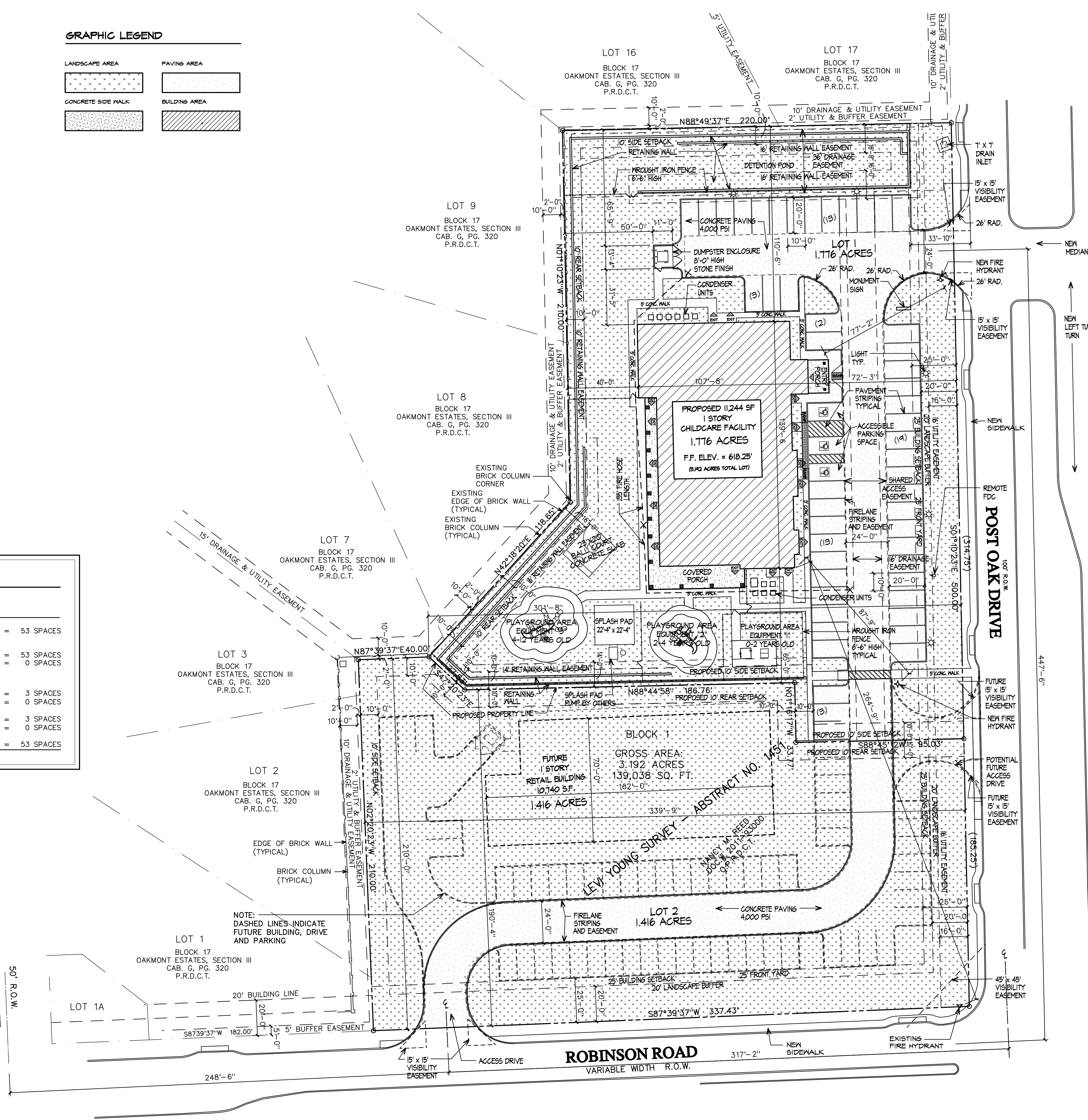
SCALE: 3/32"=1'-0"

SITE DATA SUMMARY CHART (PROPOSED INFORMATION IS FOR LOT 1 ONLY)		
SITE DATA SUMMARY	EXISTING	PROPOSED
EXISTING ZONING	NEIGHBORHOOD SHOPPING ORDINANCE # 07-03-01-05	NEIGHBORHOOD SHOPPING PD
LAND USE DESIGNATION	RETAIL	RETAIL
PROPOSED USE		DAYCARE
GROSS ACREAGE	3.192	3.192
NET ACREAGE	3.192	1.776
NUMBER OF PROPOSED LOTS	1	2
PERCENTAGE OF SITE COVERAGE	50% MAX.	17%
FLOOR TO AREA RATIO		0.17
AREA OF OPEN SPACE	-	37,989
PERCENTAGE OF OPEN SPACE	5% MIN.	49%
PERCENTAGE OF LANDSCAPE	-	43%
AREA OF IMPERVIOUS COVERAGE	-	39,374
PERCENTAGE OF IMPERVIOUS COVERAGE	-	51%
PROPOSED BUILDING AREA (S.F. FOOT PRINT)	-	12,798
NUMBER OF SINGLE-STORY BUILDINGS	0	1
NUMBER OF TWO-STORY BUILDINGS	0	0
MAXIMUM BUILDING HEIGHT	36'-0"	22'-7"
PROPOSED FLOOR AREA	-	11,244
PROPOSED FLOOR AREA BY USE	-	11,244
REQUIRED PARKING	0	53
PROVIDED PARKING	0	50
STANDARD	0	3
HANDICAP	0	3
TOTAL	0	53
INVENTORY PARKING	0	0
REQUIRED LOADING SPACES	0	0
PROVIDED LOADING SPACES	0	0
AREA OF OUTSIDE STORAGE	-	0
PERCENTAGE OF OUTSIDE STORAGE	-	0
START OF CONSTRUCTION MONTH/YEAR	-	MARCH 2018
END OF CONSTRUCTION MONTH/YEAR	-	NOVEMBER 2018

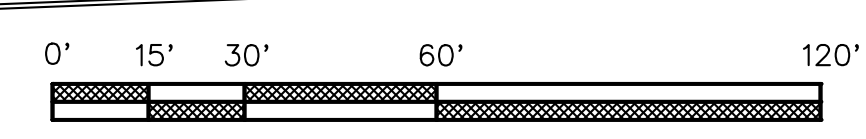
GRAPHIC LEGEND



PARKING ANALYSIS	
PARKING REQUIRED BASED ON BUILDING FLOOR AREA PER USE	
DAYCARE FACILITY	PARKING COUNT
PUPILS	TOTAL REQUIRED = 53 SPACES
1 SPACE PER 8 PUPILS	PROPOSED NEW OFF STREET PARKING = 53 SPACES
PUPILS = 215	ON STREET PARKING = 0 SPACES
215/8 = 29 PARKING SPACES REQUIRED	HANDICAPPED PARKING REQUIRED OFF STREET = 3 SPACES
PUPIL REQUIRED PARKING = 29 SPACES	ON STREET = 0 SPACES
EMPLOYEES	PROVIDED OFF STREET = 3 SPACES
1 SPACE PER EMPLOYEE	ON STREET = 0 SPACES
EMPLOYEES = 26	TOTAL PROVIDED = 53 SPACES
EMPLOYEE REQUIRED PARKING = 24 SPACES	



01 DIMENSIONAL SITE PLAN
SCALE: 1"=30'-0"



DRAWN BY: B.D.B.
CHECKED BY: R.P.G.
DATE: 04.03.2018
ISSUED FOR PERMIT:
ISSUE FOR PRICING:
ISSUE FOR CONSTRUCTION:
REVISIONS:

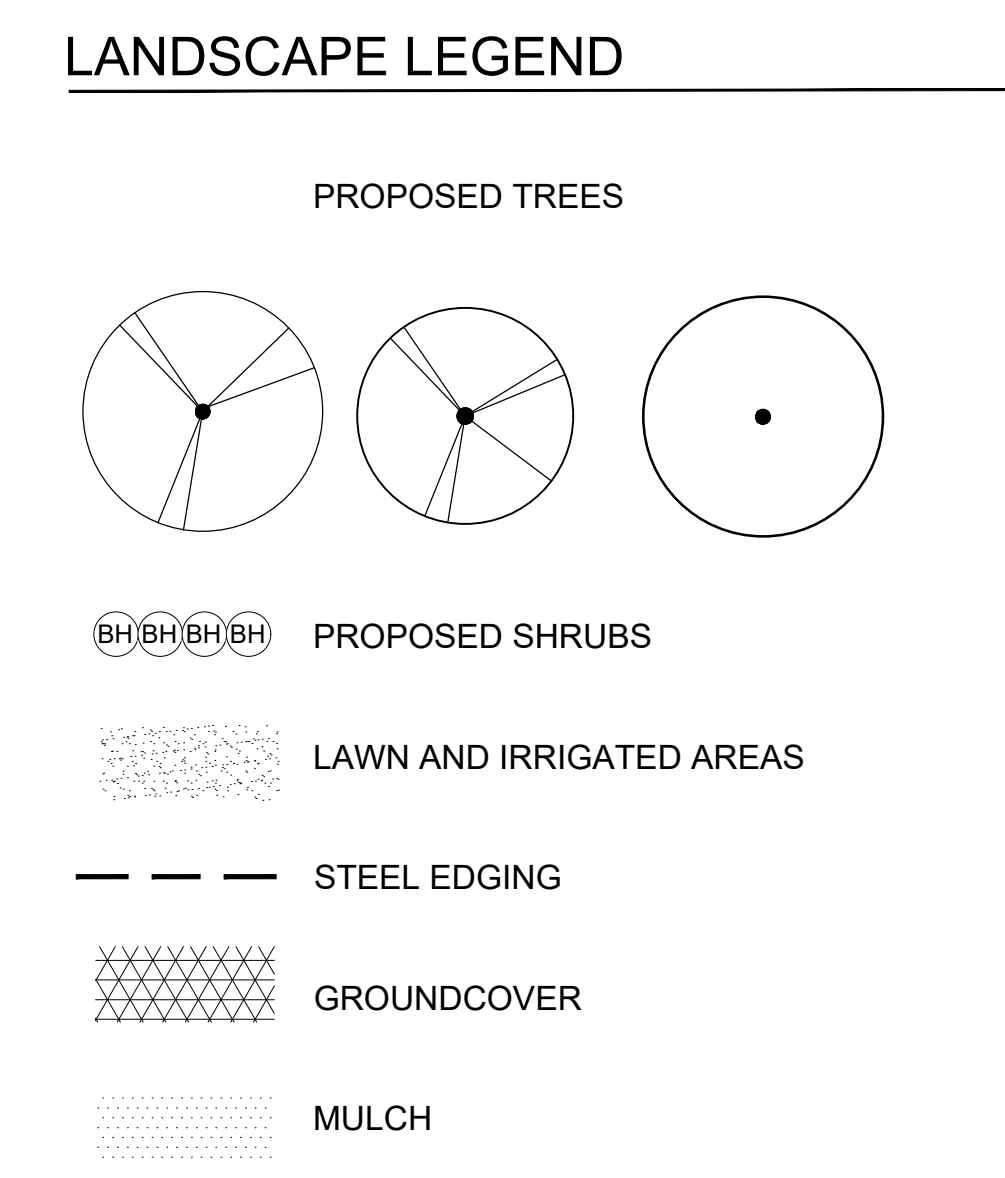
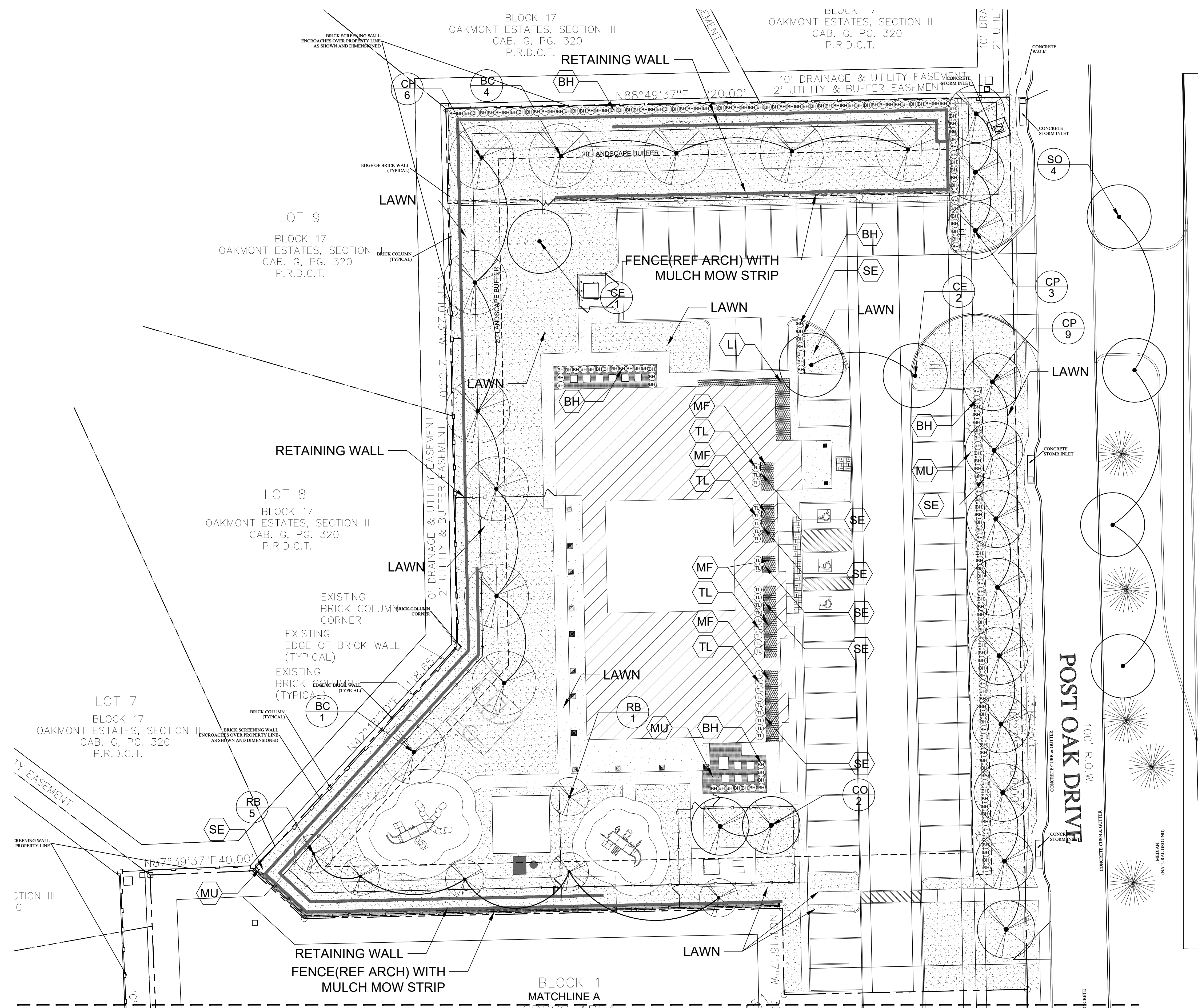
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RPGA
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Architecture SpacePlanning Interiors

SITE PLAN SUBMITTAL FOR
CHILDRENS LIGHTHOUSE
ROBINSON ROAD & POST OAK DRIVE
LEVI YOUNG SURVEY, ABSTRACT NO. 1451
3.192 ACRES

CITY CASE NO. _____
SHEET NO. _____
DIMENSIONAL SITE PLAN

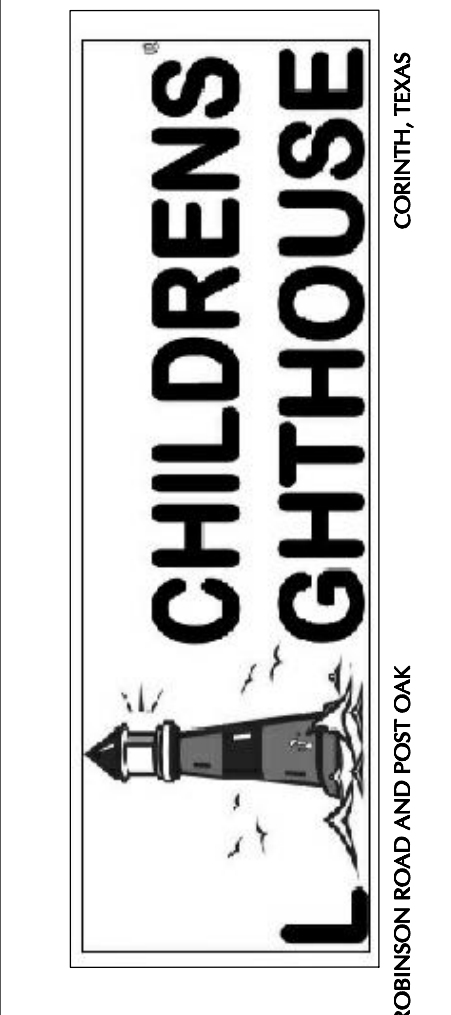
101 S. Jennings Ave., Suite 100 Fort Worth, Texas 76104 817.352.9477 Fax: 817.352.9477



DRAWN BY: S.B.
 CHECKED BY: D.B.
 DATE: 04.05.2018
 ISSUED FOR PERMIT:
 ISSUE FOR PRICING:
 ISSUE FOR CONSTRUCTION:
 REVISIONS:

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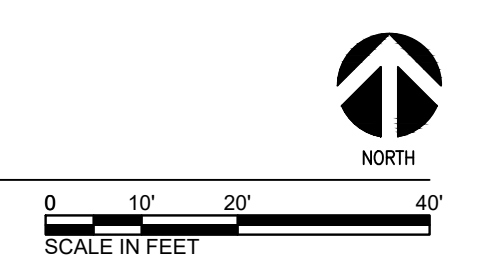


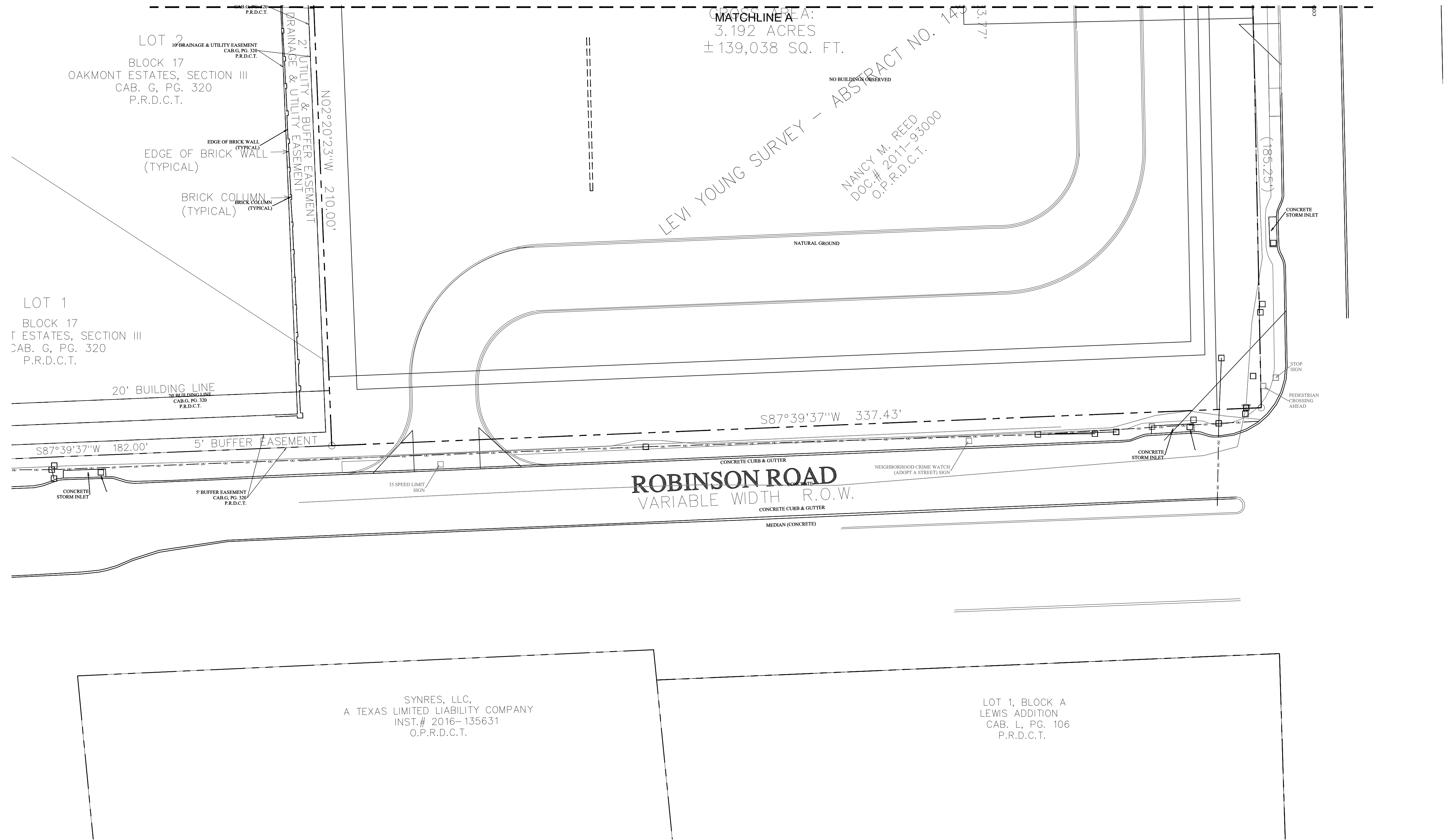
BERKENBILE
 LANDSCAPE ARCHITECTS
 DALLAS OFFICE
 2001 N Lamar St, Suite 200
 Dallas, TX 75202 (214) 922-9946
 SOUTHLAKE OFFICE
 2305 Johnson Rd
 Southlake, TX 76092 (817) 379-9853

SHEET DESCRIPTION:
 SP-LAND

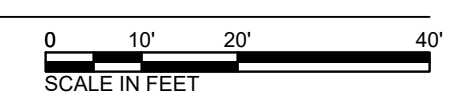
SHEET NO.
 L-2

1 SP-LAND
 1"=20'-0"





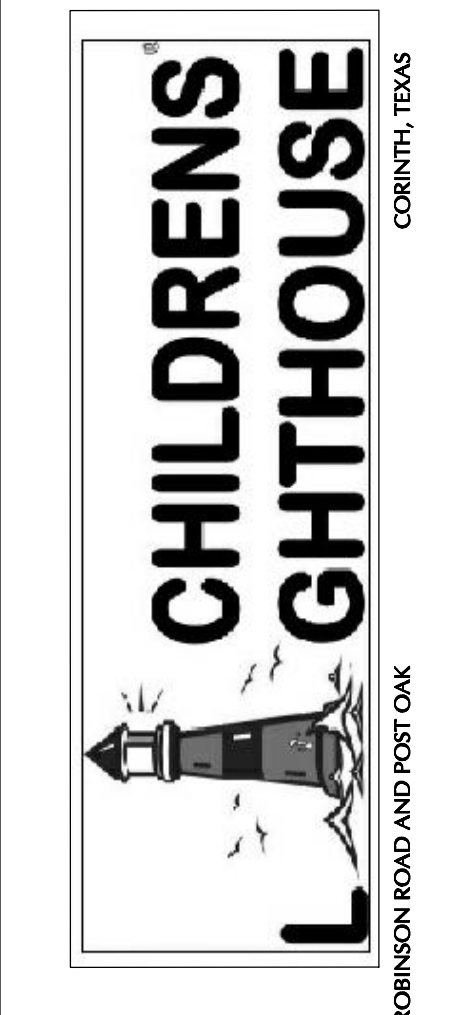
1 SP-LAND
1"=20'-0"



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CHECKED BY: D.B.
DATE: 04.05.2018
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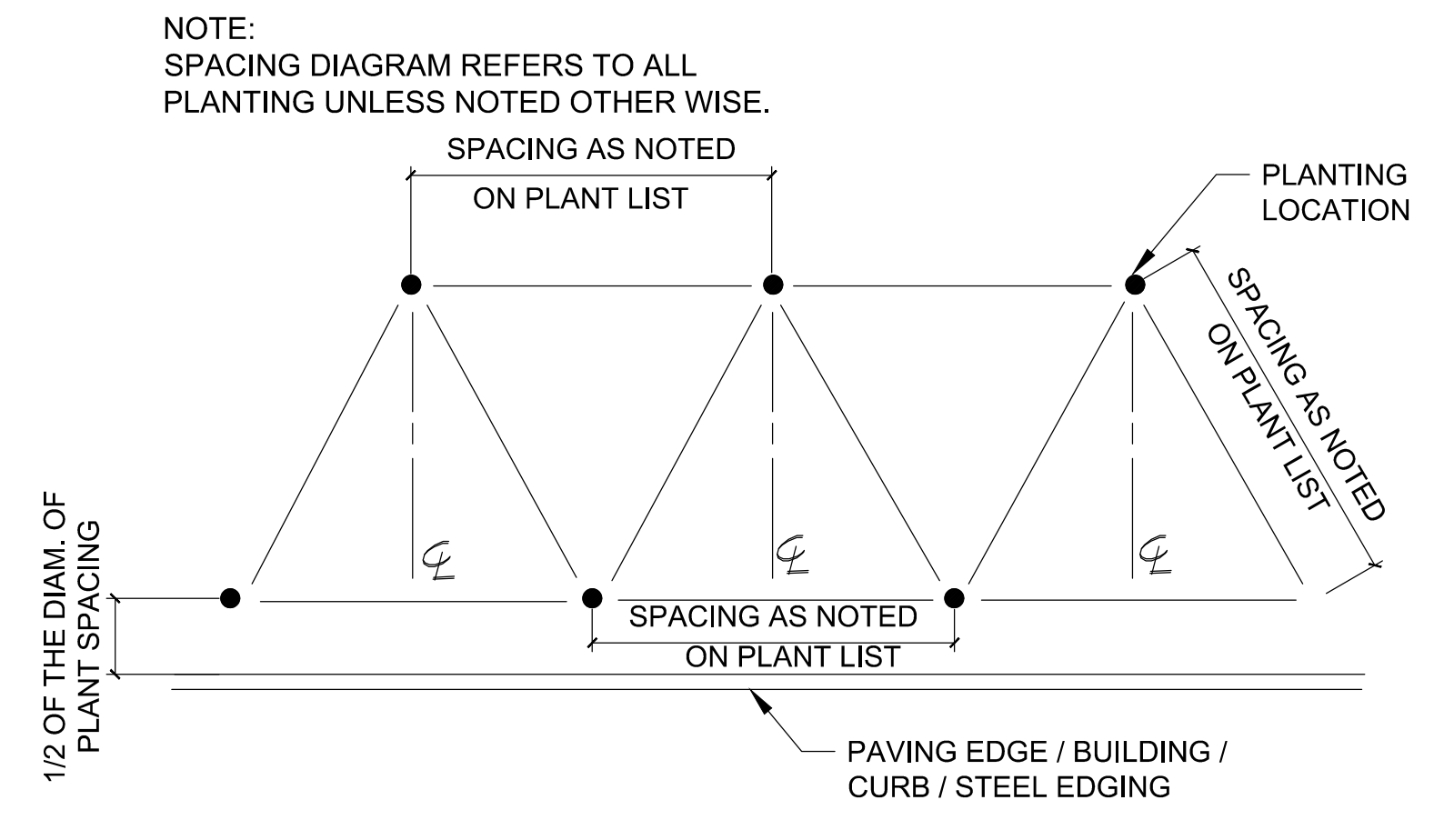
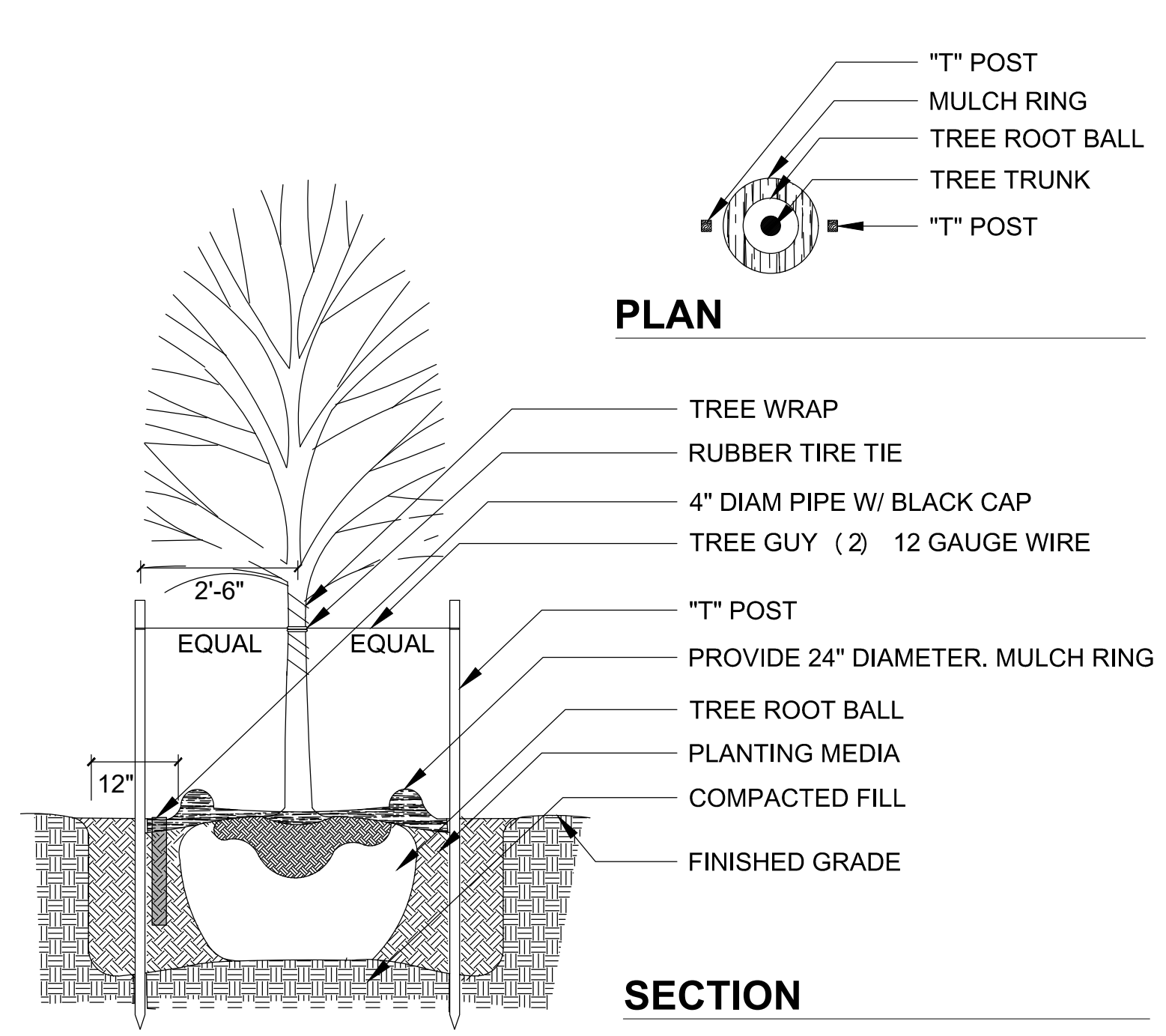
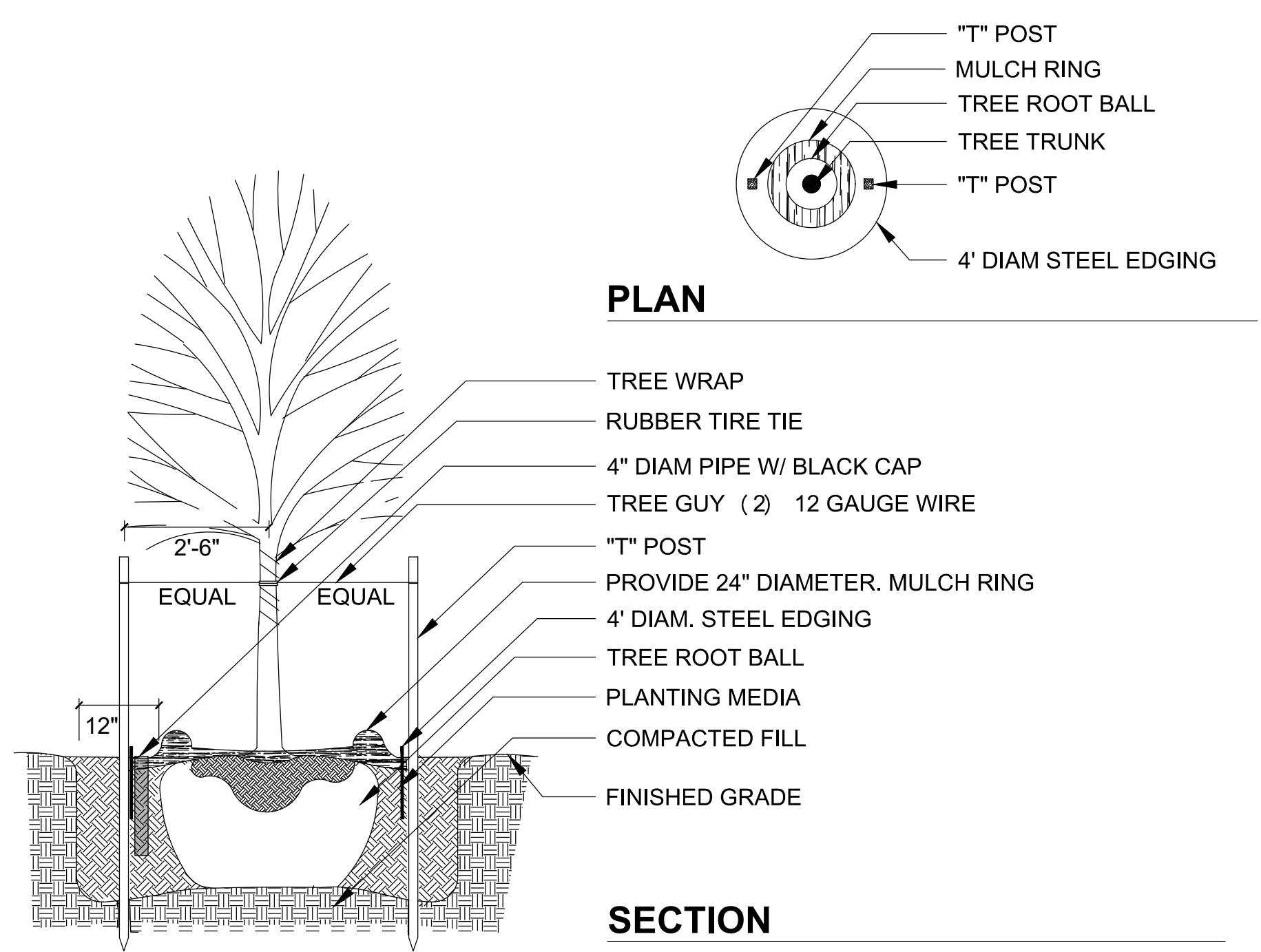
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2305 Johnson Rd
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SHEET DESCRIPTION:
SP-LAND

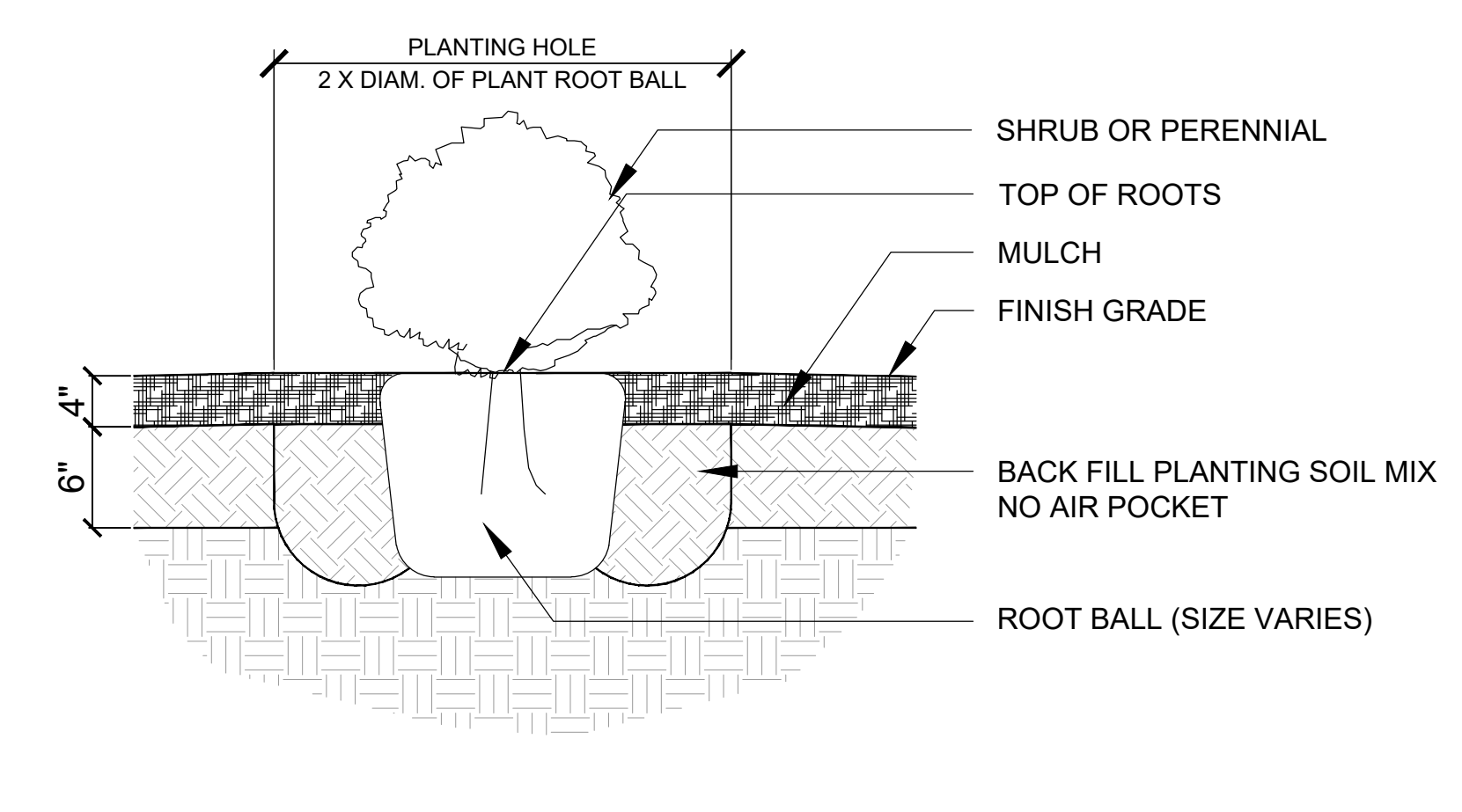
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L-3



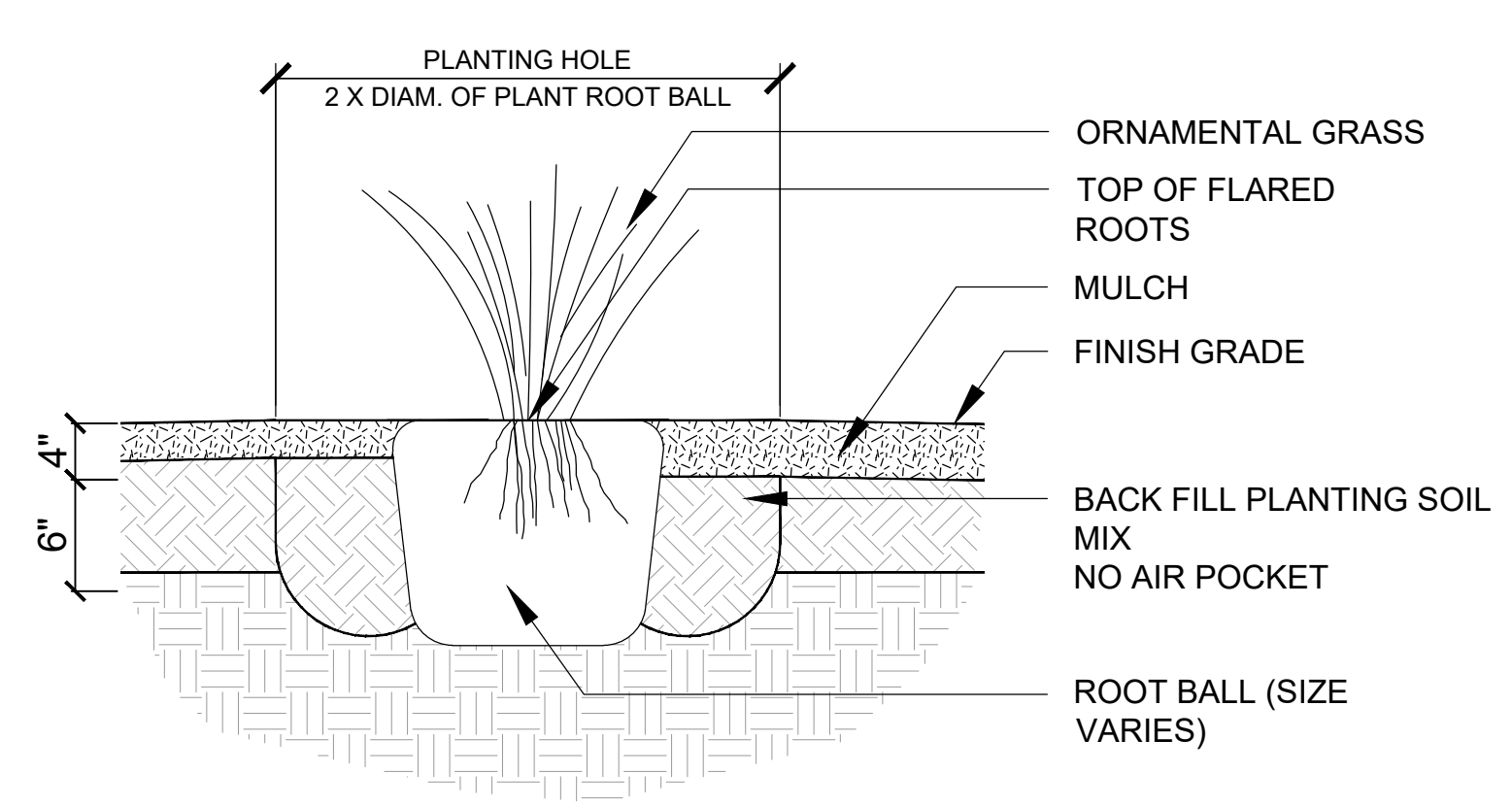
1 TREE PLANTING IN LAWN WITH 4' DIAMETER STEEL EDGING
NOT TO SCALE

2 TREE PLANTING IN MULCH
NOT TO SCALE

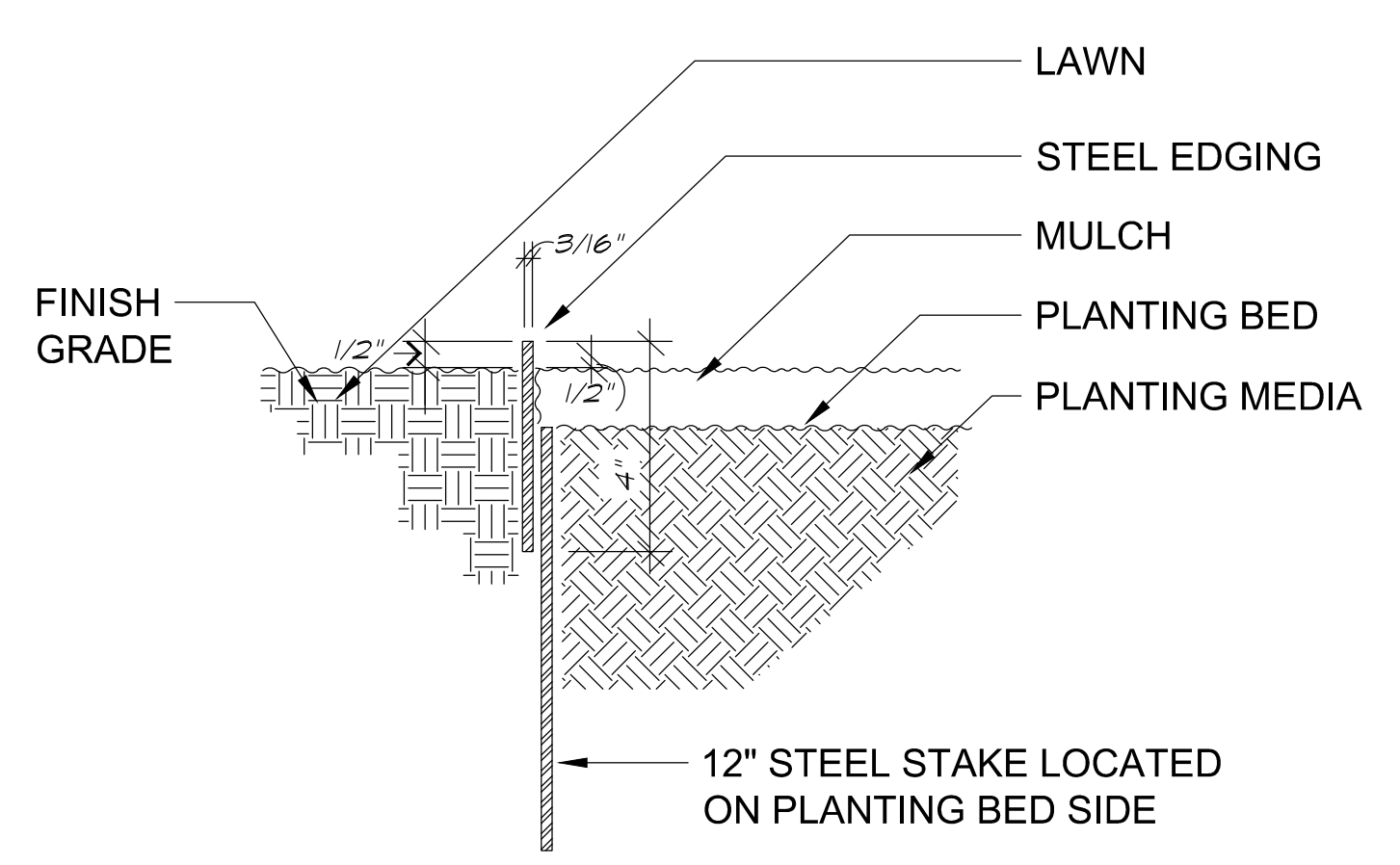
3 TRIANGULAR SPACING
NOT TO SCALE



4 SHRUB PLANTING DETAIL
NOT TO SCALE



5 GRASS PLANTING DETAIL
NOT TO SCALE



6 STEEL EDGING DETAIL
NOT TO SCALE

SYM	COMMON NAME	BOTANICAL NAME	QTY	SIZE	HEIGHT	SPREAD	ROOT BALL	REMARKS
LARGE CANOPY TREES								
BC	BALD CYPRESS	TAXODIUM DISTICHUM	5	3" CAL	10' - 12'	8' - 10'	CONTAINER	SINGLE TRUNK, FULL AND MATCHED
CE	CEDAR ELM	ULMUS CRASSIFOLIA	6	3" CAL	10' - 12'	8' - 10'	CONTAINER	SINGLE TRUNK, FULL AND MATCHED
CH	CHINESE ELM	ULMUS PARVIFOLIA	6	4" CAL	12' - 14'	10' - 12'	CONTAINER	SINGLE TRUNK, FULL AND MATCHED - REPLACEMENT TREE
CO	CHINKAPIN OAK	QUERCUS MUEHLENBERGII	2	3" CAL	10' - 12'	8' - 10'	CONTAINER	SINGLE TRUNK, FULL AND MATCHED
CP	CHINESE PISTACHE	PISTACHE CHINENSIS	12	3" CAL	10' - 12'	8' - 10'	CONTAINER	SINGLE TRUNK, FULL AND MATCHED
SO	SCHUMARD RED OAK	QUERCUS SCHUMARDI	4	4" CAL	12' - 14'	10' - 12'	CONTAINER	SINGLE TRUNK, FULL AND MATCHED - REPLACEMENT TREE
SMALL TREES (ORNAMENTAL)								
RB	TEXAS RED BUD	CERCIS CANADENSIS 'TEXENSIS'	6	4" CAL	10' - 12'	8' - 10'	5 GAL.	SINGLE TRUNK, FULL AND MATCHED - REPLACEMENT TREE
SHRUBS								
BH	DWARF BURFORD HOLLY	ILEX CORNUTA 'DWARF BURFORD'	63	NA	24"	24"	5 GAL.	FULL AND MATCHED PLACED AS SHOWN OON PLAN
BH1	DWARF BURFORD HOLLY	ILEX CORNUTA 'DWARF BURFORD'	110	NA	48"	24"	15 GAL.	FULL AND MATCHED PLACED AS SHOWN OON PLAN
TL	TWIST OF LIME ABELIA	ABELIA X GRANDIFLORA 'HOPLEY'S'	28	NA	24"	24"	5 GAL.	FULL AND MATCHED PLACED AS SHOWN ON PLAN
ORNAMENTAL GRASSES								
MF	MEXICAN FEATHER GRASS	NASSELLA TENUISSIMA	470	NA	12"	12"	1 GAL.	FULL & MATCHED SPACED AS SHOWN
GROUND COVER								
LI	BIG BLUE LIRIOPE	LIRIOPE MUSCARI 'BIG BLUE'			12"	12"	1 GAL	18" ON CENTER 0.5 PLANT PER SF
LAWN								
LAWN	419 TIFTWAY BERMUDA GRASS	CYNODON DACTYTON '419'						SOLID SOD STAGGARED TIGHT PLACEMENT
MISCELLANEOUS								
MU	SHREDDED HARDWOOD MULCH							4 INCH DEPTH PLACED OVER FILTER FABRIC
SE	STEEL EDGING							3/16" THICK X 6" ONLY 1/2" EXPOSED ABOVE SOIL LINE

NOTE: ALL PLANT MATERIAL MUST MEET THE HEIGHT SIZES SHOWN IN THIS PLANT LIST. SCREENING SHRUBS ARE A CITY REQUIRED HEIGH

GENERAL LANDSCAPE NOTES

- CONTRACTOR SHALL ADHERE TO CITY CONSTRUCTION REQUIREMENTS INCLUDING BUT NOT LIMITED TO ANY PERMITS, INSPECTIONS, AND METHODS OF MATERIAL INSTALLATION.
- CONTRACTOR SHALL ADHERE TO ALL AGENCY REQUIREMENTS MEANS AND METHODS OF CONSTRUCTION.
- CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES ABOVE AND BELOW GRADE, AS WELL AS FINDING OUT EACH COMPANY'S RESTRICTIONS ON WORKING WITHIN THEIR EASEMENTS AND UTILITY LINES PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING IMPROVEMENTS AND TO NOT DISTURB THOSE THAT ARE OUTSIDE OF THE SCOPE OF WORK. ANY STRUCTURES THAT ARE TO REMAIN WITHIN THE SCOPE OF WORK AREA SHALL NOT BE DAMAGED. PHOTOGRAPHS AND NOTES SHOULD BE MADE FOR ANY EXISTING DAMAGED CONDITIONS PRIOR TO COMMENCING CONSTRUCTION AND DISTRIBUTED TO OWNERS REPRESENTATIVE.
- A LANDSCAPE IRRIGATION PLAN SHALL BE PREPARED PRIOR TO LANDSCAPE CONSTRUCTION AND WILL BE DESIGNED BY A TEXAS LICENSED IRRIGATION DESIGNER. ALL PLANTING AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM WITH A FREEZE AND RAIN SENSOR. THE SYSTEM SHALL BE DESIGNED TO MEET THE CITY AND THE STATE OF TEXAS IRRIGATION REQUIREMENTS. THE IRRIGATION INSTALLER SHALL BE A STATE OF TEXAS LICENSED IRRIGATION DESIGNER.
- CONTRACTOR SHALL NOTIFY OWNERS REPRESENTATIVE IF THERE ARE ANY WATER RESTRICTIONS AND WHAT IF ANY IMPACT THIS MAY HAVE ON THE INSTALLATION OF PLANT MATERIAL.
- QUANTITIES SHOWN IN PLANT LIST FOR PLANT MATERIAL AREA PROVIDED AS A COURTESY FOR THE CONTRACTOR. CONTRACTOR SHALL VERIFY PRIOR TO BIDDING THAT THE QUANTITY WILL COVER THE SPECIFIED AREAS AT THE SPACING STATED IN THE PLANT LIST UNDER THE REMARKS COLUMN. IF THERE IS A DIFFERENCE, THE CONTRACTOR SHALL MAKE NOTE ON THEIR BID AND SHOW THE ADDED OR REDUCED COST.
- CONTRACTOR SHALL ESTABLISH SOURCES FOR ALL PLANT MATERIAL ON PLANT LIST WHEN BIDDING PROJECT. NO PLANTS SUBSTITUTIONS.
- CONTRACTOR SHALL BECOME FAMILIAR WITH THE DRAWINGS FOR THIS PROJECT PRIOR TO INSTALLATION.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ADVISE THE OWNERS REPRESENTATIVE OF ANY CONDITION FOUND ON-SITE WHICH PROHIBITS INSTALLATION AS SHOWN ON THESE PLANS.
- ALL NEW PLANTING BEDS SHALL HAVE A MINIMUM SIX (6") INCHES OF BED PREPARATION.
- LAWN AREA SHALL HAVE FERTILE AND CLEAN TOP SOIL TILLED 4" DEEP.
- GRADING IN PLANTING BEDS SHALL BE SMOOTH AND PROVIDE POSITIVE DRAINAGE.
- CONTRACTOR SHALL STAKE OUT LOCATION OF ALL TREES, AND SHRUBS FOR APPROVAL BY OWNERS REPRESENTATIVE PRIOR TO PLANTING.
- MULCHING OF SHRUB AND ANY GROUND COVER AREAS SHALL HAVE 3 INCHES OF SHREDDED HARDWOOD MULCH.
- LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS, AND OTHER SUCH MATERIAL OR PLANTS NOT A PART OF THE LANDSCAPING.
- THE PROPERTY OWNER, TENANT AND ANY AGENT THEREOF SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING MATERIALS IN GOOD CONDITION AT ALL TIMES SO AS TO PRESENT A HEALTHY, NEAT AND ORDERLY APPEARANCE. ANY LANDSCAPING MATERIAL THAT DIES SHALL BE REPLACED WITH HEALTHY MATERIAL WITHIN A REASONABLE TIME. ALL LANDSCAPED AREAS SHALL BE CONTINUOUSLY MAINTAINED FREE OF WEEDS, DEBRIS AND LITTER. WEEDS AND NATURAL UNCULTIVATED GRASS SHALL NOT BE CONSIDERED LANDSCAPING.
- AN IRRIGATION SYSTEM WILL BE DESIGNED, INSTALLED, AND FUNCTIONAL PRIOR TO THE APPROVAL OF THE CERTIFICATE OF OCCUPANCY

DRAWN BY: S.B.
CHECKED BY: D.B.
DATE: 04.05.2018
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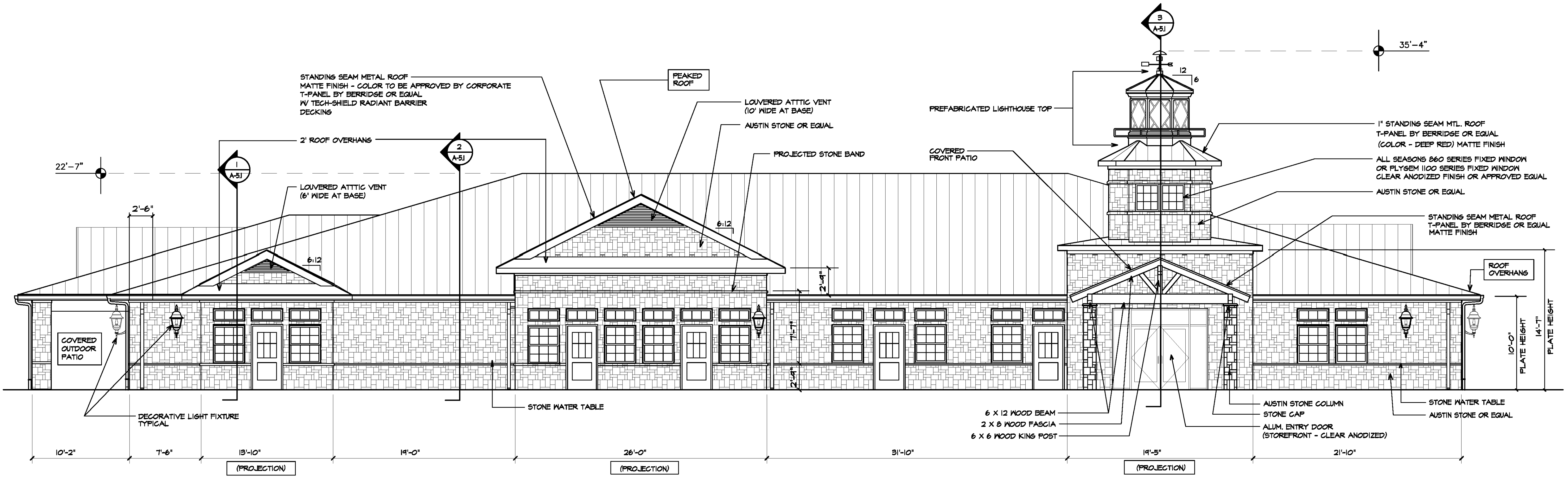
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SHEET NO.
L-4

DRAWN BY: **R.P.G.**
 CHECKED BY: **R.P.G.**
 DATE: **04.09.2018**
 ISSUED FOR PERMIT:
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 ISSUE FOR CONSTRUCTION:
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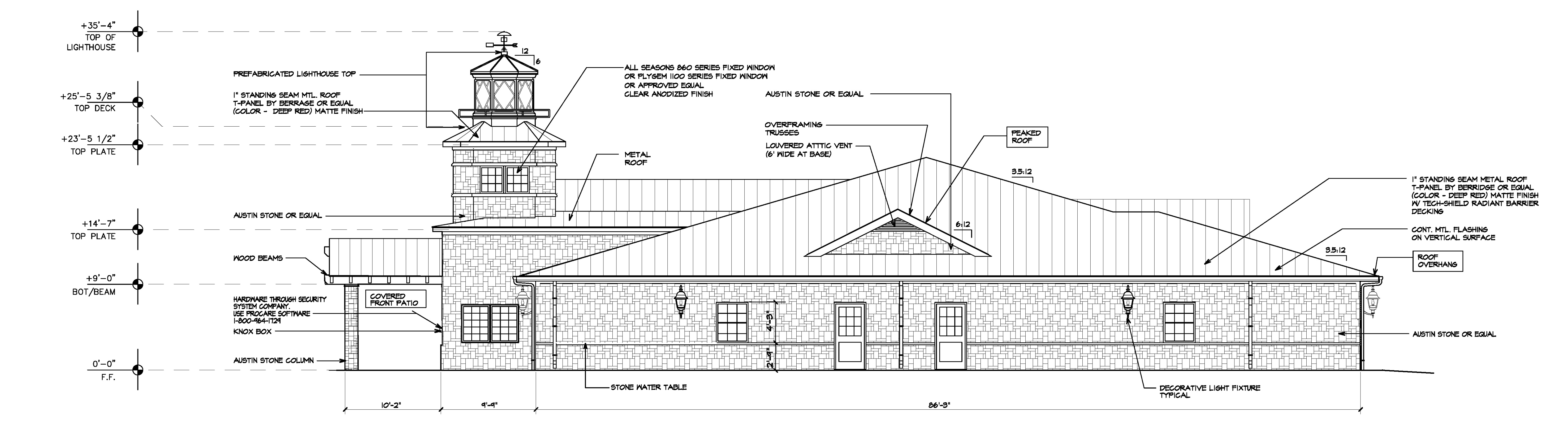
R P G A
 DESIGN GROUP, INC.
 Architecture Spaceplanning Interiors
 101 S. Jennings Ave., Suite 100
 Fort Worth, Texas 76104
 817.385.8477 Fax: 817.385.8477
 Metro: 972.445.8455

CHILDRENS LIGHTHOUSE
 CORINTH, TEXAS
 POST OAK DRIVE

SHEET DESCRIPTION
 SHEET NO.
ARCHITECTURAL ELEVATIONS



EAST ELEVATION SCALE: 3/16"=1'-0" 1



NORTH ELEVATION SCALE: 3/16"=1'-0" 2

BUILDING MATERIAL TABLE BY %				
ELEVATION	STONE VENEER	WINDOW/DOOR	WOOD BEAMS	WOOD EAVE/TRIM
NORTH	74%	12%	1%	8%
EAST	63%	25%	2%	10%
SOUTH	73%	14%	5%	8%
WEST	81%	12%	0%	7%
TOTAL BUILDING %:	74%	16%	2%	8%

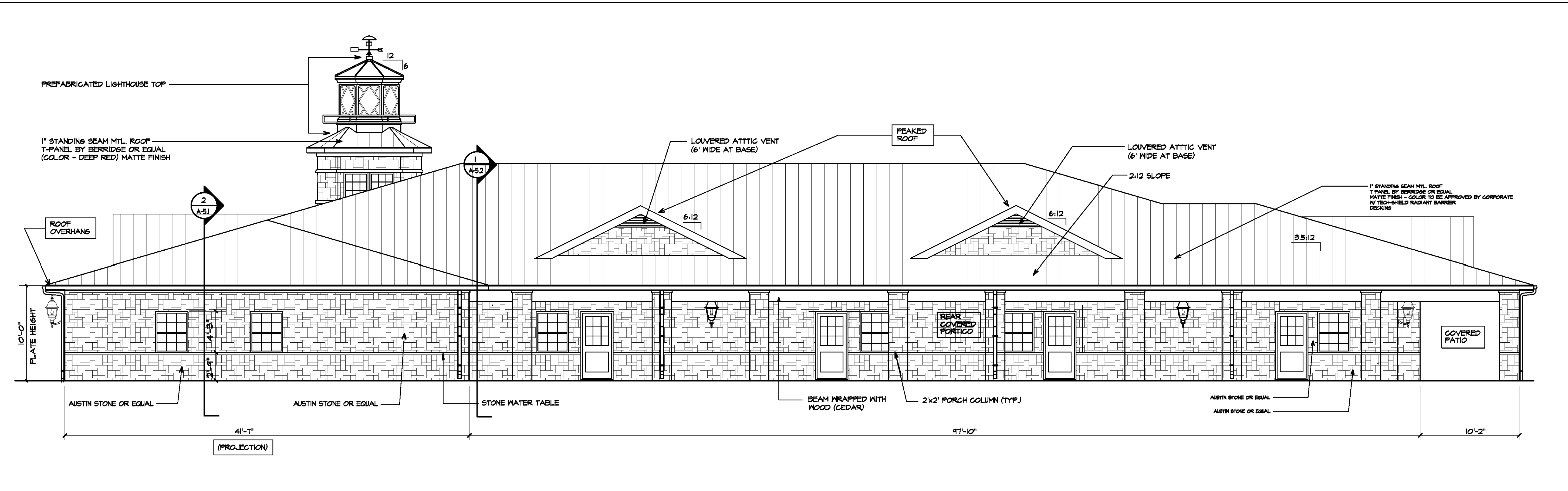
NOTE:
 REQUIRED ARCHITECTURAL DESIGN ELEMENTS
 PER UDC NON-RESIDENTIAL DEVELOPMENT
 IDENTIFIED WITH RECTANGLE AROUND NOTED ELEMENT

DRAWN BY: **B.D.B.**
 CHECKED BY: **R.P.G.**
 DATE: **04.09.2016**
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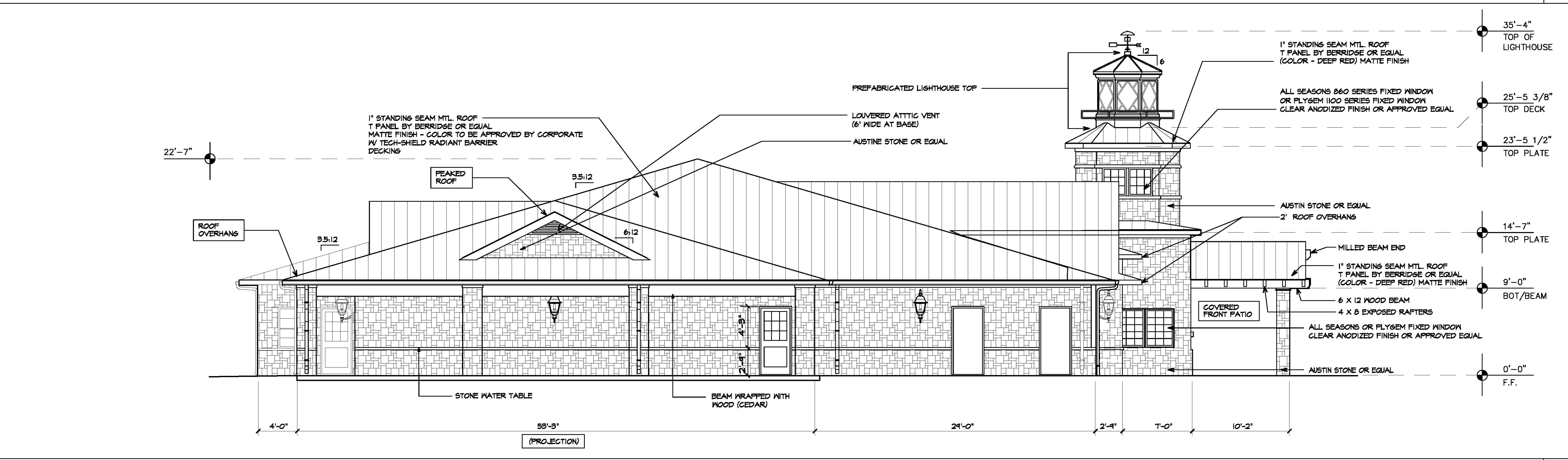
RPGA
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 817.353.4477 Fax 817.353.4477
 Metro 972.445.4455

CHILDRENS LIGHTHOUSE
 CORINTH, TEXAS
 POST OAK DRIVE



WEST ELEVATION

SCALE: 3/16"=1'-0" **1**



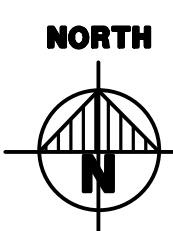
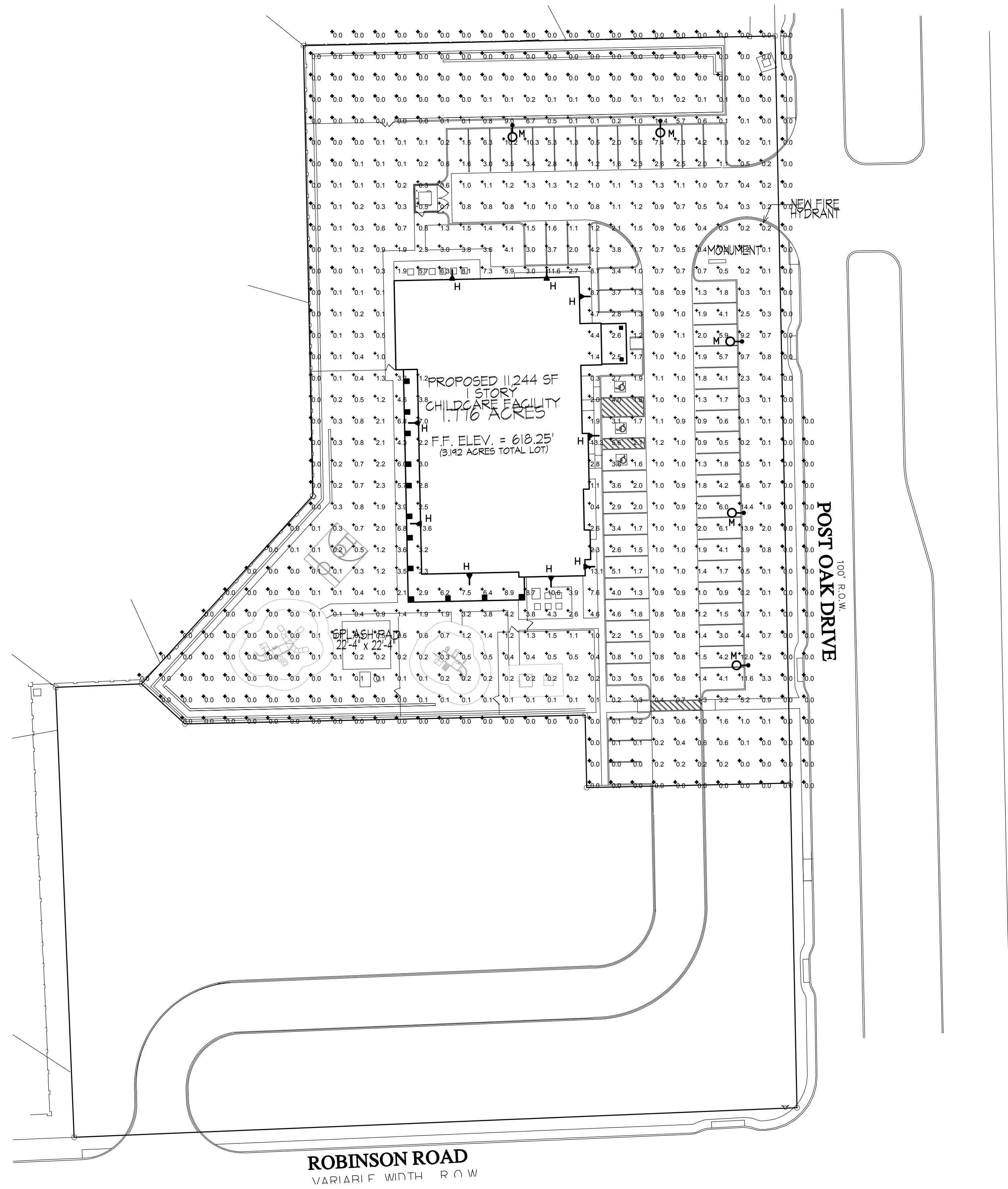
SOUTH ELEVATION

SCALE: 3/16"=1'-0" **2**

BUILDING MATERIAL TABLE BY %				
ELEVATION	STONE VENEER	WINDOW/DOOR	WOOD BEAMS	WOOD EAVE/TRIM
NORTH	79%	12%	1%	8%
EAST	63%	25%	2%	10%
SOUTH	73%	14%	5%	8%
WEST	81%	12%	0%	7%
TOTAL BUILDING %:	74%	16%	2%	8%

NOTE:
 REQUIRED ARCHITECTURAL DESIGN ELEMENTS
 PER UDC NON-RESIDENTIAL DEVELOPMENT
 IDENTIFIED WITH RECTANGLE AROUND NOTED ELEMENT

Luminaire Schedule									
Symbol	Label	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Wattage	Mounting Height
	H	Amerlux Exterior	DPS-DSM-T3-4L-CLB-PCL	WALL MTD. CAST ALUMINUM LANTERN	LumiLEDs LHC1-4080-1204	1	6526.387	82.1	Mounted High As Possible on Wall
	M	Antique Street Lamps	EML25 ST 49LED 350MA 4K GCF MVOLT R4 ANDB	EUROTIQUE ARCHITECTURAL LUMINAIRE WITH SRS REFLECTOR, CLEAR FLAT GLASS LENS, LED DRIVERS.	72.7 WATT LED INCLUDED	1	6421	72.7	Mounted on 18" Pole with 2'-6" Base



SITE LIGHTING PLAN - PHOTOMETRICS SCALE: 1" = 30'-0" 1

DRAWN BY: WDE
 CHECKED BY: WDE
 DATE: 04.05.2017
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 Architecture Space Planning Interiors
 101 E. Jannings Ave., Suite 100 Fort Worth, Texas 76104 #17.888.6477 Fax #17.888.6477

SITE PLAN SUBMITTAL FOR
 CHILDRENS LIGHTHOUSE
 ROBINSON ROAD & POST OAK DRIVE
 LEVI YOUNG SURVEY, ABSTRACT NO. 1451
 CITY OF CORINTH DENTON COUNTY TEXAS



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY:
 MYLES G. WELLS, PE
 TX. NO. 43102
 ON MARCH 15, 2018

Wells Doak
 Engineers, Inc.
 Texas Registration F-10743
 2800 S. HULEN SUITE 212 (917) 920-9545
 FORT WORTH, TEXAS 76109
 WDE #171670

CITY CASE NO.
SITE LIGHTING PLAN
PHOTOMETRICS
 SHEET NO.
SP-PHOTO

ORDINANCE NO. 18-04-19-

Childrens Lighthouse Planned Development

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE, ORDINANCE NO. 13-05-02-08, AS AMENDED AND AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 87-12-17-24, AS AMENDED AND ORDINANCE NO. 07-03-01-05 NEIGHBORHOOD SHOPPING DISTRICT ON 3.19 ACRES; PROVIDING FOR A PD DESIGN STATEMENT AND A PD DESIGN MAP; PROVIDING A LEGAL PROPERTY DESCRIPTION; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas has adopted Ordinance No. 13-05-02-08, which adopts a Unified Development Code, which includes the Comprehensive Zoning Ordinance and which, in accordance with the City's Comprehensive Plan, establishes zoning districts and adopts a Zoning Map; and

WHEREAS, the hereinafter described property is zoned as Planned Development Classification under the City's Unified Development Code and a person having a proprietary interest in the property has requested a change in the zoning classification of said property; and

WHEREAS, the Planning and Zoning Commission of the City of Corinth and the City Council of the City of Corinth, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Corinth City Council is of the opinion that said change in zoning should be made; and

WHEREAS, the City Council considered the following factors in making a determination as to whether the requested change should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; relationship and appropriateness of any changes to both the existing land use plan, comprehensive plan, and other planning documents of the City; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the over-crowding of the land; effect on the concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the City Council further considered among other things the character of the districts; their peculiar suitability for particular uses, aesthetic quality of the architectural design, the design consistency throughout the site, the preservation of site integrity, the consistency of landscape design, the environmental quality impact of the bio-swale and detention facilities, the efforts to contribute to the overall

community design objectives including adjacent properties, and provide a positive example for future projects, and

WHEREAS, the City Council further considered among other things the character of the districts and their peculiar suitability for particular uses and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and

WHEREAS, the City Council finds that the change in zoning promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and the general health, safety and welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION I - LEGAL PROPERTY DESCRIPTION; AMENDMENT

That in accordance with the Unified Development Code, which includes the Comprehensive Zoning Ordinance of the City of Corinth, Texas, the zoning on 3.19 acres of land described in "Exhibit A" attached hereto is amended in accordance with this ordinance.

SECTION II – PLANNED DEVELOPMENT MASTER PLAN

The amended PD Design Statement and PD Concept Design Map documents described as “Exhibit B” attached hereto and made a part hereof are approved.

SECTION III – LAND USE REGULATIONS

- A. The Zoning and Land Use Regulations set forth in “Exhibit C” attached hereto and made a part hereof for all purposes shall be adhered to in their entirety for the purposes of this Planned Development Neighborhood Shopping District. In the event of conflict between the provisions of “Exhibit C” Use and Area Regulations and provisions of any other exhibit, the provisions of “Exhibit C” Use and Area Regulations control.
- B. If, after two years from the date of City Council approval of the Planned Development Master Plan, no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire. If the Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within the Unified Development Code, Planned Development Application and Review. An extension of the two year expiration shall be granted if a development Application for the PD has been submitted and is undergoing the development review process or if the Director of Planning determines development progress is occurring.
- C. The Planned Development Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with

the plan until it is amended by the City Council. The property owner shall furnish a reproducible copy of the approved PD Concept Design Map for signature by the Mayor and acknowledgement by the City Secretary. The Planned Development Master Plan, including the signed map shall be made a part of the permanent file and maintained by the City Secretary.

SECTION IV - PENALTY FOR VIOLATIONS

Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00); and each and every day that these provisions are violated shall constitute a separate and distinct offense.

SECTION V - SEVERABILITY CLAUSE

If any section, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION V - PROVIDING AN EFFECTIVE DATE

WHEREAS, the present Comprehensive Zoning Ordinance is in need of amending to permit said zoning on property described herein, the City of Corinth provides that this ordinance shall become effective upon approval and publication.

PASSED AND APPROVED THIS 19th DAY OF APRIL, 2018.

APPROVED:

Bill Heidemann, Mayor
City of Corinth, Texas

ATTEST:

Kimberly Pence, City Secretary
City of Corinth, Texas

APPROVED AS TO FORM:

Ordinance No. 18-14-19-__
Children's Lighthouse Planned Development Ordinance
Page 4

City Attorney

EXHIBIT "A"
METES AND BOUNDS LEGAL DESCRIPTION

FIELD NOTES to that certain tract being situated in the L. Young Survey, Abstract Number 1451, City of Corinth, Denton County, Texas and being all of that certain tract of land as described in the deed to Nancy M. Reed recorded in Document Number 2011-93000 of the Official Public Records of Denton County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a 1/2-inch rebar found for the common northeast corner of said Reed tract and the southeast corner of Lot 17, Block 17, Oakmont Estates, Section III, an addition in the Town of Corinth as recorded in Cabinet G, Page 320, Plat Records of Denton County, Texas, said iron rod being in the west right-of-way line of Post Oak Drive (a 100-foot right-of-way);

THENCE SOUTH 01 degrees 10 minutes 23 seconds EAST (deed call SOUTH 02 degrees 05 minutes 02 seconds WEST), with the common east line of said Reed tract and said west right-of-way line, a distance of 500.00 feet (deed call 499.91 feet) to a 1/2-inch capped rebar stamped "JPH Land Surveying" set for the southeast corner of said Reed tract and being at the intersection of said West right-of-way line of Post Oak Drive with the north right-of-way line of Robinson Road (a variable width right-of-way);

THENCE SOUTH 87 degrees 39 minutes 37 seconds WEST (deed call NORTH 88 degrees 59 minutes 00 seconds WEST), with the common south line of said Reed tract and said north right-of-way line, a distance of 337.43 feet (deed call 337.54 feet) to a 1/2 inch capped rebar stamped "JPH Land Surveying" set for the common southwest corner of said Reed tract and the southeast corner of Lot 1 in the aforementioned Block 17, from which a 1/2-inch rebar found bears NORTH 04 degrees 37 minutes 09 seconds EAST, a distance of 0.71 of a foot and a 1/2-inch rebar found for the southwest corner of Lot 1A in said Block 17 bears SOUTH 87 degrees 39 minutes 37 seconds WEST, a distance of 182.00 feet;

THENCE departing said north right-of-way line and along the common west line of said Reed tract and the east line of said Block 17 the following bearings and distances:

1. NORTH 02 degrees 20 minutes 23 seconds WEST (deed call NORTH 00 degrees 55 minutes 26 seconds EAST), a distance of 210.00 feet (deed call 209.27 feet) to a 1/2-inch iron rod found;
2. NORTH 87 degrees 39 minutes 37 seconds EAST (deed call SOUTH 89 degrees 10 minutes 20 seconds EAST), a distance of 40.00 feet (deed call 39.97 feet) to a 1/2-inch iron rod found;
3. NORTH 42 degrees 18 minutes 20 seconds EAST (deed call NORTH 45 degrees 34 minutes 23 seconds EAST), a distance of 118.65 feet (deed call 118.80 feet) to a point for corner in a brick column;
4. NORTH 01 degrees 10 minutes 23 seconds WEST (deed call NORTH 02 degrees 05 minutes 00 seconds EAST), a distance of 210.00 feet (deed call 209.90 feet) to a Mag nail with a metal washer stamped "JPH Land Surveying" set in a brick column for the northwest corner of said Reed tract and an inner ell corner of said Block 17;

THENCE NORTH 88 degrees 49 minutes 37 seconds EAST (deed call SOUTH 87 degrees 55 minutes 00 seconds EAST), along the common north line of said Reed tract and a south line of said Block 17, a distance of 220.00 feet (deed call 220.00 feet) to the POINT OF BEGINNING and CONTAINING 139,038 square feet or 3.192 acres of land area, more or less.

EXHIBIT "B" **PD DESIGN STATEMENT**

For the property located at the corner of Robinson Road and Post Oak Drive, a Planned Development is proposed allowing for commercial uses. The property is 3.192 acres. The property owner intends to subdivide the property into two lots. The north lot will be Lot 1 at 1.776 acres. The south lot will be Lot 2 at 1.489 acres. On the north lot, a children's daycare facility is proposed to be built. The south lot will be available to potential retail development. A street median cut is proposed on Post Oak Drive to allow for a left turn access to the main entry drive approach on the north lot. Two access drives off of Post Oak Drive shall be provided. A potential future access drive location is indicated off of Robinson Road, to be constructed at a later date by the owner of Lot 2.

The property is adjacent to two minor arterial streets – Post Oak Drive to the east and Robinson Road to the south. To the north and to the west of the site, residential lots exist.

The proposed zoning for the site shall be the same as the current zoning, which is a Planned Development, Ordinance #07-03-01-05 with Neighborhood Shopping District uses. This is in line with the City of Corinth's future land use for this property which is retail use. Neighborhood Shopping areas are primarily retail commercial areas supplying the surrounding residential areas with convenience goods and services which are normal everyday necessities and routine purchases. These commercial areas are intended to accommodate a unified grouping, in one (1) or more buildings, of retail shops and stores and personal services that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods.

Parking requirements for the two lots shall meet the current city ordinance requirements per building use.

Landscaping for the two lots shall meet the current city ordinance for commercial uses.

The following shall be regulations specific to the development:

1. Site building setbacks shall set a minimum 25' front yard setback, a minimum 10' side yard setback and a minimum 10' rear yard setback.
2. No vehicle stacking spaces shall be required for a child daycare use. (As a Childrens Lighthouse daycare facility, it is the operational standards of the facility that each student must be checked-in and checked-out by a parent or guardian. This check-in and check-out takes place inside the lobby of the building. The parent will have to park their vehicle and take the student inside the building. There will not be any instance that cars will be lined up to drop off or pick up their children. As part of the new Planned Development guidelines for this site, this ordinance requirement to provide internal stacking is requested to be waived).

All Utilities including water, sanitary sewer and storm sewers shall connect to the city utilities and be placed in the rights-of-way or dedicated easements.

A detention pond shall be provided at the north end of the property to control storm drainage runoff.

The development will sit on the corner of Post Oak Drive and Robinson. These two existing minor arterial streets shall provide access to the development. A new driveway is proposed to connect the two lots and have access off of Post Oak Drive at the northeast corner of Lot I and access off of Robinson Road at the southwest corner of Lot 2.

The roadway shall be concrete construction, with a width of 24' and curb radii of 26' meeting the City of Corinth fire lane requirements.

The types of structures to be allowed shall be as follows:

1. Lot 1 — a commercial building for a Childrens Lighthouse Daycare Facility. Square footage for the structure shall be 11,244 sf.
2. Lot 2 — any commercial use as identified under the Neighborhood Shopping District shall be allowed.

Lot 1 structures, landscaping and the driveway connecting Lot 1 and Lot 2 shall be constructed as Phase I of the development. Phase II shall include the construction of any future structure, parking and landscaping on Lot 2.

EXHIBIT "B" PD CONCEPT DESIGN MAP



EXHIBIT "C"

DEFINITION:

Neighborhood Shopping areas are primarily retail commercial areas supplying the surrounding residential areas with convenience goods and services which are normal everyday necessities and routine purchases. These commercial areas are intended to accommodate a unified grouping, in one (1) or more buildings, of retail shops and stores and personal services that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods.

A. Purpose

The regulations set forth in this Exhibit provide development standards for commercial uses within Childrens Lighthouse Planned Development District. The Planned Development (PD) District is identified by metes and bounds on Exhibit "A" and is depicted on Exhibit B. Every use not authorized herein is expressly prohibited in this Planned Development (PD) District.

B. Base District

In this PD District, the Neighborhood Shopping District regulations of the Oakmont Country Club Master Planned Development Ordinance No. 87-12-17-24, as amended.

PERMITTED USES:

1. All uses as permitted in the Garden Office areas
 - o note: All uses that are permitted within the Neighborhood Shopping areas shall be governed by the requirements as set forth for that particular type of use which is proposed for development.
2. Bakery (retail)
3. Bank
4. Barber and beauty shops
5. Convenience store
6. Day care center
7. Drug store or pharmacy
8. Dry cleaning and laundry
9. Florist or garden shops (no outside storage or sales)
10. Grocery store
11. Hardware store
12. Household appliance sales
13. Personal services (ie. Dressmaker, shoe shops, tailor, etc.)
14. Pet grooming and supplies
15. Photo service
16. Retail shops
17. Specialty coffee shop
18. Studio – music, dance or drama

19. Veterinarian (no outside runs)
20. Uses similar to the above mentioned permitted uses, provided that these similar uses be allowed only if approved by the City of Corinth Planning and Zoning Commission and the City Council.
21. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.

DIMENSIONAL REGULATIONS:

1. No vehicle stacking spaces shall be required for child day care use.
2. UDC 2.07.07 **Accessory Buildings and Uses** shall apply.
3. UDC 2.08.05 **Nonresidential Dimensional Regulations Chart** shall apply except as follows:
 - a. 25' Minimum Front Yard Setback
 - b. 10' Minimum Side Yard Setback
 - c. 10' Minimum Rear Yard Setback
 - d. 36' / 2.5 Stories Maximum Height
 - e. 1:1 Floor to Area Ratio
 - f. 5% Open Space
 - g. 50% Maximum Building Coverage
4. UDC 2.09.01 **Landscape Regulations** shall apply.
5. UDC 2.09.02 **Tree Preservation Regulations** shall apply.
6. UDC 2.09.03 **Vehicle Parking Regulations** shall apply.
7. **Building Façade Material Standards** for the main exteriors shall be constructed of glass, stone, brick, tiles, exterior wood (maximum 15%) or similar materials, or any combination thereof shall as established in the Neighborhood Shopping District.
8. UDC 2.09.05 **Residential Adjacency Standards** shall apply with the exception of the building façade materials as established in the Neighborhood Shopping District.
9. UDC 2.09.06 **Nonresidential Architectural Standards** shall apply.
10. UDC 2.09.07 **Lighting and Glare Regulations** shall apply
11. UDC 4.01 **Sign Regulations** shall apply.
12. UDC 4.02 **Fence and Screening Regulations** shall apply.

CONDITION:

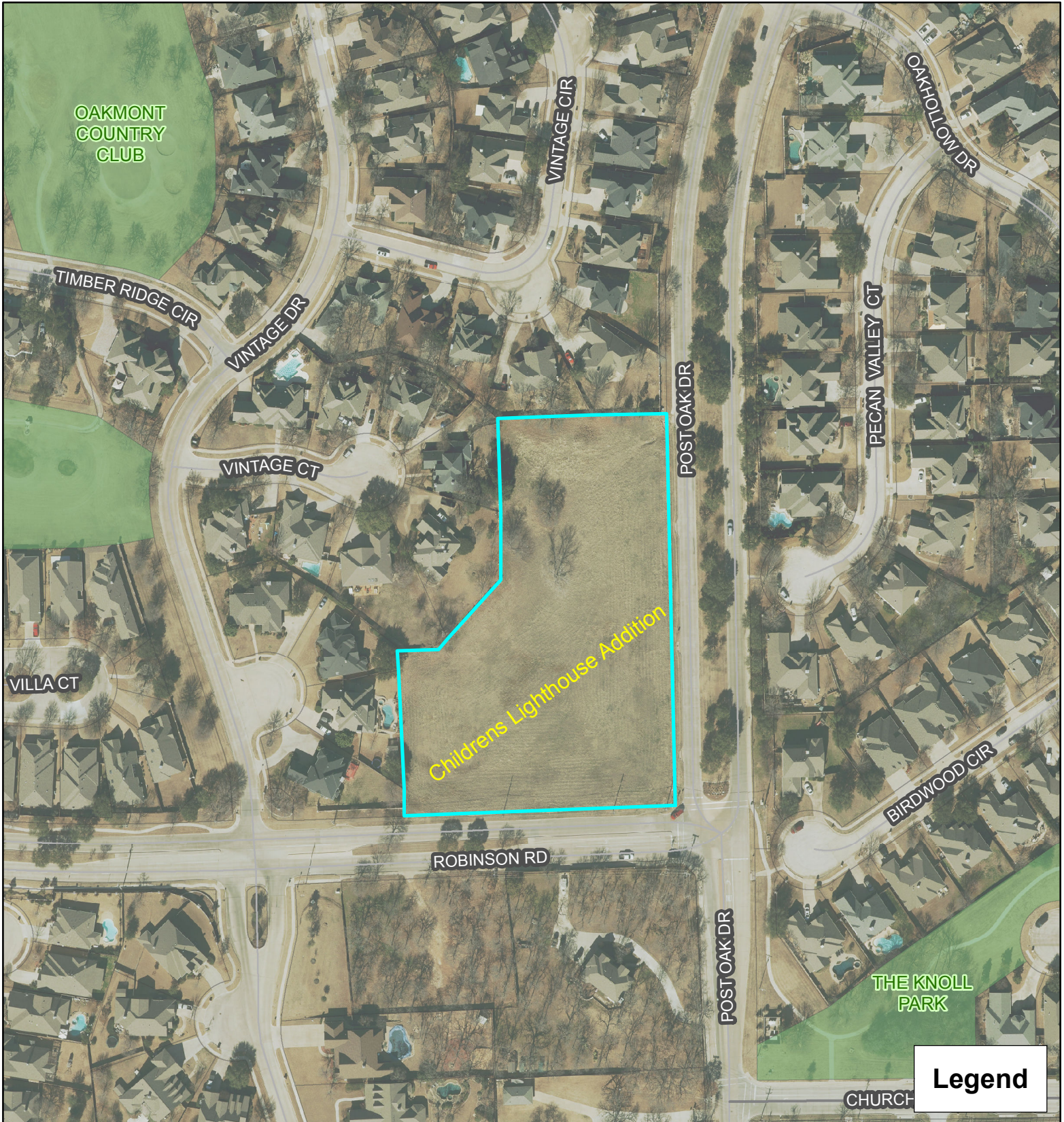
1. Provide speed humps after pre-approval from the Fire Department for product type and placement.



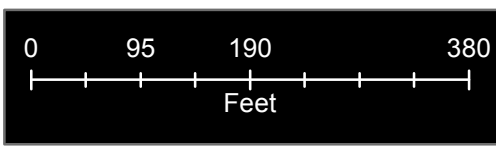
CITY OF CORINTH

CHILDRENS LIGHTHOUSE ADDITION

Re-Zoning Planned Development Amendment



Legend





CITY OF CORINTH

3300 Corinth Parkway • Corinth, Texas 76208 • (940) 498-3260 • (940) 498-3266 fax • www.cityofcorinth.com

BOX 1 of 3

In accordance with the provisions of the Subdivision Waiver regulations within the Unified Development Code, appeal is made to the Planning and Zoning Commission and City Council to grant the following waiver request:

Allow the first driveway approach north on Post Oak from the Post Oak and Robinson intersection to be 171'-3" in lieu of 200'.

BOX 2 of 3

In order to grant a major waiver, the Planning and Zoning Commission and City Council must determine that ALL of the following conditions exist. Financial hardship to the applicant alone is not a sufficient reason to approve a waiver request. State how your request meets these conditions.

- a. That there are special circumstances or conditions affecting the land that when provisions of the ordinance are applied would deprive the applicant of reasonable use of the land.

Egress requirements from this property based on the TIA require Post Oak Dr. to have a minimum of two egress driveways along Post Oak Drive in order to maintain safety for the future daycare development. This would discourage drivers from driving back through the daycare site to go south on Post Oak Drive. In addition it would also provide much needed route for people to travel south on Post Oak Drive rather than having to construct a driveway going all the way to Robinson Road which not only would be cost prohibitive but may very well encourage or cause many drivers to be making U turns at Robinson Road and Vintage Dr.

- b. That the waiver is necessary for the preservation and enjoyment of a substantial property right.

The ability to develop this property into a Daycare which is allowed by right as well as subdivide and develop neighborhood retail services that would serve the surrounding neighborhood well.



BOX 3 of 3

c. That granting the waiver will not be detrimental to the public health, safety, or welfare, or injurious to the other property in the area.

The granting of this waiver will only promote a heathier solution to access routes, provide better circulation within the site and help protect and prevent potential injuries to other properties in the area.

d. That the waiver when granted is in harmony with the general purpose and intent of the ordinance or its amendments.

The granting of this waiver is in harmony with the general purpose and intent of the ordinance or its amendments.

Certification of Submitted Information

I hereby certify that the above stated information is included with the accompanying submission materials. Further, I have included any required conditions of an approved rezoning, planned development (PD) zoning, special use permit, variance, or special exception or development agreement.

Applicant's Signature

04-06-18

Date

STATEMENT OF INTENT
Childrens Lighthouse – Subdivision Waiver
Robinson Road and Post Oak Drive

TITLE

Childrens Lighthouse – Planned Development

OWNER

Kiddie Cove LLC
5109 Marina Drive
Denton, Texas 76205
Vibhuti Patel
940-368-1896
chilue@gmail.com

STATEMENT OF INTENT

For the property located at the NW corner of Robinson Road and Post Oak Drive, a Planned Development is proposed allowing for commercial uses. The property is 3.192 acres. The property owner intends to subdivide the property into two lots. The north lot will be Lot 1 at 1.776 acres. The south lot will be Lot 2 at 1.489 acres. On the north lot, a children’s daycare facility is proposed to be built. The south lot will be available to potential neighborhood retail development. The intent is to develop the north lot for the childcare facility and leave the south lot development for the future. As an overall masterplan and development on both lots the TIA requires 3 ingress/egress access approaches to control traffic in and out of the development. In the first phase we propose constructing the 2 drive approaches off Post Oak Drive. A street median cut is proposed on Post Oak Drive to allow for a left turn access to the main entry drive approach on the north lot. One left and right turn access drive off of Post Oak Drive and a second right only access drive off of Post Oak Drive shall be provided. A potential future right only access drive location is indicated on Robinson Road, to be constructed at a later date if desired by the owner of Lot 1.

Thank you,

Robert P. Garza, AIA, TSA, R.A., R.I.D. - Principal
RPGA Design Group, Inc. - Architects

DESCRIPTION OF HARDSHIP
Childrens Lighthouse – Subdivision Waiver
Robinson Road and Post Oak Drive

TITLE

Childrens Lighthouse – Planned Development

OWNER

Kiddie Cove LLC
5109 Marina Drive
Denton, Texas 76205
Vibhuti Patel
940-368-1896
chilue@gmail.com

DESCRIPTION OD HARDSHIP

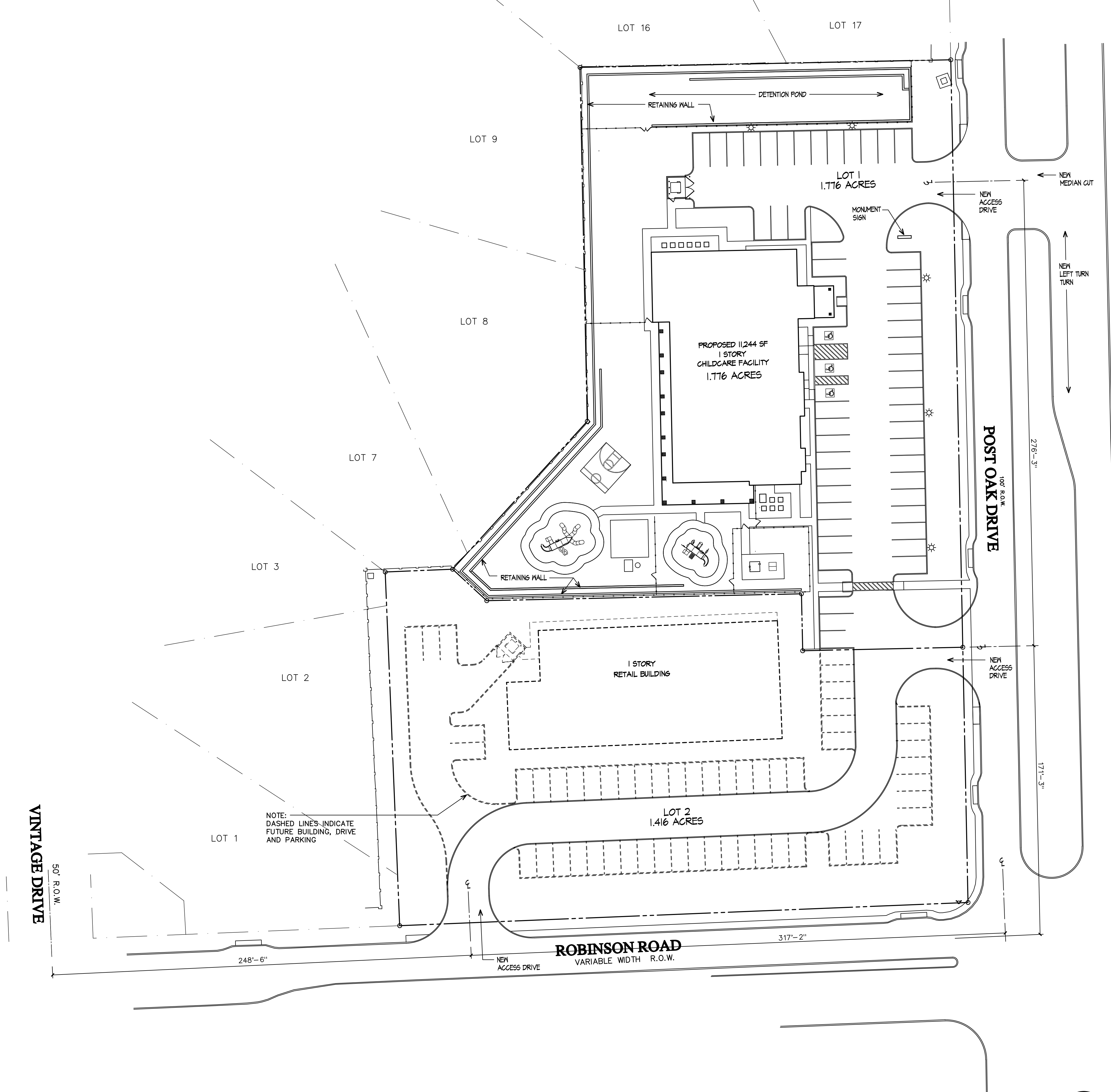
For the property located at the NW corner of Robinson Road and Post Oak Drive, the current hardships are as follows:

- a. For the overall masterplan of the development the TIA requires us to have 3 access drive approaches to satisfy traffic in a safe manner.
- b. Neither street frontage widths allow us to meet the minimum distance requirements to incorporate 2 of the require access approaches.
- c. Being that the street frontage width along Post Oak is substantially longer than Robinson Road, it makes more sense to place 2 of these access approaches but we can only achieve 171'-3" from the intersection as opposed to the 200' currently required.
- d. If we only developed the Childcare project on Lot 1, 2 access approaches would be required and the second would be placed on the SW side of the property along Robinson, drivers would be encouraged to drive back through the daycare site to go south on Post Oak Drive or would exit right on Robinson Road and then make a U turn on Vintage Drive.

Allowing this second access approach on Post Oak Drive provides much needed route for people to travel south on Post Oak Drive rather than having to construct a driveway going all the way to Robinson Road which not only would be cost prohibitive but may very well encourage or cause many drivers to be making U turns at Robinson Road and Vintage Dr. which would not only be disruptive to the development but the surrounding neighborhood as a whole.

Thank you,

Robert P. Garza, AIA, TSA, R.A., R.I.D. - Principal
RPGA Design Group, Inc. - Architects



SITE PLAN FOR SUBDIVISION WAIVER

SCALE: 1"=30'-0"

City Council Regular and Workshop Session

Meeting Date: 04/19/2018
Title: Amend UDC - Sections 2.07.03 Uses and 2.07.04 Conditional Development Standards
Submitted For: Barbara Cabbage, Planning & Development Manager
Submitted By: Barbara Cabbage, Planning & Development Manager
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

PUBLIC HEARING: TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08 INCLUDING SECTIONS 2.07.03 AND 2.07.04 BY AMENDING USES PERMITTED, USES PROHIBITED, USES PERMITTED BY SPECIFIC USE PERMIT AND CONDITIONAL DEVELOPMENT STANDARDS RELATED TO INDUSTRIAL, COMMERCIAL, OFFICE, RETAIL, AND RESIDENTIAL LAND USE CATEGORIES.

- Presentation by Staff
- Public Hearing
- Response by Staff

AGENDA ITEM SUMMARY/BACKGROUND

APPROVAL PROCESS

Approval for a Zoning Text Amendment requires the Planning and Zoning Commission recommendation presented to City Council for consideration and final approval.

NOTIFICATION TO PUBLIC

Notification prior to the Planning and Zoning Commission meeting and City Council meeting by newspaper is required for Zoning Text Amendments. Public hearings will be held during both the Planning and Zoning Commission meeting and the City Council meeting. Public input is an important part of this process and this public hearing will provide that welcomed feedback.

AGENDA ITEM DESCRIPTION

The Unified Development Code was adopted in May 2013. Text amendments following adoption and miscellaneous updates are necessary to eliminate unclear language, correct errors, and update content based on interpretations and practices of the department. Updates can be initiated by changes in State, Federal and Local laws as well. Since its adoption, updates have been made to the UDC; "Uses" have been added and "processes" have been changed too.

Staff, P&Z and City Council over the last five years have discussed updating the "Uses". With the changes in our City with regards to growth and infrastructure improvements including Interstate 35, FM 2181, FM 2499 and Lake Sharon Drive, it seems the perfect time to re-evaluate the Use Chart. Associated with the Use Chart is the Conditional Development Standards. Some "Uses" are not permitted outright but may be allowed if certain standards and conditions are met and the Planning and Zoning Commission and City Council grants approval. Conditional Development Standards assure neighbors, residential and non-residential alike, that uses of adjacent properties will be as compatible as possible with the property uses established.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

RECOMMENDATION

No action will be taken.

Attachments

Use Chart and Conditional Development Standards

Subsection 2.07. Zoning Use Regulations

2.07.01. Uses Permitted by District

Land and buildings in each of the zoning districts may be used for any of the specified uses in Section [2.07.03. Use Chart](#). No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which it is located.

Legend for Use Chart	
P	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a 2.10.10. Specific Use Permit
#	Use is permitted in the district indicated if the use complies with conditional development standards or limitations in the corresponding numeric end note in 2.07.04. Conditional Development Standards .

2.07.02. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the [City](#). If the [Director of Planning](#) is unable to classify the use under one of the existing listed uses, then the [Director of Planning](#) shall initiate a [Zoning Text Amendment](#) pursuant to procedures set forth in [2.10.04. Zoning Text and Map Amendments](#).



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2.07.03. Use Chart

The use of land or buildings shall be in accordance with those listed in the following Use Chart. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses permitted in the zoning district in which it is located, as shown in the Use Chart.

Uses	Residential Zoning Districts									Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations
	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	C-1, Commercial	C-2, Commercial	C-3, Commercial	I, Industrial	U-1, Utility	MX-R, Mixed Use Residential	MX-C, Mixed Use Commercial	PD, Planned Development	
Legend for Use Chart																		
P	Use is permitted in district indicated																	
	Use is prohibited in district indicated																	
S	Use is permitted in district upon approval of a 2.10.10, Specific Use Permit																	
#	Use is permitted (or permitted by SUP) if the use complies with conditional development standards or limitations in the corresponding numeric end note in 2.07.04, Conditional Development Standards .																	
§	Reference to 2.09.03, Vehicle Parking Regulations																	
Residential Uses																		
Assisted Living/Nursing Home							P	P	P	S	S	S	P		P	S	20	E.7
Carpport																	20	None
Dwelling, Single Family (detached)	P	P	P	P	P	P-1	P	P	P							S	20	C.1
Dwelling, Single Family (attached – duplex)					P	P-1	P	P	P						P	S	20	C.1
Dwelling, Single Family (attached – townhouse)					P	P-1	P	P	P						P	S	20	C.1
Dwelling, Multi-Family						P-1	P	P	P						P	S	20	D.2
Guest House/Servants' Quarters	P-2	P-2															20	C.1
Manufactured Home (HUD Code)																	20	C.1
Modular (Industrialized) Home	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3						P-3	S	20	C.1
Retirement Housing							P	P	P						P	S	20	E.
Studio Residence															P	S	20	D.2/E.7
Nonresidential Uses																		
Adult Day-Care Services	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	20	E.3
Agricultural Use	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	20	E.19/26
Ambulance Service											P	P	P			P	20	E.19
Amusement, Commercial (indoors)											P	P	P		P	P	20	E.19
Amusement, Commercial (outdoors)											S-5	S-5	S-5			S-5	20	E.6
Antique Shop										P	P	P	P		P	P	20	E.21
Art Gallery or Museum										P	P	P	P		P	P	20	E.14
Automobile Body Shop												P	P				20	E.19
Automobile or Other Motorized Vehicle Sales and Service											S-6	P	S-6			S-6	20	E.19
Automobile Parts Store										P	P	P	P			P	20	E.19
Automobile Service Garage (Major)											P	P	P			P	20	E.8
Automobile Service Garage (Minor)										P	P	P	P			P	20	E.8
Bank or Financial Institution										P	P	P	P		P	P	20	E.1
Barber or Beauty Shop										P	P	P	P		P	P	20	E.21
Book Store										P	P	P	P		P	P	20	E.21
Bowling Alley										P	P	P	P		P	P	20	E.2
Car Wash, Full Service										P	P	P			S	P		
Car Wash, Self Service											P	P				S		
Carpentry Shop													P				20	E.19
Caterer or Wedding Service										P	P	P	P		P	P	20	E.19
Ceramic and Pottery Manufacturer													P				20	E.19
Child-Care: Foster Family Home (Independent)	P	P	P	P													20	C.1
Child-Care: Foster Group Home (Independent)	P	P	P	P													20	C.1
Child-Care: Licensed Child-Care Center										S	S	S	S		S	S	20	E.3
Child-Care: Licensed Child-Care Home	P	P	P	P													20	E.



Uses	Residential Zoning Districts									Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations
	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	C-1, Commercial	C-2, Commercial	C-3, Commercial	I, Industrial	U-1, Utility	MX-R, Mixed Use Residential	MX-C, Mixed Use Commercial	PD, Planned Development	
Legend for Use Chart																		
P	Use is permitted in district indicated																	
 	Use is prohibited in district indicated																	
S	Use is permitted in district upon approval of a 2.10.10. Specific Use Permit																	
#	Use is permitted (or permitted by SUP) if the use complies with conditional development standards or limitations in the corresponding numeric end note in 2.07.04. Conditional Development Standards .																	
§	Reference to 2.09.03. Vehicle Parking Regulations																	
Child-Care: Listed Family Home	P	P	P	P													20	C.1
Child Care: Registered Child-Care Home	P	P	P	P													20	C.1
Church or Other Place of Worship, including Parsonage/Rectory	P	P	P	P	P	P	P	P	P								20	E.4
College or University	S	S	S	S	S	S	S	S	S	S	S	S			S		20	E.10
Computer/Chip Manufacturer												P					20	E.15
Concrete Batch Plant	S	S	S	S	S	S	S	S	S	S	S	S			S	S		
Country Club	P	P	P	P				P	P	P							20	E.19
Dance, Music, or Drama Studio										P	P	P	P		P	P	20	E.21
Donation or Recycling Collection Point	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7			S-7	S-7	20	E.26
Educational Services Office										P	P	P	P		P	P	20	E.16
Electrical Power Substations														P			20	E.15/26
Exterminating Company										P	P	P	P			P	20	E.21
Farmer's Market										S	S	S	S				20	E.19
Feed Store											P	P	P			P	20	E.19
Financial Loan – Credit Access Business													P-8				20	E.1
Financial Loan – Deferred Presentment Transaction													P-8				20	E.1
Financial Loan – Motor Vehicle Title Loan													P-8				20	E.1
Firewood Sales	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	S-9	20	E.26
Fix-It Shop, Bicycle Repair, Blade Sharpening, Small Engine Repair												P	P	P	P	P	20	E.15
Furniture Repair and Upholstering Shop										P	P	P	P		P	P	20	E.15
Gas Regulator Stations or Metering Stations														P			20	E.15/26
Gas or Oil Well and Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20	E.15/26
Gasoline Filling or Service Station/Car Wash											S-10	P	P			S-10	20	E.8
Golf Course	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20	E.9
Grocery Store										P	P	P	P			P	20	E.21
Gym or Health/Fitness Center										P	P	P	P		P	P	20	E.21
Heliport or Helistop											S-11	S-11	S-11	S-11			20	E.19
Home Based Business	P-12	P-12	P-12	P-12													20	C.1
Hospital, Acute Care											S	S	S		S	S	20	E.11
Hospital, Chronic Care											S	S	S		S	S	20	E.11
Hotel										S	P	P	P		S		20	E.12
Institution for the Care of Alcoholic, Psychiatric, or Narcotic Patients											P	P					20	E.13
Jewelry Manufacturing or Assembly													P				20	E.15
Kennel/Veterinary Office											S-13	S-13	S-13		S-13		20	E.16
Laundry, Commercial											P	P	P		P		20	E.19
Laundry, Dry Cleaning Drop-Off/Pick-Up										P	P	P	P		P	P	20	E.21
Laundry, Self-Service										P	P	P	P		P	P	20	E.21
Leather Product and Saddle Manufacturing													P				20	E.15
Library	P	P	P	P	P	P	P	P	P					P			20	E.14
Light Assembly and Manufacturing Processes													P				20	E.15
Manufactured Home Sales											S	S					20	E.16/26
Manufacturing or Industrial Operations													S				20	E.15



Uses	Residential Zoning Districts									Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations
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Legend for Use Chart																		
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§	Reference to 2.09.03. Vehicle Parking Regulations																	
Medical Clinic										P	P	P	P		P	P	20	E.5
Motel, Motor Hotel, or Tourist Court										S	P	P	P			P	20	E.12
Movie Picture Theatre										S	P	P	P		P	P	20	E.25
Newspaper Printing											P	P	P			P	20	E.19
Office, Professional, Medical, or Business										P	P	P	P		P	P	20	E.16
Outside Display										P-14	P-14	P-14	P-14		P-14	P-14	20	E.19/26
Outside Storage										S-15	S-15	S-15	S-15	S-15		P-15	20	E.19/26
Park, Playground, or Community Center, Public	P	P	P	P	P	P	P	P	P						P		20	E.17
Pet Shop (Retail Sales Only)										P	P	P	P		P	P	20	E.21
Photographer's or Artist's Studio/Film Processing										P	P	P	P		P	P	20	E.19
Plastic Products Manufacturing													P				20	E.15
Play Field or Stadium, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20	E.25/26
Plumbing/Electrical/Air Conditioning Store (Retail Sales Only)										P	P	P	P			P	20	E.19
Police or Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20	E.19
Portable Building	S-16	S-16	S-16	S-16						S-16	S-16	S-16	S-16	S-16		S-16	20	E.19/26
Printing/Duplication Shop or Mailing Center										P	P	P	P		P	P	20	E.19
Private Club										S-21	S-21	S-21	S-21				20	E.20
Public Building										P	P	P	P		P	P	20	E.19
Public Parking Garage										P	P	P	P		P	P	20	E.19/26
Radio or TV Station													P				20	E.19/26
Research and Development Laboratories													P				20	E.15
Restaurant or Cafeteria, with or without Curb or Drive-In Service										S	P	P	P		P	P	20	E.20
Restaurant or Cafeteria, without Curb or Drive-In Service (Service to be entirely within the building)										P	P	P	P			P	20	E.20
Retail Stores and Shops										P	P	P	P		P	P	20	E.21
RV Park																S	20	E.22
School, Career													S		P		20	E.10
School, Private	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	20	E.10/23
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	20	E.10/23
Seamstress or Tailor Shop										P	P	P	P		P	P	20	E.19
Sexually Oriented Business												P-17						E.21
Shoe Repair Shop										P	P	P	P		P	P	20	E.19
Storage Units, Mini													S				20	E.24
Tattoo Studio											S	S	S			S	20	E.21
Taxi Garage or Dispatch											P	P	P			P	20	E.19
Telephone Exchange (No Offices or Storage Facilities)	P	P	P	P			P	P	P								20	E.19
Temporary Building for New Construction	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	20	E.19/26
Textile Manufacturing, with dust and odor control																	20	E.15
Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular													S-19	S-19			20	E.19
Utility Storage/Repair Buildings														P			20	E.19
Water Storage														P			20	E.19
Water Treatment Facility														P			20	E.19
Warehouse													P			S	20	E.24
Wedding Chapel, Reception Facility, Special Events Center										S	S	S	S			S	20	E.21



Uses		Residential Zoning Districts								Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations
Legend for Use Chart		SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	C-1, Commercial	C-2, Commercial	C-3, Commercial	I, Industrial	U-1, Utility	MX-R, Mixed Use Residential	MX-C, Mixed Use Commercial	
P	Use is permitted in district indicated										P	P	P	P		P	P	20
	Use is prohibited in district indicated																	
S	Use is permitted in district upon approval of a 2.10.10. Specific Use Permit																	
#	Use is permitted (or permitted by SUP) if the use complies with conditional development standards or limitations in the corresponding numeric end note in 2.07.04. Conditional Development Standards .																	
§	Reference to 2.09.03. Vehicle Parking Regulations																	
	Weight Loss Center										P	P	P	P		P	P	20
	Wholesale Center										P	P	P	P			P	20
	Woodworking and Planing Mill													P				20



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2.07.04. Conditional Development Standards

A. The following conditional development standards shall apply:

1. [MX-D, Mixed Density Residential](#) Standards

Uses are allowed pursuant to [2.04.06. A.2.](#)

2. [Guest House/Servants' Quarters](#) Standards
 - a. See [2.07.07. Accessory Buildings and Uses](#) for standards..
3. [Modular \(Industrialized\) Home](#) Standards

- a. Modular (Industrialized) Homes shall be permitted within all [Residential Zoning Districts](#).
- b. Modular (Industrialized) Home Requirements

A Modular (Industrialized) Home shall meet the following requirements.

- i. The Modular (Industrialized) Home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
- ii. The Modular (Industrialized) Home conforms to all applicable zoning standards for the respective zoning district.
- iii. The Building Official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act ([Article 5221f V.T.C.S.](#)).
- iv. The Modular (Industrialized) Home is placed on an approved platted lot.
- v. Per the [Texas Occupations Code §1202.253](#), single family and duplex Modular (Industrialized) Homes shall:
 - (a) Have a value equal to or greater than the median taxable value for each single family dwelling located within 500 feet of the lot on which the Modular (Industrialized) Home is proposed to be located, as determined by the most recent county certified tax appraisal roll;
 - (b) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the Modular (Industrialized) Home is proposed to be located;
 - (c) Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single family dwellings; and
 - (d) Be securely affixed to an approved permanent foundation.
- vi. For purposes of above subsection [2.07.04. A.3.b.v above](#), "value" means the taxable value of the industrialized housing and the lot after installation of the housing.

4. [Agricultural Use](#) Standards
 - a. Barns or Enclosures for Livestock
 - i. No barn or enclosure for cows, horses, mules, donkeys, sheep, goats, or similar livestock shall be located nearer than 100 feet to any dwelling or nearer than 200 feet to any property line.
 - ii. These barns or enclosures are not subject to any masonry requirements if the site is (3) three acres or larger in size and the buildings are set back 200 feet from any dwelling other than that of the resident.
 - b. Restriction of Agricultural Uses within Residential Zoning Districts
 - i. When in a residential zoning district, [Agricultural Uses](#) and buildings are permitted only on land comprising three (3) or more acres and are incidental and secondary to the use permitted within the residential districts and which do not change the character of the district, including garages for implements or equipment, greenhouses, tool sheds, pens, barns, workshops, well houses, or enclosures for cows, horses, mules, donkeys, sheep or goats.
 - ii. Chickens are permitted as household pets within all residential lots, subject to the following requirements:
 - (a) No more than four hens are permitted,
 - (b) Roosters are prohibited, and
 - (c) A permit is required to keep chickens.
 - c. Pens or Enclosures for Chickens as Household Pets within Residential Zoning Districts
 - i. Pens or enclosures for chickens as household pets are permitted on all residential lots and shall meet the following standards.
 - (a) Setbacks:
 - (i) Front Setback: Behind the front building line;
 - (ii) Side Setback: 30 feet from the side lot line; and
 - (iii) Rear Setback: 20 feet from the rear lot line.
 - (b) Proximity to Owner's House:
 - (i) Enclosures must be within 10 feet of the owner's house.
 - (c) Maximum Enclosure Size:
 - (i) Four feet by ten feet.
 - ii. These pens or enclosures are not subject to any masonry requirements.
 - d. Household Chicken Permit
 - i. A person commits an offense if the person maintains or keeps chickens without having obtained a permit from the City.
 - ii. A person shall apply to the [Director of Planning](#) for a permit to keep chickens. The Application shall be submitted on a form provided by the City and include such information as is specified to ensure the applicant complies with City ordinances.
 - iii. The [City Manager](#) shall issue a permit if the applicant meets all requirements of the UDC and other applicable City ordinances.
 - iv. In the event a permit holder violates the requirements of the UDC or other applicable ordinance, the [City](#) shall revoke the permit.
 - v. The permit holder may appeal the revocation to the [City Manager](#) within five days of receipt of the notice of revocation, and shall state the basis for the appeal. The [City Manager](#) shall



consider the evidence and determine, by a preponderance of the evidence, if the revocation should be upheld. The determination of the [City Manager](#) is final.

5. [Amusement, Commercial \(outdoors\)](#) Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
 - c. No intermittent or flashing lights shall be permitted.
 - d. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.
 - e. No exterior auditory devices shall be permitted.
6. [Automobile or Other Motorized Vehicle Sales and Service](#) Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
 - c. No intermittent or flashing lights shall be permitted.
 - d. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.
 - e. All building facades shall be constructed with the same masonry materials that meet the masonry regulations for the zoning district in which the property is located.
 - f. No exterior auditory devices shall be permitted.
7. [Concrete Batch Plant](#) Standards
 - a. The purpose of the Section is to establish requirements for a Specific Use Permit for a Concrete Batch Plant. This use may be approved by specific use permit in all zoning district as a temporary use, not to exceed six month intervals with two extensions if authorized by the City.
 - b. All associated equipment and buildings shall be fenced for safety with a chain link fence.
 - c. A specific use permit granted to operate a Concrete Batch Plant must meet the following requirements:
 - d. A site plan which complies with the requirements of [2.10.08. Site Plans](#) of the Unified Development Code submitted and is approved.
 - e. A building permit is approved.
 - f. The minimum building setback for all Concrete Batch Plant structures and equipment shall be established and maintained for all yards at the distances specified for the zoning district adjoining the complex as shown below:
 - g.

<u>Adjoining Zoning District</u>	<u>Required Setback</u>
h. C-1, C-2, MXC, LI	100 feet
i. All Neighboring Residential Districts	300 feet

- j. Vehicular access to the boundaries of the Concrete Batch Plant site from the street thoroughfare shall be paved sufficiently to allow emergency vehicle access as approved by the City.
- k. Prior to obtaining a building permit from the Building Official; the applicant shall submit a copy of the State of Texas approved permit for the proposed site and abide by the State allowed noise standards.
- l. In granting the Specific Use Permit (SUP), the City Council may impose such additional conditions as reasonably necessary."

8. Financial Loan Standards

The following conditional standards apply to [Financial Loan – Credit Access Business](#), [Financial Loan – Deferred Presentment Transaction](#) and [Financial Loan – Motor Vehicle Title Loan](#):

- a. To obtain a certificate of occupancy as a credit access business, including for a new building or in any existing building or portion of a building, the business must meet the following requirements:
 - i. No credit access business may be located within one thousand (1,000) feet of another credit access business, measured in a direct line from front door to front door.
 - ii. No credit access business may be located within five hundred (500) feet of a residential use; the 500 foot distance shall be measured in a direct line from the front door of the credit access business building to the property line of the residential use.
- b. If there is any conflict between this subsection and an adopted Site Plan or Development Plan, the more specific standard shall apply.

9. Firewood Sales Standards

- a. Firewood Sales may be approved by specific use permit in all zoning districts as a temporary use, not to exceed four months per calendar year.
- b. A site plan which complies with the requirements of [2.10.08. Site Plans](#) of the Unified Development Code must be submitted and approved.
- c. The use of the property or Firewood sales shall be in accordance with the site plan.
- d. Firewood or equipment associated with tax sale of firewood shall be setback at least 15 feet from all property lines.
- e. Firewood must be setback out of the sight visibility triangle (20 foot) to allow safe ingress and egress.
- f. Parking is prohibited within the right of way.
- g. The sale of firewood is permitted only between the hours of 7:00 a.m. to 7:00 p.m.
- h. All signage must meet the City's sign ordinance (banners and other signage).
- i. No permit shall be granted unless there is a main building.
- j. Firewood sales must be an accessory use to the main use of the property.
- k. In granting the Specific Use Permit (SUP), the City Council may impose such additional conditions as reasonably necessary."



10. [Gasoline Filling or Service Station/Car Wash](#) Standards

- a. Allowed by [Specific Use Permit](#).
- b. Gasoline pumps, pump islands, canopies, or car washes, where adjacent to property zoned as single family residential uses shall maintain a minimum setback of at least one hundred twenty-five feet (125').
- c. The hours of any car wash operation may be limited when located adjacent to property zoned for single family residential uses.
- d. No exterior illumination (either direct or indirect) shall cross a residential property line nor be a nuisance to traffic.
- e. No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.

11. [Heliport or Helistop](#) Standards

- a. Allowed by [Specific Use Permit](#).
- b. No heliport or helistop shall be located within 1,000 feet of any church, school, hospital, library, public park or within 1,000 feet of any dwelling unless:
 - i. Noise attenuation methods are implemented to achieve noise levels no greater than if the heliport or helistop were located 1,000 feet from any such property in an unprotected state;
 - ii. The Federal Aviation Administration has approved approach and departure paths for the proposed heliport or helistop which require all departures to be made at an angle of more than 90 degrees from any boundary or any such property which is less than 1,000 feet from the proposed heliport or helistop; and
 - iii. No substantial adverse impact exists on residence or businesses within the 1,000 foot requirement.

12. [Home Based Business](#) Standards

A [Home Based Business](#) shall meet the following requirements:

- a. No persons other than members of the family residing on the premises shall be engaged in such business;
- b. The use of the dwelling unit for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 500 square feet or ten percent (10%) of the square footage of the dwelling area, whichever is greater, shall be used in the conduct of the home based business;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home based business;
- d. No sign advertising a home based business shall be placed on property where a home based business is conducted. Only one vehicle (motorized or non-motorized), one ton carrying capacity or less may advertise for the home based business;
- e. No home based business shall be conducted in an [Accessory Building](#);
- f. Any sales in connection with such home based business shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises;

- g. No traffic shall be generated by a home based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home based business shall be met off the street and other than in a required front yard;
 - h. No equipment, process or work shall be used or conducted in such home based business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work shall be used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
 - i. The operation of beauty culture schools, beauty parlors, barber shops, vehicle repair, lawn mower or other small or large engine repair, and any boarding house/rooming house shall not be permitted as a home based business or as an accessory use; and
 - j. No [Outside Storage](#) or [Outside Display](#) of any type shall be permitted with any home based business.
13. [Kennel/Veterinary Office](#) Standards
- a. Allowed by [Specific Use Permit](#).
 - b. All commercial kennels with indoor and/or outdoor pens and runs (except where related to indoor medical treatment) shall be located a minimum of fifty (50) feet from adjacent residential properties to minimize noise and odor nuisances.
 - c. Disposal of all waste materials shall be in accordance with the Texas Department of Health regulations.
14. [Outside Display](#) Standards
- a. Outside Display areas shall not be placed or located more than thirty feet (30') from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.
 - b. Outside Display areas shall be permitted year round.
 - c. Outside Display areas shall be additionally restricted in regards to occupying required parking spaces. Outside Display areas shall not occupy any of the parking spaces that are required by this UDC for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display and a maximum of two (2) displays per calendar year.
 - d. Outside Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - e. Outside Display areas shall not extend into public Right-of-Way or onto adjacent property.
 - f. Outside Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - g. Outside Display is permitted only as an [Accessory Use](#) and is not a permitted [Principal Use](#).
15. [Outside Storage](#) Standards
- a. Allowed by [Specific Use Permit](#).
 - b. Outside Storage is limited to a maximum of five (5) percent of the total lot area, shall not be located in front of or on top of the building, and must be screened.



- c. Outside Storage screening shall be required only for those areas surrounding Outside Storage.
- d. Outside Storage of materials, commodities, or equipment shall be screened with a minimum six foot (6') screening fence or wall, and shall not be visible from the street or from adjacent property.
- e. No Outside Storage may exceed the height of the screening wall or fence.
- f. In addition to the screening fence or wall surrounding [Outside Storage \(2.07.04. A.15.c\)](#), a second level of screening is required at the property line.
- i. A six foot (6') screening fence or wall shall be provided and maintained at the common property line or street adjacent to the area to be screened by one or a combination of the following methods:
 - (a) Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;
 - (b) Wrought iron in conjunction with solid landscape screening;
 - (c) Wood or wood vinyl in conjunction with solid landscape screening; and,
 - (d) An equivalent alternative screening method approved by the Director of Planning.

16. [Portable Building](#) Standards

- a. Allowed by [Specific Use Permit](#).
- b. Approval for a Portable Building shall be valid for a maximum of one (1) year subject to renewal for an additional one (1) year period.
- c. The Specific Use Permit Application should include a narrative explaining the transition from a temporary to a permanent structure.
- d. All Portable Buildings shall be constructed in accordance with the appropriate State or Federal codes that regulate their construction or shall meet all requirements of the City's codes.
- e. [Portable Buildings](#) shall be anchored to withstand winds up to 75 miles per hour.
- f. [Portable Buildings](#) for human occupation, such as a classroom or office facility, shall have a building façade match the façade of the main building.
- g. Concrete parking shall be provided for all parking.
- h. Portable Buildings shall be maintained in a neat and presentable condition at all times.
- i. Upon expiration of the Specific Use Permit, the Portable Building shall be immediately removed and the premises shall be restored to its previous condition.

17. [Sexually Oriented Business](#) Standards

Sexually Oriented Businesses include but are not limited to the following uses:

- a. Applicable Uses
 - i. Adult Arcade
 - ii. Adult Bookstore or Video Store
 - iii. Adult Cabaret
 - iv. Adult Dancing Establishment
 - v. Adult Entertainment Business



- vi. Adult Motel
- vii. Adult Motion Picture Theatre
- viii. Adult Novelty Store
- ix. Adult Theatre
- x. Escort Agency
- xi. Nude Modeling Studio
- xii. Sex Parlor
- xiii. Sexual Encounter Center
- b. Location
- i. A person commits an offense if the person operates or causes to be operated a [Sexually Oriented Business](#) as follows:
 - (a) Within one thousand feet (1,000') of any property line of any residentially zoned property; or,
 - (b) Within one thousand feet (1,000') of any property line of any public, private, or parochial school or library; or,
 - (c) Within one thousand feet (1,000') of any property line of any public or private park, playground, greenbelt, or other recreational area or facility; or
 - (d) Within one thousand feet (1,000') of any property line of any church, convent, monastery, synagogue, or other place of worship; or,
 - (e) Within one thousand feet (1,000') of any property line of any lot devoted to residential use; or,
 - (f) Within one thousand feet (1,000') of any property line of any other [Sexually Oriented Business](#); or,
 - (g) Within the same building or structure wherein another [Sexually Oriented Business](#) occurs.
- ii. For the purposes of this UDC, measurement shall be made as follows:
 - (a) The distance between two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the first property boundary to the nearest portion of the second property boundary.
 - (b) The distance between any [Sexually Oriented Business](#) and the uses listed in [2.07.04.A.17.b.i](#) shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the first property boundary to the nearest portion of the second property boundary.
- c. Licensing and Other Requirements

For licensing and other requirements, see [Ordinance Number 11-11-17-23](#), or as amended.

18. [Temporary Building for New Construction](#) Standards

- a. Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for two (2) years in accordance with a permit issued by the City Building Official. A six (6) month extension may be approved by the City Building Official. After the initial extension is given, the Building Official may approve a second six (6) month extension.



- b. Upon completion or abandonment of construction or expiration of permit, the temporary field offices and buildings shall be removed.

19. [Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular](#) Standards

The purpose of this section is to establish procedures governing the issuance of a [Specific Use Permit](#) for the location of telecommunications towers and antennas.

- a. The City of Corinth recognizes today's rapidly changing technological environment and realizes the public's increasing acceptance of and demand for superior personal wireless communication services and with the adoption of this ordinance, the City's objectives are to:
 - i. Encourage the location of towers in non-residential areas and minimize the total number, height, and obtrusiveness of towers and antennas throughout the community;
 - ii. Encourage strongly the joint use of new and existing tower sites through co-location;
 - iii. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal (e.g., pre-existing buildings or structures such as water towers, church steeples, bell towers, clock towers, and lighting stanchions or on municipal-owned properties and facilities) to camouflage or conceal the presence of antennas or towers;
 - iv. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 - v. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- b. An application for a [Specific Use Permit](#) for a tower, antenna, or use of an alternative tower structure must be submitted to the [Director of Planning](#). An application will not be considered until it is complete. A complete application must contain the following:
 - i. An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower.
 - ii. [Site Plans](#) to scale specifying the location of tower(s), transmission building, setbacks, driveways and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.
 - iii. A report from a professional structural engineer licensed in the State of Texas documenting the following:
 - (a) Tower height and design, showing a cross-section of the tower structure.
 - (b) Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.
 - iv. A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.
 - v. Each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:
 - (a) The applicant must contact the owners of all existing towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list must be provided of all owners contacted, the date of the contact, and the form and content of the contact. Where an existing tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower is not complete until the owner of the existing

- tower responds, unless the applicant submits sufficient information for the [Director of Planning](#) to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile.
- (b) The applicant must request the following information from each tower owner contacted:
 - (i) Identification of the site by location, existing uses, and tower height.
 - (ii) Whether each tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant must provide each owner with the height, length, weight, and other relevant data about the proposed antenna.
 - (iii) Whether each tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner must specify in general terms what structural changes would be required.
 - (iv) If structurally able, would share use by the existing tower be precluded for reasons related to RF interference. If so, the owner must describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
 - (c) The [Director of Planning](#) must maintain and provide, on request, records of responses from each owner. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.
 - (d) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The [City](#) may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.
- vi. Any other information which may be requested by the [Director of Planning](#) to fully evaluate and review the application and the potential impact of a proposed tower or antenna.
- c. The [City Council](#) will consider an application for a [Specific Use Permit](#) for a tower using the following procedure:
 - i. After the close of the public hearing, any council member who moves to deny the application will state his or her reasons for making the motion for denial.
 - ii. Before the vote is called, any council member proposing to vote in favor of the motion of denial who has additional reasons for supporting the motion must state the reasons.
 - iii. If the [City Council](#) votes to deny the application for the [Specific Use Permit](#), the [City Attorney](#) will prepare a proposed written decision for the [City Council](#) to consider at a following meeting. The decision to deny the application is not final until the [City Council](#) adopts a written decision.
 - d. Building Codes; Safety Standards; Setbacks
 - i. After receiving the appropriate zoning approval, no tower, antenna, or other appurtenance shall be installed without first obtaining a building permit issued by the [Building Official](#).
 - ii. To ensure structural integrity, the owner of a tower shall ensure that the tower is constructed and maintained in compliance with standards contained in applicable local building codes ("Uniform Building Codes, UBC") and applicable standards for towers, published by the Electronics Industries Association Standard 222, ("EIA-222") "Structural Standards for Steel Antenna Towers and Antenna Support Structures."
 - iii. A tower inspection report (based upon applicable UBC and EIA-222 standards) shall be prepared by an engineer licensed in the state of Texas and filed with the [Building Official](#) in



accordance to the following schedule: 1) monopoles – at least once every ten years; 2) lattice towers – at least once every five years; and 3) guyed towers – at least once every three years. However, should an issue of safety be raised, the [Building Official](#) may require an immediate inspection.

- iv. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards, unless the applicant can demonstrate a hardship and thus establish the need for additional time. If the owner fails to bring the tower into compliance within said 30 days, the [City](#) shall remove the tower at the owner's expense.
- v. Tower Setback
 - (a) No television, radio, microwave, telephone or cellular tower or antenna for a commercial use shall be located within a distance equal to or less than the height of such tower from any residential structure or from any area zoned residential, or shown as residential on the current Comprehensive Plan. The distance shall be measured in a straight line from the closest point of the tower to the closest point of such area or residential structure or property line.
- e. Requirements
 - i. No advertising is permitted on an antenna or tower.
 - ii. No signs or illumination are to be placed on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction. The [Director of Planning](#) may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
 - iii. A new cell may not be established if there is a technically suitable space available on an existing tower within the search area that the new cell is to serve. For the purpose of this section, the search area is defined as the grid for the placement of the antenna.
 - iv. Accessory structures used in direct support of a tower are allowed but must not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
 - v. Towers may be located on sites containing another principal use in the same buildable area. Towers may occupy a parcel meeting the minimum Lot size requirements for the zoning district in which it is located. For a monopole tower, the minimum distance between the tower and any other principal use located on the same Lot shall be 20% percent of the tower height or 25 feet, whichever is greater.
 - vi. No outside storage shall be permitted on the tower site.
- f. Appearance
 - i. Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
 - ii. At a tower site the design of the Building and related structures must use materials, colors, textures, screening, and landscaping that will blend the tower and facilities to the natural setting and built environment.
 - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely

compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

g. Landscaping and Screening

The following requirements shall govern the landscaping surrounding towers; however, in locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.

- i. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. Mitigation of any tree removal shall be in accordance to [2.09.02. Tree Preservation](#).
- ii. Tower facilities (e.g., tower/antennas and any necessary equipment building) shall be enclosed by an eight foot, solid screening fence or masonry wall or a wrought iron fence with an eight foot evergreen, and shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from any public roadway or any property used for a residential purpose. Any fence constructed in accordance with this section shall provide a knock box or other entry device for public safety access per the requirements of the Fire Marshal.
- iii. Where abutting residentially used land zoned or used for residential purposes, public land or public streets, or land designated as low or medium density residential on the City's Land Use Plan, the applicant shall provide screening and landscaping as required by this [Unified Development Code](#).
 - h. To encourage shared use of towers, no building permit or [Specific Use Permit](#) is required for the addition of antennas to an existing tower so long as the height of the tower or structure on which the antenna is placed is not increased and the requirements of this section are met.
 - i. Any [Specific Use Permit](#) which is granted for a new tower is specifically subject to the condition that the tower owner abide by the following provisions relating to shared use, regardless of whether or not the ordinance granting the permit contains the conditions:
 - i. The tower owner must respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - ii. The tower owner must negotiate in good faith for shared use by third parties; and
 - iii. The tower owner must allow shared use where the third party seeking the use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to make modifications of the tower and transmitters to accommodate the shared use, and to observe whatever technical requirements are necessary to allow shared use without creating interference.
 - j. The willful failure of an owner whose tower was approved under this section to comply with the requirements of this section is grounds for withholding approval of any application by the owner for a building permit for the approved tower, for revoking the [Specific Use Permit](#) granted for the tower, and for refusing to approve a new [Specific Use Permit](#) for any new tower or antenna.

20. PD, Planned Development Standards

Permitted uses shall be determined through the Section [2.06.03. PD, Planned Development](#) and Section [2.10.09. PD, Planned Development Application and Review](#).

21. Private Club Standards



- a. A [Specific Use Permit](#) for a [Private Club](#) may not be granted for property located in a residential district.
- b. An applicant for a [Specific Use Permit](#) for a [Private Club](#) shall, along with his application, submit a plan of the inside of the building where the [Private Club](#) is proposed; the plan shall indicate to scale the bar area, seating area, kitchen and other amenities and facilities.
- c. The special conditions of a [Specific Use Permit](#) for a [Private Club](#) shall provide that such [Private Club](#) shall only be operated and allowed in connection with the operation of a restaurant, either in the same or any adjacent or contiguous room of the same building. Such special conditions shall require that such restaurant shall derive no more than 50 percent of its gross revenues from the sale of alcoholic beverages. Such special conditions shall require that the operator comply with the provisions of the [Texas Alcoholic Beverage Code](#) ("TABC"). The City shall have the right to audit the books of such [Private Club](#) to assure compliance with the requirements of this subsection. The permittee shall be required to pay the costs of such audit. A country club/recreation area shall be exempt from the requirements of this subsection.
- d. A [Private Club](#) shall not be permitted in conjunction with a non-conforming use as defined in the [UDC](#).
- e. Dancing or other entertainment which exposes less than opaquely the female breast below the top of the areola or the human genitals is prohibited in establishments where alcoholic beverages are served.
- f. There shall be no exterior signs advertising the sale of alcoholic beverages.
- g. The [Private Club](#), country club/recreation area and restaurant shall comply with all City, County, State and Federal laws.

22. Photovoltaic Systems (detached) Standards

- a. See 2.07.07. Accessory Buildings and Uses for standards."

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: City of Corinth Juvenile Curfew Ordinance

Submitted For: Debra Walthall, Chief

Submitted By: Kevin Tyson, Lieutenant

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Conduct a public hearing on the need to continue Section 130.04 of the Corinth Code of Ordinances, imposing a curfew for juveniles and consider an act on amending Chapter 130 of the Corinth Code of to continue the Curfew for Minors for an additional three (3) years.

AGENDA ITEM SUMMARY/BACKGROUND

- On April 16, 2009 the Corinth City Council adopted Ordinance 09-04-16-05 establishing curfew hours for minors. With limited exceptions, persons under the age of 17 years, and readopted the curfew provisions in 2012 and again in 2015.
- In 1995, the Texas Legislature enacted provisions that address a City's authority to enact juvenile curfew ordinances. This legislation requires a city to conduct periodic reviews of its curfew ordinance. A city must review its curfew ordinance at least every three years, addressing the ordinance's effect on the community and on problems the ordinance was intended to remedy
- The current curfew regulations of the City will expire and Ordinance No 18-04-19 will continue the curfew regulations for an additional three (3) years.

RECOMMENDATION

- It is recommended that the City Council hold a public hearing on the curfew ordinance and approve an amendment which will continue the ordinance for an additional three (3) years.
-

Attachments

Ordinance No. 15-04-02-09

Ordinance No. 18-04-19

Curfew Report

ORDINANCE NO. 15-04-02-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING CHAPTER 130 OF THE CORINTH CODE OF ORDINANCES TO CONTINUE A CURFEW FOR MINORS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT APPEARING IN A PUBLIC PLACE BETWEEN THE HOURS OF (MIDNIGHT) 12:00 A.M. AND 6:00 A.M.; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Corinth has determined it is in the best interest of the health, welfare and safety to provide for the protection of minors from each other and from other persons through enforcement of a curfew for minors; and

WHEREAS, on April 16, 2009, the City Council adopted Ordinance No. 9-04-16-05 establishing a curfew for minors under the age of seventeen years, and readopted the curfew provisions in 2012; and

WHEREAS, the curfew regulations of the City will expire and City Council having conducted a public hearing and determined to continue the regulations in accordance with state and federal law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
AMENDMENT CODE

That subsection 130.04 (G) of the Corinth Code of ordinances is hereby amended to read as follows:

“Section 130.04 CURFEW FOR MINORS

...

(G) *Sunset Clause.* This Section 130.04 expires on April 15, 2018, unless sooner terminated or extended as provided in subsection (E) hereof.”

SECTION 3
REPEALER

That all Ordinances of the City of Corinth in conflict with the provisions of this Ordinance, be and the same are hereby, repealed and all other ordinances of the City of Corinth not in conflict with the provision of the ordinances shall remain in full force and effect.

SECTION 4
SEVERABILITY

That should any section, paragraph, sentence, clause or phrase of this ordinance be held or determined to be unconstitutional or invalid for any reason, such holding or determination shall not affect the remaining portions hereof, which are declared to be severable.

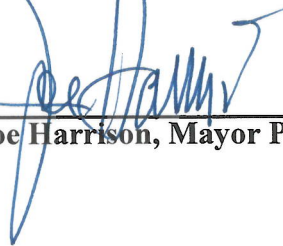
SECTION 5
EFFECTIVE DATE

That this ordinance shall take effect and be in full force immediately upon its final passage, approval and publication.

PASSED AND APPROVED THIS THE 2 DAY OF April, 2015.



APPROVED:




Joe Harrison, Mayor Pro-Tem

ATTEST:



Kim Pence, City Secretary

APPROVED AS TO FORM:



Debra A. Drayovitch, City Attorney

ORDINANCE NO. 18-04-19-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING CHAPTER 130 OF THE CORINTH CODE OF ORDINANCES TO CONTINUE A CURFEW FOR MINORS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT APPEARING IN A PUBLIC PLACE BETWEEN THE HOURS OF (MIDNIGHT) 12:00 A.M. AND 6:00 A.M.; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Corinth has determined it is in the best interest of the health, welfare and safety to provide for the protection of minors from each other and from other persons through enforcement of a curfew for minors; and

WHEREAS, on April 16, 2009, the City Council adopted Ordinance No. 9-04-16-05 establishing a curfew for minors under the age of seventeen years, and readopted the curfew provisions in 2015; and

WHEREAS, the curfew regulations of the City will expire and City Council having conducted a public hearing and determined to continue the regulations in accordance with state and federal law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

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SECTION 5
EFFECTIVE DATE

That this ordinance shall take effect and be in full force immediately upon its final passage, approval and publication.

PASSED AND APPROVED THIS THE ___ DAY OF _____, 2018.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kim Pence, City Secretary

APPROVED AS TO FORM:

Mack Reinwand, City Attorney

In April 2009 the Corinth City Council adopted the existing City Ordinance establishing curfew hours for minors. This document provides the existing Ordinance information and supporting documentation.

Juvenile Curfew Ordinance Review and Data Analysis

Report Date March 2018

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Background

On April 16, 2009 the Corinth City Council adopted Ordinance 09-04-15-05 establishing curfew hours for minors. With limited exceptions, persons under the age of 17 years, and readopted the curfew provisions in 2012 and again in 2015

The current Ordinance requires a periodic review to include the Ordinance's effect on the community and the problems the ordinance was intended to remedy.

This analysis revealed that it is not only practical to enforce the ordinance but that it is a useful tool for officers.

In 1995, Texas Legislature enacted provisions that address a City's authority to enact juvenile curfew ordinances. This legislation requires a city to conduct periodic reviews of its curfew ordinance. A city must review its curfew ordinance at least every three years addressing:

1. The ordinance's effect on the community and on problems the ordinance was intended to remedy, and;
2. Conduct public hearings on the need to continue the ordinance; and
3. Abolish, continue, or modify the ordinance.

If the city fails to conduct the required review and public hearings the ordinance automatically expires.

It is recommended that the City Council:

1. Hold a public meeting on the curfew ordinance
2. Review the effect the Curfew Ordinance for Minors under Seventeen Years of Age has had on the community and the problems the ordinance was intended to remedy. Determine if the ordinance was successful.
3. Include the effective date of the ordinance and date of periodic review in the ordinance, and;
4. Continue the attached curfew ordinance for minors for three more years.

Data Collection and Analysis

Data was collected from the Corinth Police Department's Records Management System (RMS) and the Corinth Municipal Court software system (INCODE). The data was then organized and analyzed showing trends in different activities to help determine the effectiveness of the ordinance. The data is presented in both written and graph format representing several categories to explain the trends.

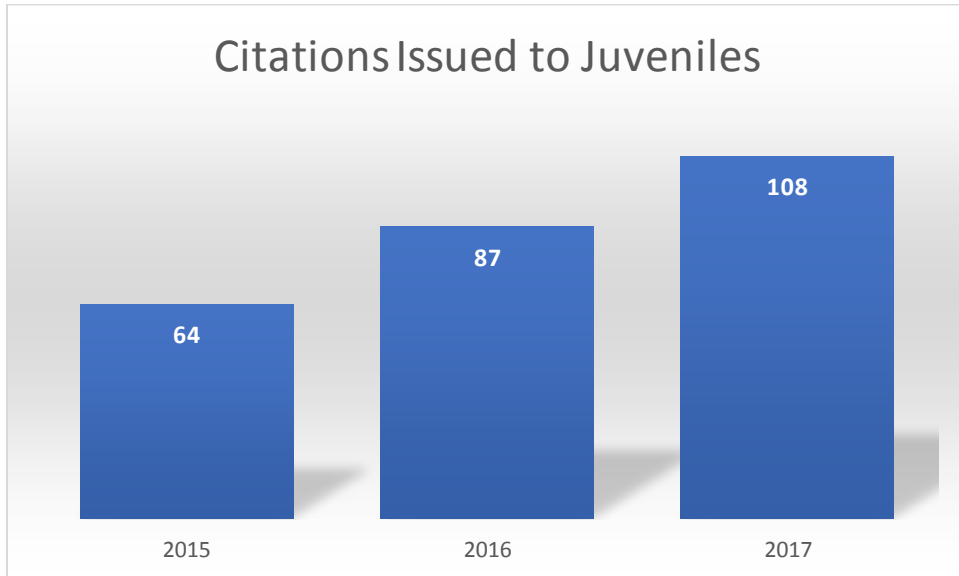
Beginning in 2009, data collection methods changed in that if a citation only was issued, it was not counted as an arrest. Only those juveniles physically taken into custody are counted as arrests. The arrest data is for persons under seventeen years of age who were physically taken into custody during curfew hours. Data was collected for calendar years 2015-2017.

Citation data includes those cited who are under the age of 17 and due to the software limitations; data includes citations written during and outside of the curfew hours. For the purposes of enforcement of laws relating to alcohol, “minor” means a person under the age of 21. For laws relating to tobacco, “minor” means a person under the age of 18.

For purposes of Council review, dates collected include 2015-2017.

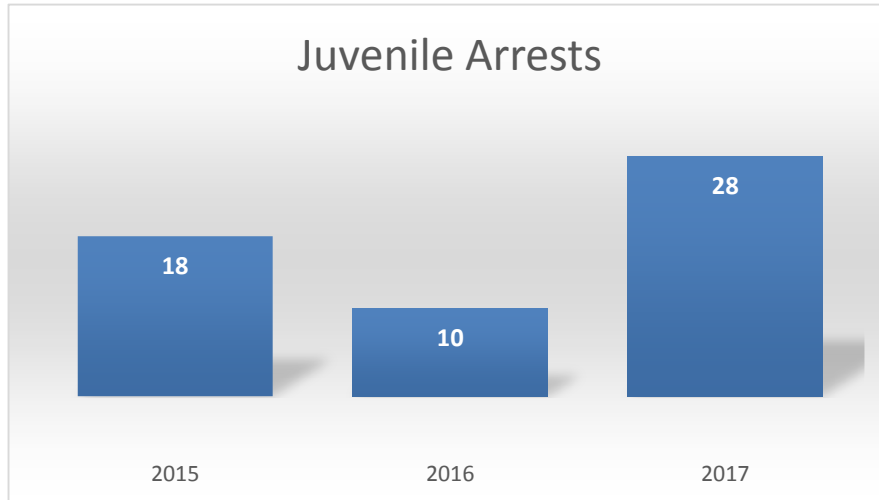
Citations Issued to Juveniles

From calendar year 2015 to calendar year 2017, the Corinth Police Department issued 270 citations to juveniles (persons under the age of 17). These citations include traffic violations, and City Ordinance violations. Of the 270 citations issued to juveniles, 74 were issued during curfew hours.



Juvenile Arrests during Curfew Hours

As previously stated, these numbers reflect only those juveniles that were physically taken into custody; it does not include those juveniles that were released only with a citation. Arrest Charges include robbery, burglary, assaults, possession of marijuana or other drugs, etc.



Most Common Violations

The most common violations by juveniles and minors involve alcohol and tobacco. This analysis looks at these most common violations and how they relate to the juvenile curfew hours of Midnight to 6:00 am. These violations are:

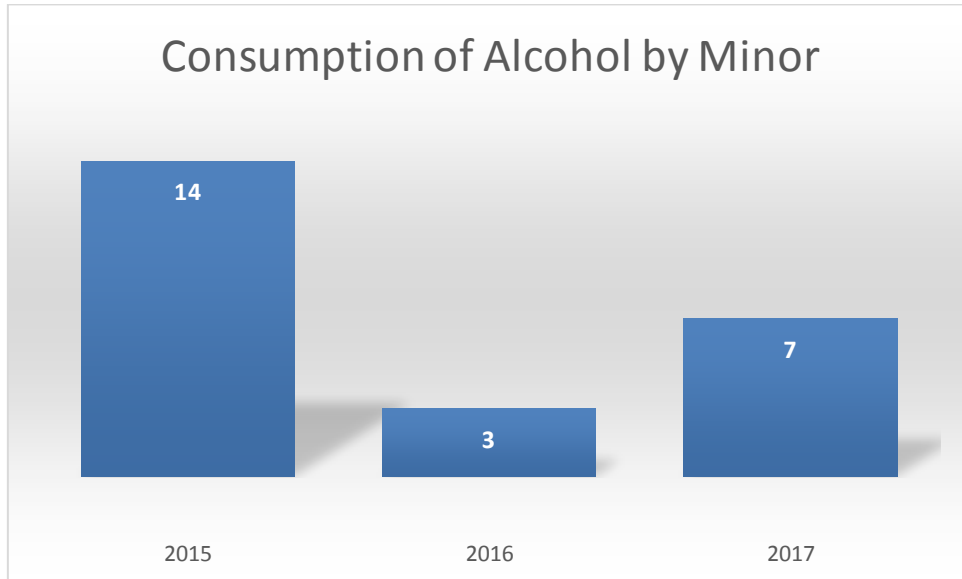
Consumption of Alcohol by a Minor	Texas Alcoholic Beverage Code Sec. 106.04
Possession of Alcohol by a Minor	Texas Alcoholic Beverage Code Sec. 106.05
Possession of Tobacco by a Minor	Texas Health and Safety Code Sec. 161.252
Driving Under the Influence of Alcohol by Minor	Texas Alcoholic Beverage Code Sec. 106.041
Possession of Drug Paraphernalia	Texas Health and Safety Code Sec. 481.125
Juvenile Curfew	City of Corinth Code of Ordinances 09-04-16-05

Other Significant Offenses

Criminal Mischief	Texas Penal Code 28.03
Burglary of Vehicles	Texas Penal Code 30.04

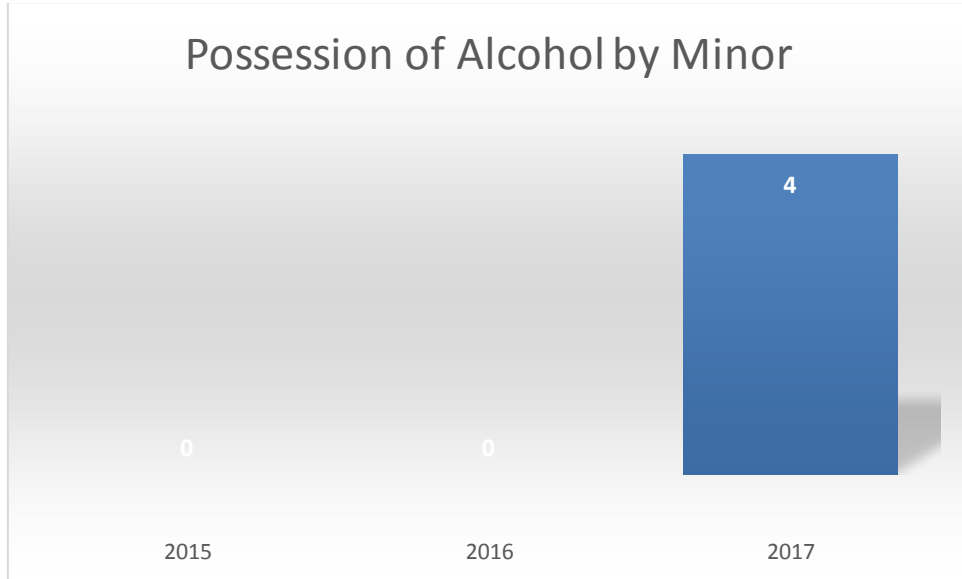
Consumption of Alcohol by a Minor

These figures only include persons cited or arrested under the age of 17 years old. Inclusion of persons cited or arrested from age 17 to 20 would result in a notable increase in this category. Of the 24 citations issued for Consumption of Alcohol by a Minor, 17 were issued during curfew hours.



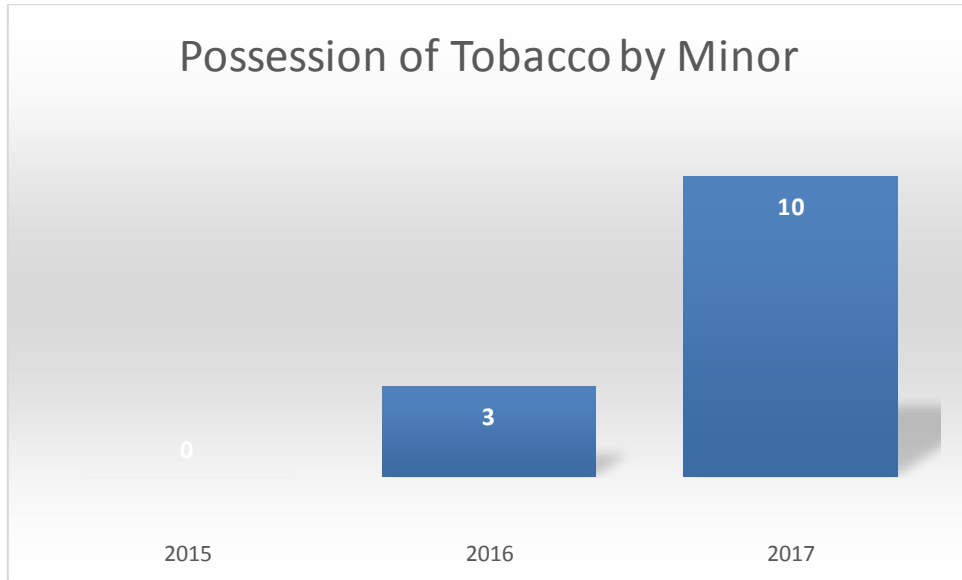
Possession of Alcohol by a Minor

These figures only include persons cited or arrested under the age of 17 years old. Inclusion of persons cited or arrested from age 17 to 20 would result in an increase in this category as well.



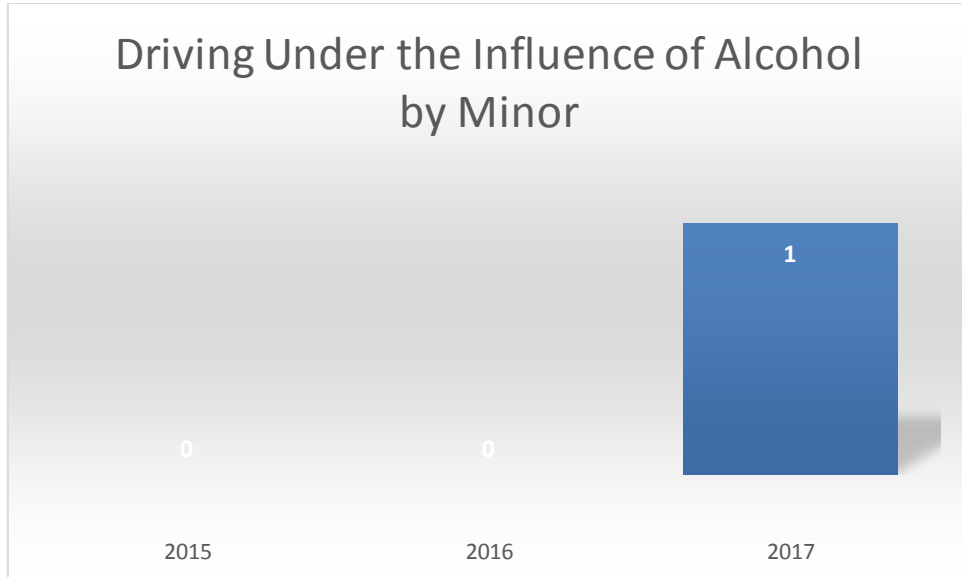
Possession of Tobacco by Minor

The trend in possession of tobacco by minors is increasing overall.



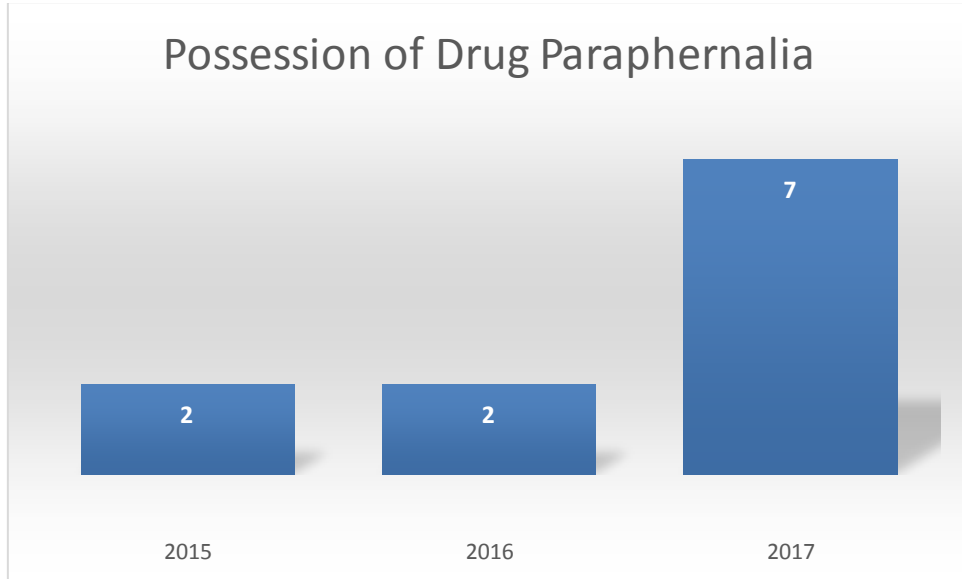
Driving Under the Influence of Alcohol by Minor

Citations and arrests for Driving Under the Influence of Alcohol by a Minor have historically been low in the City of Corinth.



Possession of Drug Paraphernalia

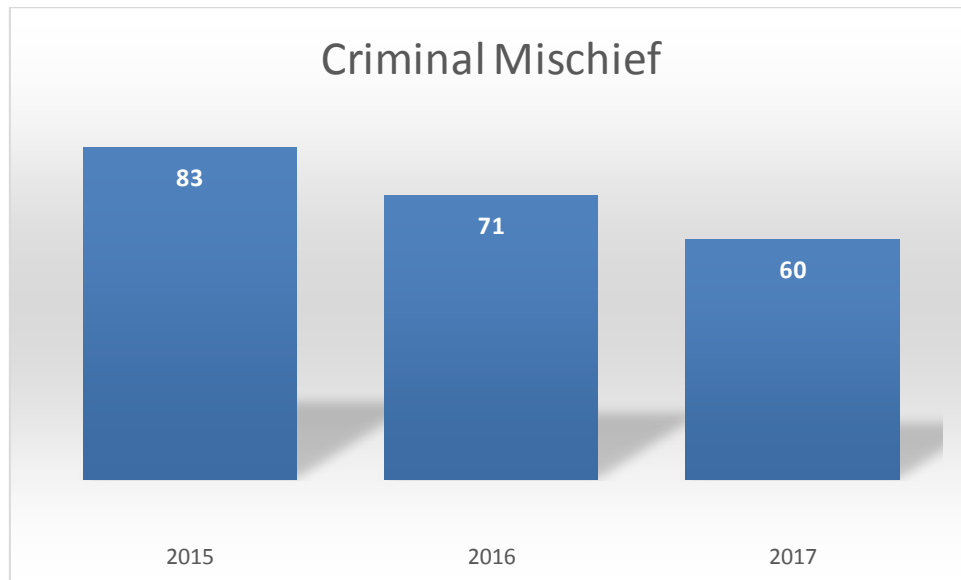
The number of cited violations for possession of drug paraphernalia remains low. Of the 11 citations issued for Possession of Drug Paraphernalia, 4 were issued during curfew hours.



Criminal Mischief

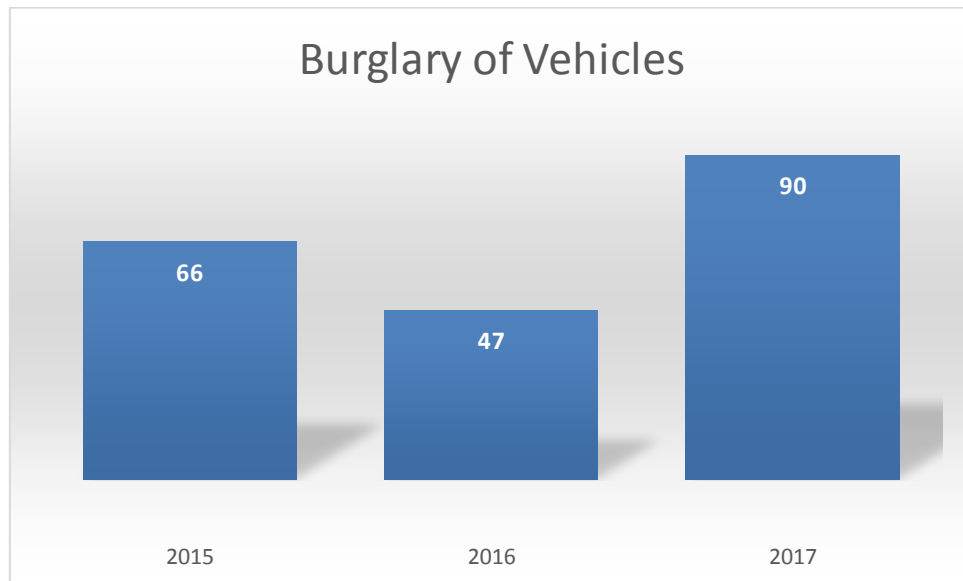
Common forms of criminal mischief include vandalism, graffiti or destruction or defacing of property (excluding arson). Criminal Mischief Offenses are normally associated with juvenile behavior. Some of the reports include offenses that are classified as criminal mischief such as “toilet papering” homes and “egging” cars. These activities commonly occur during evening and late night hours and are usually committed by groups of juveniles. The numbers reflected in the graph below are total offenses reported. Offenses such as these are often reported the following day and the time-frame of occurrence begins with when the reporting person last observed the undamaged property. These activities may at first seem harmless, but as time passes and especially with “egging”, costly damage can be caused if not cleaned immediately. This type of activity as time goes on can lead to more serious offenses. On the other hand, if juveniles are out during curfew hours and enter property, the owner could mistake them for criminals, intent on entering their residence or committing a theft. Laws in Texas allow residents to defend themselves and property with a firearm. The intent of the curfew is to protect juveniles. Preventing them from committing crimes is one aspect, but the other is to prevent them from becoming victims of crime or accidents as well.

The data collected for 2015-2017 illustrates a steady decline in the number of offenses reported to the police.



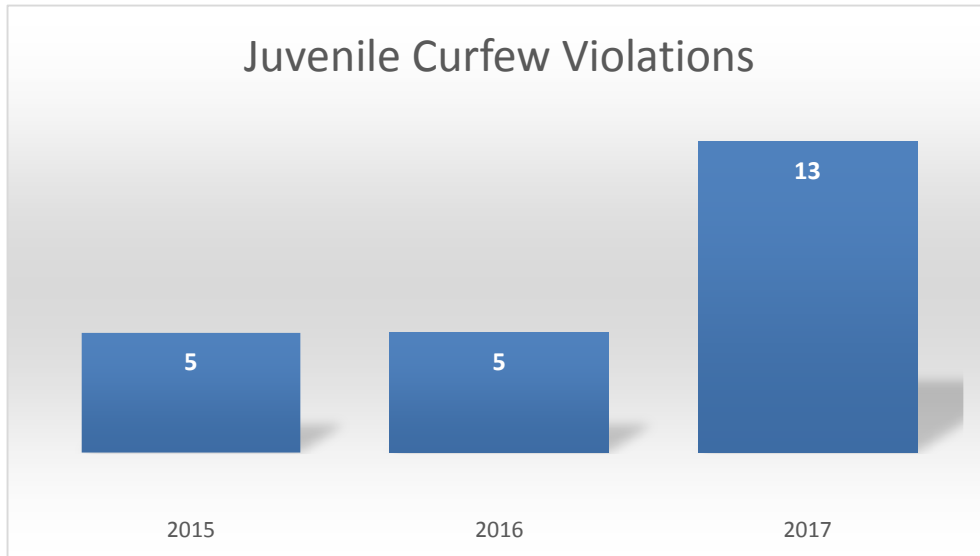
Burglary of Vehicles

Burglary of Vehicle offenses showed a marked increase from 2016 until 2017. Often, vehicle burglaries are crimes of opportunity with vehicles being left unlocked. By having a curfew, juveniles that are abiding by the ordinance are not out and being tempted by the opportunity to commit the crime. Juveniles have a tendency to give in to peer pressure when they are confronted with the opportunity to commit these types of offenses to fit in. Once again, the intent of the curfew ordinance is to reduce crime, protect juveniles from being victims of crime and participating in these “crimes of opportunity”. As with the Criminal Mischief Offenses, these are often reported the following day and the time-frame of occurrence begins with when the reporting person last observed the property.



Curfew Violation Citations Issued

The initial Juvenile Curfew Ordinance was instituted in August 2005. The existing Juvenile Curfew Ordinance was adopted in 2009. The number of citations issued annually shows to have increased in the past year.



Summary

An examination of the data collected and included in this analysis reveals that the Juvenile Curfew Ordinance is an effective tool that assists officers, reduces juvenile delinquency and victimization. It is the recommendation of the Corinth Police Department that the City Council review this report and consider continuing the Juvenile Curfew Ordinance.

TxDOT concerns for adding a driveway at this location. In addition to support from the city, the developer will need to provide preliminary designs, studies and exhibits which will provide the basis for the new driveway and any other required improvements needed to build a new driveway in harmony with future expansion of the IH-35E corridor.

The item was recommended for approval at the Planning and Zoning Meeting held March 26, 2018 conditional upon the results of a traffic study and TxDOT approval of the driveway.

RECOMMENDATION

Staff recommends approval for a Major Subdivision Waiver for relief from the driveway separation distance requirements of the Unified Development Code, Section 3.05.04, Access Management, to allow a separation distance of 244', curb-to-curb, in lieu of 250' from the Post Oak intersection, and a separation distance of 77', curb to curb, in lieu of 250' from the nearest adjacent driveway. The property is located on 3.017 acres legally described as a portion of Lot 1, Block 1, State Farm Addition, in the City of Corinth, Denton County, Texas. This property is located south of the Post Oak Drive intersection on the southbound frontage road of IH-35E and is commonly known as 1251 Post Oak Drive.?

Attachments

Statement of Intent

Diveway Spacing Exhibit

Phase II IH35E Schematic



February 26, 2018

Mr. Patrick Hubbard
Development Coordinator
City of Corinth
3300 Corinth Parkway
Corinth, TX 76208
972.498.3260

Re: SWC of I-35E and Post Oak Drive, Corinth, TX – Major Subdivision Waiver

Dear Mr. Hubbard,

My firm represents Provident Realty Advisors who currently is under contract to purchase the southwest corner of I-35E and Post Oak Drive in Corinth, TX. This property has been vacant and unoccupied for last several years and is currently owned by a bank. My Client would like to demolish the existing building and re-develop this property. The recent completion of the Post Oak Bridge over I-35E has brought development interest to this intersection. Our Client has discussed this location with several national tenants and all of them express the viability of the site depends on access to I-35 frontage road.

Please see the attached exhibit showing the proposed location of an access drive approximately 244' south of the Post Oak intersection on the southbound frontage road. We understand that the City of Corinth and TxDOT share access control in this corridor and we are slightly below the City of Corinth standards of 300 feet from the intersection. We have approached TxDOT and they offer no objections to our proposed driveway. The proposed access is located approximately 77' north of the existing access drive that serves Christian Brothers Automotive. Our firm has evaluated the feasibility of cross access but due to extreme topographic conditions, this is not feasible in our opinion.

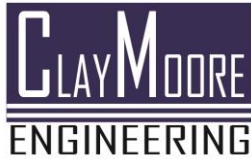
Our firm would respectfully request consideration of an access point to serve the subject tract via a Major Subdivision Waiver.

Thank you and please call if you have any comments or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Moore".

Matt Moore, P.E.



December 4, 2017

Mrs. Tina Massey
Area Engineer
Denton County TxDOT
2624 W. Prairie
Denton, TX 76201

Re: SWC of I-35E and Post Oak Drive, Corinth, TX

Dear Mrs. Massey,

My firm represents Provident Realty Advisors who currently is under contract to purchase the southwest corner of I-35E and Post Oak Drive in Corinth, TX. This property has been vacant and unoccupied for last several years and is currently owned by a bank. My Client would like to demolish the existing building and re-develop this property into a retail/restaurant use. The recent completion of the Post Oak Bridge over I-35E has brought development interest to this intersection. Our Client has discussed this location with several national tenants and all of them express the viability of the site depends on access to I-35 frontage road. We believe that the highest and best use is a retail development at this location which could spur tax dollars on a currently vacant/unoccupied high profile location.

Please see the attached exhibit showing the proposed location of an access drive approximately 244' south of the Post Oak intersection on the southbound frontage road. We understand that the City of Corinth and TxDOT share access control in this corridor and we are slightly below the City of Corinth standards of 300 feet from the intersection. The proposed access is located approximately 77' north of the existing access drive that serves Christian Brothers Automotive. Our firm has evaluated the feasibility of cross access but due to extreme topographic conditions, this is not feasible in our opinion.

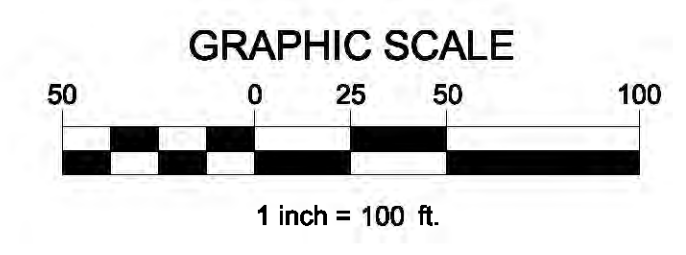
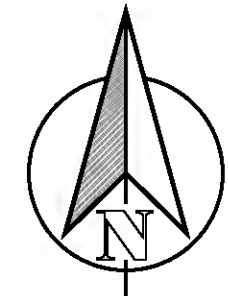
Our firm would respectfully request consideration of an access point to serve the subject tract. We could evaluate and consider a short deceleration lane to allow traffic entering the development to get out of the frontage road and promote a safe entrance into this property.

Thank you and please call if you have any comments or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Matt Moore".

Matt Moore, P.E.



PRELIMINARY
 FOR REVIEW ONLY
 Not for construction purposes.
CLAYMOORE ENGINEERING
 ENGINEERING AND PLANNING CONSULTANTS
 Engineer: **DREW DONOSKY**
 P.E. No. 125851 Date: 9/22/2017

**TXDOT DRIVEWAY EXHIBIT
 POST OAK DRIVE AND I-35 E
 CORINTH, TX**

No.	DATE	REVISION	BY

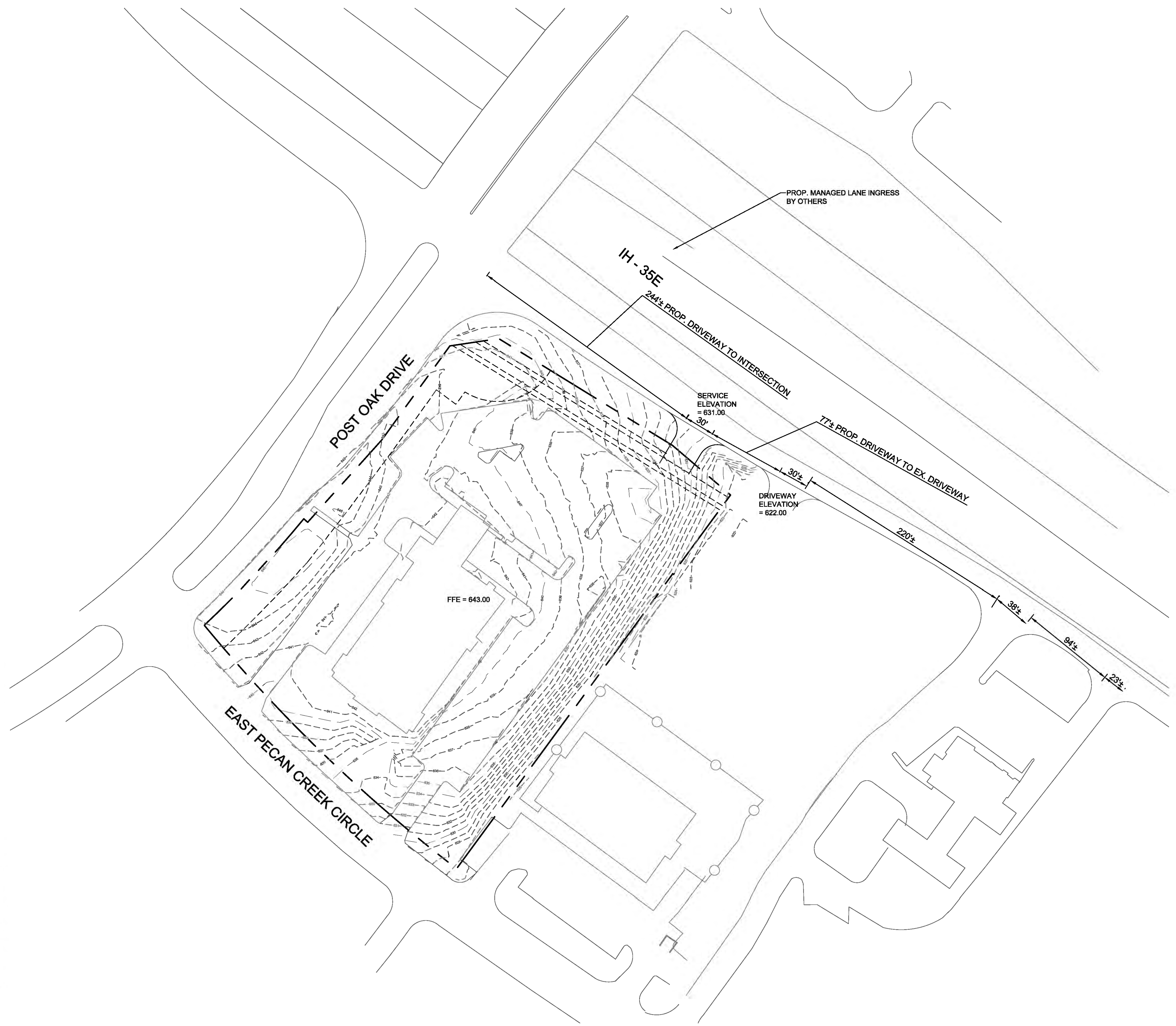
DRIVEWAY SPACING EXHIBIT

DESIGN: ASD
 DRAWN: NMA
 CHECKED: ASD
 DATE: 9/22/2017

SHEET
C-1

File No. 2017-

PLOTTED BY: DREW DONOSKY
 PLOT DATE: 12/1/2017 12:34 PM
 LOCATION: Z:\PROJECTS\MARKETING\POST_OAK\CADD\EXHIBIT\TXDOT_DRIVEWAY_EXHIBIT.DWG
 LAST SAVED: 9/22/2017 1:46 PM



HOV 2+ **\$XX.XX**
1 OCCUPANT **\$XX.XX**
PAY BY MAIL **\$XX.XX**

EXIT 10
2181
Swisher Rd
1/4 MILE

BEGIN RETAINING WALL
PIH35E STA. 1696+05.23,
126.46' LT

EXIT XXX
Corinth
Pkwy

PROPOSED COSS
STA 1696+15

XX
EXIT

PROPOSED OSB
STA 1696+00

☉ PPO STA. 20+67.03
MATCH EX PAVEMENT

END ACCESS DENIAL
PSBEFR STA. 3693+65

PROPOSED GROUND MOUNT
STA 1688+00

END RETAINING WALL
PIH35E STA. 1693+51.73,
126.59' LT

POST OAK

PSBEGP-7

PSBEGP-8

PSBEFR-A21

(147)

END ACCESS DENIAL
PSBEFR STA. 3698+30

PSBEFR-A20

(138)

PSBEFR-A19

EX ROW

PSBEGP-6

BEGIN ACCESS DENIAL
PSBEFR STA. 3690+54

PSBEFR-A18

(140)

N 53° 34' 39" W

N 53° 34' 39" W

N 53° 34' 39" W

N 53° 34' 39" W

N 54° 45' 24" W

N 53° 34' 39" W

PNBEGP-7

PNBEFR-A16

BEGIN ACCESS DENIAL
PNBEFR STA. 2692+40

PNBEGP-8

END RETAINING WALL
PIH35E STA. 1693+26.47,
126.47' RT

PIH35E STA. 1694+66.82
PPO STA. 15+95.70

END ACCESS DENIAL
PNBEFR STA. 2694+28

PNBEFR STA. 2694+99.42=
PPO STA. 14+20.12
(SIGNALIZED INTERSECTION)

PPO-1

CITY OF CORINTH
CITY OF DENTON

☉ PPO STA. 10+98.23
MATCH EX PAVEMENT

PNBEGP-10

PNBEFR-A18

(151)

PNBEFR-A17

PNBEGP-9

BEGIN RETAINING WALL
PIH35E STA. 1695+67.39, 126.50' RT

PROP 2-7'X6'MBC - SEE NOTE 15

PROP DRAINAGE EASEMENT
TO GRADE EX CHANNEL

(152)

BEGIN ACCESS DENIAL
PNBEFR STA. 2704+45

SHADY SHO

PROP DRAINAGE
EASEMENT
EX CHANNEL



BUSINESS ITEM 15.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018
Title: Ordinance-No Stopping, Standing or Parking between the 6800-7700 Block IH35E WSR
Submitted For: Debra Walthall, Chief **Submitted By:** Kevin Tyson, Lieutenant
Finance Review: N/A **Legal Review:** Yes
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

CONSIDER AND ACT ON AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF CORINTH, TEXAS, BY AMENDING CHAPTER 71, STOPPING, STANDING AND PARKING, BY MODIFICATIONS TO SECTION 71.02, PARKING DESIGNATIONS FOR PORTIONS OF PUBLIC RIGHTS-OF-WAY, PROHIBITING PARKING, STANDING, AND STOPPING ALONG PORTIONS OF INTERSTATE HIGHWAY 35 SERVICE ROAD (STEMMONS FREEWAY), PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

AGENDA ITEM SUMMARY/BACKGROUND

Beginning in September 2017 the police department received complaints of vehicles stopping on the service road to I 35E at Meadowview Dr which has almost caused multiple vehicle accidents. This back up is caused by vehicles waiting to get into Corinth Classical Academy to pick up children after school. PD officials have met with Classical Academy Directors on multiple occasions and by passing the ordinance and posting signs this should alleviate the problem. This will allow officers to enforce the violation and keep the roadway clear.

RECOMMENDATION

Staff recommends the ordinance be amended and approved as is.

Attachments

I35 Frontage Road No Parking

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF CORINTH, TEXAS, BY AMENDING CHAPTER 71, STOPPING, STANDING AND PARKING, BY MODIFICATIONS TO SECTION 71.02, PARKING DESIGNATIONS FOR PORTIONS OF PUBLIC RIGHTS-OF-WAY, PROHIBITING PARKING, STANDING, AND STOPPING ALONG PORTIONS OF INTERSTATE HIGHWAY 35 SERVICE ROAD (STEMMONS FREEWAY), PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1.

That the Code of Ordinances of the City of Corinth, Texas, is hereby amended by the amendment of Chapter 71, Stopping, Standing and Parking, Section 71.02, Parking Designations for Portions of Public Rights-of-Way, Paragraph (A), to read as follows, to-wit:

§ 71.02 - PARKING DESIGNATIONS FOR PORTIONS OF PUBLIC RIGHTS-OF-WAY.

(A) A person shall not stop, stand, or park a vehicle on a highway under the jurisdiction of the Texas Department of Transportation when signs are erected by the Texas Department of Transportation which prohibit or restrict the stopping, standing or parking of a vehicle on the highway. The City Council or the Director of Public Works may designate no parking zones, time limits, loading zones and no stopping areas on any portion of the public right-of-way within the city. Such designated zones include the following:

- (1) No parking zone:
 - (a) Both sides of Parking Drive, 2700 Block through 3400 Block;
 - (b) Both sides of Creekside Drive, 1700 Block through 1900 Block;
 - (c) Both sides of Vintage Drive, 1700 Block to 1800 Block;
 - (d) North side of Wickersham Drive, 1900 to 1915 Wickersham Drive;
 - (e) South side of Wickersham Drive, 1900 to 1916 Wickersham Drive.
 - (f) Both sides of Meadowview Drive, from Fairview Drive to the Service Road of IH-35; and
 - (g) West Service Road of Interstate 35 East (Stemmons Freeway), 6800 Block to 7700 Block.
- (2) Parking time limit zone;
- (3) Loading zone;
- (4) No stopping zone;

- (a) West Service Road of Interstate 35 East (Stemmons Freeway), 6800 Block to 7700 Block.
- (5) Passenger loading zone;
- (6) Fire lane zone; and
- (7) Safety zone.

SECTION 2.

That any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction in the Municipal Court shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day said violation continues shall constitute a separate offense:

SECTION 3.

That it is the intention of City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any phrase, clause, sentence or section of this ordinance shall be deemed unconstitutional or invalid by any judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining section, paragraph, sentence, clause or portion of this ordinance or any other provision of the Code of Ordinances of the City of Corinth.

SECTION 4.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provides.

DULY PASSED by the City Council of the City of Corinth, Texas, on the 19th day of April, 2018.

APPROVED:

BY: _____
MAYOR

DULY RECORDED:

BY: _____
CITY SECRETARY

APPROVED AS TO FORM:

BY: _____
CITY ATTORNEY

BUSINESS ITEM 16.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: Resolution appointing one candidate to the Denco Area 9-1-1 District Board of Managers

Submitted For: Bob Hart, City Manager

Submitted By: Kim Pence, City Secretary

City Manager Review: Bob Hart, City Manager

AGENDA ITEM

Consider and act on a Resolution nominating one candidate to a slate of nominees for the Board of Managers of the Denco Area 9-1-1 District.

AGENDA ITEM SUMMARY/BACKGROUND

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Jim Carter (former Mayor of Trophy Club and Denton County Commissioner). Members are eligible for consecutive terms and Mr. Carter has expressed his desire to serve another term.

If the Council would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, formal Council action is required. All nominations must include a Council Resolution and resume of the candidate, which must be sent to the Denco Area 9-1-1 District office by June 15, 2018.

On June 16, 2018 Denco staff will send the slate of nominees to each City for consideration, requesting council vote by resolution for one of the nominees. Written notice of the Council's selection must reach Denco Area 9-1-1 District by September 15, 2018. The candidate with the most votes will be the municipalities' representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2018.

RECOMMENDATION

N/A

Attachments

Resolution No. 18-04-19-03

Resolution No. 18-04-19-03

A RESOLUTION NOMINATING MEMBERS TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CORINTH, TEXAS:

Section 1

The City of Corinth hereby nominate(s) _____ as a Candidate for appointment to the Board of Managers for the Denco Area 9-1-1 District.

Section 2

That this Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 19th day of April, 2018.

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

BUSINESS ITEM 17.

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: Lynchburg Creek Design Study

Submitted For: Bob Hart, City Manager

Submitted By: Lee Ann Bunselmeyer,
Director

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider and act on an ordinance approving an amendment to the fiscal year 2017-2018 Budget and Annual Program of Services to provide for expenditure of funds from the Storm Drainage Fund for the Lynchburg Creek Design Study.

AGENDA ITEM SUMMARY/BACKGROUND

On September 21, 2017 the City Council approved the fiscal year 2017-2018 Annual Program of Services (Budget) for the City of Corinth. This included a Storm Drainage Fund expenditure budget of \$721,867.

It has been determined that funds are needed for the Lynchburg Creek Master Drainage Plan which fits into a long term strategy to facilitate development inside the basin, protect existing structures, and minimize future flood damages and injuries caused by flooding.

In December 2012, the City Council adopted a Fund Balance Policy for the Storm Drainage Fund . The policy established the City's goal to achieve and maintain an unassigned fund balance in the Storm Drainage Fund equal to 25% of expenditures. Based on the current year budgeted expenditures, the 25% fund balance target for the Storm Drainage Fund is \$180,466. The fiscal year ending anticipated fund balance for the Storm Drainage Fund is \$792,305 which is \$611,839 above the required fund balance target.

RECOMMENDATION

Staff recommends approval of the budget amendment authorizing \$250,000 from the Storm Drainage operating fund balance for the Lynchburg Creek Design Study.

Attachments

Ordinance

ORDINANCE NO. 18-04-19-___

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS APPROVING AN AMENDMENT TO ORDINANCE NO. 17-09-21-13 REGARDING THE FISCAL YEAR 2017-2018 CITY OF CORINTH BUDGET AND ANNUAL PROGRAM OF SERVICES TO PROVIDE FOR EXPENDITURES OF FUNDS FROM THE STORM DRAINAGE FUND FOR THE LYNCHBURG CREEK DESIGN STUDY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth is a home-rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the local Government Code; and

WHEREAS, the City Council adopted a budget and appropriated resources for the budget year beginning October 1, 2017, and ending September 30, 2018 by Ordinance No. 17-09-21-13; and

WHEREAS, the current adopted budget for fiscal year 2017-2018 does not have adequate funding of \$250,000 for expenditures in the Storm Drainage Fund for the Lynchburg Creek Design Study; and

WHEREAS, the City Council deems it appropriate and necessary to amend the budget to reflect expenditures of \$250,000 in the Storm Drainage Fund for the Lynchburg Creek Design Study; and

WHEREAS, the Council finds that this budget amendment is consistent with § 9.05 of the City Charter and the proposed change in the budget is for a municipal purpose;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORINTH HEREBY ORDAINS:

SECTION I

The findings set forth in the above preamble to this Ordinance are true and correct.

SECTION II

Ordinance No. 17-09-21-13, the budget for the fiscal year beginning October 1, 2017, and ending September 30, 2018, shall be amended as follows:

Two hundred, fifty thousand dollars (\$250,000) shall be appropriated into the expenditures line item in the Storm Drainage Fund for the Lynchburg Creek Design Study.

SECTION III

The City of Corinth Budget and Annual Program of Services is hereby amended to appropriate the sum of **\$250,000** in the Storm Drainage Fund for the Lynchburg Creek Design Study. Further, the City Council affirms its approval of the increase in the expenditure of funds.

Ordinance No. 18-04-19-___

SECTION IV

The City Secretary is hereby directed to attach a copy of this Ordinance to Ordinance No. 17-09-21-13.

SECTION V

Pursuant to Section 102.009(d) of the Texas Local Government Code, the municipal budget officer is directed to file a true copy of this amendment with the Denton County Clerk. If the mayor objects to this ordinance, it shall be adopted by a majority of the entire City Council.

SECTION VI

This Ordinance shall be in full force and effect after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS THE 18th DAY OF JANUARY 2018.

SEAL

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wm. Andrew Messer, City Attorney

City Council Regular and Workshop Session

Meeting Date: 04/19/2018
Title: Lynchburg Creek Design Study
Submitted For: Mike Brownlee, City Engineer
Submitted By: Mike Brownlee, City Engineer
Finance Review: Yes
Legal Review: Yes
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Consider approval of the Lynchburg Creek Master Drainage Plan in the lump sum amount of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000).

AGENDA ITEM SUMMARY/BACKGROUND

Jones Carter Engineering has submitted a proposal in the amount of \$250,000 to provide a Master Drainage Study for the Lynchburg Creek Basin. The Lynchburg Creek Master Drainage Plan fits into a long term strategy to facilitate development inside the basin, protect existing structures, and minimize future flood damages and injuries caused by flooding. The scope of the study includes a plan that will provide solutions to flooding and drainage issues in the Lynchburg Creek Basin. The study will focus on the Amity Village subdivision at the upper end of the basin, the area around the confluence of the creek with IH-35E, and the Red Oak Drive area, These three area have all been drainage concerns in the past. The Lynchburg Creek Master Drainage Plan will also include an assessment of the existing drainage infrastructure to identify other worthwhile improvements including undersized culverts and ditches and other concerns with recommended solutions.

The Lynchburg Creek Master Plan will leverage work already completed for Risk Mapping of FEMA's Lynchburg Creek Basin being administered through the North Central Texas Council of Governments. These updated RISK maps show areas inside the city that will be brought into the 100-year floodplain when the FEMA maps are updated. This study will provide multiple alternatives solutions with construction cost estimates (as well as estimated damages and # of structures) that will help the city proactively plan for drainage improvements to relieve flood prone areas and help minimize damages to existing structures caused by flooding. Ultimately, a project must be completed and approved by FEMA before it can be removed from the floodplain. The recommended solutions will be used to seek State or Federal funding to provide a solution to the flooding issue.

RECOMMENDATION

Staff recommends approval of the Lynchburg Creek Master Drainage Plan in the lump sum amount of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000), contingent upon approval of the budget amendment authorizing the expenditure.

Attachments

Proposal Lynchburg Master Plan



6509 Windcrest Drive, Suite 600
Plano, Texas 75024
Tel: 972.488.3880
Fax: 972.488.3882
www.jonescarter.com

April 4, 2018

Mr. Bob Hart
City of Corinth
3300 Corinth Parkway
Corinth, Texas 76208

Re: Professional Engineering Services for
Lynchburg Creek Master Drainage Plan
City of Corinth, Texas
(Jones|Carter Work Order No. 1)

Dear Mr. Hart:

We appreciate the opportunity to present this proposal for the civil engineering services pursuant and in accordance with the Master Agreement for Professional and Engineering Services between the City of Corinth and Jones & Carter, Inc.

Project Understanding

Corinth is participating in the FEMA Cooperating Technical Partners (CTP) program being administered through the North Central Texas Council of Governments to update floodplain data and mapping along Lynchburg Creek. Preliminary output provided to the City by the CTP consultant have presented previously undocumented drainage and flooding concerns. Additionally, the City is aware of historic flooding and drainage concerns within the watershed. The City would like to evaluate the watershed to identify and evaluate solutions to reduce the impact of flooding and estimate their costs and benefits. The City would like to use the results of this evaluation to prioritize projects and plan for funding, including evaluation of grant programs, to implement preferred alternatives.

Based on our understanding of the City's needs, watershed characteristics, and the grant funding process, we prepared the following scope of services and fee proposal for your consideration.

Mr. Bob Hart
Page 2
April 4, 2018

Scope of Services

The objective of the Master Drainage Plan is to provide the City with a plan to address critical drainage and flooding issues within the Lynchburg Creek watershed that will improve the safety and welfare of existing residents and allow for future development to proceed without further impacting residents.

1) Support City Staff with Council Approval

JC will attend up to 2 city council meetings and/or workshops to assist City staff in describing the scope and benefits of this planning effort. Additional meetings can be attended as an additional service if requested.

2) Collection & Review of Baseline Information

JC will obtain and review available watershed data. Some data will need to be provided by the City. The data will include: data, models, maps, and exhibits from the ongoing CTP; 2004 Storm Water Master Plan; previous drainage studies; Letters of Map Revision; record drawings; and drainage complaints reported by citizens.

With respect to flooding, three areas of concern have been identified in previous discussion with the City: (1) Amity Village, (2) Red Oak Drive, and (3) the area between Corinth Parkway and Interstate 35 East. JC will utilize the obtained data and in-field assessments to identify additional potential locations that could benefit from master drainage planning. Providing evaluation of potential solutions, recommendations, and estimates for these additional areas of concern can be included as an additional service.

JC will attend a kick-off meeting with the City covering the following topics:

- Project Communication – Establish the frequency and method of communication with City staff.
- Project Scope
- Project Milestones & Schedule
- Project Deliverables

3) Alternative Concept Development for Identified Flood Issues

JC will identify up to 2 conceptual improvements for each of the 3 previously identified flood concerns. With the Amity Village area, recommendations for the Corinth City Center development from the 2004 Storm Water Master Plan will be re-evaluated to accommodate for the denser development. Improvements may include channel rerouting, widening, and/or deepening, detention basin development, or other flood mitigation improvements. Conceptual improvements will include detention within the “Buc-ee’s site” and off-line detention for the Red Oak Drive area.

JC will meet with the City to prioritize the evaluation of problem areas and alternatives. Upon approval of the concepts presented in the meeting, we will proceed with detailed analysis of the concepts.

Mr. Bob Hart
Page 3
April 4, 2018

4) Evaluation of Additional Problem Areas

Our field assessment will look to identify erosion issues that could result in property damage, erosion/scour issues at outfalls, and instream structures such as bridge and culvert crossings. Additionally, we will observe ditches, culverts, and inlets within the watershed to note apparent capacity and maintenance issues. Further, we will perform cursory calculations for areas noted in the field to assess grades and capacities.

A brief letter report describing areas of additional concern shall be provided, and reviewed with the City to determine if they will be included in the master planning effort. Providing evaluation of potential solutions, recommendations, and estimates for these additional areas of concern are included as hourly task.

5) Hydrologic & Hydraulic Analyses of Flood Mitigation Improvements

JC will modify the detailed hydrologic and hydraulic models obtained from the ongoing CTP program to include the conceptual improvements for the flood concerns. The models are anticipated to be HEC-HMS and HEC-RAS models encompassing the overall watershed. The hydrologic models are anticipated to only include existing development conditions.

JC will model the alternatives using existing watershed development conditions to determine the specific design parameters and impacts of each. JC will use the watershed models to assess any adverse impacts elsewhere in the watershed caused by the proposed alternatives.

Schematics of the improvements will be prepared and the resulting floodplain reductions will be delineated and mapped. A 20% level construction cost estimate of each alternative will be developed with an appropriate contingency included.

The benefit of each alternative will be quantified in several ways. Using HEC-FDA, we will evaluate the Expected Annual Damages (EAD) in dollars of the existing condition and concepts for each problem area. We will also quantify the number of structures in the floodplain and the floodplain area in acres. Using the expected benefit in dollars and the cost in dollars, we will calculate a benefit/cost ratio using FEMA specifications of each alternative. JC will review the preliminary results of the alternatives analysis with the City prior to preparing the final report. A table like the one below will be compiled to document the alternatives.

**City of Corinth
Lynchburg Creek Master Drainage Plan
Alternative Summary Table**

Eval. Area	Concept	Description	Construction Cost (\$)	Expected Annual Damages (\$)	Structures in the Floodplain	Floodplain Area (ac)
Amity Village	Existing Conditions		N/A			
	Concept 1					
	Concept 2					
Red Oak Drive	Existing Conditions		N/A			
	Concept 1					
	Concept 2					
Corinth Pkwy to I-35E	Existing Conditions		N/A			
	Concept 1					
	Concept 2					

6) Evaluation of Projects Eligibility for FEMA Grant Funding

JC will evaluate the applicability of FEMA grant funding that is available for construction of flood mitigation projects. We will evaluate the Flood Mitigation Assistance (FMA) program, the Pre-Disaster Mitigation Grant (PDM) program, and the Hazard Mitigation Grant Program (HMGP). The grant programs each have specific requirements and involve coordination with the State of Texas Water Development Board (TWDB) or Texas Division of Emergency Management (TDEM).



Mr. Bob Hart
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 April 4, 2018

7) System Analysis & Improvements

The scope of the System Analysis & Improvements task cannot be fully realized until the completion of Task 4. However, to provide a comprehensive master plan, JC will further evaluate the drainage infrastructure draining to Lynchburg Creek and its tributaries. Based on evaluation of the available data, including the 2004 Storm Water Master Plan and field reconnaissance, JC will identify stormwater runoff issues, develop conceptual design solutions, and rank and prioritize design alternatives and maintenance projects for incorporation in the master drainage plan report.

8) Master Drainage Plan Report

JC will prepare a written report describing the alternatives, costs, and benefits with supporting calculations, exhibits, models, and other relevant information for the City for use as a planning tool for the Lynchburg Creek watershed. The Master Drainage Plan will include an implementation and phasing plan for the preferred alternatives. This will consider the cost/benefit ratio, funding sources, and project duration. The project duration will consider permitting, easement acquisition, design, and construction. JC will meet with the city up to 2 times to review the report and assist in the selection of preferred alternatives.

Additional Services

Storm Water Master Plan

In line with recommendations from the 2010 Comprehensive Plan, JC can prepare a comprehensive update for the City's Storm Water Master Plan by evaluating the other watersheds within the City.

Grant Applications

As an additional service, JC can prepare and submit grant applications for preferred alternatives to the TWDB and/or the TDEM on behalf of the City.

Proposed Fee

● Support City Staff/Review Baseline Data	\$	12,000
● Alternative Concept Development for Flood Issues	\$	18,000
● Evaluation of Additional Problem Areas	\$	28,000
● Hydrologic & Hydraulic Analyses	\$	130,000
● System Analysis & Improvements	\$	25,000
● Master Drainage Plan Report & Grant Evaluation	\$	37,000
Total Master Drainage Plan:	\$	250,000 (Lump Sum)

Mr. Bob Hart
 Page 6
 April 4, 2018

Information Provided by Client

1. Relevant CTP data including, but not limited to:
 - a. hydrologic and hydraulic models
 - b. topographic data
 - c. maps and exhibits
2. Recent LOMRs not incorporated into the CTP project
3. Drainage Studies
4. 2004 Storm Water Master Plan
5. Record drawings
6. Operations & Maintenance Manuals (pumped facility upstream of Amity Village, etc.)
7. Record and As-built drawings for infrastructure in the study area
8. Records of drainage complaints from citizens
9. Assistance with right of entry for areas within private property
10. Assistance with damage category data for HEC-FDA analysis (approximating structure and content values for potentially flooded structures)
11. Data required for grant applications

Project Schedule

JC will complete the scope of services defined herein according to the following simplified schedule. Note that durations are in calendar days, commencing with receipt of a signed proposal and the information to be provided by the City noted above.

- | | |
|--|-------------------|
| • Collection & Review of Baseline Data | 30 calendar days |
| • Alternative Concept Development for Flood Issues | 30 calendar days |
| • Evaluation of Additional Problem Areas | 45 calendar days |
| • Hydrologic & Hydraulic Analysis | 140 calendar days |
| • System Analysis & Improvements | 30 calendar days |
| • Master Drainage Plan Report & Grant Evaluation | 30 calendar days |

The schedule of hourly tasks will vary depending on the scope.

Mr. Bob Hart
Page 7
April 4, 2018

Special Considerations

This proposal is based on the following special considerations:

1. This proposal shall be subject to the Master Agreement for Professional and Engineering Services between the City of Corinth and Jones & Carter, Inc.
2. The models will be created utilizing existing LiDAR and GIS information provided to JC by the City. Topographic surveys or other field verification of this data is not included in this scope of services. Should additional information be required, JC will provide an estimated scope and fee as an amendment to this proposal.
3. We do not anticipate that field survey or environmental evaluations will be needed for this phase of the evaluation, but we can provide these as additional services if they are needed in the future.
4. This scope of services does not include detailed design, construction plans and specifications, or FEMA Letter of Map Change submittals. JC can provide an estimated scope and fee for these tasks if requested.
5. Any review or permit fees associated with the project shall be paid by the Client, or if paid by JC, shall be considered as a reimbursable expense, to be billed at cost plus 10% and are not included in any lump sum or not-to-exceed fees proposed.
6. Hourly Services shall be provided in accordance with the enclosed Schedule of Hourly Rates. These schedules are subject to revision on January 1st of each year.
7. Reimbursable expenses including outside services not performed by JC personnel shall be provided in accordance with the enclosed Schedule of Reimbursable Expenses. These services typically include deed research, reproduction, and deliveries. These schedules are subject to revision on January 1st of each year.
8. Fees do not include sales taxes that may be imposed.
9. The proposed fees shall be considered in their entirety for the scope of services. Should you wish to contract with us for only a portion of the work, we reserve the right to negotiate individual scope items on their own merits.
10. This proposal shall be valid for sixty days from this date and may be extended upon approval by this office.



Mr. Bob Hart
Page 8
April 4, 2018

We thank you for the opportunity to submit this proposal. An executed copy of this proposal will serve as our notice to proceed. Please return one copy to our office. Should you have any questions, please call.

Sincerely,

A handwritten signature in blue ink that reads 'Mark J. Holliday'.

Mark J. Holliday, PE
Division Manager
Municipal and District Services

A handwritten signature in blue ink that reads 'Zachary R. Toups'.

Zachary R. Toups, PE, CFM
Vice President
Hydrology and Hydraulics

ACR

\\jonescarter.corp\cfs\Projects\z_DA\Opportunities\PP100-1445-00 Lynchburg Creek Drainage\Project Management\Job Setup\Proposal-20180404.docx
Enclosure(s)

APPROVED BY:

Signature

Name and Title (Printed)

Date



SCHEDULE OF HOURLY RATES

Effective January 2018 - Subject to Annual Revision in January 2019

ENGINEERING PERSONNEL

Engineer I	\$ 88
Engineer II	\$ 94
Engineer III	\$107
Engineer IV	\$115
Engineer V	\$130
Engineer VI	\$145
Engineer VII	\$160
Sr. Project Engineer	\$175
Sr. Project Manager	\$200
Division Manager	\$210
Senior Manager/Regional Manager/Practice Leader	\$225
Corporate Manager	\$250

ELECTRICAL ENGINEERING PERSONNEL

Electrical Engineer I	\$ 94
Electrical Engineer II	\$105
Electrical Engineer III	\$120
Electrical Engineer IV	\$130
Electrical Engineer V	\$140
Electrical Engineer VI	\$155
Electrical Engineer VII	\$170
Sr. Electrical Project Engineer	\$190
Sr. Electrical Project Manager	\$220

CONSTRUCTION PERSONNEL (Includes Mileage)

Project Representative I	\$ 53
Project Representative II	\$ 60
Project Representative III	\$ 70
Project Representative IV	\$ 85
Project Representative V	\$ 95
Project Representative Coordinator	\$100
Project Representative I – Treatment Facilities	\$ 75
Project Representative II – Treatment Facilities	\$ 85
Project Representative III – Treatment Facilities	\$100
Project Representative IV – Treatment Facilities	\$110
Project Representative V – Treatment Facilities	\$125
Project Representative VI – Treatment Facilities	\$135
Project Representative VII – Treatment Facilities	\$150
Construction Manager I	\$ 88
Construction Manager II	\$ 94
Construction Manager III	\$107
Construction Manager IV	\$115
Construction Manager V	\$130
Construction Manager VI	\$145
Construction Manager VII	\$160

OFFICE PERSONNEL

Office Assistant	\$ 35
Engineer's Assistant I	\$ 45
Engineer's Assistant II	\$ 60
Engineer's Assistant III	\$ 75
Engineer's Assistant IV	\$ 86
Admin I	\$ 40
Admin II	\$ 50
Admin III	\$ 65
Admin IV	\$ 73
Admin V	\$ 85

Staff Assistant	\$ 90
Assistant Controller/ Chief Accountant	\$100
Corporate/Project Acct. I	\$ 70
Corporate/Project Acct. II	\$ 85

SURVEYING PERSONNEL

1-Person Field Crew	\$125
2-Person Field Crew	\$160
3-Person Field Crew	\$195
4-Person Field Crew	\$225
Scanner Equipment	\$100
Survey Technician I	\$ 60
Survey Technician II	\$ 75
Survey Technician III	\$ 95
Project Surveyor I	\$ 67
Project Surveyor II	\$ 80
Project Surveyor III	\$ 95
Project Surveyor IV	\$108
Chief of Survey Crews	\$100
Registered Prof. Land Surveyor	\$150
Survey Manager	\$175

DESIGNERS/DRAFTING PERSONNEL

CAD Operator I	\$ 44
CAD Operator II	\$ 52
CAD Operator III	\$ 62
CAD Operator IV	\$ 73
CAD Operator V	\$ 87
Designer I	\$ 84
Designer II	\$ 94
Designer III	\$100
Designer IV	\$110
Designer V	\$120
Designer VI	\$135
GIS Operator I	\$ 65
GIS Operator II	\$ 80
GIS Operator III	\$ 90
GIS Operator IV	\$110
GIS Operator V	\$125

PLANNING PERSONNEL

Planner I	\$ 75
Planner II	\$ 90
Planner III	\$105
Planner IV	\$120
Planner V	\$150



SCHEDULE OF REIMBURSABLE EXPENSES
 Effective January 2017
 Subject to Annual Revision in January 2018

1. Reproduction performed in office

<u>Size</u>	<u>Black & White</u>	<u>Color</u>
8½ x 11 (single-sided)	\$0.05/page	\$.50/page
8½ x 11 (double-sided)	\$0.15/page	\$ 1.00/page
8½ x 14	\$0.15/page	\$.75/page
11 x 17	\$0.20/page	\$ 1.00/page
<u>Large Document Prints/Plots</u>	<u>Black & White</u>	<u>Color</u>
Translucent Bond	\$0.30/sq ft	\$ 3.00/sq ft
Color Bond	\$0.35/sq ft	\$ 4.00/sq ft
Photographic Bond	\$4.00/sq ft	\$ 6.00/sq ft
Vellum	\$1.00/sq ft	N/A
Mylar (4 mil)	\$2.00/sq ft	N/A
<u>Aerial Backgrounds</u>		
All sizes	\$5.00/sheet (plus above sq. ft. cost)	

- 2. Transportation (mileage): \$0.54/mile
- 3. Subcontracts and all other outside expenses and fees: Actual cost plus 10% service charge
- 4. Surveying Expenses
 - a. Crew Rates: Includes time charged portal to portal and the first 120 miles of transportation and standard survey equipment
 - b. Special Rental Equipment: Actual cost plus 10%
 - c. Stakes: Cost plus 10% service charge where an excessive number of wooden stakes or any special stakes are required
 - d. Iron Rods and Pipes: Cost plus 10%
 - e. All-Terrain Vehicle (ATV): \$150/day
 - f. Overnight Stays: \$190/night
 - g. Overtime Rates: Jobs requiring work on weekends or holidays billed at 1.5 times the standard rate
 - h. Sales Tax: To be paid on boundary-related services.
 - i. Deliveries, abstracting services, outside reproduction costs, and other reimbursable expenses charged at cost plus 10%

Final 2017
Standard

City Council Regular and Workshop Session

Meeting Date: 04/19/2018

Title: Right-of-Way sale at 2101 Lake Sharon Blvd

Submitted For: Bob Hart, City Manager

Submitted By: Kim Pence, City Secretary

City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Hear and discuss land owner proposal for resolution of Right-of-Way sale and related issues at 2101 Lake Sharon Blvd.

AGENDA ITEM SUMMARY/BACKGROUND

The City acquired right of way for the widening of Lake Sharon Blvd. in 2010. Following construction, it was discovered the city had constructed a portion of the retaining wall and sidewalk on the property located at 2101 Lake Sharon Blvd. At the most recent meeting, council discussed the resolution of the issue concerning the acquisition of approximately 250 square feet, ownership of the fence, and preparation of a survey and plat. Following the meeting, the city attorney and city engineer met with the owner. The owner desires to meet with the city council to set forth his desire for resolution.

Please note the that this discussion can only be done in open session as an agenda item because only council members may discuss real estate acquisition in closed session. A closed session has been placed on the agenda should you desire further discussion.

RECOMMENDATION

N/A
