AGENDA
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
OCTOBER 24, 2011
7:00 P.M.

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS WILL CONDUCT A
REGULAR MEETING ON OCTOBER 24, 2011 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF
THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS
UNDER V.T.C.A., GOVERNMENT CODE SECTIONS 551.0411. ITEMS TO BE DISCUSSED:

• CALL TOWN COUNCIL MEETING TO ORDER

• INVOCATION

• PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA
(ALL ITEMS ON THE CONSENT AGENDA ARE ROUTINE ITEMS AND MAY BE
APPROVED WITH ONE MOTION; SHOULD ANY MEMBER OF THE TOWN COUNCIL OR
ANY INDIVIDUAL WISH TO DISCUSS ANY ITEM, SAID ITEM MAY BE REMOVED FROM
THE CONSENT AGENDA BY MOTION OF THE TOWN COUNCIL)

A. APPROVAL OF MINUTES - REGULAR MEETING 10-10-11

• PUBLIC FORUM
(CITIZENS MAY SPEAK ON ANY MATTER OTHER THAN PERSONNEL MATTERS OR
MATTERS UNDER LITIGATION. NO TOWN COUNCIL ACTIONS OR DISCUSSION WILL BE
TAKEN UNTIL SUCH MATTER IS PLACED ON THE AGENDA AND POSTED IN
ACCORDANCE WITH LAW.)

• PUBLIC HEARING
OPEN OR CONTINUE PUBLIC HEARING, CONSIDER TESTIMONY AND OTHER
INFORMATION PROVIDED, CLOSE PUBLIC HEARING, AND TAKE NECESSARY ACTION
WITH RESPECT TO THE FOLLOWING:

2. APPLICATION FOR REPLAT
APPLICANT: DEAN ZIMMERMAN
AT OR ABOUT: 286 AND 284 N. COLLINS RD
REQUEST: TUCKER ESTATES
3. APPLICATION FOR PRELIMINARY AND FINAL PLAT
   APPLICANT: WILLIAM SHEAHAN
   AT OR ABOUT: 321 S. LARKIN
   REQUEST: LOMAD ADDITION, LOTS 1 AND 2

- ACTION/DISCUSSION
4. CONSIDERATION OF ORDINANCE NO. 547: AN ORDINANCE OF THE TOWN OF
   SUNNYVALE, TEXAS, EXTENDING THE SUSPENSION OF THE ACCEPTANCE, PROCESSING
   AND APPROVAL OF APPLICATIONS FOR PERMITS FOR DEVELOPMENT OR
   CONSTRUCTION OF HEAVY INDUSTRIAL USES IN THE GENERAL BUSINESS, HIGHWAY
   COMMERCIAL AND INDUSTRIAL DISTRICTS IN THE TOWN OF SUNNYVALE, TEXAS, AND
   OF REZONING APPLICATIONS FOR SUCH USES FOR A PERIOD OF 60 DAYS; PROVIDING
   FOR A SEVERABILITY CLAUSE; PROVIDING FOR A TERM; PROVIDING FOR EXEMPTIONS;
   AND PROVIDING FOR AN EFFECTIVE DATE.

5. MAYOR/TOWN MANAGER UPDATE - FACILITATION OF SH190 ADVISORY
   COMMITTEE AND HOME RULE CHARTER COMMITTEE

- COUNCIL REPORTS AND REQUESTS

- MAYOR REPORTS AND REQUESTS

- ADJOURN

   ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED.
   FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL.
   ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL
   TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

   THE SUNNYVALE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION
   AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE,
   AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY),
   551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND
   DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND
   551.086 (ECONOMIC DEVELOPMENT).

   THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH
   DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS
   WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT
   972-226-7177 AT LEAST 48 HOURS PRIOR TO THE MEETING.

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON THIS THE 21ST DAY OF
OCTOBER 2011 IN THE FOLLOWING LOCATIONS:

   TOWN HALL AT 127 N. COLLINS ROAD
   SUNNYVALE ISD 417 E. TRIPP ROAD
   SUNNYVALE LIBRARY AT 402 TOWER PLACE

   
   KATHRYN DEWEY, TOWN SECRETARY
AGENDA ITEM SUMMARY

TO: Town Council
FROM: Scott Campbell, Town Manager SE
RE: ITEM 1: Consent Items: Minutes
DATE: October 21, 2011

Consent Items include consideration of the following:

Item A: Minutes of 10/10/11
MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
OCTOBER 10, 2011
7:00 P.M.

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A REGULAR MEETING ON OCTOBER 10, 2011 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS UNDER V.T.C.A., GOVERNMENT CODE SECTIONS 551.0411. THOSE PRESENT WERE:

MAYOR
JIM PHAUP
MAYOR PRO-TEM
KAREN HILL
COUNCILMEMBER
PAULA YATES
COUNCILMEMBER
SAJI GEORGE
COUNCILMEMBER
RONNIE HENDERSON, JR
COUNCILMEMBER
PAT WILEY

• CALL TOWN COUNCIL MEETING TO ORDER
Mayor Phaup called the meeting to order at 7:01 p.m.

• INVOCATION
Mayor Pro-Tem Hill gave the invocation.

• PLEDGE OF ALLEGIANCE
Mayor Phaup led the pledge of allegiance.

1. CONSENT AGENDA
(ALL ITEMS ON THE CONSENT AGENDA ARE ROUTINE ITEMS AND MAY BE APPROVED WITH ONE MOTION; SHOULD ANY MEMBER OF THE TOWN COUNCIL OR ANY INDIVIDUAL WISH TO DISCUSS ANY ITEM, SAID ITEM MAY BE REMOVED FROM THE CONSENT AGENDA BY MOTION OF THE TOWN COUNCIL)

A. APPROVAL OF MINUTES - REGULAR MEETING 09-26-11
B. RESOLUTION 11-18 - DALLAS COUNTY FOOD CONTRACT
C. RESOLUTION 11-19 - DALLAS COUNTY HEALTH CONTRACT
D. RESOLUTION 11-20 - DALLAS COUNTY HAZARDOUS WASTE CONTRACT

Mayor Phaup removed item A from the consent agenda.

Motion was made by Councilmember Wiley to approve Items B, C and D as presented. Motion seconded by Councilmember Henderson. Motion carried unanimously.
Minutes  
Town Council Meeting  
October 10, 2011  
Page 2

Mayor Phaup asked for a correction to page 6 of the minutes. Motion was made by Councilmember Hill to approve the minutes from Regular Meeting 09/26/11 as corrected. Motion seconded by Councilmember Wiley. Motion carried unanimously.

- **PUBLIC FORUM**  
(CITIZENS MAY SPEAK ON ANY MATTER OTHER THAN PERSONNEL MATTERS OR MATTERS UNDER LITIGATION. NO TOWN COUNCIL ACTIONS OR DISCUSSION WILL BE TAKEN UNTIL SUCH MATTER IS PLACED ON THE AGENDA AND POSTED IN ACCORDANCE WITH LAW.)

No public comments.

2. **PROCLAMATION DECLARING OCTOBER 16-22 AS FRIENDS OF LIBRARIES WEEK**  
Cindy Bornowski, representing Friends of the Sunnyvale Public Library gave an invitation to the events planned at the library during the upcoming week.

Motion was made by Councilmember Yates to proclaim the declaring of October 16-22 as Friends of The Library Week. Motion seconded by Councilmember George. Motion carried unanimously.

- **DISCUSSION/ACTION ITEM**  
3. **PRESENTATION ON BACKFLOW PREVENTION PROGRAM**  
Byron Hardin, representing Hardin & Associates Consulting LLC gave a presentation on back-flow prevention options.

Decision was made for the town staff to make recommendations on the Town’s current policies and procedures regarding backflow prevention.

4. **NOMINATION FOR MEMBER OF BOARD OF DIRECTORS FOR DCAD**  
Mayor Phaup asked if there were any nominations for the Board of Directors as the fourth member to the Dallas Central Appraisal District. Nominations due by October 17, 2011.

5. **RESOLUTION 11-22 - REPUBLIC SERVICES DISPOSAL SOLID WASTE CONTRACT**  
Scott Campbell, Town Manager, explained the resolution which would renew and extend the current contract for solid waste collection with Republic Services for five years at the current residential and commercial rates.

Motion was made by Councilmember Hill to approve Resolution 11-22 as presented. Motion seconded by Councilmember Henderson. Motion carried unanimously.

6. **DISCUSSION AND CALENDARING SESSION REGARDING SH190 ADVISORY COMMITTEE AND HOME RULE CHARTER COMMITTEE**  
Scott Campbell suggested SH190 Committee beginning week of October 31, 2011 and criteria for committee sessions. Councilmember George confirmed these meetings would be open public meetings.
Minutes
Town Council Meeting
October 10, 2011
Page 3
Discussion followed regarding a facilitator for the group. Decision was made to have Mr. Campbell present additional candidates for discussion at the next town council meeting.

Scott Campbell asked for consideration on the Home Rule Charter Committee meetings beginning on the week of November 7, 2011.

- **COUNCIL REPORTS AND REQUESTS**
  Mayor Pro-Tem Hill asked for a follow-up on the public notice from the news on a “concrete plant”. Mr. Campbell explained this was a temporary site for the Dallas Water Utilities Plant construction.

  Mayor Pro-Tem Hill asked for information on the traffic counter on Lyons Rd, DR Horton update and fiber optic construction at Collins/Barnes Bridge Rd. Scott Campbell advised information was being requested from Sherry Sefko, Town Planner, on the Lyons Rd/DR Horton question. Steve Gilbert, Building Official, advised the fiber optic construction was only replacement of existing services.

  Councilmember George asked about having planning sessions posted to the website. Mayor Phaup agreed and advised a matrix would be included.

  Councilmember Henderson asked for current water restrictions on the website.

  Councilmember Yates asked that health services fee schedule be placed on the website. Consideration was also given for the tree lighting celebration to be scheduled for December 2, 2011.

- **MAYOR REPORTS AND REQUESTS**
  Mayor Phaup advised a joint meeting with the Planning and Zoning Commission needed to be scheduled regarding Sunnyvale Center Planned Development.

  Mayor Phaup stated he would be attending the upcoming TML session. He advised he had confirmed to Mr. Douglas there was very little interest on his proposed change to Stoney Creek PRO.

  Mayor Phaup advised an election would be held at town hall on Nov. 8, 2011.

- **ADJOURN**
  Mayor Phaup adjourned the meeting at 8:20 p.m.

  _The undersigned presiding officer certifies that this is a true and correct record of the proceedings._

  ________________________________
  Mayor Jim Phaup

  **ATTEST:**

  ________________________________
  Kathryn Dewey, Town Secretary

  A TAPE RECORDING OF THIS MEETING IS ON FILE AT TOWN HALL. THESE MINUTES ARE CONDENSED THEREFROM
STAFF REPORT

DATE: October 20, 2011

TO: Town Council

FROM: Community Development Department

SUBJECT: Tucker Estates, Lots 7R1 & 8R1, Block 1
File No. 1285

PAGES: 1

Dean & Connie Zimmerman has made application for a replat for the subject project. The project is located at 584 & 586 Collins Road and consists of two residential lots of 1.0 acres and 4.21 acres. The property falls within the SF-2 zoning district:

Three items to be resolved:

- Due to the reconfiguration of the lots, verify each lot’s septic system does not affect or cross into the other lot’s platted area.
- Verification that the required Town monuments have been set as indicated on the replat.
- Provide verification of ownership for existing Lot 8R. Records indicate property to be owned by the Estate of Juanita Gladys Lyons. If the Zimmerman’s are authorized to sign for the estate, then additional signature block should be added along with notary block. Also, please add deed reference for Lot 8R to preamble of metes and bounds description. The deed reference shown is for Lot 7R.

There were thirteen (13) notices mailed and none returned as of the date above.

Plat was approved by Planning & Zoning Commission on October 17, 2011.

Based on staff’s review, we are recommending approval of the replat subject to the above stated items being verified

Marc Bentley, P.E.
Town Engineer
TOWN OF SUNNYVALE  
127 N Collins Road  
Sunnyvale, Texas 75182  
(972) 203-4188  

DEVELOPMENT APPLICATION  
☐ Preliminary Plat  ☑ Replat  
☐ Final Plat  ☐ Amending Plat  
☐ Preliminary Site Plan  ☐ Landscape  
☐ Site Plan  ☐ Tree survey  
☐ Building Elevations  

PROPERTY INFORMATION  
PROPERTY INFORMATION  

Addition Name: Tucker Estates  
Revised  
Address/Location: 584 & 586 N Collins Rd  
Lot(s): 8  
Block: R 1 72  
# of Acres: 2.7 acres  
# of Lots: 2  
# of Units:  
Current Zoning: Residential  

APPLICANT INFORMATION  

Name: Dean Zimmerman  
Company:  
Mailing Address: 586 N Collins Rd  
City: Sunnyvale  
State: TX  
Zip: 75182  
Phone: 972-203-5864  
Fax: 972-203-5864  
Email: deanzm@tp.m.com  

OWNER INFORMATION  

Name: Dean Zimmerman  
Company:  
Mailing Address: 586 N Collins Rd  
City: Sunnyvale  
State: TX  
Zip: 75182  
Phone: 972-203-5864  
Fax: 972-203-5864  
Email: deanzm@tx.fr.com  

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS  
(Check those that apply)  

☐ Preliminary Plat & Checklist  
☐ Final Plat & Checklist  
☐ Amended Plat & Checklist*  
☐ Minor Plat & Checklist*  
☐ Replat & Checklist*  
☐ Preliminary Site Plan & Checklist  
☐ Site Plan & Checklist  
☐ Landscape Plan & Checklist  
☐ Building Elevations  
☐ Photometric/Lighting  
☐ Tree Survey & Checklist  
☐ Civil Engineering Plans  

*Use final plat checklist  

(See Fee Schedule for all Amounts)  

Fee: $250.00  

Page 1 of 2
OWNER AUTHORIZATION

Check one of the following:

☐ I will represent the application myself; or

☐ I authorize ___________________________ (name of applicant) to represent this application on my behalf. The named applicant shall be the principal person for responding to all requests and to attend all meetings.

I waive the statutory time limit for plat approval in accordance with Section 212.009 of the Local Government Code.

Owner's Signature: ___________________________ Date: 7-14-2011

STATE OF TEXAS
COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Dean A. Zimmerman the above signed, who, under oath, stated the following: "I hereby certify that I am the owner or authorized corporate representative for the purposes of this application; that all information submitted herein is true and accurate."

Subscribed and sworn to before me this 14th day of July, 2011.

Notary Public in and for the State of Texas

This application is not considered accepted by the Town until the Town Engineer or Chief Building Official has signed below.

__________________________
Town Engineer

__________________________
Chief Building Official
Notice of Application for Re-Plat
Town of Sunnyvale

The Town of Sunnyvale has received a request by Dean Zimmerman for approval of the Re-Plat for Tucker Estates. The property being platted is located at 586 and 584 N. Collins Road and is shown on the attached exhibit.

Plat Description – ZIMMERMAN ADDITION LOTS 7R1 AND 8R1, BLOCK A, being a re-plat of lots 7R & 8R of Tucker Estates revised and being a 5.380 acre subdivision out of William Rowe survey abstract no. 1236, Town of Sunnyvale, Dallas County, Texas

The Planning and Zoning Commission will hear this application on October 17, 2011, and the Town Council will consider the application on October 24, 2011 or November 14, 2011. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The Final Plat application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department at 972-203-4188.

If you wish to submit a written response, please fill out and return this notice as soon as possible.

☐ I am in favor of the Final Plat
☐ I am opposed to the Final Plat

Explanation:

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Signature: ____________________________
Printed Name: ________________________
Address: ______________________________
Date: _________________________________
STAFF REPORT

DATE: October 20, 2011
TO: Town Council
FROM: Community Development Department
SUBJECT: Lomad Addition
File No. 1290
PAGES: 2

William Sheahan has made application for a preliminary and final plat for the subject project. The property is located at 321 S. Larkin Rd. and consists of two residential lots of 0.82 acres and 2.18 acres. The property falls within the SF-4 zoning district. Minimum lot size in the SF-4 zoning is 24,000 SF (0.55 acres):

PROPERTY HISTORY
This property has obtained variances from BOA and P&Z/Council in the past as follows:
BOA - November 2, 2009
Variance granted:
- 25 foot landscape buffer not required.
- Reduce side yard setback on Lot 2 to 18.9 feet
- Reduce side yard on east side of Lot 2 to 41 feet
- Reduce Lot width on Lot 2 to 190.39 feet.
P&Z/Council - December 2004
A variance for hose lay of 300 feet from fire hydrant to all parts of the structure was granted as part of a CUP request for accessory building. This variance was granted on the basis of both structures being on one lot under one ownership.

CURRENT PLATTING ISSUES
Items to be resolved or addressed:

- Variance for rear setback on Lot 1 from 60 feet to 40 feet.
- Verification that the required Town monuments have been set as indicated on the replat.
- Install separate 1" water service to serve Lot 2. Currently, building on Lot 2 is being served by the service to Lot 1.
- Due to the reconfiguration of the lots, verify each lot’s septic system does not affect or cross into the other lot’s platted area.
- Minor drafting revisions to the plats. Comments to be provided to applicant on October 17, 2011.
There were five (5) notices mailed and one (1) returned in favor as of the date above.

Plat was approved by Planning & Zoning Commission on October 17, 2011 subject to the following motion:

"Motion was made by Member Egan, clarified by Member McNeill, to approve the application for preliminary and final plat for William Sheahan at or about 321 S. Larkin for Lomad Addition Lots 1 and 2 subject to the town staff report letter dated October 13, 2011 including specifically the bold concern. Therefore, due to public health and safety issues, staff does not support the fire hydrant variance; however, we would ask the Town Council to consider in consultation with the town staff and town attorney if there is an alternate method to approve this that will protect both the property owners and the town from liability by providing some sort of legal notification to the future owners in the record that would allow this to be approved by the Council without the requirement of a new fire hydrant. Motion seconded by Member Wilson. Motion carried unanimously”

PLEASE NOTE:
Based on further review of the codes with include Code of Ordinances and Engineering Design Manual, we have determined that the code states the measurement for hose lay in from the street or dedicated fire lane not the fire hydrant. Therefore, the structure on Lot 2 meets this requirement and issue appears to be resolved. No fire hydrant is required.

Based on staff’s review, we are recommending approval of the preliminary and final plat subject to the above stated items being addressed or resolved and engineering plans for the water service to be submitted for review.

Marc Bentley, P.E.
Town Engineer
TOWN OF SUNNYVALE
127 N Collins Road
Sunnyvale, Texas 75182
(972) 203-4188

PROPERTY INFORMATION
Addition Name: LOMAD ADDITION  
Address/Location: 321 S. Larkin
Lot(s): 1+2  
Block: A  
Current Zoning: SF4
# of Acres: 3.00  
# of Lots: 2  
# of Units: 2

FILE NO: 1290

APPLICANT INFORMATION
Name: William Sheahan
Mailing Address: 321 S. Larkin
City: Sunnyvale  
State: TX  
Zip: 75182
Phone: 214-808-8160
Fax:  
Email:

OWNERS INFORMATION
Name: William Sheahan
Mailing Address: 321 S. Larkin
City: Sunnyvale  
State: TX  
Zip: 75182
Phone: 214-808-8160
Fax:  
Email:

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS
(Check those that apply)

- Preliminary Plat & Checklist  24"x36", 4 copies (folded)  
- Final Plat & Checklist  24"x36", 4 copies (folded)  
- Amended Plat & Checklist*  24"x36", 4 copies (folded)  
- Minor Plat & Checklist*  24"x36", 4 copies (folded)  
- Replat & Checklist*  24"x36", 4 copies (folded)  
- Preliminary Site Plan & Checklist  24"x36", 4 copies (folded)  
- Site Plan & Checklist  24"x36", 4 copies (folded)  
- Landscape Plan & Checklist  24"x36", 4 copies (folded)  
- Building Elevations  24"x36", 4 copies (folded)  
- Photometric/Lighting  24"x36", 2 copies (folded)  
- Tree Survey & Checklist  24"x36", 4 copies (folded)  
- Civil Engineering Plans  2 Sets (rolled)  
*Use final plat checklist

(See Fee Schedule for all Amounts)  
Fee: 520  
Fee: 510  
Fee:  
Fee:  
Fee:  
Fee:  
Fee:  
Fee:  
Fee:  
Fee:  }

Page 1 of 2
OWNER AUTHORIZATION

Check one of the following:

☐ I will represent the application myself; or

☒ I authorize William Sheahan (name of applicant) to represent this application on my behalf. The named applicant shall be the principal person for responding to all requests and to attend all meetings.

I waive the statutory time limit for plat approval in accordance with Section 212.009 of the Local Government Code.

Owner’s Signature: William Sheahan Date: 9-19-2011

STATE OF TEXAS

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared William Sheahan the above signed, who, under oath, stated the following: "I hereby certify that I am the owner or authorized corporate representative for the purposes of this application; that all information submitted herein is true and accurate."

Subscribed and sworn to before me this 19 day of Sept., 2011

David Martinez II
My Commission Expires August 4, 2014
Notary Public in and for the State of Texas

This application is not considered accepted by the Town until the Town Engineer or Chief Building Official has signed below.

___________________________  __________________________
Town Engineer                  Chief Building Official

Page 2 of 2
The Town of Sunnyvale has received a request by William Sheahan for approval of a Preliminary Plat for Lomad Addition. The property being platted is located at 321 S. Larkin Road and is shown on the attached exhibit.

Plat Description LOMAD ADDITION LOT 1 & LOT 2 BLOCK A James M. Bennett survey, abstract No. 85 Town Of Sunnyvale, Dallas County, Texas

The Planning and Zoning Commission will hear this application on October 17, 2011 and the Town Council will consider the application on October 24, 2011 or November 14, 2011. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The Preliminary Plat application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department at 972-203-4188.

If you wish to submit a written response, please fill out and return this notice as soon as possible.

☐ I am in favor of the Preliminary Plat
☐ I am opposed to the Preliminary Plat

Explanation: I JUST MAKES SENSE TO HAVE IT PLATTED. I WISH THEM LUCK.

Signature: [Signature]
Printed Name: DARRELL JOHNSON
Address: 381 S LARKIN RD
Date: 10/6/11
Notice of Application for Preliminary Plat and Final plat
Town of Sunnyvale

The Town of Sunnyvale has received a request by William Sheahan for approval of a Preliminary Plat for Lomad Addition. The property being platted is located at 321 S. Larkin Road and is shown on the attached exhibit.

Plat Description LOMAD ADDITION LOT 1 & LOT 2 BLOCK A James M. Bennett survey, abstract No. 85 Town Of Sunnyvale, Dallas County, Texas

The Planning and Zoning Commission will hear this application on October 17, 2011 and the Town Council will consider the application on October 24, 2011 or November 14, 2011. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The Preliminary Plat application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department at 972-203-4188.

If you wish to submit a written response, please fill out and return this notice as soon as possible.

☐ I am in favor of the Preliminary Plat
☐ I am opposed to the Preliminary Plat

Explanation:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Signature:______________________________________________________________
Printed Name:_________________________________________________________
Address:______________________________________________________________
Date:______________________________________________________________
AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager

RE: ITEM 4: Consider Ordinance # 546: Extending the Suspension of Development Applications for Heavy Industrial Use

DATE: October 21, 2011

After recent discussions with our land use planner and land use attorney, staff is recommending an extension of the suspension of applications for heavy industrial uses by 90 days. We do anticipate the first report and draft recommendation to be delivered by the end of next week. However, these comprehensive changes require P&Z and council consideration, and may require more than one meeting for each body. Additionally, we are entering the holiday season, and staff believes the extended time is appropriate.
TOWN OF SUNNYVALE, TEXAS
ORDINANCE NO. 547

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, EXTENDING THE SUSPENSION OF THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR PERMITS FOR DEVELOPMENT OR CONSTRUCTION OF HEAVY INDUSTRIAL USES IN THE GENERAL BUSINESS, HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICTS IN THE TOWN OF SUNNYVALE, TEXAS, AND OF REZONING APPLICATIONS FOR SUCH USES FOR A PERIOD OF 60 DAYS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A TERM; PROVIDING FOR EXEMPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale ("Sunnyvale") adopted Ord. No. 538 on July 25, 2011, which suspended the acceptance, processing and approval of applications for permits for heavy industrial uses, as defined in the ordinance, in the General Business ("GB") Districts, Highway Commercial ("HC") Districts, and in the Industrial ("I") Districts in the Town for a period of 120 days in order to allow the Town Council sufficient time to determine whether the allowed use and the allocation of such uses among the Districts furthered the public health, safety and general welfare of the community; and

WHEREAS, Ord. No. 538 also mandated that a study be prepared within 90 days under the direction of the Town Manager and the Town Planner to advise the Town Council concerning such heavy industrial uses; and

WHEREAS, during the time the suspension has been in effect the Town has received no development applications for such heavy industrial uses; and

WHEREAS, it appears to the Town Council that additional time is needed for the Town Manager and the Town Planner to make their recommendations concerning changes to the provisions in the zoning district regulations regarding heavy industrial uses; and

ORD. NO. 547 - Page 1
07655-007/ord547(extend moratorium).doc
WHEREAS, it furthers the health, safety and general welfare of the Town to extend the suspension of applications for heavy industrial users for a period of 60 days from the effective date of this ordinance;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:

SECTION 1: Findings Incorporated. The recitations contained in the whereas clauses preacing this Ordinance hereby are incorporated by reference into the body of this Ordinance as findings of fact as if fully set forth herein.

SECTION 2: Extension of Suspension of Development Applications. The suspension of development applications for heavy industrial uses within the GB, HC and I zoning districts established by Ord. No. 538, Section 4, hereby is extended for an additional period of 90 days from the effective date of this Ordinance, which period shall establish the term of this Ordinance. The affected area, definitions, appeals provisions and exemptions set forth in Ord. No. 538 hereby are incorporated by reference as if fully set forth and shall become a part of this Ordinance thereby.

SECTION 3: Extension of Study Period. The Town Manager, in association with the Town Planner, shall complete the study to determine the proposed treatment of heavy industrial uses under the Town’s Zoning Ordinance, as referenced in Section 7 of Ord. No. 538, and shall deliver his report and recommendations, including but not limited to proposed changes to the GB, HC or I District regulations and associated definitions and use tables, to the Town Council not later than 60 days after the effective date of this Ordinance.

SECTION 4. Conflicts. All Ordinances or provisions of Ordinances in conflict with this Ordinance are superseded to the extent of the conflict. Any remaining provisions of conflicting Ordinances shall remain in full force and effect.
SECTION 5: Severability. It is hereby declared to be the intention of the Town Council that if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by judgment or decree of a Court of competent jurisdiction, then such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance; and the Town Council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional or invalid.

SECTION 6: Effective Date. The suspension of applications provided in section 4 takes effect immediately upon its passage.

DULY PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS on first reading this 24th day of October, 2011.

___________________________________________
Jim Phaup, Mayor