

**CITY OF SANGER, TEXAS**

**MINUTES: REGULAR CITY COUNCIL MEETING**

**August 21, 2017, 7:00 p.m.**

**502 Elm Street, Sanger, Texas**

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

**COUNCIL MEMBERS ABSENT: Councilman Lee Allison**

The Mayor and Four (4) Council Members Were Present Constituting a Quorum.

**STAFF MEMBERS PRESENT:** Mike Brice City Manager, Cheryl Price City Secretary, Alina Ciocan Director of Economic and Development Services

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

The Regular City Council Meeting was called to order by Mayor Muir on Monday, August 21<sup>st</sup>, 2017 at 7:11 p.m. The Invocation was giving by Councilman Boutwell, and The Pledge of Allegiance was led by Councilman Bilyeu.

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

There were no citizens who wished to speak on items not on the agenda.

**3. CONSENT AGENDA:**

**a) Approval of Minutes:**

- 1. City Council Work Session, August 7, 2017**
- 2. Regular City Council Meeting, August 7, 2017**

**b) Disbursements**

A Motion was made by Councilman Boutwell to approve the Consent Agenda as presented. Motion was seconded by Councilman Bilyeu. Motion carried unanimously with a 4-0 vote (Councilman Allison Absent).

**4. Consider any Items Removed from Consent Agenda.**

None.

**REGULAR AGENDA**

**5. Conduct a Public Hearing Regarding a Request for a Specific Use Permit (SUP) for a Kennel Facility on the Property Located at 304 Acker Street.**

Alina Ciocan Director of Community and Economic Development was recognized to provide a summary of the request. She advised that the applicant, Dr. Shellie Wallace is requesting a Specific Use Permit for an Animal Boarding Kennel at 304 Acker Street, Suite 105. She is also the owner of Paws and Claws that is located in the same complex. The subject property is zoned I-1 and in order to be able to operate a Kennel an SUP is being requested. Staff has reviewed it and has received written comments (included in packets) in favor (12) and opposed (1).

Mayor Muir opened the Public Hearing at 7:15 and solicited anyone who wished to speak.

Dr. Shellie Wallace was recognized and stated that it has become very clear that Sanger really needs a boarding facility. She summarized her request for the SUP and what her plans were for the boarding facility at 304 Acker. She noted the following two items brought up at the Planning and Zoning Commission Meeting and summarized her ideas for disposal of the fecal matter; and, noted that she does not need a State License for a boarding kennel. She said that Sanger growth is exploding and that Sanger has been very good to them and they feel this is a good service they can offer to the community.

Beverly Howard, 328 Austin Street, was recognized in Favor of the request. She advised she is representing Sanger Bank who is right beside the establishment Dr. Wallace is proposing. She advised they went the Planning and Zoning Commission Meeting and they are not opposed to this at all. They are for it - even with the fact that they may have to relocate the bank on the Acker side when I-35 expands.

There being no further citizens who wished to speak, Mayor Muir closed the Public Hearing at 7:19.

**6. Consider, Discuss and Possibly Approve Ordinance #08-23-17 - A Request for a Specific Use Permit (SUP) for A Kennel Facility on the Property Located at 304 Acker Street.**

There were a few questions regarding the facility and how it would be set up. Dr. Wallace noted her facility is going to be one building over from her current location. She explained they will have a quality facility and hopes to give the animals a comfortable home away from home and will not run a crowded cage on cage facility and explained some of her ideas for boarding of the cats and dogs at the proposed facility.

Councilman Bilyeu asked about conditions on the SUP and it was noted there are none. Discussion ensued and it was noted that due to the concern regarding the possibility of a change in ownership in the future and that noise and handling of waste may become a problem. It was noted the SUP would allow housing the animals overnight. City Manager Brice noted they could put stipulations on the SUP or revoke it at some point. There was discussion on whether the SUP could be

restricted with certificate of Occupancy or time. It was suggested a stipulation be put on the SUP allowing it for a period of time, that it could be renewed after that period is up. Dr. Wallace advised she did not have a problem with a set time frame with allowance of renewal. She said she would not let it run out and would be there to renew it before it runs out. Councilman Boutwell suggested a four-year renewal. Minor discussion ensued.

A Motion was made by Councilman Bilyeu to Approve Ordinance #08-23-17 – A Specific Use Permit for a Kennel Facility on the Property located at 304 Acker Street with the stipulation that it would expire in four (4) years from the date of approval and could be subject to renewal at that time. Motion was seconded by Councilman Boutwell. Motion carried with a 3-1 vote (Councilman Chick voted in opposition; Councilman Allison Absent).

**7. Consider, Discuss and Possibly Approve the Final Plat of the Selak Addition, One Lot Being 2.0 Acres in the W. Mason Survey A-801, Generally Located North of Belz Road and East of Metz Road.**

Alina Ciocan Director of Economic and Community Development advised that the subject plat is located in the ETJ and the Applicant has submitted a plat for one lot on two acres. Staff sent the plat to Denton County for a courtesy review and they had comments which were addressed by the applicant. With the corrections made, staff finds that the plat meets the subdivision regulations and recommends approval.

A Motion was made by Councilman Bilyeu to Approve the Final Plat of the Selak Addition, One Lot Being 2.0 Acres in the W. Mason Survey A-801, Generally Located North of Belz Road and East of Metz Road. Motion was seconded by Councilman Chick. Motion carried unanimously with a 4-0 vote (Councilman Allison Absent).

**8. Conduct a Public Hearing on a Proposed Amendment of The Comprehensive Land Use Plan and Future Land Use Map to Change an Approximately 17.89 Acre Site Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II from Industrial Use to Urban Low Density Residential Use.**

The Public Hearing was opened at 7:40 p.m. to solicit anyone who wished to speak on the item.

Alina Ciocan Director of Economic and Community Development summarized. This item is related to the Agenda Items regarding the rezoning of 48.44 Acre tract which is located west of Sable Creek Phases I and II. She noted anytime we rezone a piece of property Staff compares it to our Comprehensive Plan to make sure it is in conformance. In this case, a portion of the 48.44 Acres of land consisting of 17.89 acres is showing as Industrial. For the Council to take action on the rezoning the zoning has to conform with the Comprehensive Plan. The change required would be to change from Industrial to Urban Low Density Residential to allow single-family residential development. Urban Low-Density Designation refers to

Single Family Detached dwelling units, developed at a density of under six per acre. A companion request to amend the zoning on this property is also on the agenda. The Planning and Zoning Commission reviewed and studied the amendment to the Comprehensive Plan and recommended approval.

Mayor Muir again solicited anyone who wished to speak.

Lisa Dritschler representing Sable Creek Partners, located at 900 Utility Road in Sanger was recognized. She advised that first thing that they have before the Council tonight is the rezoning of the industrial property. Because it is adjacent to Sable Creek they think that the highest and best use for the land is Single Family Residential. So they respectfully request that Item 10-A be approved tonight in accordance with staff recommendations. She advised if there are any questions that she is available and Allison Engineering is also available to answer any questions. Mayor Muir noted that this request is dealing with changing our Comprehensive Plan and has to be done to address the next issue (the Zoning).

Mayor Muir asked if there was anyone else who wished to speak during the Public Hearing. There being no one else approaching the podium, the Public Hearing was Closed at 7:45.

**9. Conduct a Public Hearing Regarding a Request to Rezone Approximately 48.44 acres of Land Generally Located between FM 455 and McReynolds Road to the West of Sable Creek Phases I and II from Heavy Industrial District (I-2) and Single-Family Residential District 7 (SF-7) to Planned Development Single-Family Residential District.**

Mayor Muir Opened the Public Hearing at 7:46 p.m. and solicited anyone who wished to speak.

Alina Ciocan Director of Economic and Community Development advised she would answer any question.

Lisa Dritschler representing Sable Creek Partners, located at 900 Utility Road in Sanger was recognized. She noted the land use is completely separate from the Planned Development. She advised the second reason that they are in front of the Council is because staff did a great job when they originally submitted the final plat for review back in June and discovered there were minutes from the City Council meeting from 13 years ago that had some notes in them about some corrections to be made at the final plat. Those corrections called for an adjustment in lot width to meet the zoning minimums and rather than alter the number of lots that could be approved by the Council on the Preliminary Plat, staff recommended they pursue Planned Development zoning, which is what they have done and are bringing before the Council tonight. They were asked to submit some language for the Planned Development and had a meeting with City Staff to explain exactly what they wanted them to do and how to do it. And then they submitted language that they felt was consistent with staff and Council's direction which was expressed, and

did not see staff's position until the report was issued to the Planning and Zoning Commission. They had a great meeting last Monday with Planning and Zoning, it was very fruitful and they were able to come to resolution on all of the items that they had at hand and it was very meaningful and they would like to commend the Commissioners for their efforts, it was very fruitful. Unfortunately, what is in front of you tonight for the Planned Development Zoning request is not what they understood was going to be presented to the Council. It has language in it that was not discussed at the Planning and Zoning Meeting and certainly language which they did not agree to. Further, this language, or any prior version of it, they felt, had been eliminated with their negotiated position at the Planning and Zoning meeting. They feel this was an extreme overreach on the part of staff to try and insert something in, after the Planning and Zoning Meeting. They only have six lots left in the current phase of Sable Creek so they are pressed to get this done and move it forward. They are anxious to do that because their business depends on having lots available so they thought they would be able to push dirt a month ago to address this dire situation. They have been trying to go through this PD process. The position of the City staff is so onerous and untenable that they have no choice today but to again delay their development. So, rather than take your time to go through those issues and try to create something or run the risk that you might approve something that is presented to you which they do not agree with they respectfully withdraw the zoning application tonight for the PD so they can resolve this through the proper channels and come back with a more viable solution. So, this will affect your Items 10-B and Items 11 and 12 which are on your agenda tonight. She passed out a copy of a letter from John Huggins of Allison Engineering Group which echoed Ms. Dritschler's comments as to why they withdrew their request.

Mayor Muir noted they were still in the Public Hearing portion and solicited anyone else who wished to speak. No one was recognized and the Public Hearing was closed at 7:50 p.m.

**10. Consider, Discuss and Possibly Approve the Following Items (A & B) Regarding Property Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II:**

**A) Consider Discuss and Possibly Approve Ordinance #08-24-17 – Amending the Comprehensive Land Use Plan and Future Land Use Map to Change an Approximately 17.89 Acre Site Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II from Industrial Use to Urban Low Density Residential Use.**

Mayor Muir noted that this item has not been withdrawn and The Public Hearing has been conducted. This request is for the Amendment of the Comprehensive Land Use Plan from Industrial to Urban Low Density Residential Use. Councilman Chick asked what exactly Urban Low Density Residential Use is? Alina Ciocan Director of Economic and Community

Development advised that Urban Low Density basically allows for the traditional low density residential development up to 6 units per acre. The next category up would be moderate density and that would be townhomes and next, you have high density and that would be apartments. Mayor Muir noted that this was just our comprehensive plan is not the actual zoning, but we are just painting a picture of what we want to see in an area. This is a visionary use - do we prefer this area to be industrial or do we prefer this area to be residential in the future? This is the task at hand tonight. Councilman Boutwell advised that the area is surrounded by residential and if it were industrial, there is nothing to buffer the residential from the industrial area. Alina Ciocan advised that if approved tonight the next time they come in with zoning for residential on the 17.89 acres, that staff could say that it is conforming with the Comprehensive Plan. The actual re-zoning case included 48.44 acres of land within those 48.44 Acres you have the 17.89 Acres (which would be a future Phase 5 of Sable Creek). The 17.89 acres are currently zoned Industrial and are labeled as Industrial on the Future Land Use Map (Comprehensive Plan). The remainder of the 48.44 Acres are Zoned SF-7 and are labeled Low Density Residential on the future land use map (Comprehensive Plan), so basically, we are trying to make it all conforming. Councilman Bilyeu noted that there is a portion of the 17 acres in the flood plain. John Huggins clarified and noted that much of the land in the 17 acres is in a Zone A classification and is in the Flood Plain area. He advised they are planning on submitting a conditional letter of map revision to FEMA. Which means that what they have done is created a hydrology and hydraulic study to better determine and nail down the exact area of flood plain. The PD will include modified flood plain and nailing down those boundaries for future Phases III, IV and V. This will involve no excavation on city land, just on private property.

Mayor Muir commented noting the Strategic Plan that the Council approved so that staff would have direction on items coming before them. The Strategic Plan was implemented about this same time last year; so that staff had an idea where Council stood when it came to percentages of zoning and putting development in place. This was done so staff could advise developers, etc., regarding what the Council's vision is for the City and whether a proposal is, or is not, counter to what the Council's vision is. He noted that there was a statement at the Planning and Zoning Meeting that implied that there was insight into Council's intentions for this land and he advised that he has not visited individually with anyone regarding this and has not heard that any of the other councilmembers have done so. He noted that this Strategic Plan was given to staff as indication of the Council intentions and he did not want it mistaken that they do not want development. They do want development; but, also want it measured and at an appropriate rate and staff is trying to implement that on Council's behalf.

Councilman Bilyeu noted that the flood plain would likely create a sufficient buffer.

A Motion was made by Councilman Bilyeu to Approve Ordinance #08-24-17 – Amending the Comprehensive Land Use Plan and Future Land Use Map to Change an Approximately 17.89 Acre Site Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II from Industrial Use to Urban Low Density Residential Use. Motion was seconded by Councilman Boutwell. The Motion carried with a 3-1 vote (Councilman Chick voting in opposition; Councilman Allison Absent).

- B) Consider, Discuss and Possible Approve Ordinance #08-25-17 – Amending the Official Zoning Map to Rezone Approximately 48.44 Acres of Land Generally Located Between FM 455, and McReynolds Road to the West of Sable Creek Phases I and II from Heavy Industrial District (I-2) and Single-Family Residential District 7 (SF-7) to Planned Development Single-Family Residential District.**

No Action, Item Withdrawn by Applicant.

- 11. Consider, Discuss and Approve the Preliminary Plat of the Sable Creek Addition Phase III, being 17.849 Acres in the R. Bebee Survey, Abstract No. 29, Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II.**

No Action - Item Withdrawn by Applicant.

- 12. Consider, Discuss and Approve the Final Plat of the Sable Creek Addition Phase III, being 17.849 Acres in the R. Bebee Survey, Abstract No. 29, Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II.**

No Action - Item Withdrawn by Applicant.

- 13. Conduct a Public Hearing Regarding Proposed Amendments to the Zoning Ordinance Concerning the Maximum Lot Area Requirement for Residential Zoning Districts R-1, R-2, R-3 and R-4.**

Alina Ciocan Director of Economic and Community Development summarized noting that approximately one year ago the City Council amended the Zoning Ordinance to adopt new Residential Zoning Districts (R-1, R-2, R-3 and R-4). At that time when they set the parameters for the R districts on the lot dimension a maximum lot size was added. With a maximum lot size it sometimes restricts how you can make a development work. Staff is recommending eliminating a maximum. There are already minimums in the ordinance. We do not need a maximum lot area and explained situations where this would become restrictive on the developers.

Mayor Muir noted this is a Public Hearing and opened it at 8:15 soliciting any citizens who wished to speak. There being no citizens approaching the podium who wished to speak, the Public Hearing was closed at 8:16.

**14. Consider, Discuss and Possibly Approve Ordinance #08-26-17 – Amending the Zoning Ordinance to Modify the Lot Area Regulations for Residential Zoning Districts R-1, R-2, R-3 and R-4.**

There was brief discussion regarding what issues the maximum lot created and that it was not necessary because there are minimums set.

A motion was made by Councilman Bilyeu to Approve Ordinance #08-26-17 – Amending the Zoning Ordinance to Modify the Lot Area Regulations to Residential Zoning Districts R-1, R-2, R-3 and R-4. Motion was seconded by Councilman Boutwell. Motion carried unanimously with a 4-0 vote (Councilman Allison Absent).

**15. Consider, Discuss and Possibly Approve Ordinance #08-27-17 – Amending Chapter 3 of the Code of Ordinances Article 3.2100 “Exterior Construction of Residential Dwellings”.**

Alina Ciocan Director of Economic and Community Development advised that this proposed amendment deals with shops and storage buildings in Residential and right now we have a requirement; that, if it is over 200 feet it has to meet the exterior masonry requirement. About a month ago the developer of Sanger Estates, a one-acre subdivision was inquiring about a PD that dealt with this requirement. What staff is proposing, is to amend it so that if the property is located on a Single-Family zoned lot over an acre, it would eliminate that requirement. In the past, the City Council has had several requests that have dealt with this requirement and they have been approved by Council almost one-hundred percent. Councilman Boutwell noted that the ordinance says over one acre and noted it should say one acre or more because Sanger Estates has only one acre lots. Staff noted this was a good point and could revise the ordinance to one acre or more are exempt from the requirement.

A Motion was made by Councilman Bilyeu to Approve Ordinance #08-27-17 – Amending Chapter 3 of the Code of Ordinances Article 3.2100 “Exterior Construction of Residential Dwellings” amending Section (e) with the amended language that it include all lots of one acre or more are exempt from the requirement. The Motion was seconded by Councilman Chick. Motion carried unanimously with a 4-0 vote (Councilman Allison Absent).

**16. Consider, Discuss and Possibly Approve Amending Agreement with All American Dogs, d/b/a/ All American Animal Control (AAAC ).**

There was brief discussion by City Councilmembers noting that this item was discussed and questions were answered during the Work Session. There was

discussion regarding the catch and release program where the cats were fixed and returned to the place they were picked up. City Manager Brice noted the City had complaints and pushback from the public about this program because the citizens called to get rid of the cat in their area and were not happy when it was returned to their neighborhood.

A Motion was made by Councilman Bilyeu to Approve the Amending the Agreement with All American Dogs, d/b/a/ All American Animal Control (AAAC). Motion was seconded by Councilman Chick. Motion carried unanimously with a vote of 4-0 (Councilman Allison Absent).

**17. Conduct a Public Hearing for the Proposed Budget for the City of Sanger for Fiscal Year 2017/18.**

Mayor Muir opened the Public Hearing at 8:33 p.m.

There being no individuals approaching the podium who wished to speak the Public Hearing was closed at 8:34 p.m.

**18. Conduct the First Public Hearing on a Proposal to Increase Total Tax Revenues from Properties on the Tax Roll in the Preceding Year by 8.49 % with the Proposed Tax Rate of \$0.6791 per \$100 of Assessed Valuation (Total Tax Rate Reduced \$0.0004 From Preceding Year's Tax Rate of \$0.6795 per \$100).**

Mayor Muir opened the Public Hearing at 8:35 p.m.

There being no individuals approaching the podium who wished to speak the Public Hearing was closed at 8:36 p.m.

**19. INFORMATION ITEMS**

**a) All American Dogs Report**

No discussion on Information Items.

**20. ADJOURN.**

There being no further items, Mayor Muir adjourned the meeting at 8:36 p.m.