

MINUTES: CITY COUNCIL MEETING

June 2, 2014

PRESENT: Mayor Thomas Muir, Councilman Billy Ezell, Councilman Russell Martin, Councilman Gary Bilyeu, Councilman Scott Stephens and Councilman Allen Chick

STAFF

PRESENT: Mike Brice, City Manager; Cheryl Price, Deputy City Secretary; Joe Iliff, Director Development Services

OTHERS

PRESENT: Jeff Springer, Ray Stephens, Rick Horn, Jonathan Wang

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

Mayor Muir called the meeting to order at 7:03 p.m. Councilman Chick led the Invocation followed by Councilman Stephens leading the Pledge of Allegiance.

CONSENT AGENDA

3. a) Approval of Minutes: May 19, 2014 - City Council b) Disbursements

4. Consider any Items Removed From Consent Agenda.

Councilman Ezell made a motion to approve the Consent Agenda as presented. Motion was seconded by Councilman Stephens. Motion carried unanimously (5-0 Vote).

REGULAR AGENDA

5. Conduct a Public Hearing Regarding Rezoning Property Located on the West Side of Marion Road, North of FM 455, From MF-2 Multi-Family Residential District to PD-TH Townhome Residential District and From SF-10 Single Family Residential District to 2-F Two Family Residential District and B-1 Business District.

Joe Iliff, Development Services summarized the rezoning request. The applicant is proposing to rezone three areas. Tract 1 is proposed to be rezoned from MF-2 Multi-Family District to PD-TH Townhome District. This would permit the construction of single family attached dwelling units. Tract 2 is proposed to be rezoned from SF-10 to 2-F Two-Family Residential Duplex District. It consists of approximately 9.2 Acres located west of Tract 3 and extends south and west of the intersection of Silver Spur Drive and Wagon Wheel Drive. This would increase the number of dwelling units allowed in the area from approximately 43 single-family detached units to 76 single-family attached units. Tract 3 is proposed to be rezoned from SF-10 to B-1 Business District. This tract is approximately 2-1/2 acres and is located on the west side of Marion Road, south of Silver Spur Drive. Staff mailed out 30 public hearing notices to owners of properties within 200 feet and four were returned and are included in the agenda packets. The Planning and Zoning Commission recommended the request for approval.

Mayor Muir opened the Public Hearing at 7:10 PM and solicited any citizens who wished to speak with questions, concerns, either for or against the request.

Ray Stephens, 619 Ridgcrest Drive, Denton, Texas was recognized with concerns. Mr. Stephens noted he owned the property to the south of the proposed development. He wanted

to be sure that they did not dump dirt in the creek area and along his fence. He was concerned if they ruin his fence his cattle may get out. He noted he was not against the development of the adjacent property but wanted the city to be aware of his concerns and wanted safeguards to protect his property.

There being no further questions, concerns or citizens to speak either for or against, the public hearing was closed at 7:13 PM.

6. **Consider, Discuss and Possibly Approve Ordinance #06-08-14 - Rezoning Property Located on the West Side of Marion Road, North of FM 455, From MF-2 Multi-Family Residential District to PD-TH Townhome Residential District and From SF-10 Single Family Residential District to 2-F Two Family Residential District and B-1 Business District.**

Richard Horn with Le Gant Homes was recognized and provided additional information regarding the proposed future development of the property. Through questioning by the Mayor and Council members, he noted that the homes would range from 1800 to 2400 square feet. The duplexes and townhomes will all be two story homes. The townhomes will range from \$110,000 to \$150,000 and the duplexes will have a price point of about \$180,000. The B-1 Commercial Zoned area will have a low intensity commercial use. The road outlets will align with future road planning in the Master Thoroughfare Plan along with the widths/sizes of the roads required when the plats come through.

Ray Stephens was recognized and wanted reassurance that his property would not be flooded with runoff water from the development of the property. Joe Iliff and Richard Horn noted that his concerns with the water flow would be addressed. Richard Horn noting that there would be detention areas and Joe Iliff advised that these issues would be taken care of through engineering requirements at the platting stage.

A motion was made by Councilman Bilyeu to approve Ordinance #06-08-14 - Rezoning Property Located on the West Side of Marion Road, North of FM 455, From MF-2 Multi-Family Residential District to PD-TH Townhome Residential District and From SF-10 Single Family Residential District to 2-F Two Family Residential District and B-1 Business District. The motion was seconded by Councilman Stephens. The vote carried unanimously (5-0 Vote).

7. **Conduct a Public Hearing Regarding Granting a Specific Use Permit for a Mobile Home as a Fixed Dwelling in an Agricultural Zoning District Located at 10977 Metz Road.**

Mayor Muir opened the Public Hearing at 7:39 PM and solicited any citizens who wished to speak with questions, concerns, either for or against the request.

There being no citizens who wished to speak, the Public Hearing was closed at 7:40 PM.

8. **Consider, Discuss and Possibly Approve Ordinance #06-09-14 - Granting a Specific Use Permit for a Mobile Home as a Fixed Dwelling in an Agricultural Zoning District Located at 10977 Metz Road.**

Jeff Springer was recognized to present the request. He noted they own the property on Metz Road which has been recently annexed into the city limits. The property is a five acre tract. It had two dwellings, both of which were mobile homes. The mobile home on 19177 Metz was moved off of the property. They would like to replace it with a mobile home one of their contractors owns if the SUP were approved. There is an existing Bolivar Water

meter, a Co-serve electric meter, and an aerobic septic system. To the south of the property, there is a modular home and what appears to be a construction office yard. To the north, there is a vacant lot with an abandoned mobile home. To the west is the Wagon Master RV Park. To the east is agricultural land. Jeff Springer advised they are proposing that the SUP be allowed for 10 years. The Planning and Zoning Commission denied the request.

Joe Iliff, Development Services noted the Planning and Zoning Commission discussed different proposals for the amount of years the SUP would be allowed and what would constitute expiration of the SUP and two different motions were made and both were denied. He noted the Council could make the stipulations that were measurable and enforceable. Examples of some measurable stipulations would be if they remove the Mobile home, replat or rezone the property and/or abandon the property. There was discussion as to what a reasonable time to declare abandonment would be. Discussion ranged from 30 to 60 days.

Mayor Muir asked that since the Planning and Zoning Commission denied it would it have to go back to P & Z? Joe Iliff advised that it would not, that the Planning and Zoning Commission is a recommending body; the City Council makes the final determination.

Councilmember Gary Bilyeu noted that there was no way that this does not conform to what is currently in the area. He noted felt a good compromise between 30 and 60 days for abandonment, was 45 days.

A motion was made by Councilmember Bilyeu to approve Ordinance #06-09-14 - Granting a Specific Use Permit for a Mobile Home as a Fixed Dwelling in an Agricultural Zoning District Located at 10977 Metz Road with the following conditions:

- 1) The SUP will expire ten (10) years after going into effect.
- 2) The SUP will expire upon removal of the mobile home unit.
- 3) The SUP will expire upon abandonment of the mobile home unit for a period of forty-five (45) Days.
- 4) The SUP will expire upon the property being changed from the "A" Agricultural District Zoning to any other zoning district, or being platted or subdivided.

The motion was seconded by Councilmember Stephens. The motion carried unanimously (5-0 Vote).

9. INFORMATION ITEMS:

a) Financial and Investment Report - April

Councilmember Bilyeu asked if we purchased two additional vehicles for the Police Department and Mike Brice noted that we only have purchased two vehicles that we just got them in and are paying the bills.

Councilmember Chick asked when the Police were going to move. Mike Brice noted we were working with Austin Lane on the consolidation of the server. He can not provide an exact date at this time.

10. Adjourn.

There being no further business Mayor Muir adjourned the meeting at 8:12 PM.