



MINUTES
MARCH 6, 2018
LAVON CITY COUNCIL
501 LINCOLN DRIVE, LAVON, TEXAS
EMERGENCY OPERATIONS CENTER GROUND BREAKING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING-BOARD OF ADJUSTMENT- EXECUTIVE SESSION

ATTENDING: VICKI SANSON, MAYOR PRO TEM, PLACE 1
MIKE COOK, PLACE 2
KAY WRIGHT, PLACE 3
TIM DAVIS, PLACE 4
MINDI SERKLAND, PLACE 5

ABSENT: CHARLES A. TESKE, JR., MAYOR

GROUND BREAKING - 501 LINCOLN DRIVE

At 6:00 p.m., a quorum of the City Council gathered for a ceremonial ground breaking for the expansion of the Emergency Operations Center-Fire Department. Mayor Pro Tem Sanson welcomed guests and stated that the groundbreaking represented an important milestone in the continuing development of the City of Lavon's public safety infrastructure. Mayor Pro Tem Sanson commented that when completed the new emergency operations center is expected to enhance first responders' ability to safeguard the lives and property of Lavon residents and help facilitate lower emergency response times. Mayor Pro Tem Sanson expressed appreciation specifically to Bloomfield Homes as a generous and forward-thinking partner who shared in the vision to the benefit of current and future residents. President of Bloomfield Homes Don Dykstra, Vice President of Operations Tim Stewart and Construction Superintendent Jason Wynns were recognized and Mr. Dykstra addressed the gathering. Mayor Pro Tem Sanson then recognized city staff members for their contribution to the process: Police Chief Mike Jones, Fire Marshal Jon Scott, Public Works Director Sonny Mancias and City Administrator Kim Dobbs. Mayor Pro Tem Sanson concluded that Mayor Teske especially deserved recognition and appreciation for championing the project and for his unwavering determination to make the project a reality.

1. **MAYOR PRO TEM SANSON CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR PRO TEM SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND CHIEF JONES DELIVERED THE INVOCATION.**
3. **CITIZENS COMMENTS**

There were none.

4. **ITEMS OF INTEREST/COMMUNICATIONS**

- X-treme Green clean-up day has been scheduled for March 17 and 18.
- The Easter event will be on March 24 from 3:00 – 4:30 p.m.
- Lavon Economic Development Corporation (LEDC) Small Business Bazaar will be held on April 28.

5. **CONSENT AGENDA**

- A. **Approve the Minutes of the February 20, 2018 Meeting.**
- B. **Approve Ordinance No. 2018-03-01 amending the Code of Regulations, Title 3 Administration, Subtitle 3 Committees and Commissions, Chapter 9 Parks and Recreation Board regarding the structure of the Parks and Recreation Board.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: DAVIS

SECONDED: WRIGHT

APPROVED: UNANIMOUS

6. BOARD OF ADJUSTMENT

In accordance with the Texas Local Government Code, Section 211.008 (g) and City of Lavon Ordinance No. 2011-08-01, the Lavon City Council will act as the Board of Adjustment to consider and act on a request for a variance from the Zoning Code.

A. Public Hearing, discussion and action regarding the application of 78 Lavon, LP for a variance to the requirements of Ordinance No. 97-12-08 Zoning, Article VII, Section 4.3 that provide for installation of a dedicated alley or private drive and a rear yard setback of 20’ to waive the requirement for a dedicated alley or private drive on Lot 1, Block 1 of the proposed Lavon 7-Eleven Addition (Collin CAD# 2612693 and 2635513) a part of the William H. Moore Survey, A0638, Sheet 2, Tract 4 and Tract 28, generally located north of the intersection of State Highway (SH) 205 and SH 78 in the vicinity of the 900-1000 block of SH 78.

Presentation of request.

Ms. Dobbs provided information regarding the request for a variance and advised that owners of affected property located within one-hundred feet of the site had been mailed a notice of the request and public hearing.

Applicant Sherrelle Diggs submitted that the regulation would result in a hardship, that the required alley/drive would not connect to anything on either side of the property and that the adjacent property owners would be better served by not having the traffic or noise associated with a dedicated alley or private drive on the rear property line. Ms. Diggs pointed out that the building is planned to be setback one hundred and seven feet (107’) from the rear property line and that where it is not already installed, a six-foot (6’) wooden fence would be installed.

PUBLIC HEARING to receive comments regarding the request.

Ms. Sanson opened the public hearing at 7:08 p.m. and invited comments regarding the proposed variance. The following people offered input regarding the application:

- Lori Lord, 980 Austin Ln. - inquired about the screening fence and the dumpster enclosure
- Jason Queneau, 970 Austin Ln. – asked who would be responsible for the maintenance of the fence
- Madhu Kanduru, 400 N. SH 78 – inquired about an access easement to property he owns behind the subject property
- Vince Doyle, 319 Alamo Ct. – expressed concern regarding traffic congestion at the intersection of SH 78 and SH 205. Ms. Diggs provided information from the traffic impact analysis (TIA) that provided conclusions on safe driveway placement and adequacy of current facilities. Ms. Diggs showed access and circulation plans and explained that the site will be accessed from the signalized intersection on the south side and from an access drive from the Sonic on the north.

There being no additional comments, Ms. Sanson closed the public hearing at 7:15 p.m.

Discussion and action regarding the request.

The City Council discussed the request. Ms. Dobbs reviewed the standards for Board of Adjustment consideration and the findings of fact.

MOTION: GRANT A VARIANCE TO THE REQUIREMENTS OF ORDINANCE NO. 97-12-08 ZONING, ARTICLE VII, SECTION 4.3 TO WAIVE THE REQUIRED INSTALLATION OF A DEDICATED ALLEY OR PRIVATE DRIVE ON LOT 1, BLOCK 1 OF THE PROPOSED LAVON 7-ELEVEN ADDITION.

MOTION MADE: WRIGHT
SECONDED: DAVIS
APPROVED: UNANIMOUS

7. ITEMS FOR CONSIDERATION

A. Public hearing, discussion and action regarding the application of Rachel Antrikin on behalf of the owners for a replat without vacating the plat of Lot 2, also identified by the Collin County

Appraisal District as Lots 2 and 2-1, (CCAD property IDs 2767161 & 2767162 respectively) consisting of 9.806 acres, East Hubbard Properties Addition to form two (2) lots, Lot 2R and 3.

Presentation of request.

Ms. Dobbs provided information regarding the location of the property in the City's extraterritorial jurisdiction, the proposed replat and the state law requirement for a public hearing regarding the creation of an additional lot. Property owners Will and Rachel Antrikin were present to answer questions.

PUBLIC HEARING to receive comments regarding the request.

Mayor Pro Tem Sanson opened the public hearing at 7:19 p.m. and invited comments regarding the proposed replat. There being no comments, the public hearing was closed at 7:20 p.m.

Discussion and action regarding the request.

Ms. Dobbs advised that the applicant had complied with all city engineer and staff notes. Planning and Zoning Commission Chair David Rosenquist provided a report that on February 27, 2018 the Commission voted unanimously to recommend approval of the replat.

MOTION: APPROVE THE REPLAT OF LOT 2 CONSISTING OF 9.806 ACRES OF THE EAST HUBBARD PROPERTIES ADDITION TO FORM TWO (2) LOTS, LOT 2R AND 3.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS

- B. Discussion and action regarding the application of Sherrelle Diggs, The Dimension Group, for a Preliminary Plat of a 2.492 acre tract of land situated in the W. H. Moore Survey, Abstract No. 638, Sheet 2, Tract 4 and Tract 28, City of Lavon, Collin County Texas, (Collin CAD# 2612693 and 2635513), generally located north of the intersection of State Highway (SH) 205 and SH 78 in the vicinity of the 900-1000 block of SH 78, such property generally referenced as Lavon 7-Eleven Addition.**

Ms. Dobbs explained that the property is zoned Retail 1 and Business 1 and that the proposed preliminary plat conforms to the zoning and satisfies the subdivision code requirements. Ms. Diggs provided information regarding the preliminary plat. Ms. Diggs confirmed that the TIA showed the store would have minor impact on the local roadway network and modifications such as a deceleration lane were not warranted. Ms. Dobbs advised that the applicant had complied with a Planning and Zoning Commission request to relabel the northern ingress/egress easement. Mr. Rosenquist provided a report that on February 27, 2018 the Commission voted unanimously to recommend approval of the preliminary plat subject to the easement notation and Board of Adjustment approval of the variance.

MOTION: APPROVE THE PRELIMINARY PLAT OF THE LAVON 7-ELEVEN ADDITION, A 2.492 ACRE TRACT OF LAND SITUATED IN THE W. H. MOORE SURVEY, ABSTRACT NO. 638.

MOTION MADE: SERKLAND
SECONDED: DAVIS
APPROVED: UNANIMOUS

- C. Discussion and action regarding a Site Plan for a 7-Eleven Store on Lot 1, Block 1 of the Lavon 7-Eleven Addition, a 1.109 acre lot, (a part of Collin CAD # 2612693 and 2635513), generally located north of the intersection of State Highway (SH) 205 and SH 78 in the vicinity of the 900-1000 block of SH 78, submitted by Sherrelle Diggs, The Dimension Group.**

Ms. Diggs presented information regarding the proposed site plan and landscape plan of Lot 1 of the 7-Eleven Addition. Ms. Diggs pointed out where the rear building setback of 107' had been noted on the Site Plan per the Planning and Zoning Commission request. Architect Chuck Hoffman, The Dimension Group explained that the store is a new prototype store and will contain architectural features not found on the older stores. Ms. Dobbs noted that the applicant had complied with city

engineer and staff review notes with the exception of the correction of the SH 78 median depiction on the northern driveway. Mr. Rosenquist provided a report that on February 27, 2018 the Commission voted unanimously to recommend approval of the site plan subject to certain contingencies, all of which had been satisfied except the corrected SH 78 median note and the TxDOT drainage approval.

MOTION: APPROVE THE SITE PLAN FOR A 7-ELEVEN STORE ON LOT 1, BLOCK 1 OF THE LAVON 7-ELEVEN ADDITION, SUBJECT TO: 1) TXDOT APPROVAL OF THE DRAINAGE AND 2) CORRECTION OF THE MEDIAN OPENING AT THE NORTHERN-MOST ENTRY POINT.

MOTION MADE: DAVIS
SECONDED: WRIGHT
APPROVED: UNANIMOUS

D. Discussion and action regarding a Landscape Plan for a 7-Eleven Store on Lot 1, Block 1 of the Lavon 7-Eleven Addition, a 1.109 acre lot, (a part of Collin CAD # 2612693 and 2635513), generally located north of the intersection of State Highway (SH) 205 and SH 78 in the vicinity of the 900-1000 block of SH 78, submitted by Sherrelle Diggs, The Dimension Group.

Ms. Diggs and Mr. Hoffman presented the Landscape Plan for the proposed 7-Eleven site. Ms. Dobbs observed that the plan exceeds the minimum landscape requirements of both the current and proposed zoning ordinances. It was noted that outdoor LED lighting would be utilized to illuminate the site with minimal impact on surrounding properties. It was further noted that an automated irrigation system would be installed on entire site, including the grassy area behind the store. Director of Public Works requested and the applicant agreed that trees be placed an appropriate distance from the sanitary sewer line and sidewalks so as to not disrupt the infrastructure.

MOTION: APPROVE THE LANDSCAPE PLAN FOR A 7-ELEVEN STORE ON LOT 1, BLOCK 1 OF THE LAVON 7-ELEVEN ADDITION.

MOTION MADE: SERKLAND
SECONDED: DAVIS
APPROVED: UNANIMOUS

E. Public hearing, discussion and action regarding a proposed rewrite of the Zoning Ordinance adopted by Ordinance No. 1997-12-08 and subsequently amended. The rewrite may affect land use regulations in all zoning districts and contains other related amendments.

Presentation of the proposed amendment

Ms. Dobbs provided a recap of the multi-year process to update the 1997 Zoning Ordinance and expressed appreciation to Pam Mundo, Mundo & Associates and Lavon Economic Development Corporation Executive Director for her assistance in guiding the project and drafting the rewrite. Mayor Pro Tem Sanson provided background on the process and Ms. Wright commended the Planning and Zoning Commission for their work. Ms. Mundo stated that the Commission and staff had worked diligently to provide an updated code that will be more user-friendly and meaningful to residents and prospective businesses. Mr. Rosenquist acknowledged that the draft had been reviewed by the police and fire departments and the City Attorney. Ms. Dobbs reviewed a summary sheet of major changes in the rewrite and noted that the proposed drafts and revisions had been provided on the City website throughout the entire process.

PUBLIC HEARING to receive comments regarding the proposed rewrite.

Mayor Pro Tem Sanson opened the public hearing at 7:58 p.m. and invited comments regarding the proposed rewrite. There being no comments, the public hearing was closed at 7:59 p.m.

Discussion and action regarding the proposed rewrite.

Ms. Dobbs confirmed that the proposed rewrite conforms to the Comprehensive Plan. Ms. Serkland confirmed that animal boarding and kennels were permitted in a Planned Development District and permitted with a conditional use permit in the Agricultural District. Mr. Rosenquist provided a report that on February 27, 2018 the Commission voted unanimously to recommend approval of the rewrite.

MOTION: APPROVE THE PROPOSED REWRITE OF THE ZONING ORDINANCE ADOPTED BY ORDINANCE NO. 1997-12-08 AND SUBSEQUENTLY AMENDED.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS

F. Public hearing, discussion and action regarding a proposed update of the Zoning Map.

Presentation of the proposed amendment.

Ms. Mundo and Ms. Dobbs presented the updated Zoning Map. It was noted that the updated map does not change the use district of any specific property although the certain related regulations may change in the update. Mr. Rosenquist provided a report that on February 27, 2018 the Commission voted unanimously to recommend approval of the map update.

PUBLIC HEARING to receive comments regarding the proposed update.

Mayor Pro Tem Sanson opened the public hearing at 8:04 p.m. and invited comments regarding the proposed map update. There being no comments, the public hearing was closed at 8:04 p.m.

Discussion and action regarding the proposed update.

Ms. Dobbs noted that future zoning amendments would contain a provision that the when approved, the Zoning Map would be updated correspondingly.

MOTION: APPROVE THE UPDATE OF THE ZONING MAP.

MOTION MADE: DAVIS
SECONDED: COOK
APPROVED: UNANIMOUS

G. Discussion regarding a request for qualifications for city engineer.

Ms. Dobbs explained that the city engineer is a civil engineer tasked with the review and planning for public infrastructure and as development demands increase so do the need for city engineer services to support the staff and Council. Ms. Dobbs noted that as is common in similarly sized cities, the city engages engineering firms to work on different aspects of the city's engineering requirements with the city engineer as a contract consulting position not on staff. Ms. Dobbs stated that the city currently uses Adams Engineering as city engineer and she is unaware of any complaints regarding the service provided. Ms. Dobbs asked the Council if they wished to request and review qualifications for city engineers with Adams Engineers also invited to submit qualifications. The consensus of the Council was to proceed with the process for a Request for Qualification (RFQ) for City Engineering services.

H. Discussion and action regarding a report from staff and findings from the Texas City Attorneys Association (TCCA) study of secondary effects of sexually oriented businesses and providing staff direction on scheduling a public hearing and adopting a Sexually Oriented Business ordinance.

Ms. Dobbs explained that because the Zoning Ordinance rewrite does not contain regulations pertaining to sexually oriented businesses, a stand-alone ordinance would be in order. The process for that includes the Council's review of findings and certain other steps. Ms. Dobbs presented the findings of a study commissioned by the Texas City Attorneys Association (TCAA) Board of Directors regarding the extent to which retail only sexually oriented businesses with no on-premise entertainment cause harmful effects on surrounding property values and crime rates. Ms. Dobbs noted the studies in their entirety are available for review in the City Secretary's office.

MOTION: ACCEPT THE TCAA STUDY OF SECONDARY EFFECTS AND DIRECT STAFF TO PREPARE AN ORDINANCE FOR THE REGULATION OF SEXUALLY ORIENTED BUSINESSES.

MOTION MADE: COOK

SECONDED: DAVIS
APPROVED: UNANIMOUS

I. Discussion regarding participating with the Atmos Cities Steering Committee (ACSC) and the rate schedule “RRM – Rate Review Mechanism” for Atmos Energy Corporation, Mid-Tex Division as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code.

Ms. Dobbs provided information relating to a recent Atmos submission for a resolution of the Council relating to a new Rate Review Mechanism (RRM) tariff to govern future annual rate filings. Ms. Dobbs further provided information about various coalitions of cities that provide legal advice to cities concerning rate making actions and specifically about options to join the Atmos Cities Steering Committee (ACSC). The consensus of the Council was to consider membership in the ACSC at the next meeting.

8. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess into Executive Session (closed meeting) to discuss the following item pursuant to Section 551.071 (2) and 551.071 (1): Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and Consultation with Attorney regarding pending litigation or settlement offer: *Application of City of Lavon to Obtain a Sewer Certificate of Convenience and Necessity (CCN)*, Public Utility Commission SOAH Docket No. 473-17-4339.WS, PUC Docket No. 46993.

The City Council did not recess into executive session.

9. RECONVENE INTO REGULAR SESSION

Consider and take any action necessary as a result of executive session.

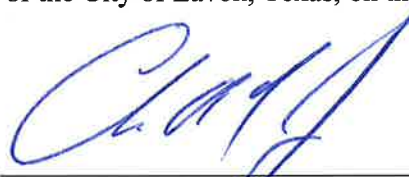
There was no discussion and no action was taken.

10. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

- The next regular meeting of the City Council will be March 20, 2018.
- Ms. Wright requested that an item be placed on the agenda for discussion and action regarding the Texas Department of Transportation (TxDOT) recent rule increasing the allowed height of billboards along Texas’ federally funded roadways from 42.5’ to 85’ in height.

11. MAYOR PRO TEM SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:14 P.M.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 20th day of March, 2018.



Charles A. Teske, Jr.
Mayor



ATTEST:



Kim Dobbs, City Administrator | City Secretary