



*** PUBLIC NOTICE ***

**NOTICE OF A CITY COUNCIL REGULAR SESSION IMMEDIATELY FOLLOWING
A WORKSHOP SESSION
OF THE CITY OF CORINTH
Thursday, March 15, 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. Hold a discussion on donation bins.
3. Policy discussion on tax abatement.

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:

**7:00 p.m. 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".**

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.
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.

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

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.

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.

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.

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.

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 the City of Corinth, Denton County, Texas.

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.

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.)

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.

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.

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.

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.
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.

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 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.

ADJOURN:

Posted this 9th day of March, 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: 03/15/2018
Title: Donation Bins
Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary
Finance Review: N/A **Legal Review:** Yes
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Hold a discussion on donation bins.

AGENDA ITEM SUMMARY/BACKGROUND

The City was contacted by a representative of a foundation associated with clothing donation/collection bins. The City's Attorney and City Staff have met with the foundation's representative and have participated in several conference calls on this topic. We found that several cities have adopted new ordinances or revised existing ordinances due to recent changes in case law.

Being proactive in creating the processes described in this ordinance will alleviate many of the community concerns related to illegal dumping around the area of the bins, poorly maintained bins, and/or aesthetics. The ordinance provides not only definitions but step by step instruction for the application and permitting process requiring an application fee, permit fee and a yearly renewal fee. The ordinance provides where the UDCB (Unattended Donation / Collection Boxes) may be placed and that it can only be an accessory use. Staff has reviewed the requirements of other Cities and incorporated many safeguards into this set of regulations.

RECOMMENDATION

Staff recommends approval of the Ordinance.

WORKSHOP BUSINESS ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 03/15/2018
Title: Tax abatement
Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary
Finance Review: N/A **Legal Review:** Yes
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

Policy discussion on tax abatement.

AGENDA ITEM SUMMARY/BACKGROUND

In 2014 the City recruited DATCU to relocate to Corinth. The incentive package was a 50% tax abatement for property assuming the valuation met or exceeded \$12 million in new value or a total of \$12,790,000 . The total valuation for the current tax year was a total of \$12 million, which does not meet the terms of the agreement. DATCU building improvements were estimated at the time of construction at \$13.9 million and final construction was \$14.4 million. Under state law, an abatement cannot be retroactive; hence, DCTCU did not receive an abatement for the 2017 tax years. This issue is being raised to determine if you would be willing to amend the agreement to set a lower threshold for an abatement for the next four years.

RECOMMENDATION

Approval is upon Council's discretion.

CONSENT ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 03/15/2018

Title: February 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 revised minutes from the February 1, 2018 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the February 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 February 1, 2018 Regular Session minutes.

Attachments

Minutes

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

On this the 1st day of February 2018 the City Council of the City of Corinth, Texas met in a Regular Session at the Corinth City Hall at 7:30 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
Jimmie Gregg, Police Lieutenant.
Cody Collier, Public Works Director
Melissa Dolan, Recreation Coordinator
Kim Pence, City Secretary
Brenton Copeland, Technology Services Assistant
Mack Reinwand, Messer, Rockefeller, &Fort

Others Present:

Barry Reed, Lamb-Star Engineering
Eric Greenman, Lamb-Star Engineering

CALL TO ORDER:

**7:30 P.M. 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 Regular meeting to order at 7:30 p. m, Councilmember Garber delivered the invocation and led in the Pledge of Allegiance and Texas Pledge.

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.

BUSINESS AGENDA:

1. Discuss and consider Amending the Code of Ordinances of the City of Corinth, Texas by amending Chapter 70, Traffic Rules, by modifications to the maximum speed limits shown in Section 70.1, Speed Limits, Paragraph (c), Table of Maximum Speeds to set a maximum speed limit of 50 mph for FM 2181, East and West, 1000 through 4500 Blocks inside Corinth, TX.

Bob Hart, City Manager - this is an Ordinance that sets the speed limits to 50 mph that was requested by TxDOT. The proposed Ordinance change will remove reference to the temporary 45 mph construction speed limit in the existing Ordinance and replace with the posted speed limit of 50 mph.

MOTION made by Councilmember Garber to approve Amending the Code of Ordinances of the City of Corinth, Texas by amending Chapter 70, Traffic Rules, by modifications to the maximum speed limits shown in Section 70.1, Speed Limits, Paragraph (c), Table of Maximum Speeds to set a maximum speed limit of 50 mph for FM 2181, East and West, 1000 through 4500 Blocks inside Corinth, TX. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Harrison, Glockel

NOES: None

ABSENT: None

MOTION CARRIED

2. Discuss and Consider authorizing the Mayor to sign a contract with Sawko & Burroughs, P.C. and McCreary, Veselka, Bragg & Allen, P.C., Attorneys at Law, for the collection of delinquent taxes and provide a thirty (30) day cancellation notice to Linebarger, Heard, Goggan, Blair, Graham, Pena & Sampson, L.L.P, and Nichols, Jackson, Dillard, Hager, & Smith, L.L.P, Attorneys at Law.

Bob Hart, City Manager - we have traditionally used Linebarger for the collection of delinquent taxes. Denton County, Denton ISD, and Lake Dallas ISD all use Sawko & Burroughs. Staff is bringing to you a recommendation that we make a change in the tax collection firm so that we are all working with the same group. By having the same firm, will prevent us from having confusion that we had a few years ago with the property off of Fair Oaks Circle ending up in the Denton ISD property do this will allow us to coordinate with them.

MOTION made by Councilmember Garber to approve sign a contract with Sawko & Burroughs, P.C. and McCreary, Veselka, Bragg & Allen, P.C., Attorneys at Law, for the collection of delinquent taxes and provide a thirty (30) day cancellation notice to Linebarger, Heard, Goggan, Blair, Graham, Pena & Sampson, L.L.P, and Nichols, Jackson, Dillard, Hager, & Smith, L.L.P, Attorneys at Law and authorize Mayor to sign. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Harrison, Glockel

NOES: None

ABSENT: None

MOTION CARRIED

Mayor recessed the Regular Session at 7:35 p.m.

WORKSHOP BUSINESS AGENDA:

Mayor Heidemann opened the Workshop at 7:40 p.m.

3. Receive a presentation and provide staff direction on proceeding with the remodel of the Public Works Facility, equipment storage, and site and drainage improvements for the area of Public works and the Lake Cities Fire Department Training facility.

Cody Collier, Public Works Director - The Public Works facility was constructed in 1996 and has served the purposes of the Public Works Department 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 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.

Projected costs of design, remodel and site improvements:

Public Works facility remodel only - \$434,880

- New roof
- HVAC upgrades
- All new flooring, ceilings, fixtures
- New floorplan for our current and future needs 1st floor and 2nd floor
- Secondary exit for 2nd floor fire exit
- New office furniture and cubical work stations +\$35,000 (included in total above)

Storage building, Public Works/LCFD area drainage and site improvements - \$960,107

- Public Works storage building for equipment
- Public Works site improvements:
- Drainage improvements

- Retaining wall
- Platting
- LCFD Practice Facility drainage and site improvements.

There are some Unified Development Code (UDC) issues with the property that we are looking at. The property is not platted and we would like to have the property surveyed and platted and there is cost associated with that.

The non-related to fire lane extension, the original cost was about \$176,000 to pour a fire lane and there is really no benefit to it, it currently supports their equipment now so that was something that I was not concerned about. There are some landscape requirements and that is something that we can address when the remodel is done. We can get the shrubbery and plant it and make the front of the building look really nice with seasonal flowers so that is something we can do on our own.

The Public Works building with everything factored in as we know today will be about \$434,880, the storage building facility would be about \$960,107 for a total cost of about \$1.4 million.

In the 2017/2018 budget there is \$1.5 million. I am looking to see if Council is interested in moving forward, I would propose we enter into a Professional Services contract with Lamb-Star Engineering and based off of that begin to get actual hard costs instead of estimates.

Councilmember Harrison - out of the \$1,394,987 that we anticipate there costs being, then are you going to go out for drainage as a separate contract of the site improvements, the building all bids to build those?

Cody Collier, Public Works Director - the professional services amount is estimate to be \$54,880. The site work and retaining wall, survey and everything else included for Phase II is estimated to be \$160,107. For both Phases it would be \$214,987.

Councilmember Glockel - on page 51, item #4 it talks about the fire protection will be done as a design-built by the contractor. Are those dollars in this bid?

Barry Read - it is included in the construction costs. It is included in the contractors, when he bids a building, it is included in the cost of the fire protection as a fee of the design of that. It is usually cheaper to do it that way than to go with a Fire Protection Engineer and as a consultant.

Councilmember Glockel - is our security system done the same way?

Eric Greenman - this would not be security system, this is just fire alarm, sprinkler system. Typically the City would have a consultant that does the cameras.

Councilmember Glockel - in any of these numbers does it cover these item on page 51.

Eric Greenman - yes, it should be covered in construction costs. When we estimate a construction cost that permit cost is usually part of that. Until we get to that point, we are not sure how much those will be.

Councilmember Harrison - how are you going to do the actual work itself? Are you going to contract that out?

Bob Hart, City Manager - we will do bids using their design.

Eric Greenman - the contractor does not see an estimate they bid it from scratch. I would expect the contractor would come in and build the building and do the site work.

Councilmember Harrison - ok, and you will go out for bids on that?

Bob Hart, City Manager - yes.

Cody Collier, Public Works Director - I showed Phase I and Phase 2 because I wanted to show that distinction. The building remodel is one entity all by itself and everything else I showed as Phase 2 is the platting, site work, the grading etc.

It was the Consensus of the Council to proceed and come back to City Council with a contract on March 1st.

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 Glockel - we all reviewed the Public Safety building tonight and the new fire station. There was a lot of people that put in a lot of time and work on that. Thanked the Mayor, Councilmember Harrison, Chief Birt, Assistant Chief Ross and Brenton Copeland for all their time on this project.

Councilmember Harrison - we stayed within the budget and what is in there is what is needed.

Mayor Heidemann - we have a Cornerstone Ceremony that is scheduled for March 21, 2018 at 11:00.

Mayor Heidemann recessed the meeting at 8:06 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.

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.

City Council met in Closed Session from 8:07 p.m. until 9:23 p.m.

a. City Manager evaluation

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 9:24 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: 03/15/2018

Title: February 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 revised minutes from the February 15, 2018 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the February 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 February 15, 2018 Workshop Session minutes.

Attachments

Minutes

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

On this the 15th day of February 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
Lori Levy, Senior Planner
Cindy Deckard, Engineering Services Coordinator
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.

No discussion on the Regular Session agenda items.

2. Discuss and provide staff direction on conducting a Masonic Lodge ceremony to install a cornerstone for the Fire Station #3.

Bob Hart, City Manager - the staff has discussed requesting the Masonic Lodge to conduct a ceremony to install a cornerstone at the fire station. Councilmember Garber raised some questions and the item is placed on the agenda for Council discussion.

Councilmember Garber - the questions that I raised about that are in line with in general religious ceremonies on public buildings. This is a very specific ceremony that the Mason's perform. At the very least, to keep the debate on the theological side, what I would like to do is just have a vote and allow Council, if one of us disagrees with one of these religious ceremonies that we can have a vote on whether or not to proceed with this. I would like to have our names counted if we are for or against it and not just a general consensus. .

Bob Hart, City Manager - I put this on as a discussion item as opposed to a vote. I misunders tood and we can place this on the agenda for March 1st for consideration.

3. Lake Sharon Extension Project update.

Mike Brownlee, City Engineer - Tonight's workshop presentation will provide an overview of the Lake Sharon Drive Paving, Drainage, and Water Improvements. Topics for discussion will include updates on the various phases of the project:

- Project Bidding and Award
- Land Acquisition Status
- Construction Progress to date
- Schedule
- Project Budget
- Construction Change Orders
- Design Change Orders

The project was awarded for \$5,064,468.47 which includes the Base Bid amount of \$4,997,337.78 and a Bid Alternate added for an electronic message board in the amount of \$67,130.69. Notice to Proceed was given November 6, 2017 with a 240 calendar day duration. The contract completion date is July 4, 2018.

Land acquisition was completed with Endeavor to acquire the last remaining Right of Way and easements for the project. The city reached a negotiated settlement with Endeavor shortly before the scheduled Commissioners Court Hearing on November 29, 2017 in the amount of \$460,000. The city was able to obtain Right of Entry from Endeavor prior to the award of the project so the land acquisition did not delay the start of the project

The project is 22% completed based on the work in place completed through the end of January with work in place values at \$1.1M. Roughly 45% of that work consisted of charges for mobilization and site preparation. The remaining work to date is predominately underground storm drain, junction boxes and rough grading. The contractor has completed installation of the dewatered working pad across the lake for installation of the Upper Trinity Regional Water District (UTRWD) bypass and multi-barrel box culvert. Progress has been slowed by gaining approvals from the UTRWD on the project submittals required for construction of the 24" WL bypass across the lake. The next phase of construction will involve construction of the bypass and box culvert followed by embankment.

The project was awarded November 6, 2017 with a duration of 240 days. The completion date for 240 calendar days would be July 4, 2018. The contractor is currently 77 days behind schedule by his schedule and has filed multiple delay claims based on various job conditions including:

- Lack of access from FM 2499
- Lack of access to work in jurisdictional waters (i.e. Lake Sharon)
- Conflicts between new and existing utilities for the tank feed connection

- Changes to the pipe material size from that shown on the plans

The total budget for the project of \$6,435,760.00 was presented to the council at a similar workshop session on October 20, 2016 and included design services, construction cost, land acquisition, project administration and testing. Items were included in the project budget for anticipated costs and contingencies for change orders based on past experience with similar projects. The city has spent \$6,150,319.18 of funds to date, representing either known amounts or already expended items (such as land acquisition).

There is currently a credit balance of \$285,440.82 of still uncommitted funds from the total budgeted amount for the project. Additional laboratory testing, change orders, unanticipated attorney fees, and additional easement documents would be included in the uncommitted funds.

Change Orders Two and Three are being presented to council tonight for approval. Change Order Two in the amount of \$13,185.68 is needed for a change in pipe class from Pressure Class 250 to Pressure Class 350 for the UTRWD 24" DIP bypass.

Change Order Three in the amount of \$43,504.69 is for construction of the Lake Sharon Drive intersection turnout for FM 2499.

Change Order One was previously approved by the City Manager to extend the warranty period from 1-year to 2-years. The total amount requested for approval for Change Orders Two and Three is \$56,690.37.

Amendment Number Seven to the Teague, Nall and Perkins design contract is presented tonight for approval in the amount of \$35,000 for additional construction phase services. The additional services are needed for administrative support and interpretation of the plans during the construction phase. 55 shop drawings 11 requests for plan interpretation (RFIs) and 3 change order requests have been submitted to date with most of the items requiring repeat submittals prior to final approval. There are still a number of ongoing issues that will require additional engineering support including coordination with UTRWD resolving underground utility conflicts, necessary design changes, shop drawing review, attend meetings and general engineering support to concerning plan intent. The expectation is that the requested amount should be sufficient to cover design engineering expenses for the remainder of the project.

Councilmember Glockel - I thought they had already poured past Lake Sharon in November? They have not done that?

Mike Brownlee City Engineer - they were telling me they were going to pour the approach and put a curve on the back and then go ahead and run the sidewalk across but then they just did not do anything.

Councilmember Glockel - so we don't have the possibility of going back to the state and asking them to reimburse us for it?

Mike Brownlee, City Engineer - I have asked them to build it and they declined.

Councilmember Glockel - I am thinking the road was poured before we ever let this contract.

Mike Brownlee, City Engineer - some of it was poured. There were gaps. They had done everything up to Robinson Road. They were not done, they were still paving. They still had their contractor out there working all the way through January.

Councilmember Glockel - The point I am trying to get to is when we let our contract, it wasn't there.

Mike Brownlee, City Engineer - right, but we thought it was going to be there cause they told us it would be. They told us they were going to build it but they didn't. That is all I can tell on that one, they are TXDOT.

Councilmember Burke - is it not open because Denton has not put in a light? That is what I have been told.

Mike Brownlee, City Engineer - it is not open at Robinson Road because it is a school crossing and until they get a signalized intersection they have a safety issue. What they told us was the end of March they would have something up there.

Mayor Heidemann - do you have funds available to do landscaping on Lake Sharon Extension?

Mike Brownlee, City Engineer - yes, lighting, landscaping all included.

Councilmember Harrison - what about the sign? How much is that and is that part of the \$193,000.00?

Mike Brownlee, City Engineer - \$67,130.69 is for the sign, it is really a message board. That is part of the award.

Councilmember Harrison - so if you eliminate the sign you will have money to spend right?

Mike Brownlee, City Engineer - yes. We may lose a little bit if they install power to it and then pull it. The planned location is at Oakmont and you will see it if you go north or south on Oakmont and east and west on Lake Sharon. Same as the one out front of City Hall.

CLOSED SESSION

Mayor Heidemann recessed the Workshop at 6:02 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 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.

Council met in Closed Session from 6:03 p.m. until 6:34 p.m.

a. Purchase of Right-of-Way for Lake Sharon Blvd near I-35E.

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.

Council met in Closed Session from 6:03 p.m. until 6:34 p.m.

a. Deliberations regarding economic development incentives 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 Workshop meeting at 6:35 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: 03/15/2018
Title: Denton County Fiber Interlocal
Submitted For: Lee Ann Bunselmeyer, Director
Submitted By: Shea Rodgers, Technology Services Manager
Finance Review: N/A **Legal Review:** Yes
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

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.

AGENDA ITEM SUMMARY/BACKGROUND

Corinth has an existing inter-local agreement with the City of Denton (COD), who is hosting several of our key servers. Currently, the connection from City Hall to the COD server facilities is made through a 100 Mbps (megabits per second) Ethernet connection provided by Charter Spectrum. While this connection has been reliable, Corinth has outgrown its capacity, even after an upgrade from 50 Mbps in late 2017. The saturation of this link is causing reliability and latency issues when accessing data stored at the COD site.

In 2015, Denton County completed a termination of their fiber network into Corinth City Hall for the use of Texas Law Enforcement Telecommunications System (TLETS) connections and other county applications. This connection has unused fiber strands that were allocated for future growth.

After discussing the issues of the Charter Spectrum network saturation with COD officials in late 2017, representatives from the two cities approached Denton County with a request to utilize these unused fiber strands for Corinth\Denton communication. Denton County has sent this proposed inter-local agreement for your consideration (attached: COUNTY FIBER INTER-LOCAL).

The fiber optic connection would be considerably faster than the current Charter Spectrum connection: 10 Gbps (gigabits per second) versus 100 Mbps, increasing the speed by a factor of 100. Utilizing this new connection would allow the City of Corinth faster and more reliable access to its data and give it the opportunity to increase the amount of data that it stores in the City of Denton's server farm. Being a truly redundant system, COD's server structure is preferable to Corinth's for most data, since, in the event of a disaster, Corinth's data will automatically and near seamlessly migrate to a backup COD facility, lowering the likelihood of downtime or loss of data. At present, the Charter Spectrum connection makes migrating more data to COD impractical.

If approved, the annual cost to the City of Corinth will be \$13,092.84 (\$1,091 per month), which will go to the ongoing fiber maintenance and repair costs borne by Denton County. Given both Corinth approval and Denton County approval, Technology Services would work with counterparts from both City of Denton and Denton County to coordinate the implementation. The initial target date for implementation is June 1.

RECOMMENDATION

It is the recommendation of Staff that the City Council approve this proposed inter-local agreement with Denton County for the fiber connection to City of Denton facilities in the amount of \$13,092.84, recurring annually.

Fiscal Impact

Source of Funding: City Manager Contingency

FINANCIAL SUMMARY:

The first year of service will be prorated. Assuming a go-live date of June 1, Corinth will be charged for 4 months, or a total of approximately \$4,364, which will be paid out of the City Managers contingency fund.

After October 1, departments will pay a portion of the costs weighted by the number of computers.

Attachments

COUNTY FIBER INTER-LOCAL

OUTSIDE PLANT FIBER OPTIC NETWORK INTERLOCAL AGREEMENT

This Interlocal Agreement ("the Agreement") is made and entered into by and between the CITY OF CORINTH, TEXAS ("the CITY"), a municipal corporation, and the COUNTY OF DENTON, TEXAS ("the COUNTY"), each organized and existing under the laws of the State of Texas, and acting by, through and under the authority of their respective governing bodies and officials in accordance with the "Interlocal Cooperation Act," Chapter 791 of the Texas Government Code (the "Act").

WHEREAS, the CITY and the COUNTY are both governmental entities engaged in the management of information services and network communications of their individual agencies, a recognized governmental function; and

WHEREAS, the CITY and the COUNTY wish to enter into this Agreement to set forth the terms and conditions upon which the CITY shall share the use of the COUNTY's Outside Plant Fiber Optic Network infrastructure; and

WHEREAS, participation in this Agreement will be highly beneficial to the taxpayers of the CITY and the COUNTY through the anticipated savings to be realized and is of mutual concern to the parties; and

WHEREAS, the CITY has current funds available to satisfy any fees owed pursuant to this Agreement.

NOW THEREFORE, the CITY and the COUNTY, for and in consideration of the premises and the mutual covenants set forth in this Agreement, and pursuant to the authority granted by the governing bodies of each of the parties hereto, do hereby agree as follows:

- I. The CITY shall share the use of the COUNTY's Outside Plant Fiber Optic Network infrastructure. Use of these network services are to be approved by the COUNTY where services and capacity is available and applicable.
2. The CITY shall each be responsible for its own use of dark fiber pairs available in the COUNTY's Outside Plant Fiber Optic Network. This shall include any hardware or software necessary to make use of the dark fiber assigned for use by the COUNTY.
 - 2.1 The COUNTY shall each be responsible for the timely maintenance of and repair of any damage to the COUNTY's Outside Plant Fiber Optic Network used by the CITY. The cost of these repairs will be shared on a pro rata basis (based on the number of strands used by each party in the damaged segment).

3. The COUNTY shall be responsible for registration of its Outside Plant Fiber Optic Network with Texas811 or the current local utility location service and performance of the locates required by membership in this service.
4. The cost of this Agreement is based on a dollar value per mile of strand. All costs shall be based on fiber pairs (2 strands) of single mode fiber with the distance calculation based on a 1/10 mile minimum division.
 - 4.1 Recurring cost for use of dark Outside Plant Fiber Optic Network is based on a cost per strand mile of \$64.14 and Operational and Maintenance (O&M) costs of \$3.21, for a total of \$67.35. This yields an annual cost for 1 Pair (2 strands single mode fiber optic cable) of \$1,616.40 per mile.
 - 4.2 O&M costs consist of preventative maintenance required to maintain the network. This is to include physical security of all sites, any associated utility costs, and the costs of any rights-of-way or shared use agreements with private sector companies.
 - 4.3 Cost for extending from the CITY's existing network and connecting to the dark fiber made available by the COUNTY shall be the responsibility of the CITY.
5. The COUNTY shall send an invoice to the CITY annually for costs through September 30. The CITY shall make payments to the COUNTY within 30 days of receipt of invoice from current revenues available.
6. The Agreement shall be in full force and effect until March 1, 2028 and shall automatically renew thereafter for additional one (1) year terms unless and until terminated by either party.
7. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated for cause by either party upon thirty (30) days written notice of a breach of the terms of this Agreement to the other party if the breach is not cured before the thirtieth day after notice.
8. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties.
9. This Agreement may be executed separately by the parties, each of which shall be deemed an original and all of which together shall constitute the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective upon execution by each party. This Agreement shall be effective from the last date signed and marked on this Agreement by a participating party.

APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

BY:

Bob Hart, CITY MANAGER

DATE:_____

ATTEST:

Kimberly Pence, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

APPROVED BY DENTON COUNTY, TEXAS COMMISSIONERS COURT

BY:

Mary Horn, COUNTY JUDGE

DATE:_____

ATTEST:

COUNTY CLERK

**FIRST AMENDMENT TO OUTSIDE PLANT FIBER OPTIC NETWORK
INTERLOCAL AGREEMENT**

This first amendment ("First Amendment") is made and entered into by and between the CITY OF CORINTH, TEXAS ("the CITY"), a municipal corporation, and the COUNTY OF DENTON, TEXAS ("the COUNTY"), each organized and existing under the laws of the State of Texas, and acting by, through and under the authority of their respective governing bodies and officials in accordance with the "Interlocal Cooperation Act," Chapter 791 of the Texas Government Code (the "Act").

WHEREAS, the CITY and the COUNTY have previously entered into a certain Interlocal Agreement ("the Agreement") effective _____, _____, with respect to matters concerning the CITY's use of the COUNTY's Outside Plant Fiber Optic Network infrastructure, as more fully described in the Agreement; and

WHEREAS, the CITY and the COUNTY wish to further amend the terms of the Agreement to provide for the costs for extending the CITY's existing networks and connecting to the dark fiber made available by the COUNTY, as more specifically provided herein.

NOW, THEREFORE, for and in consideration of the foregoing premises, and the covenants and agreements of the parties set forth herein below, together with other good and valuable consideration received by each of the parties, the receipt and sufficiency of which are hereby acknowledged and confessed by each of the parties, and pursuant to the authority granted by the governing bodies of each of the parties hereto, the parties do hereby agree as follows:

1. This Amendment describes the primary dark fiber optic connection between the CITY and the COUNTY. Outside Plant Fiber Optic transmission lines are available from the COUNTY from the City of Denton to the City of Corinth. See Exhibit A, attached hereto and incorporated as if fully set forth herein.
2. The CITY will use one (1) pair (2 strands) of single mode fiber optic cable in the COUNTY's Outside Plant Fiber Optic Network between the City of Denton and Corinth City Hall, which consists of 8.1 miles of single mode fiber optic cable.
 - 2.1 The annual cost to the CITY for said use is \$13,092.84 (8.1 miles at \$67.35 per strand mile, per month; 2 strands at 8.1 miles equals an annual cost of \$13,092.84).
 - 2.2 The CITY may connect to the dmarc provided the COUNTY at both ends of the Outside Plant Fiber Optic Network. The CITY may not physically access or modify any portions of the Outside Plant Fiber Optic Network between those two endpoints.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Outside Plant Fiber Optic Network Interlocal Agreement to be effective upon execution by each party. This Agreement shall be effective from the last date signed and marked on this Agreement by a participating party.

APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

BY:

Bob Hart, CITY MANAGER

DATE: _____

ATTEST:

Kimberly Pence, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

APPROVED BY DENTON COUNTY, TEXAS COMMISSIONERS COURT

BY:

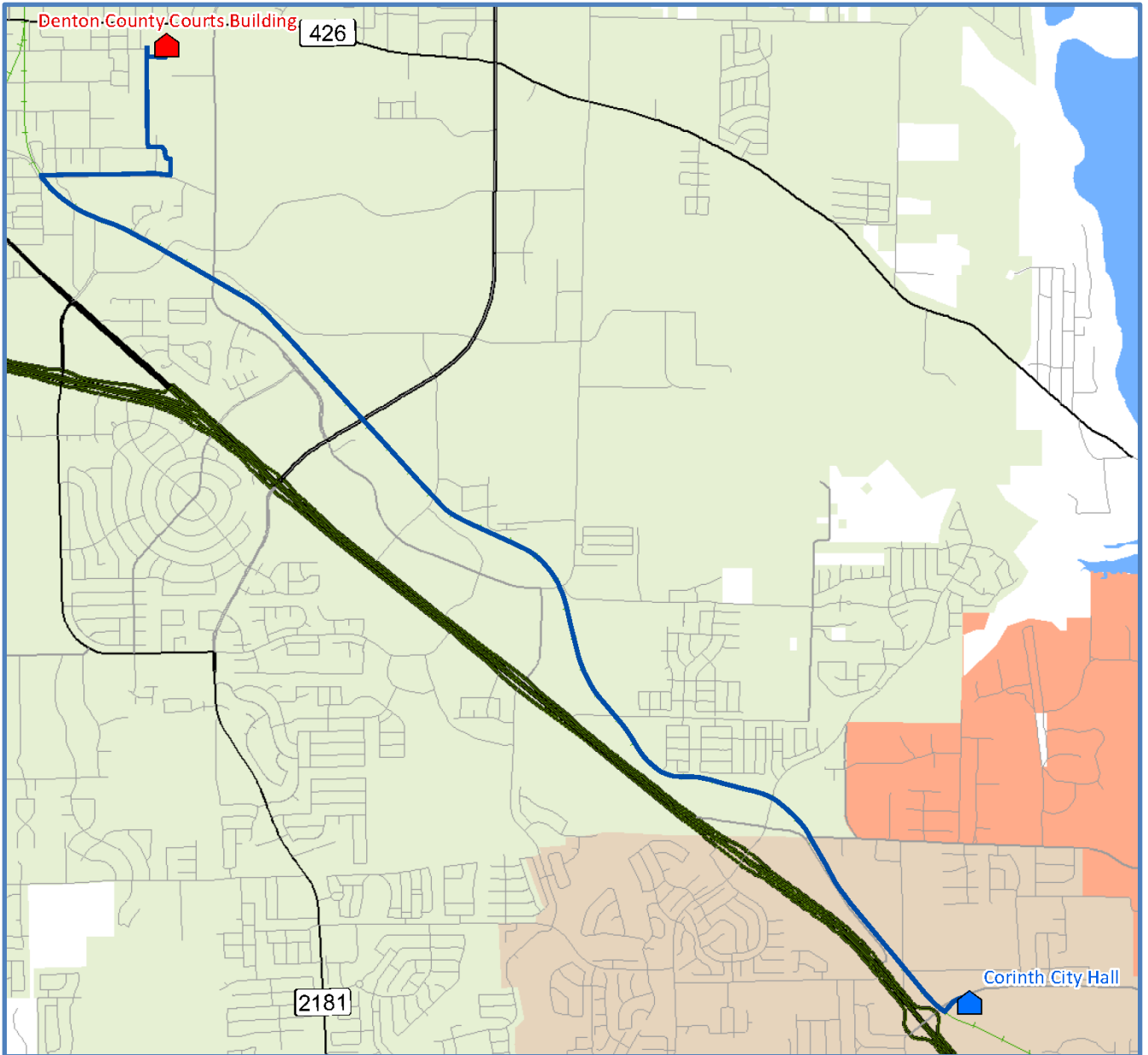
Mary Horn, COUNTY JUDGE

DATE: _____

ATTEST:

COUNTY CLERK

Exhibit A



City Council Regular and Workshop Session

Meeting Date: 03/15/2018
Title: Goddard School Planned Development
Submitted For: Barbara Cabbage, Planning & Development Manager
Submitted By: Lori Levy, Senior Planner
City Manager Review:

AGENDA ITEM

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.

AGENDA ITEM SUMMARY/BACKGROUND

A public hearing will be held for the rezoning request. The rezoning request is in conformance with the Comprehensive Plan. Therefore, the City Council may consider and take final action on the rezoning request.

The recommendation of the Planning and Zoning Commission for this rezoning request will be forwarded to the City Council for final action at the March 15, 2018, City Council regular session meeting.

The applicant has also submitted a Major Subdivision Waiver request and it is a companion item on this agenda.

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.

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

Staff requested that the applicant meet with the Homeowner’s Association of the adjacent property to the east prior to the public hearing. The applicant met with the Property Manager of the HOA and presented the request per his request in early February. A letter was provided regarding the meeting and is attached.

PROPOSED MODIFIED DEVELOPMENT STANDARDS

AREA A: PROPOSED GODDARD SCHOOL DAY CARE

The applicant is meeting or exceeding all other **Development Standards** of the UDC, except the following: The Development Standards described in Section 2.06.01 of the Unified Development Code, Ordinance No. 13-05-02-08, for the Mixed Use with Residential (MX-R) District, as amended shall apply except as follows:

1. UDC Section 2.06.01.A **MX-R Mixed Use With Residential** permitted uses and use regulations shall apply, except as follows:
 - a. The floor area of the entire development for Area A, as shown on the Concept/Site Plan shall be for day care uses.

B. Dimensional Regulations

1. UDC Section 2.06.01.B **MX-R Mixed Use With Residential** shall apply, except as follows:

MX-R (Mixed Use Residential)	Required	Proposed
Minimum Lot Width: Interior Lot	200’	180’

MX-R (Mixed Use Residential)	Required	Proposed (Corinth Pkwy)	Proposed (Walton Rd)
Maximum Front Yard Setback:	25’	135’	55’

- a. Building location in relationship to maximum front yard setback. At least twenty-five (25) percent of the front façade of any structure facing a street must be located between the minimum and maximum front yard setbacks.

2. UDC Section 2.06.01.C.2 **MX-R Mixed Use With Residential** Landscaping Regulations shall apply, except:
 - a. Landscaping shall be as shown on the Landscape Plan for Area A.
3. UDC Section 2.06.01.C.6 **MX-R Mixed Use With Residential** Residential Adjacency Standards shall apply, except:
 - a. Proposed screening fences shall be as shown on Exhibit B for Area A.
4. UDC Section 2.06.01.C.13 **MX-R Mixed Use With Residential** Facades and Building Forms shall apply, except as follows:
 - a. The buildings (daycare and accessory uses and structures) shall not be required to meet the UDC Section 2.06.01.C.13 **MX-R Mixed Use With Residential** Facades and Building Forms requirements.

5. UDC Section 2.06.01.C.14 **MX-R Mixed Use With Residential** Street Furnishings shall apply, except:

- a. Benches with litter receptacles will not be required along Walton Road for Area A.

AREA B: PROPOSED MIXED-USE (RETAIL AND/OR RESIDENTIAL, RESTAURANT)

1. UDC Section 2.06.01.A **MX-R Mixed Use With Residential** permitted uses and use regulations shall apply, except as follows:

- a. The maximum floor area of the entire development for the residential use for Area B shall be generally as shown on the Concept Plan (Exhibit B) for Area B, and as determined by the approved site plan before a permit for the construction of the structures are issued.

- b. The minimum floor area of the entire development for approved non-residential uses for Area B shall be generally as shown on the Concept Plan (Exhibit B) for Area B, and as determined by the approved site plan before a permit for the construction of the structures are issued.

B. Dimensional Regulations

1. UDC Section 2.06.01.B **MX-R Mixed Use With Residential** shall apply, except as follows:

MX-R (Mixed Use Residential)	Required	Proposed
Minimum Lot Width: Interior Lot	200'	180'
Minimum Floor Area:	850 Sq. Ft. Per DU	650 sq. ft. per DU

MX-R (Mixed Use Residential)	Required	Proposed (Corinth Pkwy)	Proposed (Shady Rest Lane)
Maximum Front Yard Setback:	25'	55'	55'

- a. Building location in relationship to maximum front yard setback. At least twenty-five (25) percent of the front façade of any structure facing a street must be located between the minimum and maximum front yard setbacks.

2. UDC Section 2.06.01.C.2 **MX-R Mixed Use With Residential** Landscaping Regulations shall apply, except:

- a. A 15' Landscape Buffer adjacent to Walton Road shall be required.

3. UDC Section 2.06.01.C.10 **MX-R Mixed Use With Residential** Fence and Screening Regulations shall apply, except:

- a. A screening wall shall not be required along Corinth Parkway or Walton Road unless privacy fences are included for Area B adjacent to Corinth Parkway and Shady Rest Lane.

Easements

Developer shall provide applicable drainage easements and install the bio-swale/detention area and discharge storm sewer on Area B as shown on Exhibit B at the time of development of Area A.

NOTIFICATION TO PUBLIC

Prior to the Planning and Zoning Commission meeting, public hearing notifications were sent to the 12 property owners located within 200' of the subject property. A notice of public hearing was posted on the subject property on southwest corner of Corinth Parkway and Shady Rest Lane and the northwest corner of Walton Road and Shady Rest Lane.

SURROUNDING PROPERTIES ZONING

- Subject Property SF-2, Single Family, Residential
- North SF-2, Single Family, Residential
- South PD (C-2), Commercial, SF-2, Single Family Residential
- East PD (SF-1), Single Family Residential
- West PD (C-2), Commercial

SURROUNDING PROPERTIES EXISTING LAND USE

- Subject Property Vacant/Vacant Single Family House
- North Single Family Residential
- South Office, Single Family Residential, Corinth Community Park
- East Single Family Residential
- West Senior Living Facility

SURROUNDING PROPERTIES FUTURE LAND USE

- Subject Property Mixed Use with Residential/Transit Oriented Development
- North Mixed Use with Residential/Transit Oriented Development
- South Mixed Use with Residential/Transit Oriented Development
- East Single Family Residential
- West Mixed Use with Residential/Transit Oriented Development

CONFORMANCE TO THE COMPREHENSIVE PLAN

The Unified Development Code requires consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan. The proposed zoning is in conformance with the Comprehensive Plan. Therefore, a Comprehensive Plan Amendment is **not** necessary and the City Council may take final action on this zoning request.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

RECOMMENDATION

Staff recommends **Approval** of this request.

PLANNING AND ZONING COMMISSION RECOMMENDATION

This item is scheduled for the March 12, 2018 Planning and Zoning Commission meeting. The Commission's recommendation will be forwarded to the City Council at the March 15, 2018 City Council meeting.

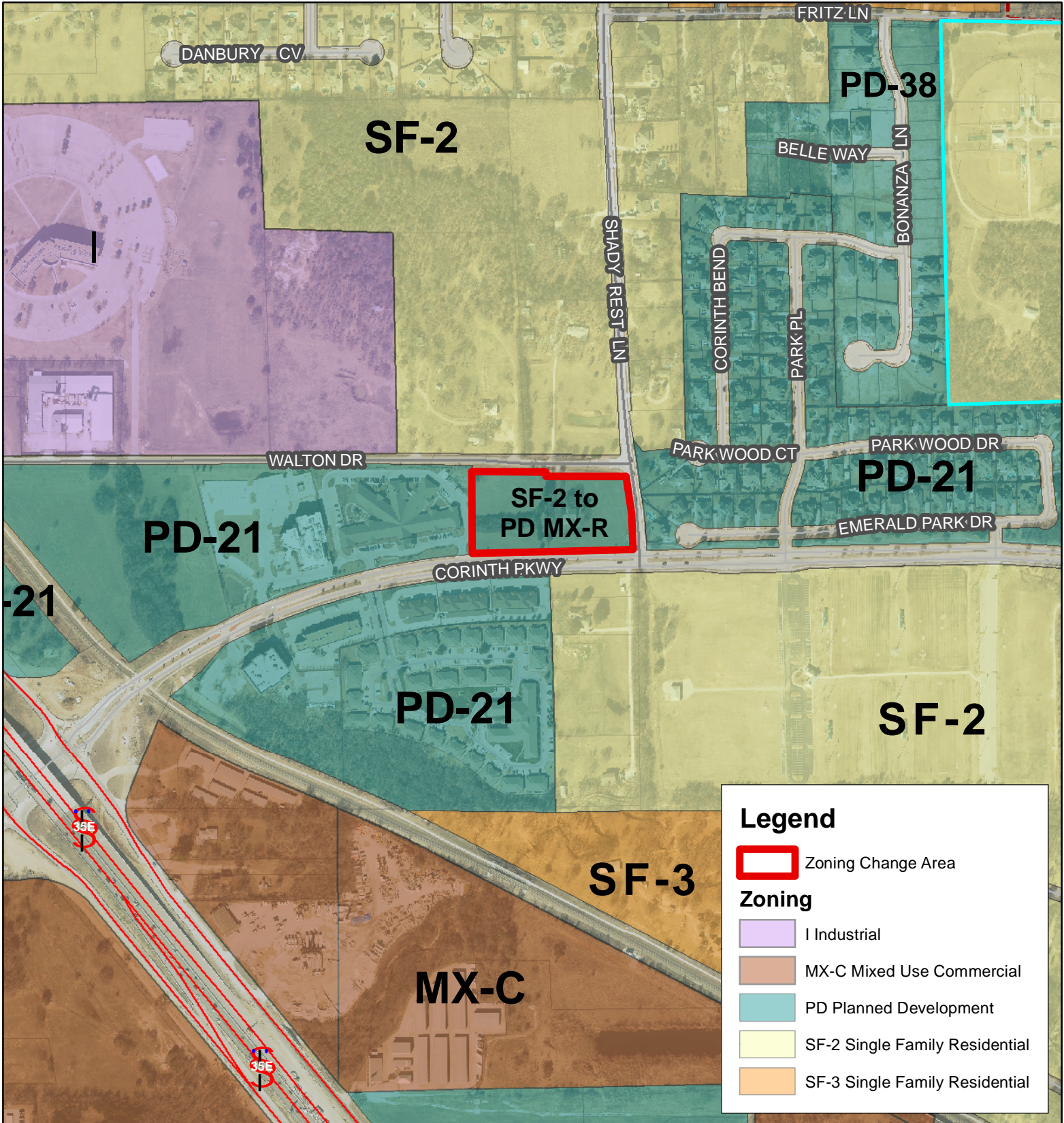
Attachments

Zoning Locator Map



CITY OF CORINTH

Zoning Change Proposed: SF-2 to PD MX-R



0 250 500 1,000
Feet

F

Lori Levy

Subject: FW: Goddard School - HOA Response

From: Tom Tronzano [<mailto:ttronzano@triangle-engr.com>]

Sent: Wednesday, February 21, 2018 2:08 PM

To: Lori Levy <Lori.Levy@cityofcorinth.com>

Cc: Kevin Patel <kpatel@triangle-engr.com>

Subject: Goddard School - HOA Response

Lori,
Below are the comments from the HOA in response to the provided presentation. Please let me know if you have any questions or if there is anything else you need from me in preparation for the meeting on the 26th.

Sincerely,

Tom Tronzano, Project Manager



Planning | Civil Engineering | Construction Management

O: 1333 McDermott Drive | Suite 200 | Allen, TX 75013

T: 479.381.1478 | F: 469.359.6709 | E: ttronzano@triangle-engr.com | W: www.triangle-engr.com

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Do You Need to Print? Save Paper, Save Trees, Save the Planet.

Jeremy,

The project as proposed for the school looks very good. I would hope that they will address a potential sound issue by providing a 10 ft. sound break wall at the back of the Parks of Corinth subdivision, this is really a minor cost of development, but prevents noise pollution from encroaching on the homes that have enjoyed the quiet. Currently Shady rest has very little traffic 24 hrs. a day. Additionally, when the city widened Shady rest, they removed a 100 year old 50 ft tall Oak tree and shrubbery that was to be replaced with equivalent landscaping (per city code), and that would need to be part of the retail development.

As you can see I have copied our neighborhood on this response and I am sure that all of our residents look forward to a reply to this e-mail and the public forum discussion at a future city council meeting.

Neighbors,

Please forward this e-mail to any neighbors you have e-mail for that I have missed.

Respectfully submitted,

Mike and Karen Danks

3700 Park Wood Ct,

Corinth TX 75219

ORDINANCE NO. 18-03-15-

GODDARD SCHOOL PLANNED DEVELOPMENT DISTRICT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE, BY AMENDING THE ZONING CLASSIFICATION FROM SF-2, SINGLE-FAMILY RESIDENTIAL DISTRICT TO PLANNED DEVELOPMENT, MIXED USE WITH RESIDENTIAL (MX-R) ON 4.151 ACRES OF LAND 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, PROVIDING FOR A DESIGN STATEMENT; PROVIDING A LEGAL PROPERTY DESCRIPTION; APPROVING A PLANNED DEVELOPMENT CONCEPT PLAN; 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 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 SF-2, Single Family Residential District Classification under the City's Unified Development Code and an authorized 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; 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 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, the Zoning Map of the City of Corinth is hereby amended by amending the zoning map of the City of Corinth, Texas on 4.151 acres of land described in "Exhibit A" attached, from SF-2, Single-Family District to Planned Development Mixed Use with Residential (PD MX-R) District.

SECTION II – PLANNED DEVELOPMENT MASTER PLAN

The Concept Plan Exhibit and Concept Design Map Statement documents approved and 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 Mixed Use with Residential District. In the event of conflict between the provisions of "Exhibit C" and provisions of any other exhibit, the provisions of "Exhibit C" control.
- B. That the zoning regulations and districts as herein established have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- C. If, after two years from the date of 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.
- D. 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.

- E. If a change to the Site Plan, if any, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

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 VI – EFFECTIVE DATE

This ordinance shall become effective after approval and publication as provided by law.

PASSED AND APPROVED THIS 15th DAY OF MARCH, 2018.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
4.151 ACRE MIXED USE WITH RESIDENTIAL TRACT

Area A

Being all that lot, tract or parcel of land located in the J. P. WALTON SURVEY, ABSTRACT NO. 1389, Corinth, Denton County, Texas, and being the same tract of land described in deed to Grace Presbytery, INC., a Texas non-profit corporation, recorded in Volume 4568, Page 573, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at 5/8" iron rod found in the North line of Corinth Parkway, an 84' right-of-way, at the Southeast corner of Corinth Healthcare Realty Addition, an addition the Town of Corinth, according to the plat thereof, recorded in Volume 2011, Page 135, Plat Records, Denton County, Texas;

Thence North 00°14'55" West, a distance of 316.27' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the East line of said Corinth Healthcare Realty Addition, same being in the present South line of said Walton Road;

Thence South 89°44'45" East, along said South line a distance of 252.14" to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 01°49'10" East, Cutting through said Grace Presbytery tract, a distance of 306.59' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the said North line of Corinth Parkway;

Thence South 88°34'21" West, along said North line, a distance of 154.30' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the beginning of a tangent curve to the left having a central angle of 2°23'51", a radius of 2542.00' and a chord bearing and distance of South 87°22'26" West, 106.36';

Thence Southwesterly, continuing along said North line and said curve to the left, an arc distance of 106.37' to the PLACE OF BEGINNING and containing 79,616 square feet or 1.828 acres of land.

Area B

Being part of Lot 1, Block A, A. L. Lamascus Addition, an addition to the Town of Corinth, Denton County, Texas, according to the plat thereof, recorded in Cabinet F, Page 400, Plat Records, Denton County, Texas, and being part of tract 1, described in deed to Grace Presbytery, INC., a Texas non-profit corporation, recorded in Volume 4618, Page 578, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at an "X" set at the intersection of the present South line of Walton Road, a variable width right-of-way, with the West line of Shady Rest Lane, a variable width right-of-way, same being the North line of said Lot 1, said point being South 89°10'10" West, a distance of 17.51' from the Northeast corner of said Lot 1;

Thence South 08°33'13" East, along said West line, a distance of 149.30' to an "X" set in a concrete road;

Thence South 01°49'10" East, continuing along said West line, a distance of 138.36' to an "X" set at the intersection of said West line, with the North line of Corinth Parkway, an 84' right-of-way;

Thence South 88°34'21" West, along said North line, passing at a distance of 324.29' a 1/2" iron rod found in the West line of said Lot 1, and continuing a total distance of 353.95' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence North 01°49'10" West, cutting through said Grace Presbytery tract, a distance of 306.59' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the said South line of Walton Road;

Thence South 89°44'45" East, along said South line, a distance of 29.86' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 01°49'11" East, a distance of 16.01' to a 1/2" iron rod found at the Northwest corner of said Lot 1, Lamascus Addition;

Thence North 89°10'10" East, continuing along said South line, a distance of 306.64' to the PLACE OF BEGINNING and containing 101,187 square feet or 2.323 acres of land.

EXHIBIT “B”
GODDARD SCHOOL PLANNED DEVELOPMENT DISTRICT
PD DESIGN STATEMENT

INTENT

Goddard at Corinth Parkway is approximately 4.151 acres of land generally located near the intersection of Corinth Parkway and Shady Rest Lane. This land includes 2 separate parcels. Parcel 1 is approximately 1.828 acres and parcel 2 is approximately 2.323 acres. The site has approximately 508’ of street frontage along Corinth parkway, approximately 288’ of street frontage along Shady Rest Lane and approximately 589’ of street frontage along Walton Road. The existing zoning district is SF-2 Residential. The existing land use is vacant land and an uninhabited single-family home. The proposed zoning will provide a mix of retail, restaurant and/or residential. The site is surround by single family to the north, a rehabilitation center to the west, commercial and single family to the south and single family to the east. The mixed-use development for retail, restaurant and/or residential will be compatible with the adjacent properties.

Future Land Use of Subject Site

Future Land Use Plan – Mixed Use w/ Residential/TOD

Proposed Land Use – Mixed Use w/ Residential

Adjacent Zoning

North – Single Family Residential (SF-2)

West – Planned Development (PD-21)

South – Planned Development (PD-21) & Single Family Residential (SF-2)

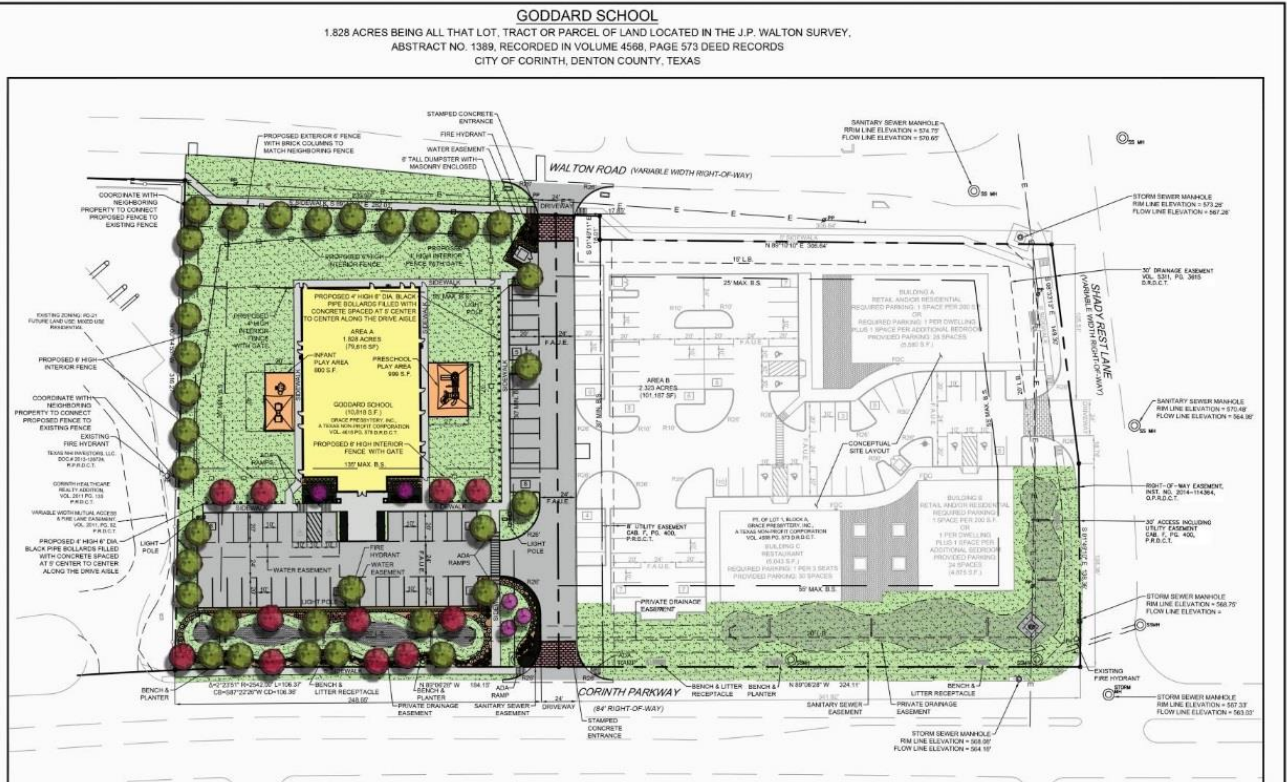
East - Single Family Residential (SF-2)

Goddard at Corinth Parkway consists of a proposed Goddard School daycare and a conceptual layout of a retail, restaurant and/or residential mixed-use development. The Goddard School building is 10,818 square feet and the conceptual mixed-use development will be 10,455 square feet of retail and/or residential and 5,043 square feet of restaurant. The requested land use designation will further the goals and objectives of the city by increasing the amount of retail for sales taxes and employment. The retail, restaurant and daycare will service the neighboring residents.

EXISTING SITE CONDITIONS

1. The 4.151 acre site is currently a vacant lot and an uninhabited single-family home lot. There are 18 existing trees scattered throughout the site. The site generally drains from the northwest to the southeast. A storm water detention area will be provided for drainage per the requirements of the UDC and sized for the development at the time of replatting.

EXHIBIT "B"
 PD CONCEPT DESIGN MAP



SITE PLAN RENDERING

TRIANGLE ENGINEERING LLC
 1744888 0017 401.200.0000 1174488@triangle-engineering.com
 1174488@triangle-engineering.com

NO.	DATE	DESCRIPTION	BY
1	12/07/18	1ST CITY SUBMITTAL	CR
2	12/28/18	2ND CITY SUBMITTAL	CR
3	02/05/19	3RD CITY SUBMITTAL	KP
4	02/17/19	4TH CITY SUBMITTAL	CP

DATE: 02/17/2019

NO.	DATE	SCALE	PROJECT NO.	SHEET NO.
11	02/17/19	N.T.S.	181-17	07

GODDARD SCHOOL ARCHITECTURAL ELEVATIONS

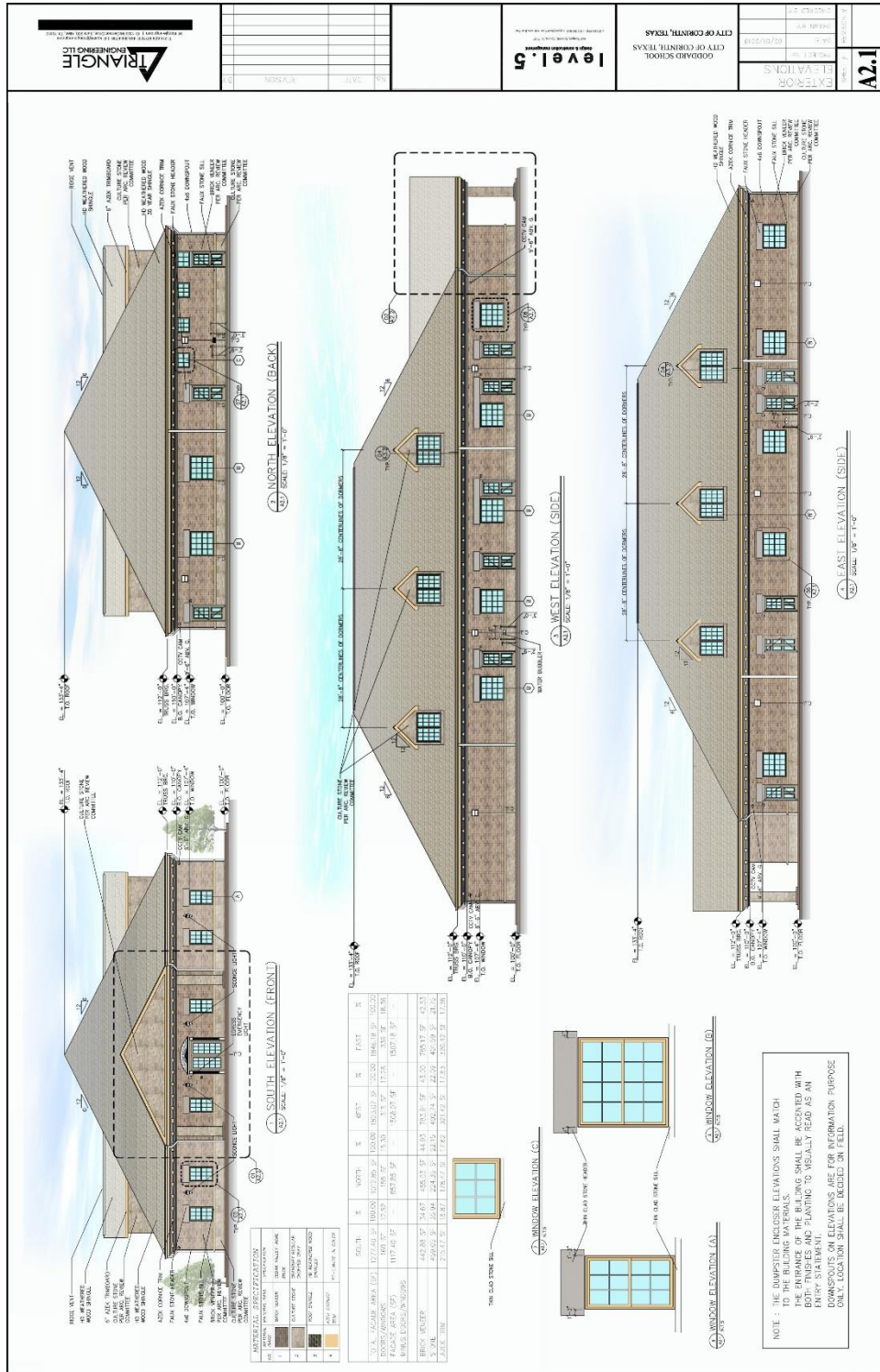


EXHIBIT “C”
LAND USE REGULATIONS

Section 1: Regulations

A. Purpose

The regulations set forth in this Exhibit provide development standards for Mixed Use Residential designations within this Goddard at Corinth Parkway 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 the Planned Development (PD) District.

B. Base District

The “MX-R” Mixed Use Residential District regulations of the Corinth Unified Development Code, Ordinance No. 13-05-02-08, shall apply except as modified herein. If a change to the Concept Plan is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

Area A: Proposed Goddard School

Section 2: Uses and Area Regulations

A. Mixed Use-Residential

In the Planned Development (PD) District for Mixed Use Residential, no building or land shall be used, and no building shall be hereafter erected, reconstructed, enlarged or converted unless otherwise provided in the Mixed Use Residential (MX-R) District regulations of the Unified Development Code.

B. Accessory Uses

The fenced playgrounds, outdoor amenities, and storm water detention area, as shown on the Concept/Site Plan, are approved as accessory uses. The specific design of the bio-swale/detention area shall be determined and approved with construction plans prior to issuance of a permit for the construction of the structures. These accessory uses shall be maintained by the property owner or a property owner’s association.

C. Easements

1. Developer agrees to submit with the final plat a 10’ wide sanitary sewer easement, a 24’ wide fire lane easement along with applicable drainage easements for the bio-swale/detention area and discharge storm sewer.

2. The exact configuration of the lot, streets and easement may vary at the time of replatting as long as no additional deviations other than included within this PD are created.

D. Open Space

All open space areas as designated on the Site Plan/Landscape Plan and all such areas, including, but not limited to the bioswale/detention area, outdoor amenities, landscaping and site amenities shall be installed by the developer and maintained by the property owner or property owner’s association.

E. Connectivity

A minimum 5’ wide sidewalk shall be installed by the developer along Corinth Parkway, Walton Blvd., and Shady Rest Lane. Minimum 5’ wide sidewalks shall also be installed to create connectivity from the proposed public sidewalks to the proposed buildings.

Purpose

This district is intended to provide for development of a daycare on not less than 1.5 acres. Regulations set forth in this section have been made with reasonable consideration among other things, of the character of the surrounding area and its peculiar suitability for the particular uses, and with a view of increasing the value and encouraging the appropriate use of the property.

A. Permitted Uses and Use Regulations

1. UDC Section 2.06.01.A **MX-R Mixed Use With Residential** permitted uses and use regulations shall apply, except as follows:
 - a. The floor area of the entire development for Area A, as shown on the Concept/Site Plan shall be for day care uses.

B. Dimensional Regulations

1. UDC Section 2.06.01.B **MX-R Mixed Use With Residential** shall apply, except as follows:

MX-R (Mixed Use Residential)	Required	Proposed
Minimum Lot Width:	200’	180’

Interior Lot		
--------------	--	--

MX-R (Mixed Use Residential)	Required	Proposed (Corinth Pkwy)	Proposed (Walton Rd)
Maximum Front Yard Setback:	25'	135'	55'

- a. Building location in relationship to maximum front yard setback. At least twenty-five (25) percent of the front façade of any structure facing a street must be located between the minimum and maximum front yard setbacks.

C. Development Standards

1. UDC Section 2.06.01.C.1 **MX-R Mixed Use With Residential** Accessory Buildings and Uses shall apply.
2. UDC Section 2.06.01.C.2 **MX-R Mixed Use With Residential** Landscaping Regulations shall apply, except:
 - a. Landscaping shall be as shown on the Landscape Plan for Area A.
3. UDC Section 2.06.01.C.3 **MX-R Mixed Use With Residential** Tree Preservation shall apply.
4. UDC Section 2.06.01.C.4 **MX-R Mixed Use With Residential** Vehicle Parking Regulations shall apply.
5. UDC Section 2.06.01.C.5 **MX-R Mixed Use With Residential** Building Façade Material shall apply.
6. UDC Section 2.06.01.C.6 **MX-R Mixed Use With Residential** Residential Adjacency Standards shall apply, except:
 - a. Proposed screening fences shall be as shown on Exhibit B for Area A.
7. UDC Section 2.06.01.C.7 **MX-R Mixed Use With Residential** Nonresidential Architectural Standards shall apply.
8. UDC Section 2.06.01.C.8 **MX-R Mixed Use With Residential** Lighting and Glare Regulations shall apply.

9. UDC Section 2.06.01.C.9 **MX-R Mixed Use With Residential** Sign Regulations shall apply.
10. UDC Section 2.06.01.C.10 **MX-R Mixed Use With Residential** Fence and Screening Regulations shall apply.
11. UDC Section 2.06.01.C.11 **MX-R Mixed Use With Residential** Block Lengths shall apply.
12. UDC Section 2.06.01.C.12 **MX-R Mixed Use With Residential** Ground Floor Non-Residential Minimum Ground Floor Area shall apply.
13. UDC Section 2.06.01.C.13 **MX-R Mixed Use With Residential** Facades and Building Forms shall apply, except as follows:
 - a. The buildings (daycare and accessory uses and structures) shall not be required to meet the UDC Section 2.06.01.C.13 **MX-R Mixed Use With Residential** Facades and Building Forms requirements.
14. UDC Section 2.06.01.C.14 **MX-R Mixed Use With Residential** Street Furnishings shall apply, except:
 - a. Benches with litter receptacles will not be required along Walton Road for Area A.

D. Site Plan Requirement

1. The approved concept plan/site plan and other plans attached to this ordinance as Exhibit “B” for Area A shall satisfy the Site Plan requirement listed in Section 2.10.08.b of the UDC. Subsequent Site Plans shall be required for Area B in accordance with the provisions of the UDC.

Area B: Proposed Mixed-Use (Retail and/or Residential, Restaurant)

Purpose

This district is intended to provide for development of MX-R, Mixed Use Residential consisting of retail, restaurant and/or residential uses on not less than 2 acres. Regulations set forth in this section have been made with reasonable consideration among other things, of the character of the surrounding area and its peculiar suitability for the particular uses, and with a view of increasing the value and encouraging the appropriate use of the property.

A. Permitted Uses and Use Regulations

1. UDC Section 2.06.01.A **MX-R Mixed Use With Residential** permitted uses and use regulations shall apply, except as follows:
 - a. The maximum floor area of the entire development for the residential use for Area B shall be generally as shown on the Concept Plan (Exhibit B) for Area B, and as determined by the approved site plan before a permit for the construction of the structures are issued.
 - b. The minimum floor area of the entire development for approved non-residential uses for Area B shall be generally as shown on the Concept Plan (Exhibit B) for Area B, and as determined by the approved site plan before a permit for the construction of the structures are issued.

B. Dimensional Regulations

1. UDC Section 2.06.01.B **MX-R Mixed Use With Residential** shall apply, except as follows:

MX-R (Mixed Use Residential)	Required	Proposed
Minimum Lot Width: Interior Lot	200'	180'
Minimum Floor Area:	850 Sq. Ft. Per DU	650 sq. ft. per DU

MX-R (Mixed Use Residential)	Required	Proposed (Corinth Pkwy)	Proposed (Shady Rest Lane)
Maximum Front Yard Setback:	25'	55'	55'

- a. Building location in relationship to maximum front yard setback. At least twenty-five (25) percent of the front façade of any structure facing a street must be located between the minimum and maximum front yard setbacks.

C. Development Standards

1. UDC Section 2.06.01.C.1 **MX-R Mixed Use With Residential** Accessory Buildings and Uses shall apply.
2. UDC Section 2.06.01.C.2 **MX-R Mixed Use With Residential** Landscaping Regulations shall apply, except:
 - a. A 15' Landscape Buffer adjacent to Walton Road shall be required.
3. UDC Section 2.06.01.C.3 **MX-R Mixed Use With Residential** Tree Preservation shall apply.
4. UDC Section 2.06.01.C.4 **MX-R Mixed Use With Residential** Vehicle Parking Regulations shall apply.
5. UDC Section 2.06.01.C.5 **MX-R Mixed Use With Residential** Building Façade Material shall apply.
6. UDC Section 2.06.01.C.6 **MX-R Mixed Use With Residential** Residential Adjacency Standards shall apply.
7. UDC Section 2.06.01.C.7 **MX-R Mixed Use With Residential** Nonresidential Architectural Standards shall apply.
8. UDC Section 2.06.01.C.8 **MX-R Mixed Use With Residential** Lighting and Glare Regulations shall apply.
9. UDC Section 2.06.01.C.9 **MX-R Mixed Use With Residential** Sign Regulations shall apply.
10. UDC Section 2.06.01.C.10 **MX-R Mixed Use With Residential** Fence and Screening Regulations shall apply, except:
 - a. A screening wall shall not be required along Corinth Parkway unless privacy fences are included for Area B along Corinth Parkway.
11. UDC Section 2.06.01.C.11 **MX-R Mixed Use With Residential** Block Lengths shall apply.
12. UDC Section 2.06.01.C.12 **MX-R Mixed Use With Residential** Ground Floor Non-Residential Minimum Ground Floor Area shall apply.

13. UDC Section 2.06.01.C.13 **MX-R Mixed Use With Residential** Facades and Building Forms shall apply.

14. UDC Section 2.06.01.C.14 **MX-R Mixed Use With Residential** Street Furnishings shall apply.

D. Site Plan Requirement

1. UDC Section 2.06.01.D. **MX-R Mixed Use With Residential** Site Plan Required for Rezoning to the MX-R, Mixed Use Residential District shall apply, except:

- a. The attached Concept Plan/Site Plan (Exhibit B) shall be conceptual for Area B.
- b. The Site Plan requirement listed in Section 2.10.08.b of the UDC shall apply to Area B in accordance with the provisions of the UDC.

E. Easements

Developer shall provide applicable drainage easements and install the bio-swale/detention area and discharge storm sewer on Area B as shown on Exhibit B at the time of development of Area A.

City Council Regular and Workshop Session

Meeting Date: 03/15/2018
Title: Goddard School Major Subdivision Waiver
Submitted For: Barbara Cabbage, Planning & Development Manager
Submitted By: Lori Levy, Senior Planner
City Manager Review:

AGENDA ITEM

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.

AGENDA ITEM SUMMARY/BACKGROUND

The applicant is requesting a major subdivision waiver in order to reduce the minimum required distance from the intersection of Walton Drive and Shady Rest Lane and the proposed driveway into the future mixed-use site. Section **3.05.04 Access Management** of the Unified Development Code requires the minimum distance from the intersection along City maintained collector roadways to the proposed driveway to be a minimum of 150' feet; whereas, the applicant is proposing a minimum distance of 132' feet. The minimum distance to the proposed driveway along Shady Rest Lane from the intersection of Corinth Parkway meets the requirement.

The applicant has also submitted a rezoning request, Goddard School Planned Development, and it is a companion item on this agenda.

Source of Funding: No funding is required.

RECOMMENDATION

Staff recommends **Approval** of the request as presented.

PLANNING AND ZONING COMMISSION RECOMMENDATION

This item is scheduled for the March 12, 2018 Planning and Zoning Commission meeting. The Commission's recommendation will be forwarded to the City Council at the March 15, 2018 City Council meeting.

Attachments

Major Subdivision Waiver Request
Major Subdivision Waiver Exhibit



CITY OF CORINTH

3300 Corinth Parkway · Corinth, Texas 76208 · (940) 498-3260 · (940) 498-3266 fax · www.cityofcorinth.com

Subdivision Waiver Checklist and Questionnaire

Please check the appropriate box(es) below

- Minor Subdivision Waiver** (must specify type)
- Alley Length
 - Side Lot Line Angles
 - Traffic Impact Analysis
 - Water Lines
 - Wastewater Lines
- Major Subdivision Waiver**

GENERAL INFORMATION

- See **Section 3.06.01. Petition for Subdivision Waiver** of the Unified Development Code for more information on the Major and Minor Subdivision Waivers process and requirements. As described in this Section, a request for a Subdivision Waiver shall be submitted with the Plat.
- A pre-application conference with City Staff is encouraged, but not required.
- All required materials shall be submitted in both hard copy and electronic formats (Adobe PDF), unless specifically instructed otherwise. All digital items shall be saved on a CD/DVD or flash drive. Each file shall be labeled on the disc or drive as it appears on the checklist. Discs or drives must be clearly labeled with the project name on the outside of the media.

APPLICATION CHECKLIST

Item	Applicant	Staff
Completed and Signed Universal Application Form - Three (3) copies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Application Fee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Statement of Intent - Three (3) copies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tax Certificate(s) from Denton County indicating that City taxes are current (http://dentoncounty.com/Departments/Tax-Assessor-Collector/Property-Tax/Tax-Certificates.aspx) - Three (3) copies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scaled drawing representing the proposed standard - Three (3) copies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of the alleged undue hardship and special circumstances that necessitate the Subdivision Waiver - Three (3) copies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Additional items as requested by the Planning & Zoning Commission, City Council, or City Staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description	<input checked="" type="checkbox"/>	<input type="checkbox"/>

UDC SECTION(s) you are requesting a waiver from:

3 . 05 . 04



CITY OF CORINTH

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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:

A driveway off Shady Rest Lane approximately 150' from the intersection of Corinth Parkway and Shady Rest Lane and approximately 120' from the intersection of Shady Rest Lane and Walton Road is being requested.

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.**

Without a driveway off of Shady Rest Lane this site will not have adequate vehicular circulation to support a mixed use development.

- b. That the waiver is necessary for the preservation and enjoyment of a substantial property right.**

This driveway is necessary to preserve the site as a mixed use development.



CITY OF CORINTH

3300 Corinth Parkway · Corinth, Texas 76208 · (940) 498-3260 · (940) 498-3266 fax · www.cityofcorinth.com

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 not be detrimental to the public. A driveway off Shady Rest Lane will create safer vehicular circulation throughout the site.

d. That the waiver when granted is in harmony with the general purpose and intent of the ordinance or its amendments.

This waiver is in harmony with the general purpose and intent of the ordinance because it increases the efficiency of the site and surrounding vehicular circulation.

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.

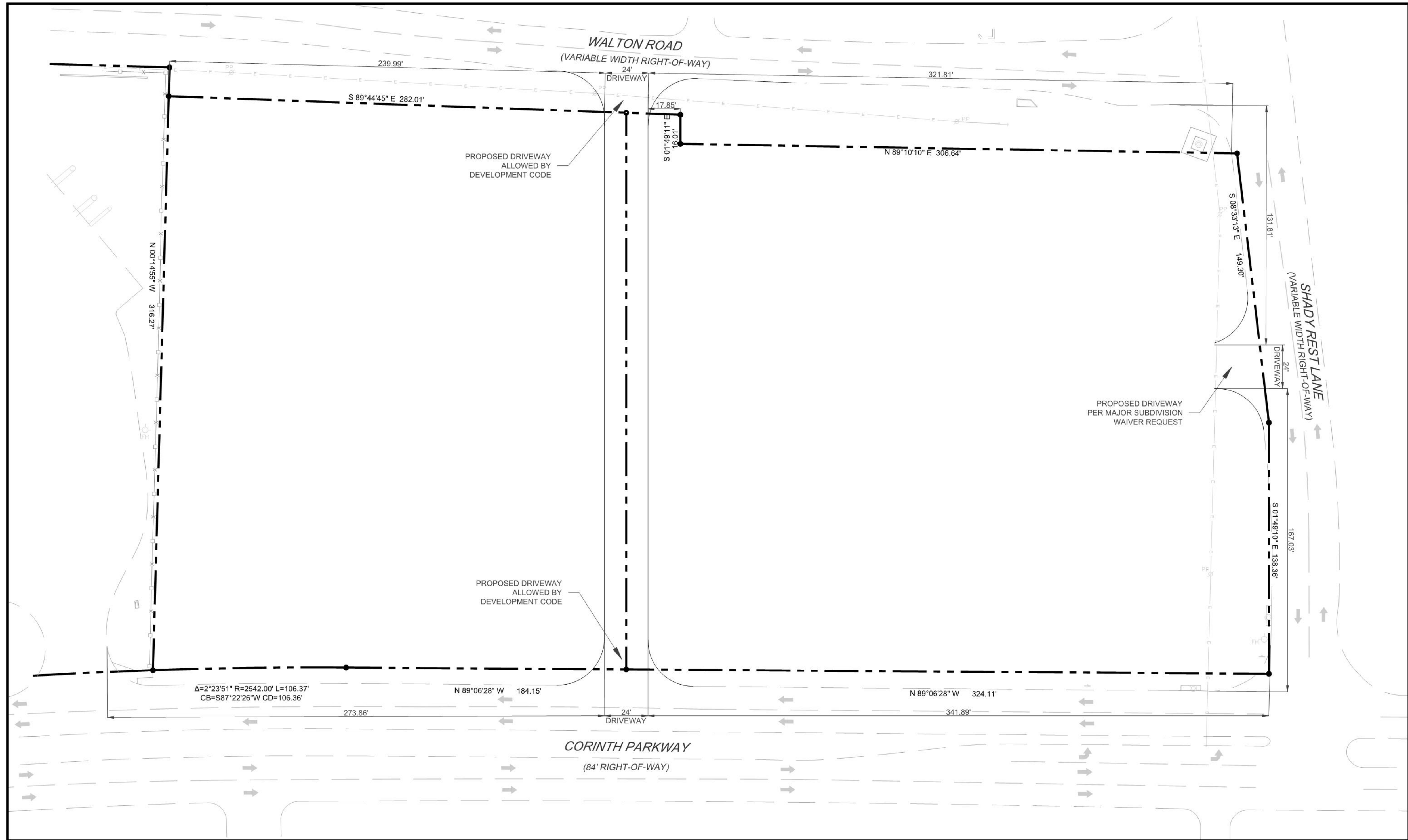
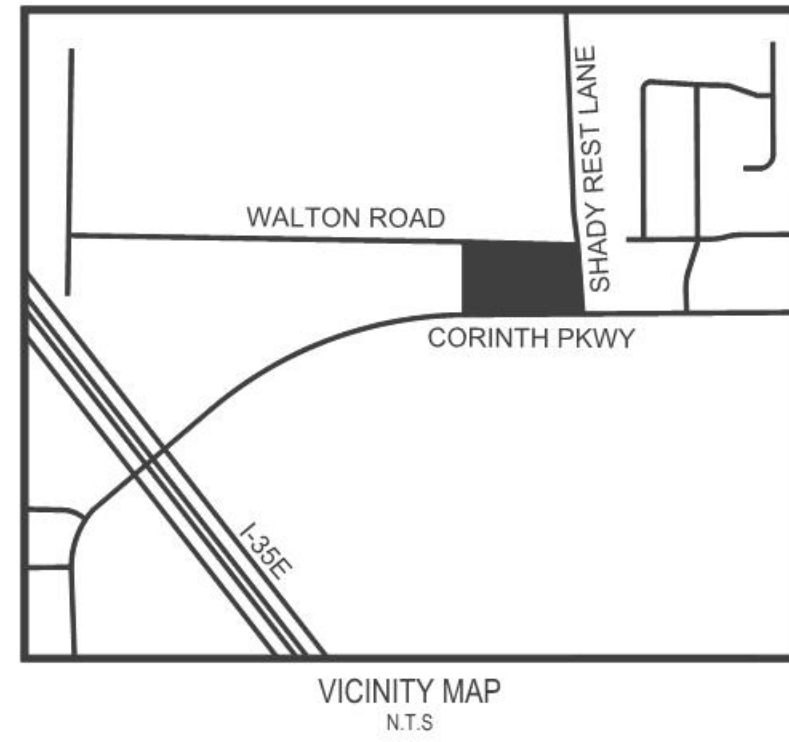
Applicant's Signature

02/19/18

Date

GODDARD SCHOOL

1.828 ACRES BEING ALL THAT LOT, TRACT OR PARCEL OF LAND LOCATED IN THE J.P. WALTON SURVEY,
ABSTRACT NO. 1389, RECORDED IN VOLUME 4568, PAGE 573 DEED RECORDS
CITY OF CORINTH, DENTON COUNTY, TEXAS



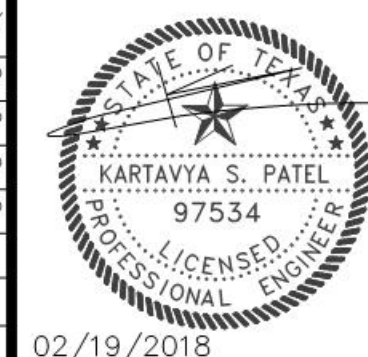
**MAJOR SUBDIVISION WAIVER
REQUEST EXHIBIT A FOR
PROPOSED DRIVEWAY OFF
CORINTH PKWY, SHADY REST
LANE & WALTON ROAD
CORINTH, TEXAS**



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Planning | Civil Engineering | Construction Management

NO.	DATE	DESCRIPTION	BY
1	12/01/18	1ST CITY SUBMITTAL	KP
2	01/08/18	2ND CITY SUBMITTAL	KP
3	02/05/18	3RD CITY SUBMITTAL	KP
4	02/19/18	4TH CITY SUBMITTAL	KP



02/19/2018

DESIGN DRAWN	DATE	SCALE	PROJECT NO.	SHEET NO.
KP	TT	02/19/18	1":40'	071-17

13

TX PE FIRM #11525

City Council Regular and Workshop Session

Meeting Date: 03/15/2018
Title: Lake Sharon Phase III PD Zoning Change Request
Submitted For: Bob Hart, City Manager
Submitted By: Barbara Cubbage, Planning & Development Manager
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

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 the City of Corinth, Denton County, Texas.

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; fifty-one public hearing letters were sent to individuals whose properties fall within 200' of the subject properties; no responses to those letters have been received.

At the Planning and Zoning Commission meeting, several concerns were expressed regarding the zoning change request and development of the site. These concerns included: minimum lot size, 5' side yards, density, preservation of trees along the lake, dam improvements and maintenance, HOA,

AGENDA ITEM DESCRIPTION

Prior to Lake Sharon Estates this land was a part of what was known as Lake Sharon Christian Center. In 1998 Corinth City Council approved a zoning change of 152.2 acres from SF-4 to SF-3 for development of Lake Sharon Estates. The final plats of phases one and two were approved in November 1998 and May 1999.

At this time, Zena Development, on behalf of the property owner of record 777 Lakes LP, is proposing 79 lots ranging from 6250 sf to 24,464 sf. Two-thirds of the lots are 6250 sf to 8795 sf while the remaining one-third (22 lots) range from 9325 sf up to the 24,464 sf shown on the Zoning Concept Plan).

Randi Rivera, Land Planner with G&A Consultants and authorized applicant for the property owner, has worked with Staff to create the supporting ordinance included in the packet that regulates the proposed Lake Sharon Phase III. Required by the UDC, SF-4 Single Family Residential base district has been assigned to this Planned

Development district. The regulations have been established and the chart below compares 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.

ZONING

The proposed zoning is Planned Development SF-4 (PD SF-4). Current zoning is SF-3 Single Family Residential.

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION

The Comprehensive Plan Future Land Use Map shows this areas designation to be Low Density Residential. The proposed zoning is consistent with the designated land use.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

RECOMMENDATION

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission met on January 22, 2018 in Regular Session. The Commission recommended 3-1 to approve the zoning change and ordinance.

STAFF RECOMMENDATION

Staff supports the zoning change including the Use and Dimensional Regulations and Development Standards proposed in the ordinance.

Attachments

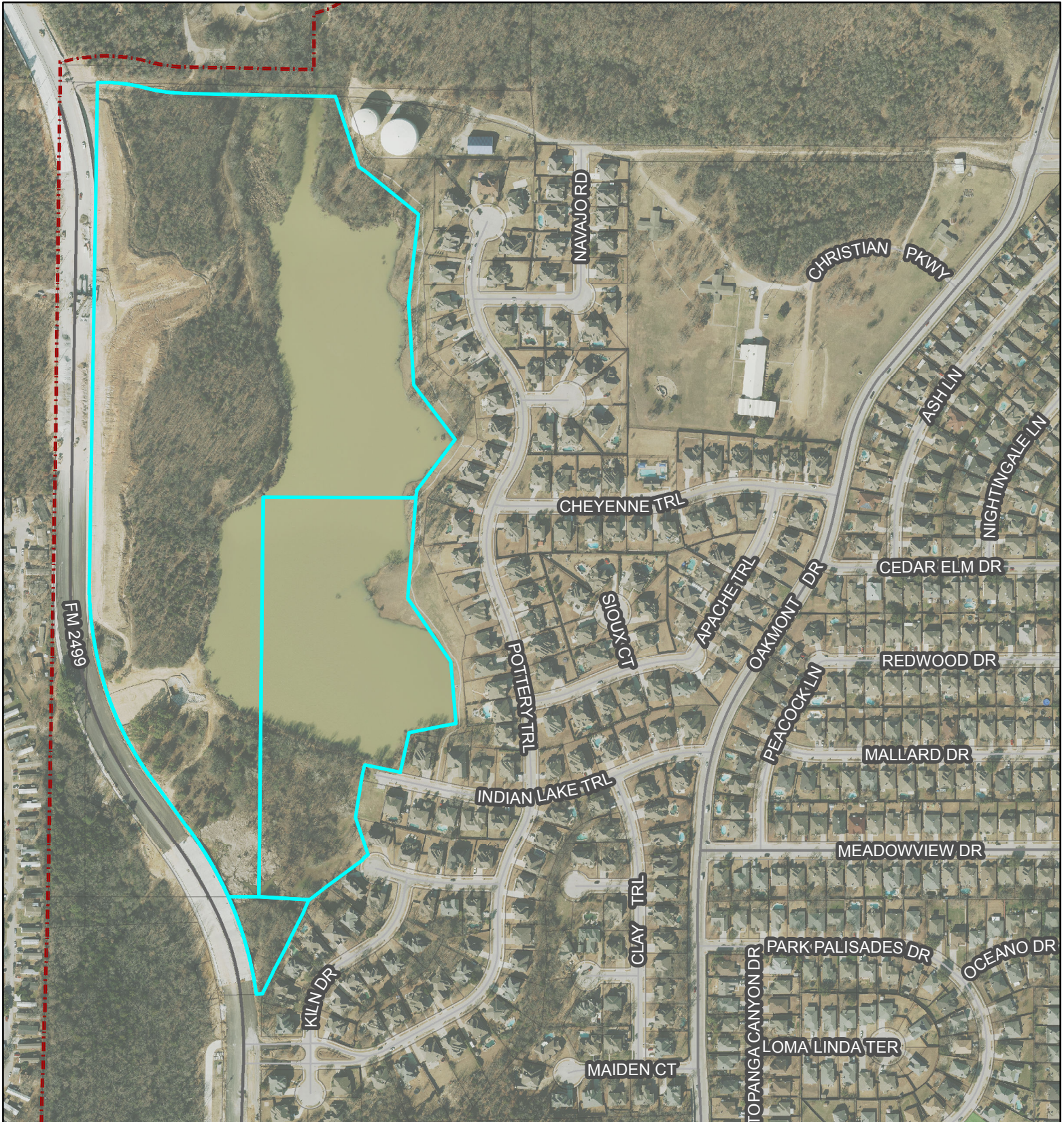
- Location Map
 - Zoning Map
 - Land Use Map
 - Lake Sharon III Zoning Concept Map
 - Color Rendering
 - Lake Sharon Phase III PD Ordinance
 - Lake Sharon Ph III Landscape Plan
-



CITY OF CORINTH

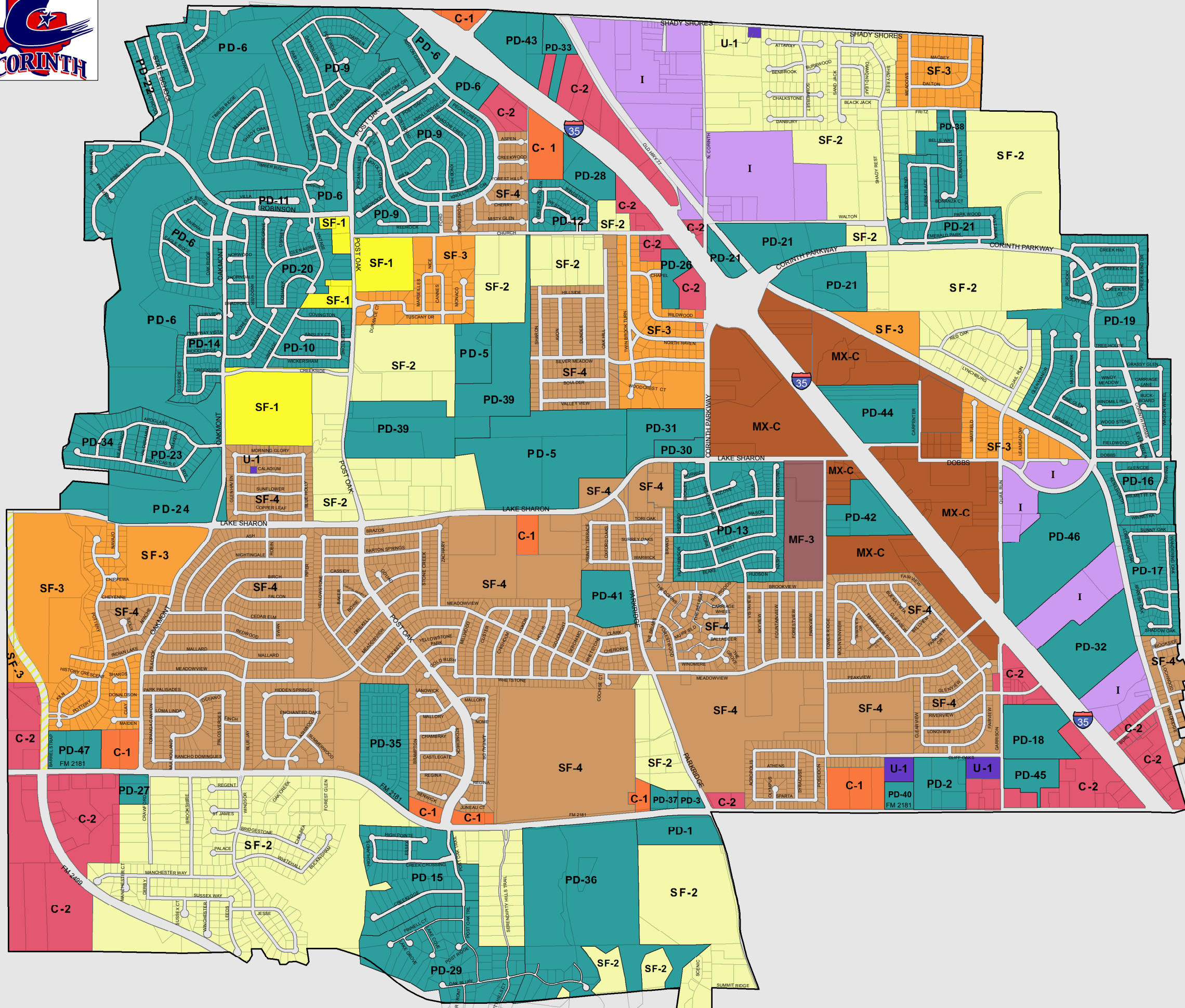
LAKE SHARON PHASE III

Location Map





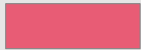

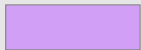

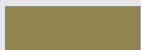





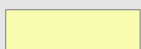


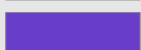


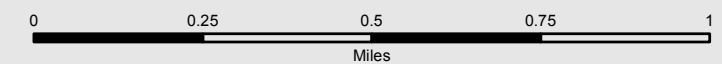
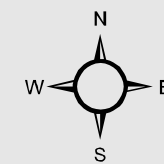
City of Corinth Zoning Map



Legend

Zoning Districts

-  Future FM 2499
-  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

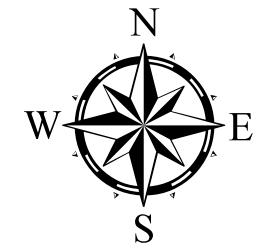
Future Land Use Plan



- 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.





Lot Summary						
Total Lots:	Minimum Lot Width:	Minimum Lot Depth:	Building Pad:	Front Yard Setback:	Side Yard Setback:	Rear Yard Setback:
79	50'	125'	40'x80'	25'	5'/10' adj. to R.O.W.	20'

ORDINANCE NO. 18-03-01-___

LAKE SHARON PH III PLANNED DEVELOPMENT DISTRICT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE, ORDINANCE NO. 13-05-02-08, AS AMENDED, BY AMENDING THE ZONING CLASSIFICATION FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT SINGLE FAMILY-4 (PD SF-4) ON 55.995 ACRES LEGALLY DESCRIBED AS ALL OR A PART OF THE FOLLOWING PROPERTIES: 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; PROVIDING CONCEPT PLAN DOCUMENTS; 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 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 Single Family-4 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; 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 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, the Zoning Map of the City of Corinth is hereby amended by amending the zoning on 55.995 acres of land described in "Exhibit A" attached hereto, from Single Family-3 to Planned Development Single Family-4 (PD SF-4) District. The amended zoning map is attached as Exhibit "B" hereto.

SECTION II – PLANNED DEVELOPMENT MASTER PLAN

The PD Design Statement approved and described in Exhibit "C" and PD Concept Design Map approved and shown as "Exhibit D" attached hereto and made a part hereof for all purposes shall be adhered to in their entirety for the purposes of existing and proposed development of the property.

SECTION III – LAND USE REGULATIONS

- A. The Zoning and Land Use Regulations set forth in "Exhibit E" attached hereto and made a part hereof for all purposes shall be adhered to in its entirety for the purposes of this Planned Development Single Family District.
- B. That the zoning regulations and district as herein established have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- C. That a Storm Water Facility Maintenance Agreement (SWFMA) will be established and adhered.

D. Exhibit

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 VI – EFFECTIVE DATE

This ordinance shall become effective after approval and publication as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MARCH 2018.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"
METES AND BOUNDS LEGAL DESCRIPTION
55.995 ACRES

Being all that certain lot, tract or parcel of land situated in the B.B.B & C. RR Co. Survey, Abstract Number 190, the Samuel Kephart Survey, Abstract Number 721 and the G. W. McGlothlin Survey, Abstract Number 888, City of Corinth, Denton County, Texas, and being part of that certain called 41.70 acre tract of land described as Tract One and part of that certain called 62.667 acre tract of land described as Tract Four in deed to 777 Lakes LP, recorded in Document Number 2004-19618 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.275 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1791 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.565 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1792 of the Real Property Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar set (G&A) at the southeast corner of said 0.565 acre tract, being the northeast corner of Barrel Strap Lane as evidenced by the final plat of Lake Sharon Estates, recorded in Cabinet R, Page 323 of the Plat Records of Denton County, Texas, and being an angle point on the west line of Lot 2, Block D of said addition;

THENCE N 89°12'55" W, 19.31 feet with the south line of said 0.565 acre tract and the north line of said Barrel Strap Lane to a 1/2" capped rebar set (G&A) at the southwest corner of said 0.565 acre tract and being the southeast corner of that certain called 0.691 acre tract described as Tract 1 in deed to Denton County, Texas, recorded in Document Number 2005-99455 of the Real Property Records of Denton County, Texas, being on the east line of F.M. 2499;

THENCE with the east line of said F.M. 2499, the east line of said 0.691 acre tract and the west line of said 0.565 acre tract, with the arc of a curve to the left having a radius of 1160.00 feet, passing at an arc length of 238.61 feet, whose central angle is 11°47'09", having a chord of N 14°06'47" W, 238.19 feet, a 5/8" rebar found at the northeast corner of said 0.691 acre tract, being the northwest corner of said 0.565 acre tract and being the southeast corner of that certain called 2.383 acre tract described as Tract 4 in said Denton County, Texas, deed, continuing with the east line of said 2.383 acre tract a total arc length of 570.28 feet, whose central angle is 28°10'04", having a chord of N 22°18'13" W, 564.55 feet to a 1/2" capped rebar set (G&A) at a point of tangency;

THENCE N 36°23'15" E, 194.12 feet continuing with the east line of said F.M. 2499 and the east line of said 2.383 acre tract to a 1/2" capped rebar set (G&A) at a point of curvature of a curve to the right;

THENCE continuing with the east line of said F.M. 2499 and the east line of said 2.383 acre tract, with the arc of said curve to the right having a radius of 1040.00 feet, a central angle of 37°22'55" and an arc length of 678.58 feet whose chord bears N 17°41'45" W, 666.60 feet to a 1/2" capped rebar set (G&A) at the northeast corner of said 2.383 acre tract;

THENCE N 89°01'45" W, 1.00 feet continuing with the east line of said F.M. 2499 and the north line of said 2.383 acre tract to a 1/2" capped rebar set (G&A) at the northwest corner of said 2.383 acre tract, being the

southwest corner of said 0.275 acre tract, being on the east line of that certain called 5.149 acre tract of land described in said Denton County, Texas, deed;

THENCE N 00°58'15" E, 1226.82 feet continuing with the east line of said F.M. 2499, the east line of said 5.149 acre tract and the west line of said 0.275 acre tract to a 1/2" capped rebar set (G&A) at the point of curvature of a non-tangent curve to the left;

THENCE continuing with the east line of said F.M. 2499 and the east line of said 5.149 acre tract and the west line of said 0.275 acre tract with the arc of said non-tangent curve to the left having a radius of 1160.00 feet, a central angle of 17°28'30" and an arc length of 353.80 feet, whose chord bears N 10°35'41" W, 352.43 feet to a 1/2" capped rebar set at the southwest corner of that certain called 0.013 acre tract of land described as Tract Two in deed to the City of Corinth, Texas, recorded in Instrument Number 2016-105077 of the Real Property Records of Denton County, Texas;

THENCE N 34°19'00" E, 14.26 feet with the south line of said 0.013 acre tract of land to a 1/2" capped rebar set (G&A) at an angle point;

THENCE continuing with the south line of said 0.013 acre tract with the arc of a non-tangent curve to the right having a radius of 468.00 feet, passing at an arc length of 99.95 feet, whose central angle is 12°14'34", having a chord of N 85°03'13" E, 99.76 feet, a 5/8" capped rebar found (TNP) at the most easterly corner of said 0.013 acre tract, being the most westerly corner of that certain called 1.365 acre tract of land described as Tract One in said City of Corinth, Texas, deed continuing with the south line of said 1.365 acre tract a total arc length of 213.03 feet, whose central angle is 26°04'51", having a chord of S 88°01'28" E, 211.20 feet to a 5/8" capped rebar found (TNP) at a point of reverse curvature;

THENCE continuing with the south line of said 1.365 acre tract with the arc of a curve to the left having a radius of 552.00 feet, a central angle of 13°48'23" and an arc length of 133.01 feet whose chord bears S 81°53'14" E, 132.69 feet to a 5/8" capped rebar found (TNP) at a point of tangency;

THENCE S 88°47'25" E, 480.35 feet continuing with the south line of said 1.365 acre tract to a 1/2" capped rebar found (MCCULLAH) at the northwest corner of Lot 35, Block F of Lake Sharon Estates, Phase II, according to the revised final plat thereof recorded in Cabinet V, Page 857 of the Plat Records of Denton County, Texas;

THENCE with the west line of said Lot 35, Block F the following:

S 18°12'40" E, 233.51 feet to a 1/2" capped rebar found (MCCULLAH);

S 51°25'10" E, 246.40 feet to a 1/2" rebar found;

S 06°40'50" W, 281.89 feet to a 1/2" capped rebar found (MCCULLAH);

S 03°52'10" E, 264.51 feet to a 1/2" rebar found;

S 37°22'30" E, 220.86 feet to a 1/2" capped rebar set (G&A);

S 37°54'00" W, 204.13 feet to a 1/2" capped rebar found (MCCULLAH);

S 05°01'45" W, 347.44 feet to a 1/2" capped rebar found (MCCULLAH);

S 34°02'30" E, 244.51 feet to a 1/2" capped rebar set (G&A);

S 04°29'30" E, 197.29 feet to a 1/2" capped rebar set (G&A);

S 78°09'15" W, passing at 46.40 feet the northeast corner of Lot 1, Block F of said Lake Sharon Estates, Phase II, continuing with the north line thereof a total distance of 151.21 feet to a 1/2" capped rebar set (G&A) at the northwest corner of said Lot 1, Block F;

THENCE S 12°12'20" W, 127.97 feet with the west line of said Lot, 1, Block F, to a 1/2" rebar found at the southwest corner thereof, being on the north line of the aforementioned Lake Sharon Estates and being on the north line of Indian Lake Trail as shown on said plat of Lake Sharon Estates;

THENCE N 77°47'40" W, 119.92 feet with the north line of said Lake Sharon Estates and the north line of Indian Lake Trail to a 1/2" capped rebar found (MCCULLAH) at the northwest corner of Indian Lake Trail and being the most northerly northwest corner of said Lake Sharon Estates;

THENCE S 12°15'00" W, 50.00 feet with the west line of said Lake Sharon Estates and the west line of said Indian Lake Trail to a 1/2" capped rebar found (MCCULLAH) at the southwest corner said Indian Lake Trail and being the northwest corner of Lot 19, Block D of said Lake Sharon Estates;

THENCE continuing with the west line of said Lake Sharon Estates the following:

S 08°52'10" W, 118.69 feet with the west line of said Lot 19 to a 1/2" rebar found at the southwest corner thereof and being the northwest corner of Lot 9, Block D of said Lake Sharon Estates;

S 22°19'20" E, 131.35 feet with the west line of said Lot 9 to a 1/2" rebar found at the southwest corner thereof, being on the north line of History Crescent;

With the west line of said History Crescent with the arc of a curve to the left having a radius of 50.00 feet, a central angle of 18°38'39" and an arc length of 16.27 feet whose chord bears S 59°32'49" W, 16.20 feet to a 1/2" rebar found at the most northerly corner of Lot 7, Block D of said Lake Sharon Estates;

S 52°44'20" W, with the west line of said Lot 7, passing at 151.66 feet the most westerly corner thereof and being the most northerly corner of Lot 6, Block D of said Lake Sharon Estates, continuing with the west line thereof, passing at 204.26 feet the most westerly corner thereof and being the most northerly corner of Lot 5, Block D of said Lake Sharon Estates, continuing with the west line thereof a total distance of 224.14 feet to a 1/2" capped rebar set (G&A) at an angle point;

S 26°56'05" W, with the west line of said Lot 5, passing at 44.45 feet the most westerly corner thereof and being the most northerly corner of Lot 4, Block D of said Lake Sharon Estates, continuing with the west line thereof, passing at 135.97 feet the most westerly corner thereof and being the most northerly corner of Lot 3, Block D of said Lake Sharon Estates, continuing with the westerly line thereof, passing at 251.81 feet the most westerly corner thereof and being the most northerly corner of the aforementioned Lot 2, Block D, continuing with the west line thereof a total

distance of 335.45 feet to the POINT OF BEGINNING and containing approximately 55.995 acres of land.

EXHIBIT 'B'
AMENDED ZONING MAP

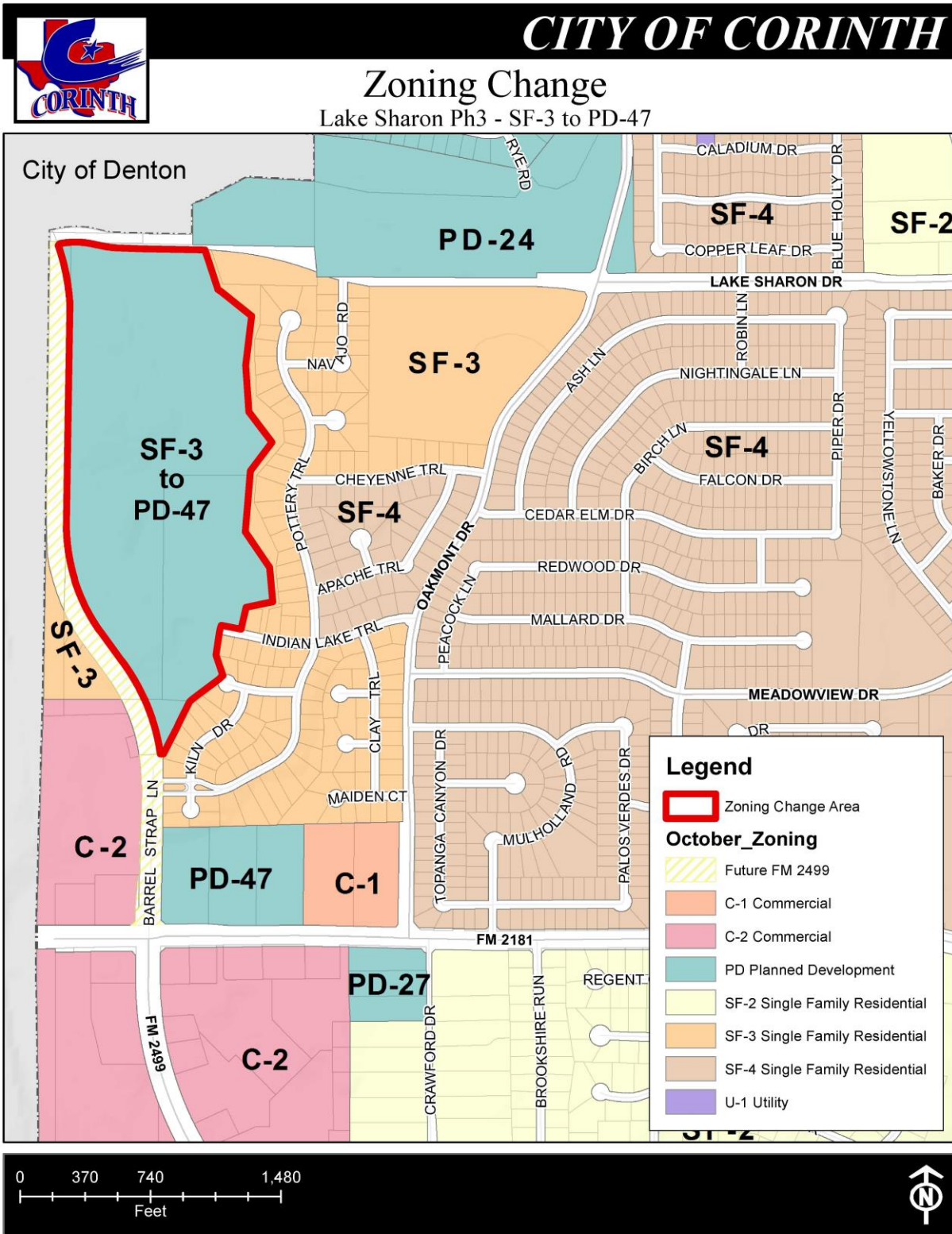


EXHIBIT C
PD CONCEPT DESIGN STATEMENT

Lake Sharon Phase III is located to the west of the existing Lake Sharon neighborhood, Phases I and II, and east along the FM 2499 extension. The property encompasses approximately 56 acres of rolling terrain that includes a 20-acre lake, which is known as Lake Sharon. The Lake Sharon Drive extension is located along the property’s northern boundary line. Approximately 32 acres of the property are located within the FEMA floodplain and the existing lake drains to the south underneath FM 2499 in a newly installed culvert system that eventually drains into Lake Lewisville. The remaining 24 acres of the property is developable land that is being proposed as Phase III of Lake Sharon as outlined in this Planned Development.

The land use designation is Low Density Residential which is the same land use as the existing Lake Sharon neighborhood. The Low Density Residential land use designation allows for single family detached homes. The existing zoning is Single-Family 3 (SF-3), and portions of the existing Lake Sharon neighborhood are SF-3 and SF-4 but were both developed as SF-3.

The proposed residential community will include 79 new residential homes with several of the homes backing up to open space or Lake Sharon to provide a unique setting and highly desirable living option. The cluster design approach was used to create this plan. Cluster design groups together the residential lots in a tight configuration with smaller lot sizes in order to preserve and optimize the open space areas. This type of sustainable design is a more environmentally-friendly development option that allows developers to preserve natural features of the property while being able to meet the necessary density goals. Below is a land use summary table showing the breakdown of the different land uses and the residential density:

Gross Area	56 Acres	100%
Floodplain	32 Acres	57%
Net Area	24 Acres	43%
Total Residential Lots	79	
Density (based on gross area)	1.41 du/ac	
Density (based on 24-acre buildable area)	3.29 du/ac	

Lake Sharon will use the standard residential street section to provide access to the proposed lots. The lots are front-entry therefore driveways will tie into the proposed streets. The two entrances into the development connect into the planned median openings along FM 2499 that is currently under construction. Each of these median openings will have southbound left turn lanes into the entrances.

The water, sanitary sewer, and storm sewer lines will be public, in rights-of-way or in easements dedicated to the City. The water line will be brought along FM 2499 and run through the proposed development before connecting back into the City system at Lake Sharon Drive. The sanitary sewer line will be extending from Lake Sharon Estates Phase I and distributed throughout the proposed development. The storm sewer lines will collect the runoff and convey it to Lake Sharon, where it will continue downstream.

The required parkland dedication is 1 acre of park land for each 50 units. Therefore, the UDC requires that 1.58 acres of park land to be dedicated with this development. A 10-foot wide trail easement will be

dedicated along the lake frontage; the remainder acreage of parkland dedication will be accounted for by dedication of money in lieu of land.
This will be developed in one phase.

EXHIBIT D CONCEPT DESIGN MAP



**EXHIBIT “E”
LAND USE REGULATIONS**

SECTION 1: REGULATIONS

A. Purpose

The regulations set forth in this Exhibit provide development standards for single family residential designations within this Lake Sharon Phase 3 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 Planned Development (PD) District, the “SF-4” Single Family Residential District (detached) regulations of the Corinth Unified Development Code, Ordinance No. 13-05-02-08 shall apply except as modified herein. If a change to the Concept Plan is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

SECTION 2: USES AND AREA REGULATIONS

A. Purpose

This district is intended to provide for the development of a residential community integrated with open space, trails, and natural areas featuring Lake Sharon.

B. Permitted Uses and Use Regulations

In the Planned Development (PD) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, enlarged or converted, unless permitted by the SF-4 Single Family Residential District (detached) regulations of the Unified Development Code except as otherwise included in this PD ordinance.

The Permitted Uses in the SF-4 Single Family Residential District (detached) as listed in Subsection 2.07.03 of the Unified Development Code shall be permitted uses.

C. Dimensional Regulations

The Dimensional Regulations described in Section 2.08.04 of the Unified Development Code, Ordinance No. 13-05-02-08, for the SF-4 Single Family Residential (detached) shall apply, except as follows:

<u>DIMENSIONAL REGULATIONS</u>	<u>PD ORDINANCE REGULATIONS</u>
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	5' / 10' adjacent to ROW
Minimum Side Yard Setback for Corner Lots	25' if a garage on a corner lot proposes side street entry
Minimum Rear Yard Setback	20'
Minimum Lot Area	6,250 square feet
Minimum Lot Width	50' at building line
Minimum Lot Depth	125'
Minimum Floor Area	2,000 square feet
Maximum Height	35' / 2.5 Stories
Maximum Building Coverage	50%
Typical Building Pad Dimensions	40' wide x 80' deep

D. Development Standards

The Development Standards described in Section 2.04.04 of the Unified Development Code, Ordinance No. 13-05-02-08, for the SF-4 Single Family (detached) District, as amended shall apply except as follows:

1. See the following sections for development standards:
 - a. UDC Section 2.07.07 **Accessory Buildings and Uses** shall apply.
 - b. UDC Section 2.09.01 **Landscape Regulations** shall apply, except:
 - i. Three shade trees (3" caliper minimum) or ornamental trees shall be provided in residential subdivisions for each lot.
 - c. UDC Section 2.09.02 **Tree Preservation Regulations** shall except as follows:
 - i. Details on the required tree survey is not required for trees in rights-of-way, easements, and pad sites. The pad sites for the 79 residential lots shall be limited to 40' x 80' maximum plus 5' outside those lots where a residential home will be constructed.
 - d. UDC Section 2.09.03 **Vehicle Parking Regulations** shall apply.
 - e. UDC Section 2.09.04 **Building Façade Material Standards** shall apply.
 - f. UDC Section 2.09.05 **Residential Adjacency Standards** shall apply.
 - g. UDC Section 2.09.06 **Nonresidential Architectural Standards** shall apply.
 - h. UDC Section 2.09.07 **Lighting and Glare Regulations** shall apply.
 - i. UDC Section 4.01 **Sign Regulations** shall apply.

- j. UDC Section 4.02 **Fence and Screening Regulations** shall apply, except:
 - i. Fences constructed on lots along lake frontage and/or open space shall use ornamental metal fence materials.

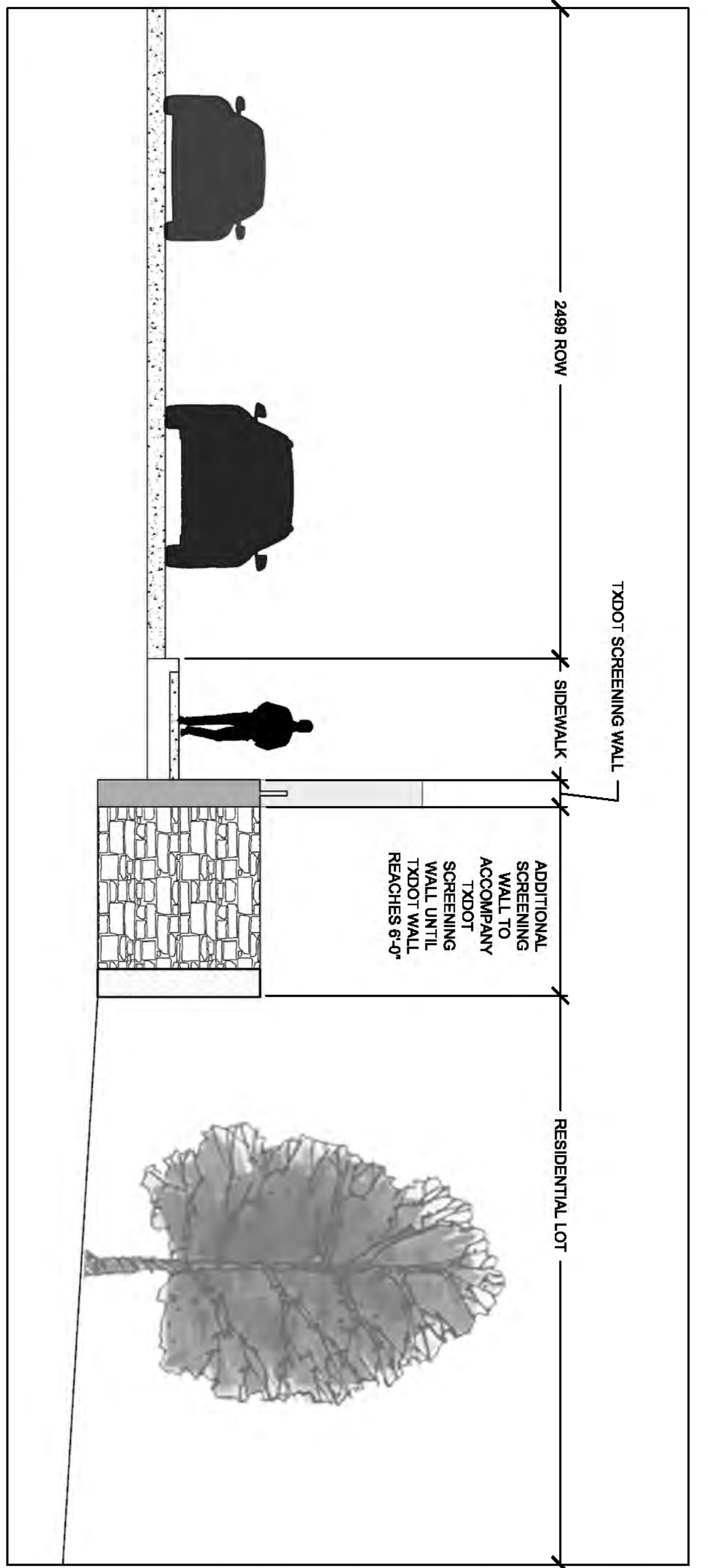
- 2. Garage requirements shall apply.
- 3. Driveway requirements shall apply.

E. Amenities

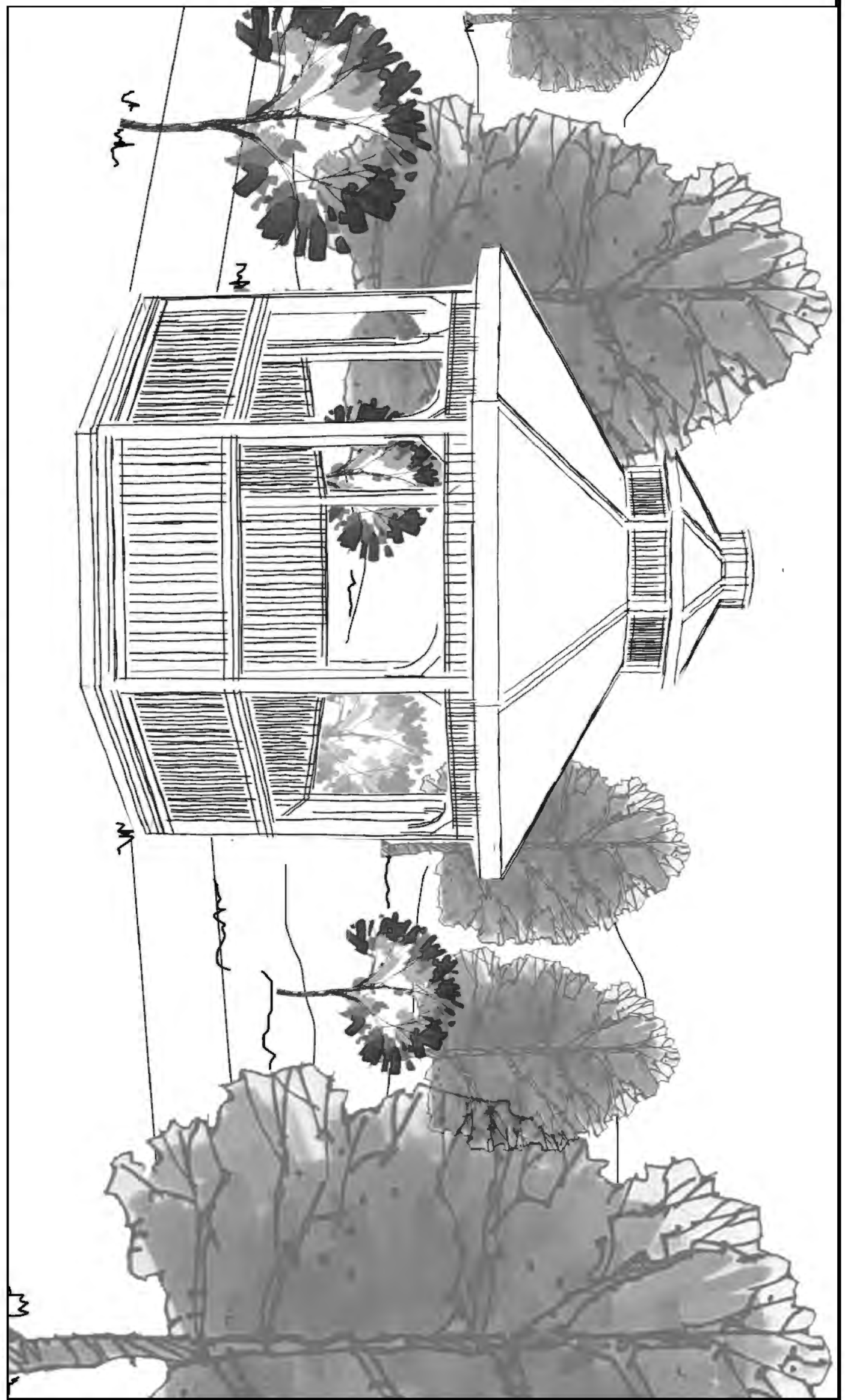
- 1. The following amenities shall be required in the common open space areas as approved by City Council in lieu of Parkland Dedication:
 - a. A walking trail with a minimum width of ten feet.
 - b. A minimum of five benches located along the trail and/or throughout the open space area.
 - c. A shade structure.
 - d. Zoning Concept Landscape Plans L1.0 and L1.1 attached as Exhibit F.

F. Conditions

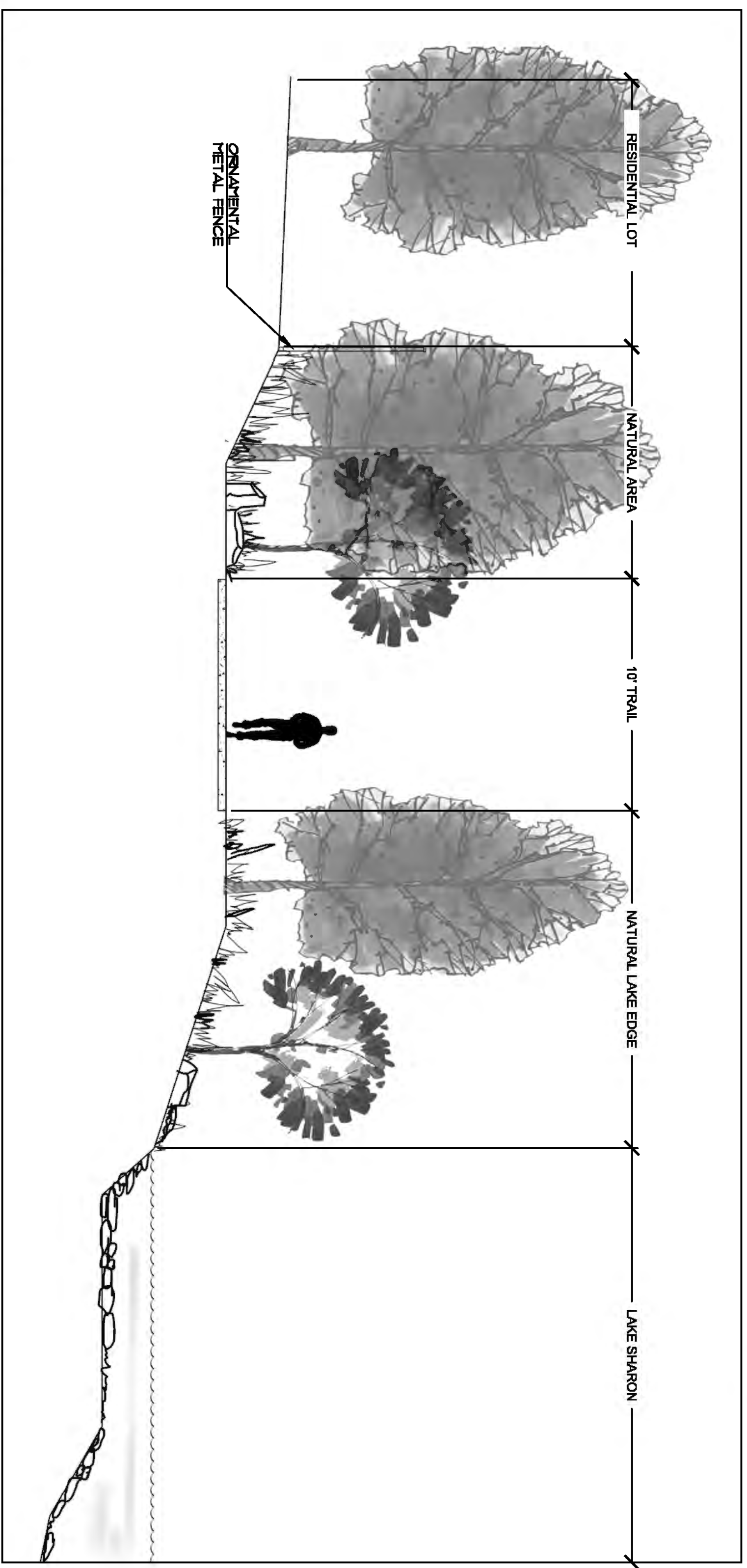
- a. Establishment and approval through City Council of a Storm Water Facility Maintenance Agreement (SWFMA) will be required prior to issuance of a building permit.



1. 2499 TO RESIDENTIAL LOT SECTION

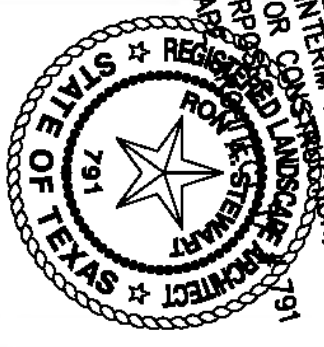


2. GAZEBO CONCEPT ELEVATION



3. TRAIL SECTION

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR INFORMATION ONLY
 AND IS NOT PERMITTED FOR CONSTRUCTION
 BIDDING, CONTRACTING, OR PERMITS
 FROM 5/25/2017
 DATED 8/25/2017



ZONING CONCEPT LANDSCAPE PLAN

LAKE SHARON PHASE 3
 55.997 Acres
 in the
 B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 190
 S. KEPHART SURVEY, ABSTRACT NO. 721
 CITY OF CORINTH
 DENTON COUNTY, TEXAS

CONSULTANTS, LLC
 LAND SURVEYING LANDSCAPE ARCHITECTURE
 111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
 144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028
 TBPE Firm No. 1798 TBPLS Firm No. 10047700

15228

L11

OWNER/DEVELOPER
 777 Lakota, LP
 218 W. Wall Street
 Georgetown, TX 78626
 Ph. 512-873-0620
 Contact: Robert Behar

Drawn By: MC
Date: 8/28/2017
Scale:
Revisions:

City Council Regular and Workshop Session

Meeting Date: 03/15/2018
Title: Storm Water Facility Maintenance Agreement Lake Sharon Dam
Submitted For: Barbara Cabbage, Planning & Development Manager
Submitted By: Barbara Cabbage, Planning & Development Manager
City Manager Review: Approval: Bob Hart, City Manager

AGENDA ITEM

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.

AGENDA ITEM SUMMARY/BACKGROUND

It is unknown when Lake Sharon Dam was initially constructed. The timeframe reported in the TCEQ Dam Safety Inspection Report for this small size earthen dam, is assumed to have been constructed prior to 1960. The Lake Sharon Dam has been inspected five times, between 1976 and 2014 by TCEQ, TCEQ's predecessor agencies and by contracted engineers. The primary issues noted during these inspections included excessive vegetation and tree growth over all parts of the embankment and in the approach to the emergency spillway, animal derived erosion along the downstream slope, minor benching (wave action) erosion along the upstream slope, seepage along the downstream toe, a sinkhole on the upstream slope, and an undermined service spillway. The most recent 2014 inspection noted all of these issues, along with a failed service spillway.

A current inspection done in 2017 found the dam to be in similar condition as the 2014 inspection. The service spillway had been reconfigured, with the remaining section of the two 24" reinforced concrete pipes discharging into a rock riprap lined channel that directed flow into a new culvert under Barrell Strap Lane (FM 2499). The current inspection did note the erosion from flows along the left side of the emergency spillway, that discharge along the downstream toe of the dam, had increased since the 2014 inspection.

As Lake Sharon Estates Phase III is being proposed, the City of Corinth is involved to ensure the TCEQ requirements and/or recommendations provided are addressed as soon as possible due to the seriousness of the issues. Discussions between the former Director of Planning and Development, the City Manager, Bob Hart, the City's Engineer Mike Brownlee and the Developer in conjunction with the recommendation after review of the agreement by the City Attorney have provided a beginning point to head forward with Lake Sharon Phase III development.

RECOMMENDATION

Approval of the Storm Water Facility Maintenance Agreement.

Attachments

Storm Water Facilities Agreement

STORM WATER FACILITY
MAINTENANCE AGREEMENT

THIS AGREEMENT (“Agreement”), made and entered into this day of _____, _____, by and between 777 Lakes Limited Partnership, a Texas limited partnership, hereinafter referred to as “Landowner”, the _____ Homeowners Association, Inc., a Texas non-profit corporation, hereinafter referred to as “Association” and the City of Corinth, hereinafter referred to as “City”.

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property described as an approximately 55.995 acre tract located in the B.B.B & C. RR Co. Survey, Abstract Number 190, the Samuel Kephart Survey, Abstract Number 721 and the G. W. McGlothlin Survey, Abstract Number 888, City of Corinth, Denton County, Texas, and being part of that certain called 41.70 acre tract of land described as Tract One and part of that certain called 62.667 acre tract of land described as Tract Four in deed to 777 Lakes LP, recorded in Document Number 2004-19618 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.275 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1791 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.565 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1792 of the Real Property Records of Denton County, Texas and being more particularly described by metes and bounds in the attached Exhibit “A” (the “Property”).

WHEREAS, the Landowner is preparing to build on and develop the Property according to a Site Plan/Subdivision Plan to be known as Lake Sharon Phase III hereinafter called the “Plan”, which is expressly made a part hereof, as approved or to be approved by the City, and the Landowner provides for management of Storm water within the confines of the Property; and

WHEREAS, the Landowner and its successors and assigns, agree that the health, safety and welfare of the residents of the City of Corinth, Texas require that on-site Storm

Water Management Facilities be constructed and maintained on a portion of the Property; and

WHEREAS, the City requires that on-site Storm water Management Facilities (“Facility”) as shown on the Plan be repaired, constructed and adequately maintained by the Landowner, its successors and assigns, the location and dimensions of which is shown and more particularly described by metes and bounds in the attached Exhibit “B” (“Facility Property”); and

WHEREAS, the Property contains Lake Sharon and Lake Sharon Dam, TCEQ Inventory No.: TX00615 (the “Dam”), which are privately owned and maintained by Landowner, and which shall be incorporated as a portion of the Facility; and

WHEREAS, the Landowner is required to repair deficiencies and maintain the Dam in a safe condition and will perform such repairs prior to conveying ownership of the Facility and Facility Property to the Association; and

WHEREAS, Landowner agrees to convey the Facility Property to the Association and the Association agrees to accept the Facility Property and the obligations to own, and maintain the Facility.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The foregoing recitals are incorporated into this Agreement as if set forth fully herein.
2. Prior to transferring ownership of the Facility or Facility Property to the Association, and prior to any Certificate of Occupancy being issued for a residential structure on the Property, the Landowner shall repair, at no expense to the City, the Dam to address all maintenance and safety concerns at the Dam and appurtenant structure identified during any inspection conducted by the Texas Commission on Environmental Quality (“TCEQ”), a licensed engineer, and the city engineer excluding any work or improvements within the portion of the Property located beyond and below the embankment toe of the Dam and continuing to the southern boundary of the Property. The Landowner shall meet the following requirements for the Dam repair:

- a. A professional engineer with dam experience shall provide a repair plan to address deficiencies in the Dam. The Dam repairs shall adhere to applicable City of Corinth Engineering requirements, and shall meet applicable TCEQ requirements and approvals, and all federal, state and local laws and regulations.
 - b. All deficiencies identified in the most recent TCEQ Dam Safety Inspection Report shall be repaired.
 - c. A breach analysis shall be provided to the City and TCEQ.
 - d. The following notice shall be included on any plat of the property and the Association declaration: "PRIVATE LAKE AND DAM ARE NOT MAINTAINED BY THE CITY OF CORINTH. THE CITY OF CORINTH IS NOT RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE LAKE AND DAM AND THE OWNER SHALL HOLD THE CITY HARMLESS AND INDEMNIFY THE CITY OF CORINTH AGAINST ANY LOSS OR CLAIM RESULTING FROM THE USE OF THE PRIVATE LAKE OR DAM."
 - e. A written and formal Emergency Action Plan (EAP), meeting the requirements of TCEQ, shall be provided to the City and TCEQ. TCEQ requires that the City be a party to the EAP and the City agrees to work cooperatively with the Owner in their efforts to prepare and provide the EAP as required by TCEQ.
3. Except as provided in Section 2 for repair of the Dam, the Landowner and Association, its successors and assigns, shall adequately repair, construct and maintain the Facility at no expense to the City in accordance with the design specifications for the Facility, with such design specifications being incorporated herein by reference and becoming Exhibit "C" to this Agreement upon approval by the City, and the current standards then in force and effect in the City of Corinth and with the Operations and Maintenance Plan attached to this Agreement as Exhibit "D". The Storm water Facility includes all pipes, channels or other conveyances outside of public Right-of-ways and easements, built to convey Storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the Storm water. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The applicable Storm water Structural Control Maintenance Checklists, attached to this Agreement as

Exhibit “E”, are to be used to establish what good working condition is acceptable to the City.

4. The Landowner and Association, its successors and assigns, shall inspect the Facility and submit an inspection report to the City annually beginning twelve (12) months following the final acceptance of Lake Sharon Phase III. The purpose of the inspection is to assure safe and proper functioning of the Facility. The inspection shall include the entire Facilities (dam, berms, structures, Lake Sharon, access roads, etc.), however such inspection shall not include water quality or inspections of an aquatic nature. Components of the Facility, which need maintenance or replacement to perform their design function, shall be noted in the inspection report along with the corrective actions to be taken.
5. The Landowner and Association, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Facility Property as reasonably necessary to inspect the Facility Property. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings requiring maintenance, repair, alteration, or modification to the Facilities and the Landowner or Association shall ensure that necessary maintenance, repairs, alterations, and modifications are initiated and completed in a timely and reasonable manner, subject to weather or delays due to scheduling as an industry standard, following any directive of City or TCEQ, such directive shall not be in conflict or disagreement with the approved plans and specifications used to repair, construct or install the Facilities.
6. In the event the Landowner or the Association, its successors and assigns, fails to maintain the Facility in good working condition as specified herein, the City, its authorized agents and employees, may enter upon the Facility Property and take reasonable steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. **It is expressly understood and agreed that the City**

is under no obligation to routinely inspect, maintain or repair said Facility, and in no event, shall this Agreement be construed to impose any such obligation on the City, such obligation is Landowner's.

7. The Landowner and the Association, its successors and assigns, will perform the work necessary to keep the Facility in good working order as appropriate. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder. In the event that Landowner or its successors or assigns fail to pay the City for the costs incurred under this section, the City shall impress a lien for the costs of such work upon other lots owned by the Landowner or the Association. Such lien shall be perfected by filing in the office of the County Clerk of Denton County, Texas an affidavit identifying the property to be charged with such lien, stating the amount thereof, and making reference to this Agreement.
8. This Agreement imposes no liability of any kind whatsoever on the City. **THE LANDOWNER AND ASSOCIATION AGREE TO HOLD THE CITY HARMLESS FROM ANY LIABILITY IN THE EVENT THE FACILITY FAILS TO OPERATE PROPERLY. LANDOWNER AND ASSOCIATION COVENANT AND AGREE AND DOES HEREBY INDEMNIFY HOLD HARMLESS AND DEFEND THE CITY OF CORINTH, ITS AGENTS, SERVANTS AND EMPLOYEES FROM AND AGAINST ALL COSTS, EXPENSES, LOSSES, DAMAGES, CLAIMS OR CAUSES OF ACTION WHATSOEVER ARISING, OR WHICH MIGHT ARISE, FROM THE FAILURE OF LANDOWNER OR ANY FUTURE OWNERS OF THE ABOVE FACILITY PROPERTY TO MAINTAIN THE FACILITY, INCLUDING, BUT NOT LIMITED TO THE DAM, LAKE SHARON, AND THE BED AND BANKS OF LAKE SHARON; ANY DAMAGES CAUSED TO PERSON OR PROPERTY DUE TO (1) FLOODING OF LAKE SHARON AND ITS BANKS, (2) SLOPE**

FAILURE OF THE BANK OF LAKE SHARON, (3) FAILURE OF LAKE SHARON AND ITS BANK TO OPERATE IN A MANNER CONSISTENT WITH CITY OF CORINTH DESIGN CRITERIA; OR (4) FAILURE OF THE DAM AND ITS APPURTENANT STRUCTURES; OR FAILURE TO PERFORM ANY OF OTHER DUTIES OR OBLIGATIONS HEREUNDER.

9. Landowner and Association covenants and agrees that no habitable building shall be erected within the Facility Property outlined on Exhibit “B” but this paragraph shall not preclude construction of other improvements within the Facility Property, which do not impede drainage. Landowner and Association covenants and agrees that no habitable building shall be erected on the Property abutting such Facility Property which shall have a finished floor at an elevation less than that as identified by the flood study, city ordinances, and City approved drainage plans which would occur during a 100-year frequency flood.
10. This Agreement shall be recorded among the land records of Denton County, Texas, shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any property owner’s association.
11. Except as provided in Section 2, notwithstanding anything to the contrary contained or implied elsewhere herein, it is expressly agreed and understood that the liabilities, indemnities and obligations of 777 Lakes Limited Partnership, as Landowner, hereunder shall expire and be of no further force or effect upon the transfer (“Transfer”) by 777 Lakes Limited Partnership to the Association of legal title to the Facility Property, save and except for any liabilities, indemnities and obligations of 777 Lakes Limited Partnership, as Landowner hereunder, which have accrued and are due, payable and/or performable as of the date of the Transfer and which shall expressly survive the Transfer.
12. Landowner and Association shall provide a certificate of insurance with an endorsement naming the City as additional insured showing that a policy of comprehensive general liability insurance in compliance with the City’s requirements insuring the Landowner and Association against all claims or

causes of action for damages to persons and property arising out of the ownership, repair, maintenance, operation or other work done with respect to the Facilities.

13. City, Landowner and Association acknowledge and agree that the Facility, including Lake Sharon and the Dam, are privately owned and maintained and that the City does not own or maintain the Facility. THE CITY IS NOT RESPONSIBLE FOR MAINTENANCE OF THE FACILITY, INCLUDING BUT NOT LIMITED TO LAKE SHARON AND THE DAM, AND THE LANDOWNER AND ASSOCIATION ARE SOLE OWNERS, AND ARE RESPONSIBLE TO MAINTAIN, THE FACILITY. Nothing in this Agreement shall be construed to relieve Landowner and Association of the legal duties, obligations, or liabilities incident to ownership or operation of the Facilities.

Executed this ____ day of _____ 20__.

Landowner

City of Corinth

777 Lakes Limited Partnership,
a Texas limited partnership

By: _____
a Texas _____
its general partner

By: _____
Bob Hart
City Manager

By: _____

Name: Robert J. Betancur

Approved as to Form

Title: Vice-President

Assistant City Attorney

Homeowners Association

ATTEST

_____ Homeowners
Association, Inc.
a Texas non-profit corporation

City Secretary

Name: _____

Title: _____

STATE OF TEXAS §
COUNTY OF DENTON §

This instrument was acknowledged before me on _____ by Bob Hart,
City Manager of the City of Corinth, on behalf of the City of Corinth.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF DENTON §

Before me, the undersigned authority on this _____ day of _____, 20____, personally appeared Robert J. Betancur, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is the act of 777 Lakes Limited Partnership, and that he executed the same as its Vice-President, and as the act of such limited partnership and for the purposes and consideration expressed in the foregoing instrument.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF DENTON §

This instrument was acknowledged before me on _____ by,
_____, authorized representative, acting on behalf of the
_____ Homeowners Association.

Notary Public, State of Texas

EXHIBIT "A"
PROPERTY DESCRIPTION
METES AND BOUNDS LEGAL DESCRIPTION
55.995 ACRES

Being all that certain lot, tract or parcel of land situated in the B.B.B & C. RR Co. Survey, Abstract Number 190, the Samuel Kephart Survey, Abstract Number 721 and the G. W. McGlothlin Survey, Abstract Number 888, City of Corinth, Denton County, Texas, and being part of that certain called 41.70 acre tract of land described as Tract One and part of that certain called 62.667 acre tract of land described as Tract Four in deed to 777 Lakes LP, recorded in Document Number 2004-19618 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.275 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1791 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.565 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1792 of the Real Property Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar set (G&A) at the southeast corner of said 0.565 acre tract, being the northeast corner of Barrel Strap Lane as evidenced by the final plat of Lake Sharon Estates, recorded in Cabinet R, Page 323 of the Plat Records of Denton County, Texas, and being an angle point on the west line of Lot 2, Block D of said addition;

THENCE N 89°12'55" W, 19.31 feet with the south line of said 0.565 acre tract and the north line of said Barrel Strap Lane to a 1/2" capped rebar set (G&A) at the southwest corner of said 0.565 acre tract and being the southeast corner of that certain called 0.691 acre tract described as Tract 1 in deed to Denton County, Texas, recorded in Document Number 2005-99455 of the Real Property Records of Denton County, Texas, being on the east line of F.M. 2499;

THENCE with the east line of said F.M. 2499, the east line of said 0.691 acre tract and the west line of said 0.565 acre tract, with the arc of a curve to the left having a radius of 1160.00 feet, passing at an arc length of 238.61 feet, whose central angle is 11°47'09", having a chord of N 14°06'47" W, 238.19 feet, a 5/8" rebar found at the northeast corner of said 0.691 acre tract, being the northwest corner of said 0.565 acre tract and being the southeast corner of that certain called 2.383 acre tract described as Tract 4 in said Denton County, Texas, deed, continuing with the east line of said 2.383 acre tract a total arc length of 570.28 feet, whose central angle is 28°10'04", having a chord of N 22°18'13" W, 564.55 feet to a 1/2" capped rebar set (G&A) at a point of tangency;

THENCE N 36°23'15" E, 194.12 feet continuing with the east line of said F.M. 2499 and the east line of said 2.383 acre tract to a 1/2" capped rebar set (G&A) at a point of curvature of a curve to the right;

THENCE continuing with the east line of said F.M. 2499 and the east line of said 2.383 acre tract, with the arc of said curve to the right having a radius of 1040.00 feet, a central angle of 37°22'55"

and an arc length of 678.58 feet whose chord bears N 17°41'45" W, 666.60 feet to a 1/2" capped rebar set (G&A) at the northeast corner of said 2.383 acre tract;

THENCE N 89°01'45" W, 1.00 feet continuing with the east line of said F.M. 2499 and the north line of said 2.383 acre tract to a 1/2" capped rebar set (G&A) at the northwest corner of said 2.383 acre tract, being the southwest corner of said 0.275 acre tract, being on the east line of that certain called 5.149 acre tract of land described in said Denton County, Texas, deed;

THENCE N 00°58'15" E, 1226.82 feet continuing with the east line of said F.M. 2499, the east line of said 5.149 acre tract and the west line of said 0.275 acre tract to a 1/2" capped rebar set (G&A) at the point of curvature of a non-tangent curve to the left;

THENCE continuing with the east line of said F.M. 2499 and the east line of said 5.149 acre tract and the west line of said 0.275 acre tract with the arc of said non-tangent curve to the left having a radius of 1160.00 feet, a central angle of 17°28'30" and an arc length of 353.80 feet, whose chord bears N 10°35'41" W, 352.43 feet to a 1/2" capped rebar set at the southwest corner of that certain called 0.013 acre tract of land described as Tract Two in deed to the City of Corinth, Texas, recorded in Instrument Number 2016-105077 of the Real Property Records of Denton County, Texas;

THENCE N 34°19'00" E, 14.26 feet with the south line of said 0.013 acre tract of land to a 1/2" capped rebar set (G&A) at an angle point;

THENCE continuing with the south line of said 0.013 acre tract with the arc of a non-tangent curve to the right having a radius of 468.00 feet, passing at an arc length of 99.95 feet, whose central angle is 12°14'34", having a chord of N 85°03'13" E, 99.76 feet, a 5/8" capped rebar found (TNP) at the most easterly corner of said 0.013 acre tract, being the most westerly corner of that certain called 1.365 acre tract of land described as Tract One in said City of Corinth, Texas, deed continuing with the south line of said 1.365 acre tract a total arc length of 213.03 feet, whose central angle is 26°04'51", having a chord of S 88°01'28" E, 211.20 feet to a 5/8" capped rebar found (TNP) at a point of reverse curvature;

THENCE continuing with the south line of said 1.365 acre tract with the arc of a curve to the left having a radius of 552.00 feet, a central angle of 13°48'23" and an arc length of 133.01 feet whose chord bears S 81°53'14" E, 132.69 feet to a 5/8" capped rebar found (TNP) at a point of tangency;

THENCE S 88°47'25" E, 480.35 feet continuing with the south line of said 1.365 acre tract to a 1/2" capped rebar found (MCCULLAH) at the northwest corner of Lot 35, Block F of Lake Sharon Estates, Phase II, according to the revised final plat thereof recorded in Cabinet V, Page 857 of the Plat Records of Denton County, Texas;

THENCE with the west line of said Lot 35, Block F the following:

S 18°12'40" E, 233.51 feet to a 1/2" capped rebar found (MCCULLAH);

S 51°25'10" E, 246.40 feet to a 1/2" rebar found;

S 06°40'50" W, 281.89 feet to a 1/2" capped rebar found (MCCULLAH);

S 03°52'10" E, 264.51 feet to a 1/2" rebar found;

S 37°22'30" E, 220.86 feet to a 1/2" capped rebar set (G&A);

S 37°54'00" W, 204.13 feet to a 1/2" capped rebar found (MCCULLAH);

S 05°01'45" W, 347.44 feet to a 1/2" capped rebar found (MCCULLAH);

S 34°02'30" E, 244.51 feet to a 1/2" capped rebar set (G&A);

S 04°29'30" E, 197.29 feet to a 1/2" capped rebar set (G&A);

S 78°09'15" W, passing at 46.40 feet the northeast corner of Lot 1, Block F of said Lake Sharon Estates, Phase II, continuing with the north line thereof a total distance of 151.21 feet to a 1/2" capped rebar set (G&A) at the northwest corner of said Lot 1, Block F;

THENCE S 12°12'20" W, 127.97 feet with the west line of said Lot, 1, Block F, to a 1/2" rebar found at the southwest corner thereof, being on the north line of the aforementioned Lake Sharon Estates and being on the north line of Indian Lake Trail as shown on said plat of Lake Sharon Estates;

THENCE N 77°47'40" W, 119.92 feet with the north line of said Lake Sharon Estates and the north line of Indian Lake Trail to a 1/2" capped rebar found (MCCULLAH) at the northwest corner of Indian Lake Trail and being the most northerly northwest corner of said Lake Sharon Estates;

THENCE S 12°15'00" W, 50.00 feet with the west line of said Lake Sharon Estates and the west line of said Indian Lake Trail to a 1/2" capped rebar found (MCCULLAH) at the southwest corner said Indian Lake Trail and being the northwest corner of Lot 19, Block D of said Lake Sharon Estates;

THENCE continuing with the west line of said Lake Sharon Estates the following:

S 08°52'10" W, 118.69 feet with the west line of said Lot 19 to a 1/2" rebar found at the southwest corner thereof and being the northwest corner of Lot 9, Block D of said Lake Sharon Estates;

S 22°19'20" E, 131.35 feet with the west line of said Lot 9 to a 1/2" rebar found at the southwest corner thereof, being on the north line of History Crescent;

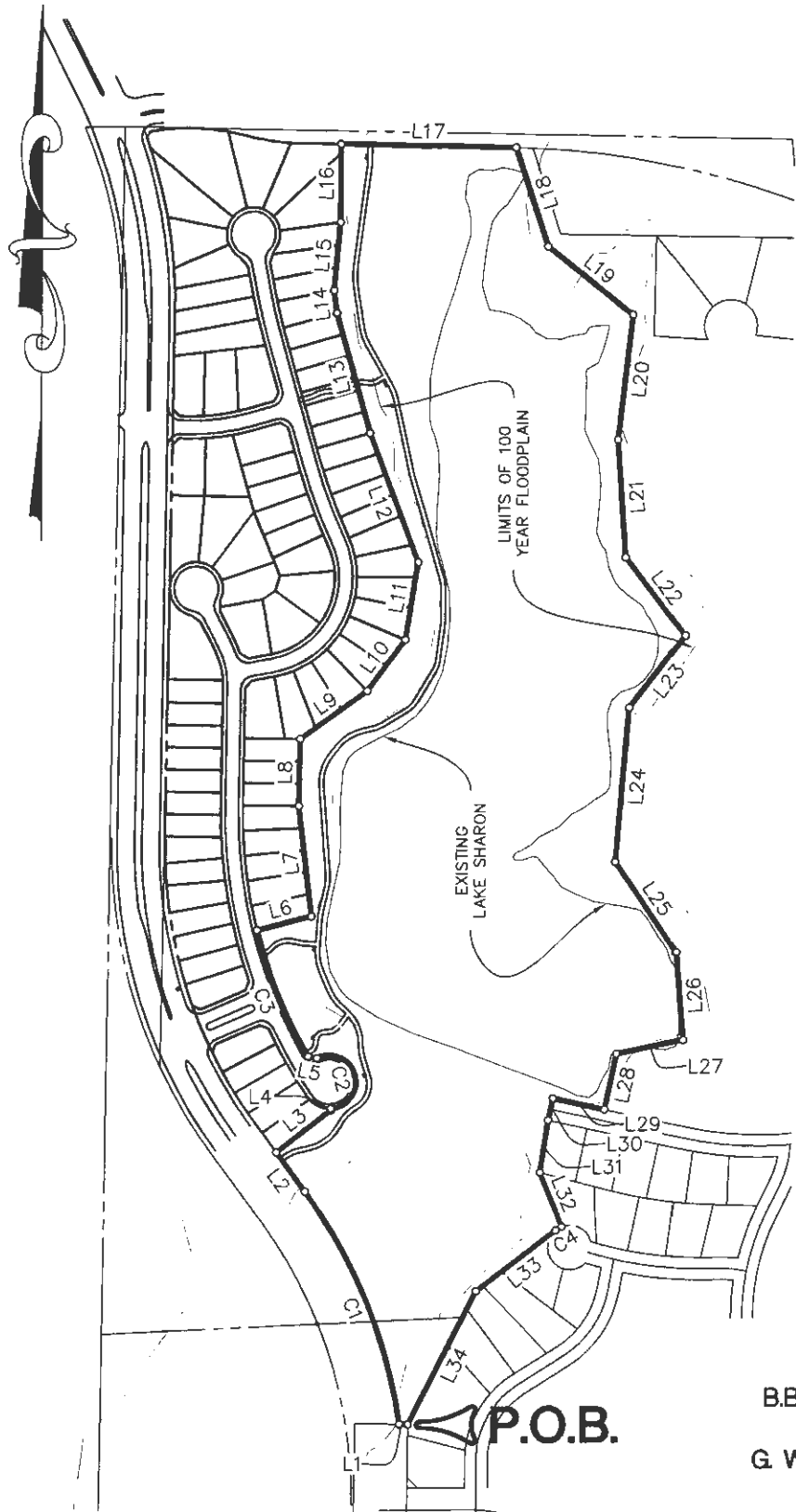
With the west line of said History Crescent with the arc of a curve to the left having a radius of 50.00 feet, a central angle of 18°38'39" and an arc length of 16.27 feet whose chord bears S 59°32'49" W, 16.20 feet to a 1/2" rebar found at the most northerly corner of Lot 7, Block D of said Lake Sharon Estates;

S 52°44'20" W, with the west line of said Lot 7, passing at 151.66 feet the most westerly corner thereof and being the most northerly corner of Lot 6, Block D of said Lake Sharon Estates, continuing with the west line thereof, passing at 204.26 feet the most westerly corner thereof and being the most northerly corner of Lot 5, Block D of said Lake Sharon

Estates, continuing with the west line thereof a total distance of 224.14 feet to a 1/2" capped rebar set (G&A) at an angle point;

S 26°56'05" W, with the west line of said Lot 5, passing at 44.45 feet the most westerly corner thereof and being the most northerly corner of Lot 4, Block D of said Lake Sharon Estates, continuing with the west line thereof, passing at 135.97 feet the most westerly corner thereof and being the most northerly corner of Lot 3, Block D of said Lake Sharon Estates, continuing with the westerly line thereof, passing at 251.81 feet the most westerly corner thereof and being the most northerly corner of the aforementioned Lot 2, Block D, continuing with the west line thereof a total distance of 335.45 feet to the POINT OF BEGINNING and containing approximately 55.995 acres of land.

EXHIBIT "B"
FACILITY LEGAL DESCRIPTION



LINE	BEARING	DISTANCE
L1	N 89°12'55" W	19.31'
L2	N 36°23'15" W	109.77'
L3	N 52°39'50" E	154.57'
L4	N 02°48'00" W	4.04'
L5	N 78°07'35" W	20.38'
L6	N 75°51'35" E	126.27'
L7	N 06°33'40" W	249.22'
L8	N 00°59'10" E	150.00'
L9	N 54°45'15" E	185.46'
L10	N 36°28'10" E	143.15'
L11	N 09°24'30" E	176.29'
L12	N 20°39'50" W	308.89'
L13	N 15°43'00" W	280.00'
L14	N 07°44'25" W	51.04'
L15	N 05°16'10" E	153.33'
L16	N 00°17'50" E	175.36'
L17	S 88°47'25" E	392.44'
L18	S 18°12'40" E	233.51'
L19	S 51°25'10" E	246.40'
L20	S 06°40'50" W	281.89'

LINE	BEARING	DISTANCE
L21	S 03°52'10" E	264.51'
L22	S 37°22'30" E	220.86'
L23	S 37°54'00" W	204.13'
L24	S 05°01'45" W	347.44'
L25	S 34°02'30" E	244.51'
L26	S 04°29'30" E	197.29'
L27	S 78°09'15" W	151.21'
L28	S 12°12'20" W	127.97'
L29	N 77°45'00" W	119.92'
L30	S 12°15'00" W	50.00'
L31	S 08°52'10" W	118.69'
L32	S 22°19'20" E	131.35'
L33	S 52°44'20" W	224.14'
L34	S 26°56'05" W	335.45'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	LONG CHORD
C1	1160.00'	28°10'04"	570.26'	N 22°18'13" W, 564.55'
C2	60.00'	205°20'33"	215.03'	N 15°28'17" W, 117.08'
C3	1075.00'	16°23'23"	307.51'	N 22°20'07" W, 306.46'
C4	50.00'	18°38'39"	16.27'	S 59°32'49" W, 16.20'

DRAINAGE MAINTENANCE AGREEMENT EXHIBIT

39.904 Acres

in the
 B.B.B. & C RR Co. SURVEY, ABSTRACT NO. 190
 S. KEPHART SURVEY, ABSTRACT NO. 721
 G. W. MCGLOTHLIN SURVEY, ABSTRACT NO. 888
 CITY OF CORINTH
 DENTON COUNTY, TEXAS

NOTES:

1. Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
2. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
3. No flood zone area analysis has been performed by G&A Consultants, LLC, on the subject property.

G
&
A

SITE PLANNING CIVIL ENGINEERING FLATTING

CONSULTANTS, LLC

LAND SURVEYING LANDSCAPE ARCHITECTURE

111 H Inside Drive • Lewisville, TX 75057
P: 972 436 9712 • F: 972 436 9715

144 Old Town Blvd North, Ste 2 • Argyle, TX 76226
P: 940 240 1012 • F: 940 240 1028

TBPE Firm No. 1798 TBPLS Firm No. 1004/7700

DRAWN BY: CC DATE: 3/2/2018 SCALE: 1"=400' JOB. NO. **15228**

Fig. 2 - 1/2015 (15028) Drawings Exhibit LAKE EXHIBIT
 Printed: 3/2/2018 4:46 PM, by Cole Corporation. Saved: 3/2/2018 4:38 PM, by cole

LEGAL DESCRIPTION

36.904 ACRES

Being all that certain lot, tract or parcel of land situated in the B.B.B & C. RR Co. Survey, Abstract Number 190, the Samuel Kephart Survey, Abstract Number 721 and the G. W. McGlothlin Survey, Abstract Number 888, City of Corinth, Denton County, Texas, and being part of that certain called 41.70 acre tract of land described as Tract One and part of that certain called 62.667 acre tract of land described as Tract Four in deed to 777 Lakes LP, recorded in Document Number 2004-19618 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.275 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1791 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.565 acre tract of land described in deed to 777 Lakes LP, recorded in Document Number 2005-1792 of the Real Property Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar set (G&A) at the southeast corner of said 0.565 acre tract, being the northeast corner of Barrel Strap Lane as evidenced by the final plat of Lake Sharon Estates, recorded in Cabinet R, Page 323 of the Plat Records of Denton County, Texas, and being an angle point on the west line of Lot 2, Block D of said addition;

THENCE N 89°12'55" W, 19.31 feet with the south line of said 0.565 acre tract and the north line of said Barrel Strap Lane to a 1/2" capped rebar set (G&A) at the southwest corner of said 0.565 acre tract and being the southeast corner of that certain called 0.691 acre tract described as Tract 1 in deed to Denton County, Texas, recorded in Document Number 2005-99455 of the Real Property Records of Denton County, Texas, being on the east line of F.M. 2499;

THENCE with the east line of said F.M. 2499, the east line of said 0.691 acre tract and the west line of said 0.565 acre tract, with the arc of a curve to the left having a radius of 1160.00 feet, passing at an arc length of 238.61 feet, whose central angle is 11°47'09", having a chord of N 14°06'47" W, 238.19 feet, a 5/8" rebar found at the northeast corner of said 0.691 acre tract, being the northwest corner of said 0.565 acre tract and being the southeast corner of that certain called 2.383 acre tract described as Tract 4 in said Denton County, Texas, deed, continuing with the east line of said 2.383 acre tract a total arc length of 570.28 feet, whose central angle is 28°10'04", having a chord of N 22°18'13" W, 564.55 feet to a 1/2" capped rebar set (G&A) at a point of tangency;

THENCE N 36°23'15" E, 109.77 feet continuing with the east line of said F.M. 2499 and the east line of said 2.383 acre;

THENCE N 52°39'50" E, 154.57 feet;

THENCE N 02°48'00" W, 4.01 feet;

THENCE with the arc of a curve to the left having a radius of 60.00 feet, a central angle of 205°20'33" and an arc length of 215.03 feet, whose chord bears N 15°28'17" W, 117.08 feet;

THENCE N 78°07'35" W, 20.38 feet;

THENCE with the arc of a curve to the right having a radius of 1075.00 feet, a central angle of 16°23'23" and an arc length of 307.51 feet, whose chord bears N 22°20'07" W, 306.46 feet;

THENCE N 75°51'35" E, 126.27 feet;

THENCE N 06°33'40" W, 249.22 feet;

THENCE N 00°59'10" E, 150.00 feet;

THENCE N 54°45'15" E, 185.46 feet;

THENCE N 36°28'10" E, 143.15 feet;

THENCE N 09°24'30" E, 176.29 feet;

THENCE N 20°39'50" W, 308.89 feet;

THENCE N 15°43'00" W, 280.00 feet;

THENCE N 07°14'25" W, 51.04 feet;

THENCE N 05°16'10" E, 153.33 feet;

THENCE N 00°17'50" E, 175.36 feet to the south line of that certain called 1.365 acre tract of land described as Tract One in deed to the City of Corinth, Texas, recorded in Instrument Number 2016-105077 of the Real Property Records of Denton County, Texas;

THENCE S 88°47'25" E, 392.44 feet with the south line of said 1.365 acre tract to a 1/2" capped rebar found (MCCULLAH) at the northwest corner of Lot 35, Block F of Lake Sharon Estates, Phase II, according to the revised final plat thereof recorded in Cabinet V, Page 857 of the Plat Records of Denton County, Texas;

THENCE with the west line of said Lot 35, Block F the following:

S 18°12'40" E, 233.51 feet to a 1/2" capped rebar found (MCCULLAH);

S 51°25'10" E, 246.40 feet to a 1/2" rebar found;

S 06°40'50" W, 281.89 feet to a 1/2" capped rebar found (MCCULLAH);

S 03°52'10" E, 264.51 feet to a 1/2" rebar found;

S 37°22'30" E, 220.86 feet to a 1/2" capped rebar set (G&A);

S 37°54'00" W, 204.13 feet to a 1/2" capped rebar found (MCCULLAH);

S 05°01'45" W, 347.44 feet to a 1/2" capped rebar found (MCCULLAH);

S 34°02'30" E, 244.51 feet to a 1/2" capped rebar set (G&A);

S 04°29'30" E, 197.29 feet to a 1/2" capped rebar set (G&A);

S 78°09'15" W, passing at 46.40 feet the northeast corner of Lot 1, Block F of said Lake Sharon Estates, Phase II, continuing with the north line thereof a total distance of 151.21 feet to a 1/2" capped rebar set (G&A) at the northwest corner of said Lot 1, Block F;

THENCE S 12°12'20" W, 127.97 feet with the west line of said Lot, 1, Block F, to a 1/2" rebar found at the southwest corner thereof, being on the north line of the aforementioned Lake Sharon Estates and being on the north line of Indian Lake Trail as shown on said plat of Lake Sharon Estates;

THENCE N 77°47'40" W, 119.92 feet with the north line of said Lake Sharon Estates and the north line of Indian Lake Trail to a 1/2" capped rebar found (MCCULLAH) at the northwest corner of Indian Lake Trail and being the most northerly northwest corner of said Lake Sharon Estates;

THENCE S 12°15'00" W, 50.00 feet with the west line of said Lake Sharon Estates and the west line of said Indian Lake Trail to a 1/2" capped rebar found (MCCULLAH) at the southwest corner said Indian Lake Trail and being the northwest corner of Lot 19, Block D of said Lake Sharon Estates;

THENCE continuing with the west line of said Lake Sharon Estates the following:

S 08°52'10" W, 118.69 feet with the west line of said Lot 19 to a 1/2" rebar found at the southwest corner thereof and being the northwest corner of Lot 9, Block D of said Lake Sharon Estates;

S 22°19'20" E, 131.35 feet with the west line of said Lot 9 to a 1/2" rebar found at the southwest corner thereof, being on the north line of History Crescent;

With the west line of said History Crescent with the arc of a curve to the left having a radius of 50.00 feet, a central angle of 18°38'39" and an arc length of 16.27 feet whose chord bears S 59°32'49" W, 16.20 feet to a 1/2" rebar found at the most northerly corner of Lot 7, Block D of said Lake Sharon Estates;

S 52°44'20" W, with the west line of said Lot 7, passing at 151.66 feet the most westerly corner thereof and being the most northerly corner of Lot 6, Block D of said Lake Sharon Estates, continuing with the west line thereof, passing at 204.26 feet the most westerly corner thereof and being the most northerly corner of Lot 5, Block D of said Lake Sharon Estates, continuing with the west line thereof a total distance of 224.14 feet to a 1/2" capped rebar set (G&A) at an angle point;

S 26°56'05" W, with the west line of said Lot 5, passing at 44.45 feet the most westerly corner thereof and being the most northerly corner of Lot 4, Block D of said Lake Sharon Estates, continuing with the west line thereof, passing at 135.97 feet the most westerly corner thereof and being the most northerly corner of Lot 3, Block D of said Lake Sharon Estates, continuing with the westerly line thereof, passing at 251.81 feet the most westerly corner thereof and being the most northerly corner of the aforementioned Lot 2, Block D, continuing with the west line thereof a total distance of 335.45 feet to the POINT OF BEGINNING and containing approximately 39.904 acres of land.

Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.

Fieldwork performed during the month of April 2017.

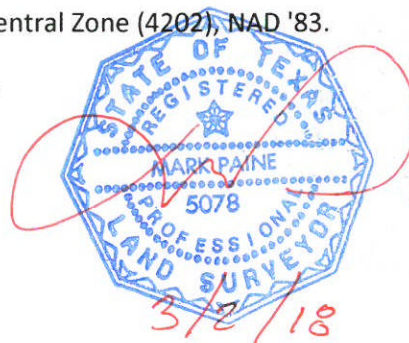


EXHIBIT "C"
DESIGN SPECIFICATIONS

Exhibit "D"
CITY OF CORINTH STORM WATER FACILITY
OPERATION AND MAINTENANCE PLAN

The only responsibility the City of Corinth has in the operation and maintenance of this Facility is inspection.

General Maintenance Procedures

The structural and functional integrity of the Facility shall be maintained at all times by removing and preventing drainage interference, obstructions, blockages, or other adverse effects into, through, or out of the system. The owner shall institute a dam maintenance program. Erosion repair shall be performed yearly. Guidelines for such a plan are located at: http://www.tceq.state.tx.us/compliance/field_ops/dam_safety/damsafetyprog.html

Accumulated litter and debris shall be removed every 6 months or as necessary to maintain proper operation of the Facility. Disposal shall be in accordance with federal, state and local regulations.

The Facility shall be mowed monthly where applicable and required, between the months of April and October or anytime vegetation exceeds 12-inches in height.

PREVENTIVE MAINTENANCE/INSPECTION

- Visual inspections of all components will be conducted every 6 months.
- A log shall be kept of maintenance actions, and inspections. The log should document the condition of the Facility's primary components, dam, mowing, litter and debris removal dates.
- **Written maintenance and repair records shall be maintained by the party, parties signing, or their assigns, of the attached Agreement and shall be provided to the City upon request.**

Exhibit "E"
Storm Water Structural Maintenance CHECKLIST

FREQUENT INSPECTION	DATE	REPAIRS REQUIRED	REPAIRS MADE	NOTES
Mowing				
Remove Trash and debris				
Inspect irrigation system operation (if/where applicable)				
Violations Noted				
MINOR INSPECTION				
Condition of Lake				
Amount of silt in flume				
Amount of wetland vegetation (if/where applicable)				
Location of Erosion				
Percent of vegetation				
Condition of trash guard (if applicable)				
Location of Erosion				
MAJOR INSPECTIONS				
Condition of Storm Water Quality Structure (if/where applicable)				
Type of Storm Water Quality Structure				
Structure type and Condition				
Condition of Rip-Rap				
Condition of filtration system (if/where applicable)				

Berm or Embankment Settlement				
Location of erosion				
Evidence of Animals				
Evidence of Aquatic life				
Condition of Aeration Foundation (if/where applicable)				

City Council Regular and Workshop Session

Meeting Date: 03/15/2018
Title: Verizon Cell Tower SUP
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, 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.

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 Specific Use Permit (SUP) process. Prior to the Planning and Zoning Commission meeting, twenty-four (24) public hearing letters were sent to individuals whose properties fall within 200' of the subject property.

AGENDA ITEM DESCRIPTION

NCTC was platted in 1998 and a replat was approved in 2004 with the addition of more parking. Associated with the College site is an SUP required prior to development in 1998 as the use was not allowed by right in the zoning district at that time. In 2004 a subdivision variance was approved where NCTC was not expected to provide City Street Standard improvements to Walton Drive.

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.

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 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. **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. **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. **This item is lacking required information – 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. **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. **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. **This has not been completely provided for.**

(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 specs on the tower has been provided.

g. Landscaping and Screening

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 the ok due to the Hidden Valley private airstrip on the north side of Shady Shores Road.

ZONING

The Zoning on this site is I, Industrial.

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION

The Comprehensive Plan Future Land Use Map shows this areas designation to be Public/Semi-Public but also falls within the TOD – Transportation Oriented Development. Plates from the Comprehensive Plan have been included as attachments.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

RECOMMENDATION

Staff does not support the location of the proposed tower. The application packet is not complete and required information is still lacking. Staff does not support this request as presented.

PLANNING AND ZONING COMMISSION RECOMMENDATION

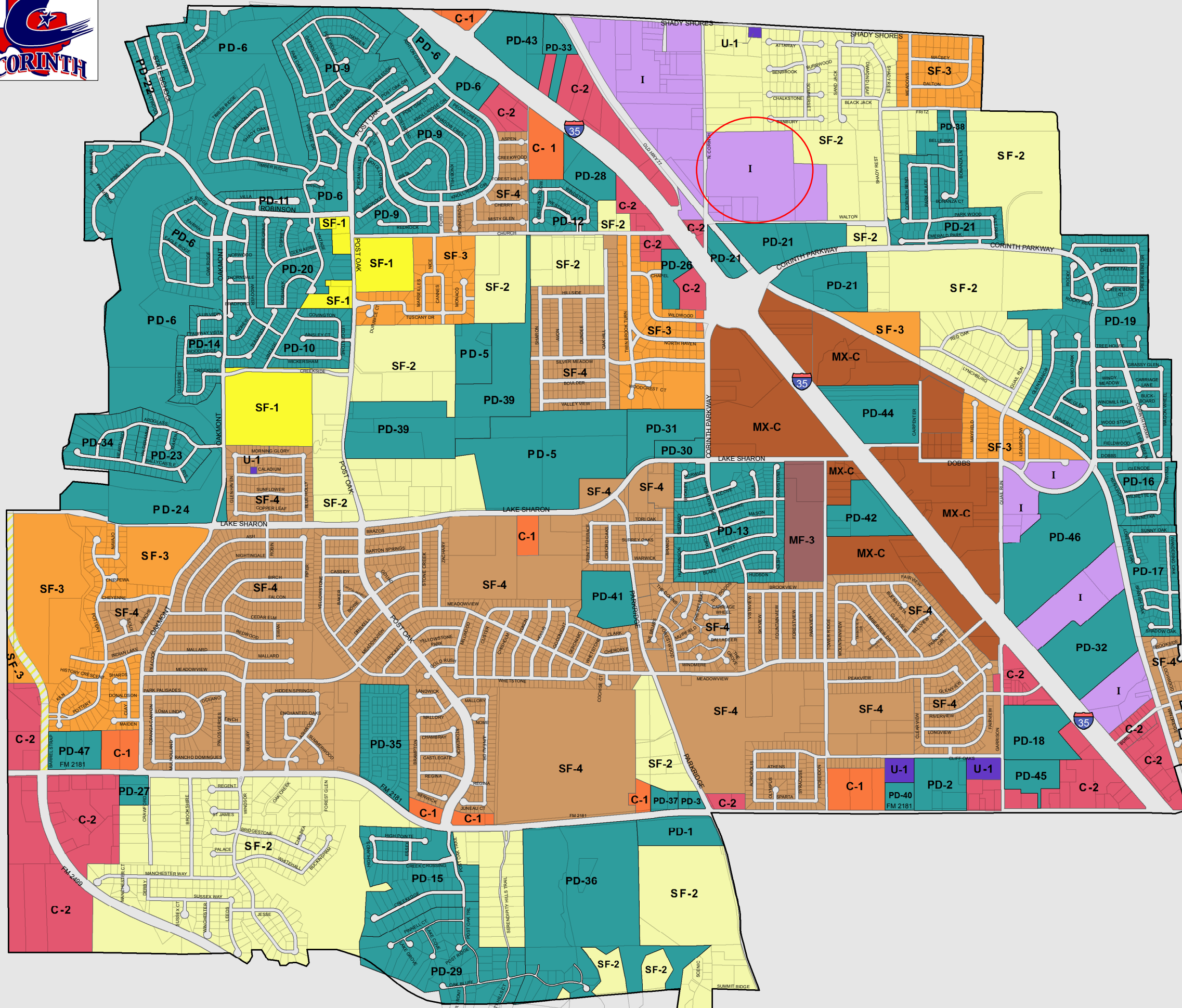
The Planning and Zoning Commission met on February 26, 2018 in regular session to discuss an ordinance to allow a Specific Use Permit to construct a Cell Tower. The Commission unanimously (5-0) recommended denial without prejudice.

Attachments

Zoning Map
Future Land Use Plan Map
Industrial Development Regulations
Site Specific Land Use Concepts Descriptions
Verizon SUP Application Packet
Verizon SUP Draft Ordinance



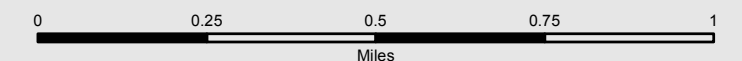
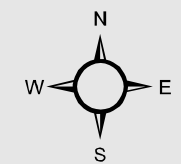
City of Corinth Zoning Map



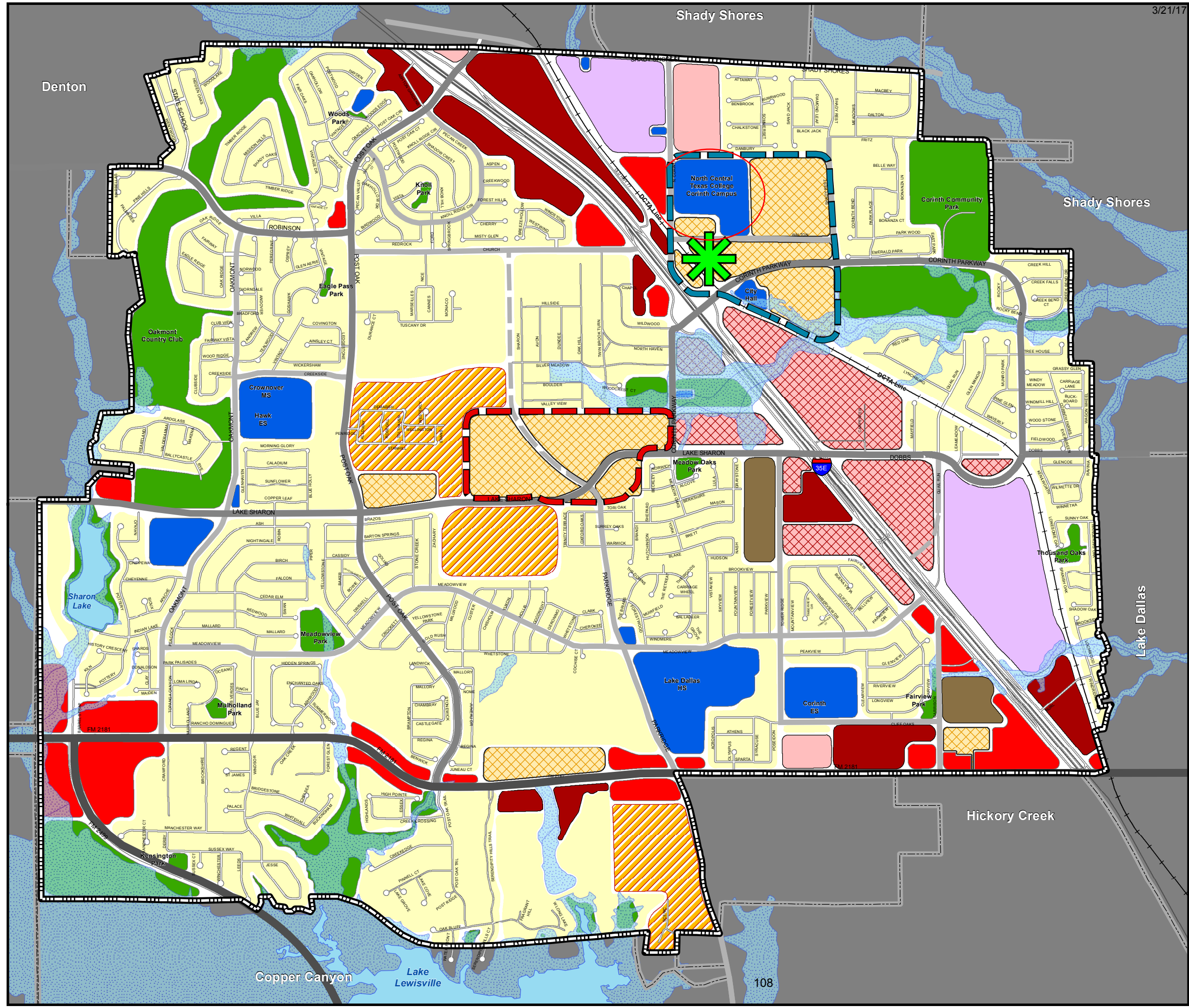
Legend

Zoning Districts

- Future FM 2499
- 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



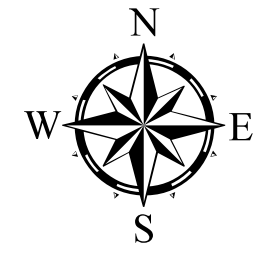
Future Land Use Plan



- 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.





2.08.05. Nonresidential Dimensional Regulations Chart

Regulation	C-1, Commercial	C-2, Commercial	C-3, Commercial	I, Industrial	U-1, Utility	MX-C, Mixed Use Commercial
Open Space (Yard) Dimensions						
Minimum Front Yard Setback	40'	40'	40'	40'	25' / setback required of abutting district	40'
Minimum Side Yard Setback						
Interior Lot	0' / 15' adjoining residential	0' / 15' adjoining residential	20'	15' / setback required of abutting district	20'	0' / 15' adjoining residential
Corner Lot	10' / 15' adjoining residential	10' / 15' adjoining residential	40'	15' / setback required of abutting district	20'	10' / 15' adjoining residential
Minimum Rear Yard Setback	20'	20'	20'	20'	20'	20'
Lot Dimensions						
Minimum Lot Area	20,000 sq.ft.	30,000 sq.ft.	40,000 sq.ft.	n/a	n/a	20,000 sq.ft.
Minimum Lot Width	150'	175'	200'	n/a	n/a	150'
Minimum Lot Depth	100'	120'	150'	n/a	n/a	100'
Structure Height						
Maximum Height (stories/feet)	2½ Stories / 40' or SUP ⁽¹⁾	2½ Stories / 40' or SUP ⁽¹⁾	2½ Stories / 40' or SUP ⁽¹⁾	40' or SUP ⁽¹⁾	n/a	2½ Stories / 40' or SUP ⁽¹⁾
Building Area Coverage						
Maximum Building Area (all buildings)	50%	50%	50%	n/a	n/a	50%
Notes						
⁽¹⁾ Building over 40' may be approved by an SUP						

Public/Semi-Public



This land use designation is indicative of all land uses that are governmental, educational or religious in nature. Due to their low impact characteristics, public/semi-public land uses are generally permitted within any area of the City. Also, due to the confined nature of future City boundaries, facility planning for vacant land is not necessary. However, examining the capacity and efficiency of current facilities, especially as Corinth approaches build-out, may indicate the need for additional facilities within the City in the future.

Transit Oriented Development



An additional component of the Future Land Use Plan Map was the identification of a Transit Oriented Development district, or TOD. This concept was originally introduced in detail in Chapter 3 and is the orientation of development and space around a central transit location, in this case the Multi-Modal Transit Center indicated on the **Plate 4-1**. Currently, Corinth City Hall, North Central Texas College, office and retail space, and the Autumn Oaks independent and assisted living center are all located within this district. Corinth Community Park, with its open spaces, trails, and recreational fields, is also located within close proximity to this district.

The TOD area should be designed in order to be directly functional with North Central Texas College. Opportunities for expansion will likely arise in the near future as the college continues to grow in enrollment. Since many of the students are commuting students from locations outside Corinth and due to the lack of any significant dining opportunities on or near campus, development near the college should include retail and dining opportunities that may be efficiently utilized by students. Also, due to the location of the TOD, residents, Interstate traffic, and activities at Corinth Community Park may also facilitate use of the area at other times. Additionally, residential land uses should constitute no more than five percent of the total land use composition.

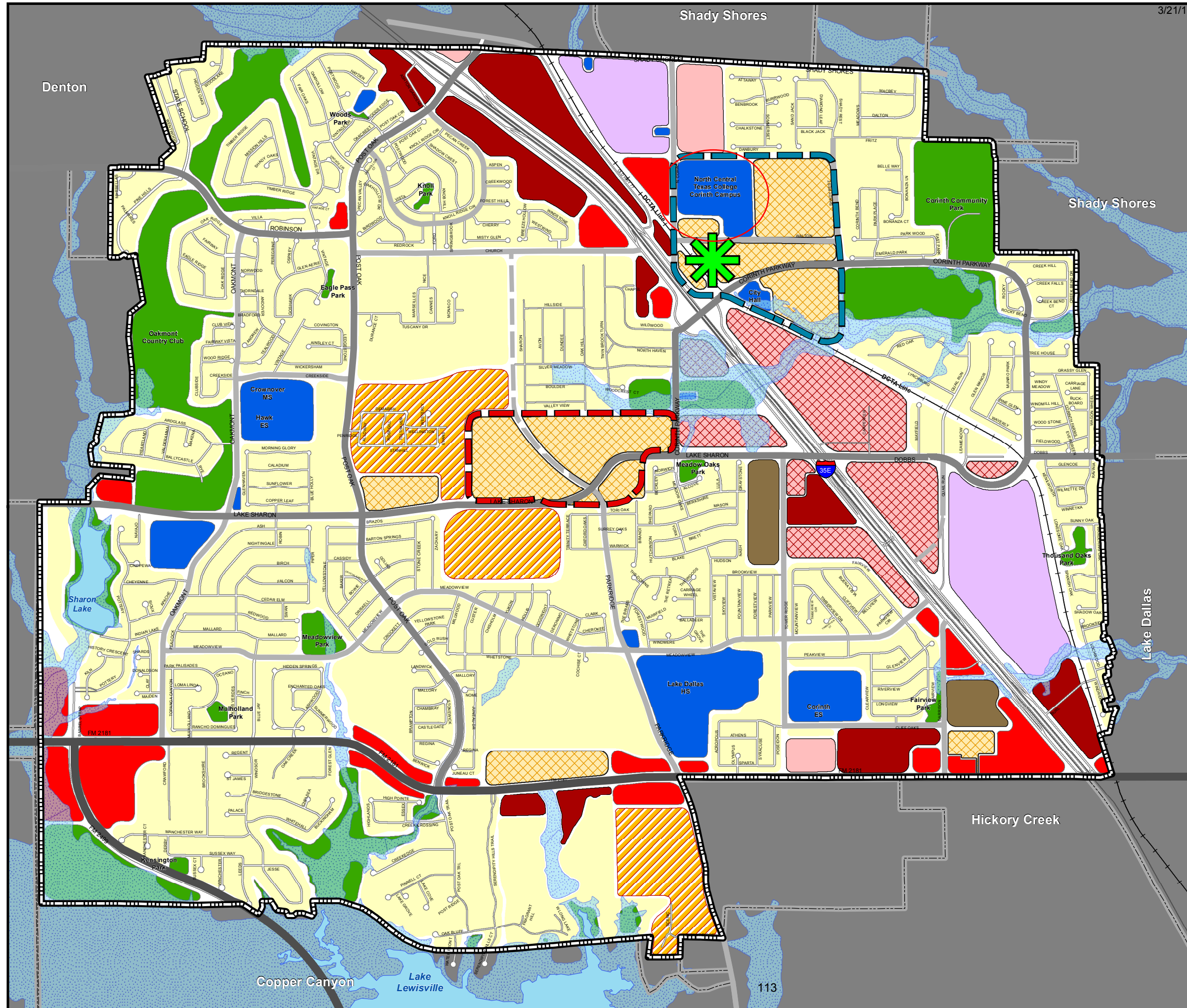
Reflected in its name, transit flexibility should also be an ultimate goal for this district. This may include working with the Denton County Transit Authority to develop an A-Train commuter station at this location, or possibly the creation of a temporary park-and-ride commuter lot to be replaced by commuter rail when it becomes available or feasible. The City may consider seeking partnerships for the creation of a future parking garage which may be jointly utilized by transit users and North Central Texas College Students. Incorporation of integrated bike and pedestrian trails should also be important considerations within the TOD area.

The general character of the transit oriented development area should be towards medium density development; however, specific attention to quick access, particularly by the automobile, should be an important design consideration for this area in order to facilitate use by through-traffic along Interstate 35-E as well as quick access by City residents. Although the design should be primarily aimed at easy ingress and egress options, the functionality of the TOD also depends upon the availability of pedestrian options; therefore, sidewalks and pedestrian safety should be important considerations in addition to automobile access.

Finally, roadway configuration options should be considered which best promote the areas functionality. This may include the development of a north-south collector roadway adjacent to North Central Texas College. Additionally, roadway configuration at the Corinth Parkway and Interstate 35-E interchange should be considered—particularly the inclusion of Texas Turn Around lanes for efficient traffic flow. Although intersection upgrades are reflected in the final design and reconfiguration of Interstate 35-E, accelerated implementation and design of this intersection and other nearby roadways should be considered in conjunction with the construction of the A-Train commuter line through this area.



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

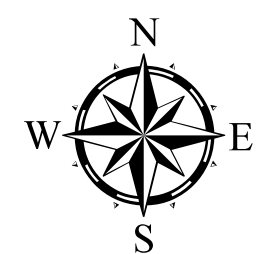
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**VERIZON CELL TOWER
SUP APPLICATION PACKET**



CITY OF CORINTH

3300 Corinth Parkway · Corinth, Texas 76208 · (940) 498-3260 · (940) 498-3266 fax · www.cityofcorinth.com

Universal Application Form

All applications must be submitted with (1) a complete Universal Application Form, (2) a completed application checklist, and (3) all materials listed in the appropriate checklist. The Planning and Development Department staff is available to assist you in person at City Hall or by phone, please call 940-498-3260 for an appointment. Applications shall be processed based on the City's official submission dates.

APPLICATION TYPE			(Box 1 of 8)
Zoning Related Applications	Subdivision Related Applications	Miscellaneous Applications	
<input type="checkbox"/> Reinststate Nonconforming Rights	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/>	Comprehensive Plan Amendment
<input type="checkbox"/> Map Amendment (Rezoning)	<input type="checkbox"/> Final Plat	<input type="checkbox"/>	Fence Variance
<input checked="" type="checkbox"/> Specific Use Permit	<input type="checkbox"/> Minor Plat	<input type="checkbox"/>	Sign Building Permit
<input type="checkbox"/> Administrative Decision Appeal	<input type="checkbox"/> Replat	<input type="checkbox"/>	Sign Building Permit (Conditional)
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Amending Plat	<input type="checkbox"/>	Sign Variance
<input type="checkbox"/> Zoning Special Exception	<input type="checkbox"/> Conveyance Plat	<input type="checkbox"/>	Unified Sign Plan
<input type="checkbox"/> Zoning Vested Rights	<input type="checkbox"/> Plat Vacation	<input type="checkbox"/>	
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Construction Plan	<input type="checkbox"/>	
<input type="checkbox"/> Alternative Compliance	<input type="checkbox"/> Park/Trail Dedication	<input type="checkbox"/>	
	<input type="checkbox"/> Subdivision Waiver	<input type="checkbox"/>	
	<input type="checkbox"/> Proportionality Appeal	<input type="checkbox"/>	
	<input type="checkbox"/> Subdivision Vested Rights	<input type="checkbox"/>	

APPLICANT INFORMATION		(Box 2 of 8)
Applicant Name: Peter Kavanagh	Company: Zone Systems, Inc.	
Address: 1620 Handley Drive		
City/State/Zip: Dallas, TX 75208		
Contact Number: 214 941 4440	Secondary No.: [REDACTED]	
Email: peterk@zonesystems.com		
Project Name: Verizon North Corinth WT		

POINT OWNER INFORMATION		(Box 3 of 8)
Name: Peter Kavanagh	Company: Zone Systems, Inc	
Contact Number: 214 941-4440		
Email: peterk@zonesystems.com		

PROPERTY OWNER INFORMATION		(Box 4 of 8)
Owner's Name:	Company: North Central TX College	
Address: 1525 W. California St		
City/State/Zip: Gainsville, TX 76240		
Contact Number: 940 668-3338	Secondary No.:	
Email:		

SUBJECT PROPERTY INFORMATION		(Box 5 of 8)
Address: 1500 N. Corinth Street		
Parcel Tax ID#: 523532		
Legal Description: N. Central TX College Addn. #2	Block: A	Lot: 1R
Subdivision Name: North Central TX College Addn. No. 2		



CITY OF CORINTH

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BILL FEES TO		(Box 6 of 8)
Name:	Peter Kavanagh	Company: Zone Systems, Inc.
Address:	1620 Handley Drive	
City/State/Zip:	Dallas, TX 75208	
Contact Number:	214 941 4440	
Contact Email:	peterk@zonesystems.com	

PROPERTY OWNER CONSENT/ AGENT AUTHORIZATION		(Box 7 of 8)
<p>By my signature, I hereby affirm that I am the property owner of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the application being requested for this property. Additionally, my signature below indicates my awareness of the fee required at the time of the application submittal and any additional fees as noted in the City's fee schedule. This fee is non-refundable even in the event of application withdrawal. I have the power to authorize and hereby grant permission for City of Corinth officials to enter the property on official business as part of the application process.</p> <p>By signing this form, the owner of the property authorizes the City of Corinth to begin proceeding in accordance with the process for the type of application indicated on this application. The owner/applicant further requests a Waiver of Right to 30-Day Action. The owner acknowledges that submission of an application does not in any way obligate the City to approve the application, and, that although City staff may make certain recommendations regarding this application, the decision making authority may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.</p> <p>We, the undersigned, being owners of subject real property, do hereby authorize:</p>		
Printed Name:	Peter Kavanagh/ZoneSystems, Inc.	
Address:	1620 Handley Drive -Dallas, TX 75208	
<p>...to act as our Agent in the matter of this request. The term agent shall be construed to mean any lessee, developer, option holder, or authorized individual who is authorized to act in behalf of the owner(s) of said property.</p>		

SIGNATURES OF ALL PROPERTY OWNERS

Printed Name:	Dr. Brent Wallace, Chancellor North Central Texas College
Signature:	

Address:	1525 W. California St., Gainesville, TX 76240
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Printed Name:	
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Signature:	
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Address:	
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Printed Name:	
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Signature:	
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Address:	
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CITY OF CORINTH

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NOTARY (Box 8 of 8)

STATE OF TEXAS §
COUNTY OF §

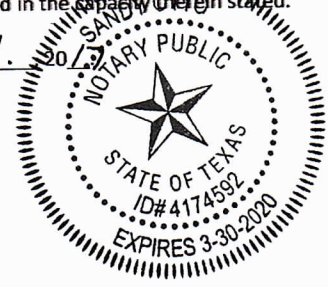
BEFORE ME, the undersigned authority in and for Cooke County, Texas, on this day personally appeared Dr. C. Brent Walker known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is Dr. C. Brent Walker that he/she is authorized to execute the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 20th day of Sept. 2017

Sandy Otto
Notary Public in and for the State of Texas

Sandy Otto
Type or Print Notary's Name

My Commission Expires: 3-30-20



\$

FEES PAID

DATE FEES PAID

DATE APPLICATION
RECEIVED BY CITY:

October 10, 2017

Planning Department
City of Corinth
3300 Corinth Parkway
Corinth, TX 76208

Re: Proposed Verizon Wireless Facility
1500 N. Corinth Street

Dear Staff:

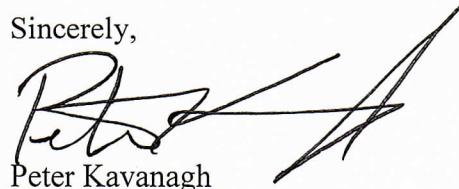
Verizon Wireless proposes to locate an antenna facility on Walton Road on property that is part of the North Texas College property. The facility will include a 121-foot stealth monopole antenna and ground equipment surrounded by an eight (8) foot masonry wall.

Verizon Wireless strives to provide the best possible cellular service to the City of Corinth. This facility will provide in-building coverage to this general area and increase speeds for data delivery to mobile devices in this general area. The facility makes no noise and will not interfere with other types of telecommunications.

The site is on a platted lot that is Lot 1-R, Block A, of the North Central Texas College Addition No. 2.

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,



Peter Kavanagh

February 19, 2018

Barbara Cabbage
Director of Planning & Development
City of Corinth

Barbara,

This follow up to your email note of Feb. 14 should clarify information previously provided, with additional details.

The objective of the new facility is to allow Verizon to provide improved high quality, high capacity in-building cell coverage for the center of Corinth (see *attachment 1*). This is needed to keep pace with increased dependence on the Verizon network for communication and public safety.

A. Requirements, information or regulations of subsection 2.07.04 UDC Conditional Development Standards #19 re Cell Towers

Verizon has made a good faith effort to substantially demonstrate that no existing towers could accommodate the proposed antenna.

- a. Review of all known towers in target area (see *enclosure*) indicates the only acceptable, existing tower option is the City elevated water storage tank.
- b. A list of all existing options of raw land sites in the area was provided to the city.
- c. Verizon contacted the City in 2014, 2016 for permission to use the City Water Tower, however were not able to sign a lease due to conflicts with the company's corporate legal guidelines.

B. Regulations of Section 2.08.05 UDC Nonresidential Dimensional Regulations Chart for industry

- a. The site selected would comply with these regulations, requiring a SUP.

C. Additional details for the request

- a. Verizon has located a site suitable to address the in-building coverage needs as indicated on *attachment 1* and comply with City of Corinth regulations.
- b. Verizon has leased the required space with North Central Texas College agreeing to a site on campus.
- c. The cell tower will be a stealth design for minimal visual impact now and in the future.

Please let us know if you need additional details for review and approval.

Sincerely,



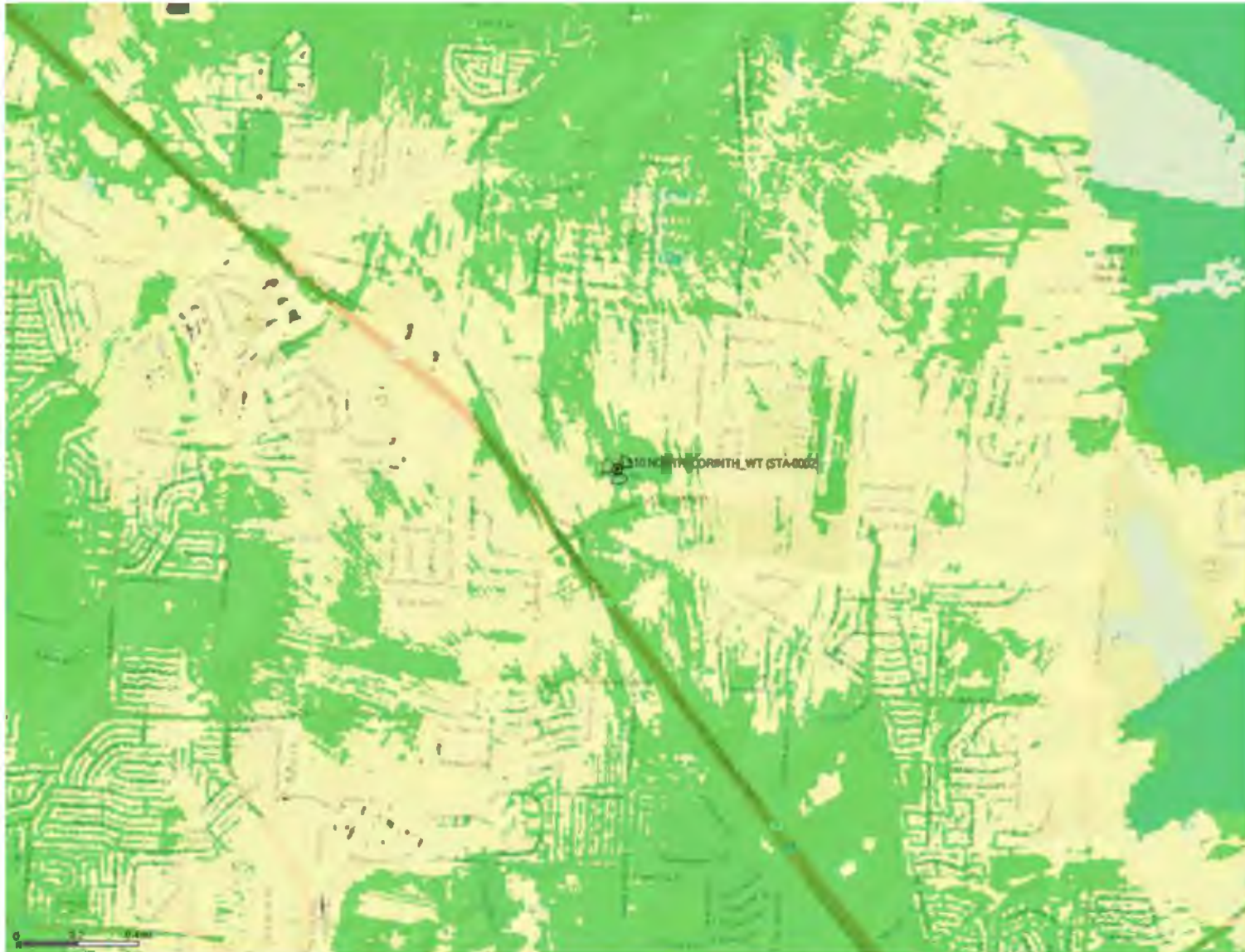
Peter Kavanagh

Encs.

VERIZON WIRELESS POTENTIAL CELL TOWER SITES NORTH CORINTH

NAME	LOCATION	DESCRIPTION	SUITABILITY
City Water tank	1210 N. Corinth 33-09-21.8 N, 97-03-21.06 W Elevation 622'	City lease template not compatible with Verizon requirements. Legal and VZW determined too many BD issues to move forward with site. SUP required	Legal roadblock
North Central Texas College	Raw land site 1500 N. Corinth 33.154611 N, 97.057276 W Elevation 618'	State university system site would allow raw land construction of 120' tower. SUP required	Good. Lease negotiated
Pennell Square	1400 N. Corinth 33.1578527 N, 97-0642197 W, Elevation 618'	Raw land property to build 120' stealth monopole. SUP required	Sent draft lease; began discussions mid December 2017; lack of response from landlord
Metroplex Cabinets	3100 Walton Drive 33.1547636 N, 97.0621304 W	Raw land property to build 120' tower. SUP required	Landlord not interested in considering lease due to lack of sufficient space on property
Anchor Bay Storage	2750 W. Shady Shores Road 33.1613209 N, 97.0671585 W	Raw land property to build 120' tower. SUP required	Landlord not interested in considering lease due to lack of sufficient space on property
Hightower existing tower	3401 Walton Drive 33.1544919 N, 97.0556043 W	Existing tower with FCC # 000715326. SUP required	Tower not sufficient to hold additional equipment. Property owner wanted to sell site (refused to lease) – not viable for Verizon
Other options	Highway frontage property along I-35		Highway construction, set-back requirements negate viability

NORTH_CORINTH – 700MHz RSRP Current



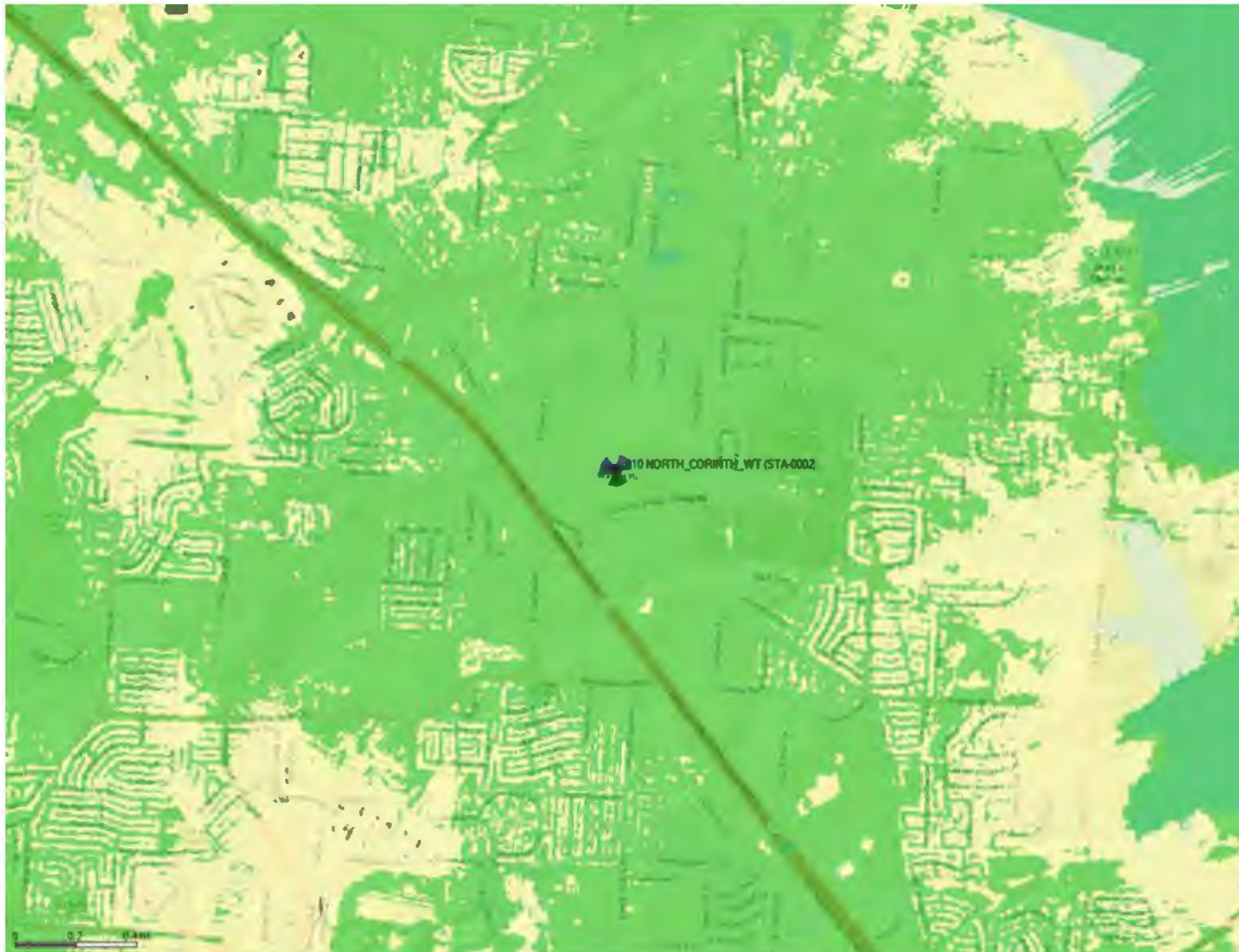
RSRP 700 MHz

-  Indoor Coverage
-  Outdoor/Vehicle Coverage



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

NORTH_CORINTH – 700MHz RSRP Proposed



- RSRP 700 MHz**
- Indoor Coverage
 - Outdoor/Vehicle Coverage



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CITY OF CORINTH

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Traffic Impact Analysis Threshold Worksheet

The City of Corinth's Unified Development Code provides that a Traffic Study may be required with preliminary plat applications. *If the proposed development exceeds one or more of the three threshold criteria listed below, a traffic study will be required to be submitted with the preliminary plat application.* Otherwise, for projects that do not exceed any of the three criteria, a Traffic Study Threshold Worksheet must be submitted and approved by the City's Engineer prior to submittal of the preliminary plat application. Please describe in detail your evaluation of each criteria listed below. Additional sheets may be attached if necessary.

Criteria #1: The development exceeds parking 100 spaces average per driveway.

N/A - The development is providing one parking space for the cell tower. See attached site plan.



Criteria #2: Any driveway in the development is projected to serve 1000 or more vehicles per day.*

N/A - The cell tower will be visited 2-3 times per month based on information provided by applicant.

Criteria #3: Any driveway in the development is projected to serve 100 ingress vehicles or more in the design hour.*

N/A - See #2

* Unless approved otherwise, trip generation rates should be based on the most recent edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*.

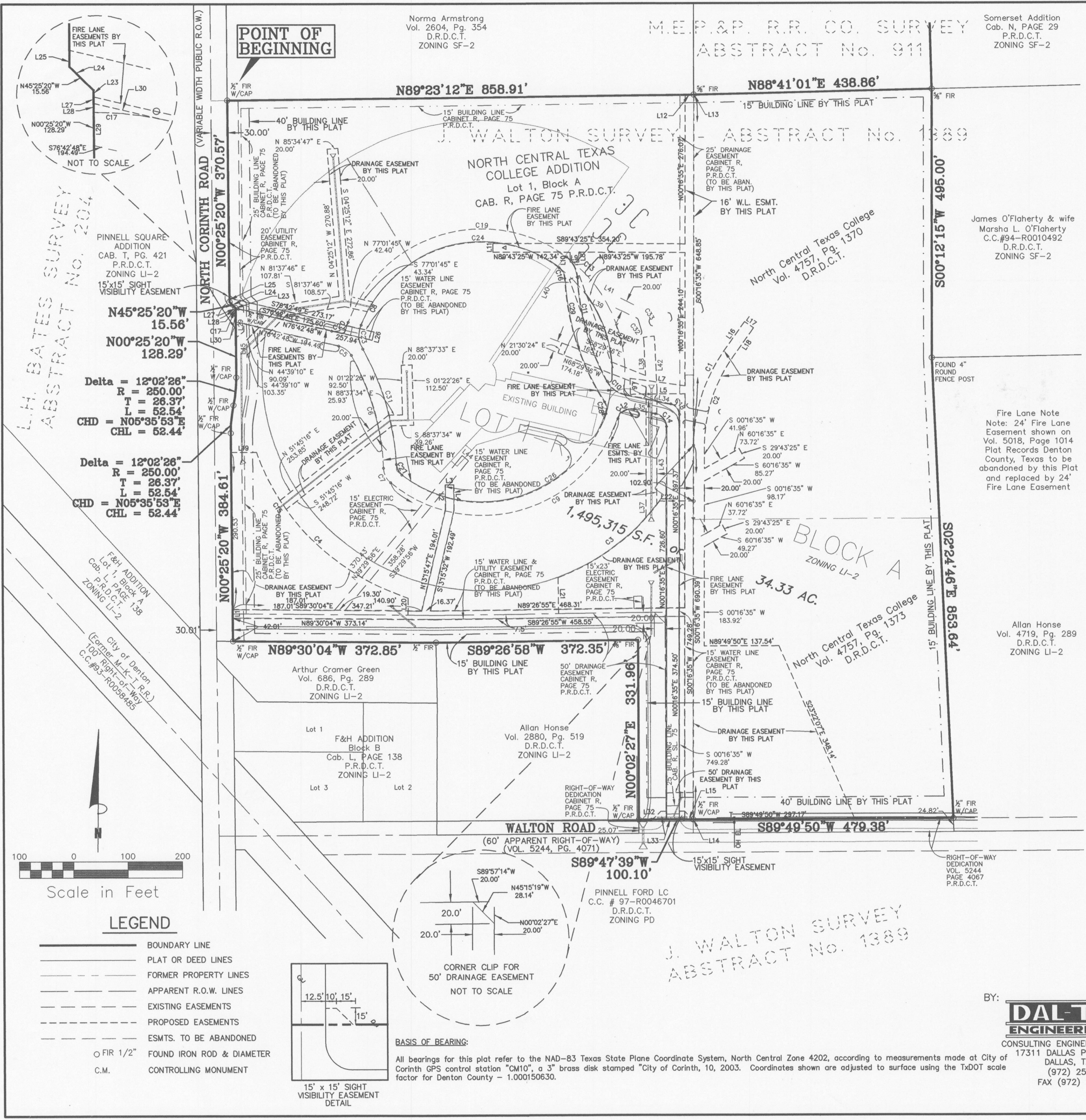
I hereby certify that this project does not exceed any of the three threshold criteria shown above and therefore the development would not warrant a Traffic Study in accordance with Section 4.02(C)(4) of the Land Development and Subdivision Regulations Ordinance No. 99-12-02-37 of the City of Corinth.

Name: Joseph T. Short Registration No. 79093 Date: 10/18/17

Firm: Lee Engineering Phone: 972.248.3006 Fax: 972.248.3855

For City Use Only: The requirement for a Traffic Study with this submittal is hereby waived:

Name: _____ Title: _____ Date: _____
Development Application Handbook 69 Date: 2016.06.16

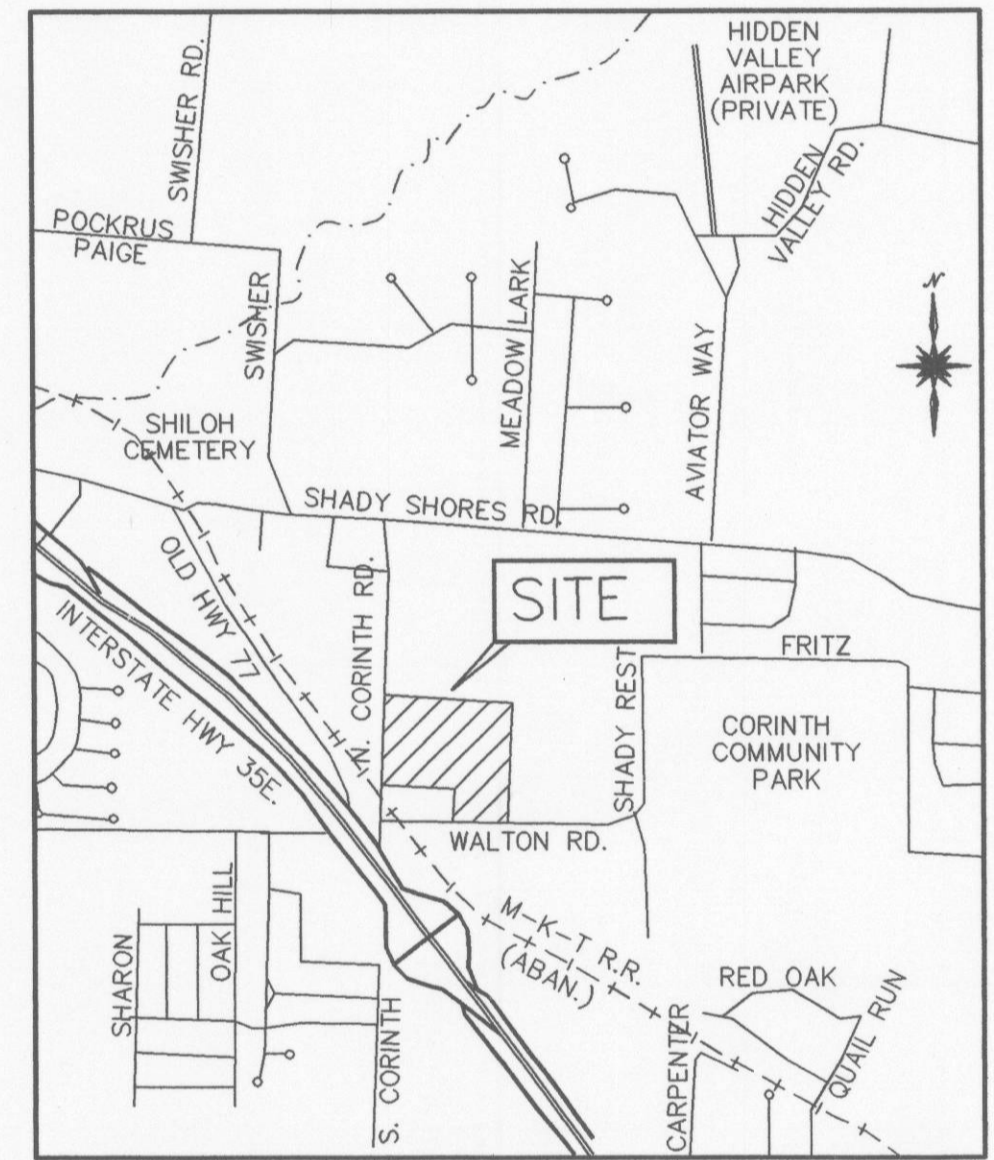


CURVE TABLE

NUMBER	DELTA	RADIUS	TANGENT	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	35°00'00"	310.00	97.74	189.37	N17°46'35"E	186.44
C2	35°00'00"	290.00	91.44	177.15	S17°46'35"W	174.41
C3	33°38'59"	406.00	122.77	238.44	N53°02'20"E	235.03
C4	52°13'19"	440.00	215.66	401.04	N45°50'16"W	387.30
C5	47°17'52"	36.00	15.76	29.72	N53°03'52"W	28.88
C6	27°43'24"	455.50	112.40	220.40	N15°33'14"W	218.26
C7	48°49'08"	36.00	16.34	30.67	N26°06'06"W	29.75
C8	05°01'44"	239.31	10.51	21.00	S30°42'24"W	21.00
C9	110°22'34"	265.00	381.12	510.50	S74°18'03"W	435.15
C10	49°49'53"	50.00	23.23	43.49	S53°19'42"E	42.13
C11	25°24'14"	450.00	101.55	199.75	S15°42'39"E	198.11
C12	82°38'35"	26.00	22.86	37.50	S60°26'04"W	34.33
C13	47°33'22"	50.00	22.03	41.50	S26°47'13"E	40.32
C14	75°00'01"	26.00	19.95	34.03	N40°51'40"W	31.66
C15	02°36'44"	440.00	10.03	20.06	N33°50'14"W	20.06
C16	50°25'57"	26.00	12.24	22.89	S28°13'31"E	22.15
C17	13°44'13"	24.00	2.89	5.75	S83°34'55"E	5.74
C18	58°15'42"	26.00	14.49	26.44	S38°59'01"E	25.31
C19	106°13'09"	263.31	350.82	488.14	N73°59'19"E	421.18
C20	82°33'01"	26.00	22.82	37.46	N62°00'43"E	34.30
C21	51°07'12"	51.50	24.63	45.95	N03°49'39"W	44.44
C22	104°50'19"	239.31	310.97	437.88	S74°08'21"E	379.30
C23	109°03'15"	241.00	338.21	458.71	S73°18'18"W	392.54
C24	49°44'19"	26.00	12.05	22.57	N27°17'55"W	21.87
C25	50°58'17"	26.00	12.39	23.13	S06°42'28"E	22.37
C26	29°11'05"	474.50	123.53	241.70	S17°36'05"E	239.09
C27	26°57'27"	479.50	114.93	225.60	N15°54'30"W	223.53
C28	61°40'44"	65.00	38.81	69.97	N33°18'53"W	66.64
C29	61°40'44"	85.00	50.75	91.50	S33°18'53"E	87.15

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N00°25'20"W	16.00'
L2	N00°25'20"W	44.50'
L3	N89°34'39"E	16.00'
L4	S00°24'17"E	46.42'
L5	S89°34'40"W	100.65'
L6	N00°25'20"W	30.00'
L7	S82°00'07"E	101.93'
L8	S00°16'35"W	17.66'
L9	N89°43'25"W	16.00'
L10	N00°16'35"E	17.66'
L11	NORTH	16.00'
L12	N89°23'12"E	15.51'
L13	N88°41'01"E	0.50'
L14	S89°49'50"W	0.50'
L15	S89°47'39"W	15.50'
L16	N35°16'35"E	65.82'
L17	S54°43'25"E	20.00'
L18	S35°16'35"W	65.82'
L19	S89°34'40"W	46.93'
L20	N00°29'56"E	31.84'
L21	N00°33'05"W	67.27'
L22	S89°43'25"E	62.27'
L23	N00°25'20"W	0.51'
L24	N45°25'20"W	15.56'
L25	N00°25'20"E	7.64'
L26	S13°17'11"W	16.00'
L27	N00°25'20"W	0.51'
L28	S00°25'20"E	0.71'
L29	N00°25'20"W	24.00'
L30	N76°42'48"W	5.87'
L31	N89°47'39"E	50.60'
L32	S89°47'39"W	24.00'
L33	S78°14'39"E	85.21'
L34	S78°14'39"W	39.76'
L35	N00°16'35"E	243.17'
L36	N02°28'31"W	61.40'
L37	N64°08'13"W	114.47'
L38	N25°50'47"E	20.00'
L39	S64°09'13"E	114.47'
L40	S02°28'03"E	87.27'
L41	S00°16'35"W	215.89'
L42	S50°30'05"E	15.00'
L43	N00°25'20"W	28.25'



VICINITY MAP
SCALE: 1"=2000'
FT. WORTH MAPSCO PAGE 449-B

FINAL PLAT
NORTH CENTRAL TEXAS
COLLEGE ADDITION No. 2
LOT 1-R, BLOCK A

BEING PART OF A CALLED 6.212 ACRE UNPLATTED TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO THE NORTH CENTRAL TEXAS COLLEGE AS RECORDED IN VOLUME 4757, PAGE 1373, DEED RECORDS, DENTON COUNTY, TEXAS (D.R.D.C.T.), AND ALL OF A CALLED 8.000 ACRE UNPLATTED TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO THE NORTH CENTRAL TEXAS COLLEGE AS RECORDED IN VOLUME 4757, PAGE 1370, D.R.D.C.T., AND BEING A REPLAT OF LOT 1, BLOCK A, OUT OF THE NORTH CENTRAL TEXAS COLLEGE ADDITION, AN ADDITION TO THE CITY OF CORINTH, DENTON COUNTY, TEXAS, RECORDED IN CABINET R, PAGE 75, PLAT RECORDS, DENTON COUNTY, TEXAS.

BY: **DAL-TECH ENGINEERING, INC.**
CONSULTING ENGINEERS & SURVEYORS
17311 DALLAS PKWY., STE. 200
DALLAS, TX 75248
(972) 250-2727
FAX (972) 250-4774

OWNER:
NORTH CENTRAL TEXAS COLLEGE
STEPHEN BROYLES, PROJECT MANAGER
1525 W. CALIFORNIA ST.
GAINESVILLE, TX 76240
(940) 668-4201
FAX (940) 668-4244

34.33 ACRES
OUT OF THE
J. WALTON SURVEY,
ABSTRACT NO. 1389
CITY OF CORINTH, DENTON COUNTY, TEXAS

DATE: 07/25/06 SCALE: 1"=100' DTE JOB #0346 SHT. 1 OF 2

CabX pg 566

**VERIZON CELL TOWER
DRAFT ORDINANCE**

ORDINANCE NO. 18-03.15-___

SUP – Cell Tower Verizon (NCTC Site)

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE, ORDINANCE NO. 13-05-02-08, AS AMENDED, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW CONSTRUCTION OF A CELL TOWER AT A HEIGHT OF 121 FOOT SITUATED ON PROPERTY ZONED I, INDUSTRIAL AND LEGALLY DESCRIBED AS LOT 1-R, BLOCK A, NORTH CENTRAL TEXAS COLLEGE ADDITION NO. 2 BEING 34.33 ACRES; PROVIDING A LEGAL PROPERTY DESCRIPTION; APPROVING A SITE PLAN; 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 13-05-02-08, as amended, 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 I, Industrial under the City's Unified Development Code and a person having a proprietary interest in the property has requested a Specific Use Permit to allow a Cell Tower 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 Specific Use Permit for a Cell Tower should be granted; and

WHEREAS, the City Council considered the following factors in making a determination as to whether the requested Specific Use Permit for a Cell Tower 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; 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 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 has determined that the use will complement or be compatible with the surrounding uses and community facilities, contribute to, enhance or promote the welfare of the area of the Property and adjacent properties, and not be detrimental to the public health, safety or general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION I - LEGAL PROPERTY DESCRIPTION; AMENDMENT

The Unified Development Code of the City of Corinth, Ordinance No. 13-05-02-08, as amended, is hereby amended to permit a specific use permit for a Cell Tower restricted to 121' in height on 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 as described in the metes and bounds description set forth in "Exhibit A" attached.

SECTION II – SITE PLAN

The Site Plan documents approved and described as “Exhibit B” attached hereto and made a part hereof for all purposes shall be adhered to for the purposes of the proposed Specific Use Permit for a Cell Tower.

SECTION III – LAND USE REGULATIONS

The regulations contained in the Comprehensive Zoning Ordinance a part of the Unified Development Code of the City of Corinth, Ordinance No. 13-05-02-08, as amended, including Sections 2.05.04 I, Industrial and 2.07.03 – Use Chart and the criteria found in Section 2.07.04 Conditional Development Standards 19.

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 VI – EFFECTIVE DATE

This ordinance shall become effective after approval and publication as provided by law.

PASSED AND APPROVED THIS 15th DAY OF MARCH 2018

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

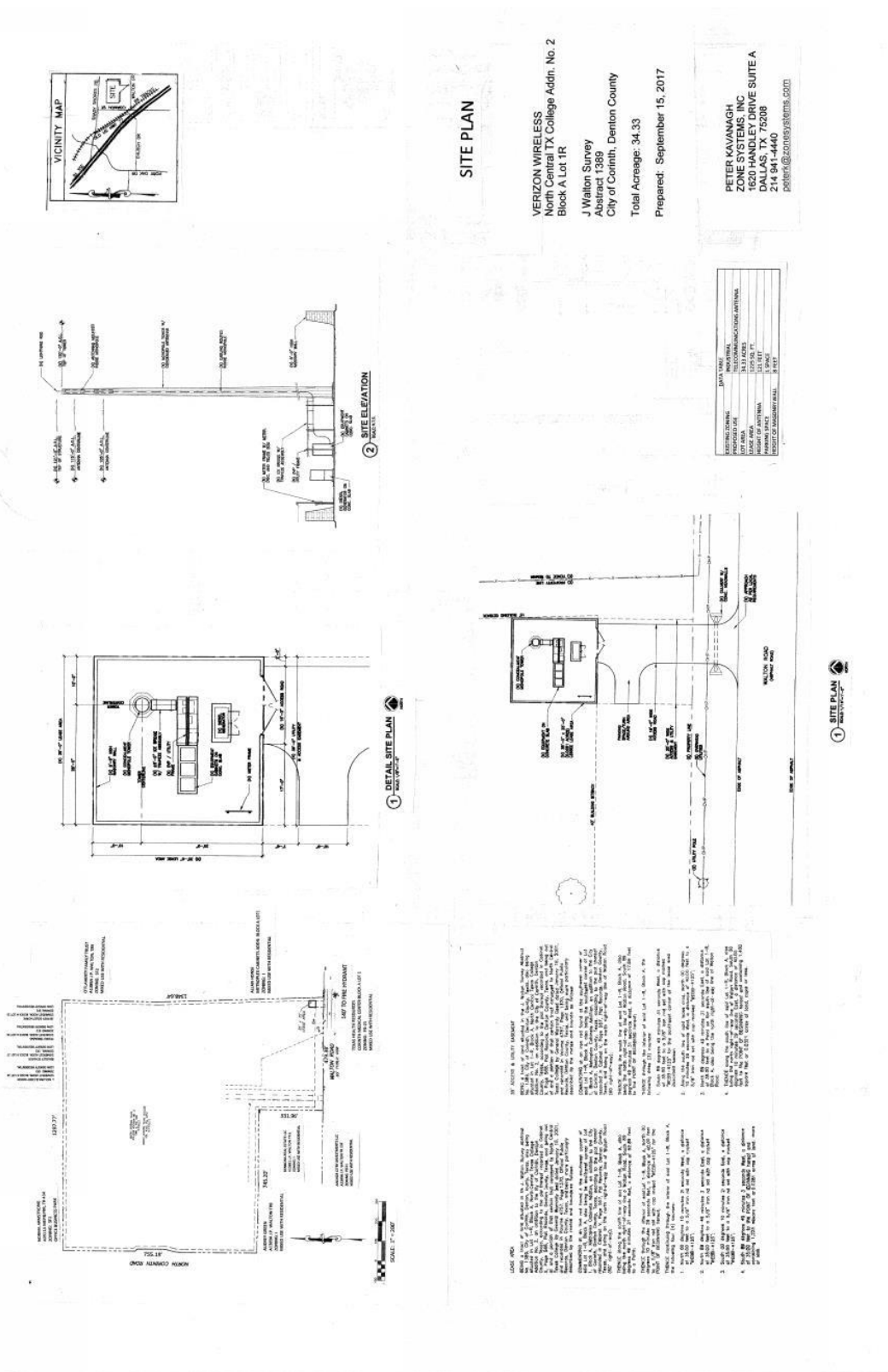
APPROVED AS TO FORM:

City Attorney

**EXHIBIT “A”
LEGAL DESCRIPTION**

AREA TO BE DETERMINED BY THE PLANNING AND ZONING COMMISSION
RECOMMENDATION AND CITY COUNCIL APPROVAL AND ADDED TO THE ORDINANCE
BY METES AND BOUNDS FOR THE SPECIFIC AREA APPROVED.

EXHIBIT “B” Site Plan Layout



City Council Regular and Workshop Session

Meeting Date: 03/15/2018
Title: Photovoltaic Systems - Solar Panels Attached / Detached
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 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.

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 and City Council meeting by newspaper is required for zoning text amendments.

AGENDA ITEM DESCRIPTION

The amendment to the City of Corinth’s Zoning Regulations is a key step in the SolSmart Program. SolSmart is a national community designation program, funded by the U.S. Department of Energy, designed to recognize communities that take steps to make it easier for businesses and residents to go solar. Communities committed to pursuing SolSmart designation are eligible for no-cost technical assistance from a team of national solar and local government experts.

North Central Council of Governments (NCTCOG) is serving as the technical assistance provider to assist in evaluating existing solar policies and processes and in submitting application materials. The City of Corinth Building Department is working with NCTCOG in preparing application to be a SolSmart designated city and achieving a Bronze, Silver or Gold designation. The general theme is to streamline the permit process however, the Building Department is working on all of our processes including improving solar market conditions, making it faster, easier, and more affordable for our residents and businesses to install solar energy systems. These efforts will also increase the efficiency of local processes related to solar development, which may save our local government time and money.

The City of Corinth will leverage SolSmart to achieve the following goals:

- Develop a streamlined process for solar permitting or inspections.
- Develop and execute a community solar program.
- Expand and communicate solar finance options for residential or commercial properties.

These efforts demonstrate that our community is committed to driving continual improvement in our solar market, and in the process of doing so, all the related areas identified as community priorities in our relevant plans or initiatives.

In order to measure progress along the way, the City of Corinth has and will continue to track key metrics related to solar energy deployment, such as installed solar capacity the and number of installations across sectors.

Inquiries related to community name's SolSmart participation can be directed to Cleve Joiner, Building Official at [Company E-mail] or [Company Phone]. designation of SolSmart part of the permit process.

There has been some discussion into the power of Homeowners Associations and recent legislation. Below is a synopsis of Texas House Bill HB 362 and The Texas Property regarding solar installations.

Texas House Bill (HB) 362: The passage of HB-362 limited homeowners associations (HOAs) and property owners associations (POAs) from restricting solar devices outright. To comply with this law, homeowners that live in neighborhoods with HOAs must still follow the normal procedures for seeking improvements, including a written request or application to an appointed Architecture Review Committee or similar council. HB-362 amended Texas Property Code Section 202.010 as outlined below.

Texas Property Code Section 202.010: HOAs and POAs cannot prohibit or restrict a property owner from installing a solar energy device as defined by Texas Tax Code Section 171.107. However, the following exceptions do give HOAs the power to restrict solar panels if one of the following conditions exist:

- If the solar energy devices are illegal or violate public health and safety
- If they are located on common property within the subdivision
- If they extend higher than the roofline, do not conform to the slope of the roof, or are not parallel to the roofline
- If they are ground-mounted and extend above the homeowner's fence
- If they are installed in a way that voids the warranties
- If they have an element that is not in a silver, bronze, or black tone
- If they are installed without prior approval by the HOA

HOAs can also designate where solar panels may be placed on a homeowner's roof. However, the homeowner can petition for an alternate location if he or she can prove that the alternate location would increase the estimated annual energy production of the solar panels by more than 10% by using a modelling tool provided by the National Renewable Energy Laboratory, such as the *PVWatts Calculator*.

www.gosolartexas.org

RECOMMENDATION

Staff recommends approval on the zoning text amendment associated with the Photovoltaic Systems (attached and detached) as presented.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission met on Monday February 26, 2018 and unanimously (5-0) recommended to approve the ordinance as presented.

Attachments

Solar Ordinance

AN ORDINANCE AMENDING SECTIONS 2.07.03 AND 2.07.04 OF THE CORINTH UNIFIED DEVELOPMENT CODE TO AMEND USES PERMITTED BY DISTRICT TO ALLOW PHOTOVOLTAIC SYSTEMS IN ALL ZONING DISTRICTS; PROVIDING FOR PUBLICATION; PROVIDING A REPEALER AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY, 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 is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, the City adopted the Unified Development Code which specifies types of uses within all zoning districts as part of the development process; and

WHEREAS, it is the intent of the Corinth City Council to amend the Unified Development Code by amending uses to include the application of Photovoltaic (PV) system to enhance the development process; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1.

That Section 2, Zoning Regulations, Subsection 2.07, Zoning Use Regulations, Paragraph 2.07.03, Use Chart, of the Corinth Unified Development Code is hereby amended by adding Photovoltaic Systems (attached) as permitted in all Districts, and by adding Photovoltaic Systems (detached) as permitted in all Districts provided the requirements of Section 2.07.07 Accessory Buildings and Uses is met. Paragraph 2.07.03 Use Chart shall be amended by the addition of the following uses:

Uses	Residential Zoning Districts									Nonresidential Zoning Districts					Special Zoning Districts			Vehicle Parking Regulations
	SF -1	SF -2,	SF -3,	SF -4	SF -A	MX-D	MF-1	MF-2	MF-3	C-1	C-2	C-3	I	U-1	MX-R	MX-C	P-D	
Photovoltaic Systems (attached)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Photovoltaic Systems (detached)	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	P-22	

SECTION 2.

That Section 2, Zoning Regulations, Subsection 2.07, Zoning Use Regulations, Paragraph 2.07.04, Conditional Development Standards, Subparagraph 2.07.04(A) of the Corinth Unified Development Code is hereby amended by the addition of Article 2.07.04(A)(22), which shall read as follows:

“2.07.04. - Conditional Development Standards

A. The following conditional development standards shall apply:

...

22. Photovoltaic Systems (detached) Standards

a. See 2.07.07. Accessory Buildings and Uses for standards.”

SECTION 3.

That all ordinances of the City in direct conflict with the provisions of this Ordinance are hereby repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect, to the extent provided by law.

SECTION 4.

Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

SECTION 5.

The City Secretary of the City of Corinth is directed to publish the caption, publication clause and effective date of this Ordinance to the extent required by law.

SECTION 6.

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing the fire safety or public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7.

This Ordinance shall be in full force and effect from and after its passage and publications as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 15TH DAY OF MARCH, 2018.

The Honorable Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Mack Reinwand, City Attorney

BUSINESS ITEM 10.

City Council Regular and Workshop Session

Meeting Date: 03/15/2018

Title: Contract for Election Services

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

AGENDA ITEM SUMMARY/BACKGROUND

You will notice in this contract Denton County changed voting systems to Hart Intercivic's Verity system. Verity is a true "Ballot on demand" system. Once the voter checks in, their appropriate ballot will be printed. This avoids waste, as only the number of ballots used will be printed. After the voter marks the ballot, they will feed it into a digital scanner and the paper ballot will be deposited in the ballot box. The Verity system was first used during the November 2017 election and it was a hit with Denton County, the poll workers, and the voters.

The final estimated costs for each participating authority will be submitted by the Denton County Elections Department once all the entities have specified whether or not they will be conducting an election.

The cost will be split proportionately between the City, Denton ISD and Lake Dallas ISD. If Denton ISD and Lake Dallas ISD cancel their election the total cost will be paid in full by the City of Corinth for all election materials and equipment. Staff will update the Council as further information becomes available.

RECOMMENDATION

Staff recommends approval of the Joint Election Agreement and Contract for election services for the May 5, 2018 General Election.

Attachments

Joint Contract for Election Services
Signature Page

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS CONTRACT for election services is made by and between the Denton County Elections Administrator and the following political subdivisions located entirely or partially inside the boundaries of Denton County:

{Insert Entities Here}

This contract is made pursuant to Texas Election Code Sections 31.092 and 271.002 and Texas Education Code Section 11.0581 for a joint May 5, 2018 election to be administered by Frank Phillips, Denton County Elections Administrator, hereinafter referred to as "Elections Administrator."

RECITALS

Each participating authority listed above plans to hold a general and/or special election on May 5, 2018.

The County owns the Hart InterCivic Verity Voting System, which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements for persons with disabilities set forth by Texas Election Code Section 61.012. The contracting political subdivisions desire to use the County's electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The parties agree to hold a "Joint Election" with each other in accordance with Chapter 271 of the Texas Election Code and this agreement. The Denton County Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this agreement. Each participating authority agrees to pay the Denton County Elections Administrator for equipment, supplies, services, and administrative costs as provided in this agreement. The Denton County Elections Administrator shall serve as the administrator for the Joint Election; however, each participating authority shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of each participating authority as necessary.

It is understood that other political subdivisions may wish to participate in the use of the County's Verity voting system and polling places, and it is agreed that the Elections Administrator may enter into other contracts for election services for those purposes on terms and conditions generally similar to those set forth in this contract. In such cases, costs shall be pro-rated among the participants according to Section XI of this contract.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating authorities shall share a mutual ballot in those polling places where jurisdictions overlap.

II. LEGAL DOCUMENTS

Each participating authority shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or the participating authority's governing body, charter, or ordinances, except that the Elections Administrator shall be responsible for the preparation and publication of all voting equipment testing notices that are required by the Texas Election Code. Election orders should include language that would not necessitate amending the order if any of the Early Voting and/or Election Day polling places change.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the Denton County Elections Administrator.

III. VOTING LOCATIONS

The Elections Administrator shall select and arrange for the use of and payment for all Early Voting and Election Day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by each participating city, and shall be compliant with the accessibility requirements established by Election Code Section 43.034 and the Americans with Disabilities Act (ADA). All Early Voting and Election Day locations shall be located in Denton County. The proposed voting locations are listed in Attachment A of this agreement. In the event that a voting location is not available or appropriate, the Elections Administrator will arrange for the use of an alternate location. The Elections Administrator shall notify the participating authorities of any changes from the locations listed in Attachment A.

If polling places for the May 5, 2018 joint election are different from the polling place(s) used by a participating authority in its most recent election, the authority agrees to post a notice no later than May 4, 2018 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the political subdivision's polling place names and addresses in effect for the May 5, 2018 election. This notice shall be written in both the English and Spanish languages.

IV. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

Denton County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location. The Elections Administrator shall make emergency appointments of election officials if necessary.

Upon request by the Elections Administrator, each participating authority agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish). In compliance with the Federal Voting Rights Act of 1965, as amended, each polling place containing more than 5% Hispanic population as determined by the 2010 Census shall have one or more election official who is fluent in both the English and Spanish languages. If a presiding judge is not bilingual, and is unable to appoint a bilingual clerk, the Elections Administrator may recommend a bilingual worker for the polling place. If the Elections Administrator is unable to recommend or recruit a bilingual worker, the participating authority or authorities served by that polling place shall be responsible for recruiting a bilingual worker for translation services at that polling place.

The Elections Administrator shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve.

The Elections Administrator shall arrange for the training and compensation of all election judges and clerks. Election judges and clerks who attend voting equipment training and/or procedures training shall be compensated at the rate of \$9 per hour.

The Elections Administrator shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Administrator notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge and clerk will receive compensation at the hourly rate established by Denton County (\$11 an hour for presiding judges, \$10 an hour for alternate judges, and \$9 an hour for clerks) pursuant to Texas Election Code Section 32.091. The election judge, or his designee, will receive an additional sum of \$25.00 for returning the supplies and equipment to the central counting station after the polls close.

The Elections Administrator may employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel working as members of the Early Voting Ballot Board and/or central counting station on election night will be compensated at the hourly rate set by Denton County in accordance with Election Code Sections 87.005, 127.004, and 127.006.

V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all election supplies and voting equipment including, but not limited to, the County's Verity voting system and equipment, sample ballots, voter registration lists, and all forms, signs, maps and other materials used by the election judges at the voting locations. Any additional required materials (required by the Texas Election Code) must be provided by the entity, and delivered to the Elections Office 33 days (April 2, 2018) prior to Election Day. If this deadline is not met, the materials must be delivered by the entity, to all Early Voting and Election Day locations affected, prior to voting commencing. The Elections Administrator shall ensure availability of tables and chairs at each polling place and shall procure rented tables and chairs for those polling places that do not have tables and/or chairs. The Elections Administrator shall be responsible for conducting all required testing of the voting equipment, as required by Chapters 127 and 129 of the Texas Election Code.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The Elections Administrator shall provide the necessary voter registration information, maps, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election.

Each participating authority shall furnish the Elections Administrator a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). Said list must be in a Word document, the information must be in an upper and lower case format, be in an Arial 10 point font, and contain candidate information for the purposes of verifying the pronunciation of each candidate's name. Each participating authority shall be responsible for proofreading and approving the ballot and the audio recording of the ballot, insofar as it pertains to that authority's candidates and/or propositions.

The joint election ballots that contain ballot content for more than one joint participant because of overlapping territory shall be arranged in the following order: Independent School District, City, Water District(s), and other political subdivisions.

Early Voting by Personal Appearance and voting on Election Day shall be conducted exclusively on Denton County's Verity voting system.

The Elections Administrator shall be responsible for the preparation, testing, and delivery of the voting equipment for the election as required by the Election Code.

The Elections Administrator shall conduct criminal background checks on relevant employees upon hiring as required by Election Code Section 129.051(g).

VI. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the Election Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Each participating authority agrees to appoint the Elections Administrator's permanent county employees as deputy early voting clerks. The participating authorities further agree that the Elections Administrator may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary, and that these additional deputy early voting clerks shall be compensated at an hourly rate set by Denton County pursuant to Section 83.052 of the Texas Election Code. Deputy early voting clerks who are permanent employees of the Denton County Elections Administrator or any participating authority shall serve in that capacity without additional compensation.

Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any of the joint early voting locations.

As Early Voting Clerk, the Elections Administrator shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the participating authorities shall be forwarded immediately by fax or courier to the Elections Administrator for processing. The address for the Denton County Early Voting Clerk is:

Frank Phillips, Early Voting Clerk
Denton County Elections
PO Box 1720
Denton, TX 76202
Elections@dentoncounty.com

Any requests for early voting ballots to be voted by mail, and the subsequent actual voted ballots, that are sent by a contract carrier (ie. UPS, FedEx, etc.) should be delivered to the Early Voting Clerk at the Denton County Elections Department physical address as follows:

Frank Phillips, Early Voting Clerk
Denton County Elections
701 Kimberly Drive, Suite A101
Denton, TX 76208
Elections@dentoncounty.com

The Elections Administrator shall post on the county website each participating authority's early voting report on a daily basis and a cumulative final early voting report following the close of early voting. In accordance with Section 87.121(g) of the Election Code, the daily reports showing the previous day's early voting activity will be posted to the county website no later than 8:00 a.m. each business day.

VII. EARLY VOTING BALLOT BOARD

Denton County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Administrator, shall appoint two or more additional members to constitute the EVBB. The Elections Administrator shall determine the number of EVBB members required to efficiently process the early voting ballots.

The Elections Administrator shall determine whether a Signature Verification Committee is necessary, and if so, shall appoint the members.

VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

The Elections Administrator shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Sections 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager:	Frank Phillips, Denton County Elections Administrator
Tabulation Supervisor:	Brandy Grimes, Deputy Denton County Elections Administrator
Presiding Judge:	Early Voting Ballot Board Judge
Alternate Judge:	Early Voting Ballot Board Alternate Judge

The counting station manager or his representative shall deliver timely cumulative reports of the election results as precincts report to the central and remote counting stations and are tabulated by posting on the Elections website. The manager shall be responsible for releasing unofficial cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies at the central counting station (if requested) and by posting to the Denton County web site. To ensure the accuracy of reported election returns, results printed on the tapes produced by Denton County's voting equipment will not be released to the participating authorities at the remote collection sites or by phone from individual polling locations.

The Elections Administrator will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to each participating authority as soon as possible after all returns have been tabulated. The Elections Administrator will include the tabulation and precinct-by-precinct results that are required by Texas Election Code Section 67.004 for the participating entities to conduct their respective canvasses. Each participating

authority shall be responsible for the official canvass of its respective election(s), and shall notify the Elections Administrator, or his designee, no later than three days after Election Day of the date of the canvass.

The Elections Administrator shall prepare and deliver by email to each participating entity, the electronic precinct-by-precinct results reports for uploading, by the entity, to the Secretary of State as required by Section 67.017 of the Election Code.

The Elections Administrator shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

IX. PARTICIPATING AUTHORITIES WITH TERRITORY OUTSIDE DENTON COUNTY

Each participating authority with territory containing population outside Denton County agrees that the Elections Administrator shall administer only the Denton County portion of those elections.

X. RUNOFF ELECTIONS

Each participating authority shall have the option of extending the terms of this agreement through its runoff election, if applicable. In the event of such runoff election, the terms of this agreement shall automatically extend unless the participating authority notifies the Elections Administrator in writing within 3 business days of the original election.

Each participating authority shall reserve the right to reduce the number of early voting locations and/or Election Day voting locations in a runoff election.

Each participating authority agrees to order any runoff election(s) at its meeting for canvassing the votes from the May 5, 2018 election and to conduct its drawing for ballot positions at or immediately following such meeting in order to expedite preparations for its runoff election.

Each participating authority eligible to hold runoff elections agrees that the date of the runoff election, if necessary, shall be Saturday, June 16, 2018.

XI. ELECTION EXPENSES AND ALLOCATION OF COSTS

The participating authorities agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on the average cost per election day polling place (unit cost) as determined by adding together the overall expenses and dividing the expenses equally among the total number of polling places. Costs for polling places shared by more than one participating authority shall be pro-rated equally among the participants utilizing that polling place.

It is agreed that charges for Election Day judges and clerks and Election Day polling place rental fees shall be directly charged to the appropriate participating authority rather than averaging those costs among all participants.

If a participating authority's election is conducted at more than one election day polling place, there shall be no charges or fees allocated to the participating authority for the cost of election day polling places in which the authority has fewer than 50% of the total registered voters served by that polling place, except that if the number of registered voters in all of the authority's polling places is less than the 50% threshold, the participating authority shall pay a pro-rata share of the costs associated with the polling place where it has the greatest number of registered voters.

Costs for Early Voting by Personal Appearance shall be allocated based upon the actual costs associated with each early voting site. Each participating authority shall be responsible for a pro-rata portion of the actual costs associated with the early voting sites located within their jurisdiction. Participating authorities that do not have a regular (non-temporary) early voting site within their jurisdiction shall pay a pro-rata portion of the nearest regular early voting site.

Costs for Early Voting by mail shall be allocated according to the actual number of ballots mailed to each participating authority's voters.

Each participating authority agrees to pay the Denton County Elections Administrator an administrative fee equal to ten percent (10%) of its total billable costs in accordance with Section 31.100(d) of the Texas Election Code.

The Denton County Elections Administrator shall deposit all funds payable under this contract into the appropriate fund(s) within the county treasury in accordance with Election Code Section 31.100.

The Denton County Elections Administrator reserves the right to adjust the above formulas in agreement with any individual jurisdiction if the above formula results in a cost allocation that is inequitable.

If any participating authority makes a special request for extra Temporary Branch Early Voting by Personal Appearance locations as provided for by the Texas Election Code, that entity agrees to pay the entire cost for that request.

Participating authorities having the majority of their voters in another county, and fewer than 500 registered voters in Denton County, and that do not have an election day polling place or early voting site within their Denton County territory shall pay a flat fee of \$400 for election expenses.

Election expenses, including but not limited to, overtime charges for Elections Office Staff, and any unforeseen expenses needed to conduct the election, will be borne by the Participating Authority or Authorities, affected.

XII. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Any participating authority may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code. The withdrawing authority is fully liable for any expenses incurred by the Denton County Elections Administrator on behalf of the authority plus an administrative fee of ten percent (10%) of such expenses. Any monies deposited with the Elections Administrator by the withdrawing authority shall be refunded, minus the aforementioned expenses and administrative fee, if applicable.

It is agreed that any of the joint election early voting sites that are not within the boundaries of one or more of the remaining participating authorities, with the exception of the early voting site located at the Denton County Elections Building, may be dropped from the joint election unless one or more of the remaining participating authorities agreed to fully fund such site(s). In the event that any early voting site is eliminated under this section, an addendum to the contract shall be provided to the remaining participants within five days after notification of all intents to withdraw have been received by the Elections Administrator.

XIII. RECORDS OF THE ELECTION

The Elections Administrator is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the Elections Administrator or at an alternate facility used for storage of county records. The Elections Administrator shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the Elections Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the Elections Administrator any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIV. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. By signing this document, the presiding officer of the contracting participating authority agrees that any recount shall take place at the office of the Elections Administrator, and that the Elections Administrator shall serve as Recount Supervisor and the participating authority's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The Elections Administrator agrees to provide advisory services to each participating authority as necessary to conduct a proper recount.

XV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, other districts and political subdivisions may wish to participate in the use of the County’s election equipment and voting places, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.
2. The Elections Administrator shall file copies of this document with the Denton County Treasurer and the Denton County Auditor in accordance with Section 31.099 of the Texas Election Code.
3. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.
4. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Denton County, Texas.
5. In the event that one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
6. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
7. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
8. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.
9. Failure for a participating authority to meet the deadlines as outlined in this contract or on the calendar (Attachment C) may result in additional charges, including but not limited to, overtime charges, etc.

XVI. COST ESTIMATES AND DEPOSIT OF FUNDS

The total estimated obligation for each participating authority under the terms of this agreement is listed below. The exact amount of each participating authority’s obligation under the terms of this agreement shall be calculated after the May 5, 2018 election (or runoff election, if applicable). The participating authority’s obligation shall be paid to Denton County within 30 days after the receipt of the final invoice from the Denton County Elections Administrator.

The total estimated obligation for each participating authority under the terms of this agreement shall be provided within 45 days after the last deadline for ordering an election.

	Estimated	
Political Subdivision	Cost	

XVII. SIGNATURE PAGE (separate page)

Revised 1.22.2018 (10:45 a.m.)

All contract attachments (A, B, and C), political subdivisions, and estimated costs will be added to the actual contract and will be sent after the February 16th, 2018 deadline to call the May Election.

XVII. JOINT CONTRACT ACCEPTANCE AND APPROVAL

IN TESTIMONY HEREOF, this agreement has been executed on behalf of the parties hereto as follows, to-wit:

- (1) It has on the ____ day of _____, 2018 been executed by the Denton County Elections Administrator pursuant to the Texas Election Code so authorizing;
- (2) It has on the ____ day of _____, 2018 been executed on behalf of the City of Corinth pursuant to an action of the Corinth City Council so authorizing;

ACCEPTED AND AGREED TO BY DENTON COUNTY ELECTIONS ADMINISTRATOR:

APPROVED:

Frank Phillips, CERA

ACCEPTED AND AGREED TO BY THE CITY OF CORINTH.

APPROVED:

ATTESTED:

TITLE OF PRESIDING OFFICER

TITLE OF PERSON ACTING AS SECRETARY

City Council Regular and Workshop Session

Meeting Date: 03/15/2018
Title: Unattended Donation / Collection Boxes
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 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.

AGENDA ITEM SUMMARY/BACKGROUND

The City was contacted by a representative of a foundation associated with clothing donation/collection bins. The City's Attorney and City Staff have met with the foundation's representative and have participated in several conference calls on this topic. We found that several cities have adopted new ordinances or revised existing ordinances due to recent changes in case law.

Being proactive in creating the processes described in this ordinance will alleviate many of the community concerns related to illegal dumping around the area of the bins, poorly maintained bins, and/or aesthetics. The ordinance provides not only definitions but step by step instruction for the application and permitting process requiring an application fee, permit fee and a yearly renewal fee. The ordinance provides where the UDCB (Unattended Donation / Collection Boxes) may be placed and that it can only be an accessory use. Staff has reviewed the requirements of other Cities and incorporated many safeguards into this set of regulations.

RECOMMENDATION

Approval is at Council discretion.

Attachments

Unattended Donation/Collection Boxes Draft Ordinance

ORDINANCE 18-03-15-___

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 UNDER TITLE XI: - BUSINESS REGULATIONS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) 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 adding Chapter 118 – Unattended Donation / Collection Boxes to-wit:

Chapter 118 - UNATTENDED DONATION / COLLECTION BOXES

§ 118.01 - Purpose.

The purpose of these regulations is to promote the health, safety, and/or welfare of the public by providing minimum blight-related performance standards for the operation of unattended donation/collection boxes (“UDCBs”). These regulations serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of property by regulating UDCBs. This includes establishing criteria to ensure that material is not allowed to accumulate outside of the UDCBs, the UDCBs remain free of graffiti and blight, UDCBs are maintained in sanitary conditions, and residents and/or users are fully informed of those who operate the UDCBs so that they can be contacted if there are any blight-related questions or concerns.

§ 118.02 - Conflicting provisions.

Where a conflict exists between the regulations or requirements in this chapter and applicable regulations or requirements contained in other chapters of the OMC, the applicable regulations or requirements of this chapter shall prevail.

§ 118.03 - Violation.

Failure to comply with any of the provisions of this chapter is declared to be prima facie evidence of an existing violation, a continuing blight and a declared public nuisance and shall be abated by the director in accordance with the provisions of this chapter. Any person in violation will be subject to citations, administrative penalties, civil action and/or other legal remedies.

§ 118.04 - Responsibility.

The parcel owner and the UDCB operator (operator) have joint and several liability for violations of this chapter, including fees, citations, civil actions, and/or legal remedies relating to a UDCB. The parcel owner remains liable for any violation of duties imposed by this chapter even if the parcel owner has, by agreement, imposed on the operator the duty of complying with the provisions of this chapter.

§ 118.05 - Definitions.

"Accessory activity" means an activity that is incidental to, and customarily associated with, a specified principal activity.

"Agent" means a person who is authorized by the parcel owner to act on their behalf to be the applicant for a UDCB permit. To be considered an agent, a person must be given express written authorization from the parcel owner to apply specifically for a UDCB permit. For the purpose of this chapter, a person who is only given general authorization to act on the behalf of a parcel owner for various activities and transactions in regards to a property is not considered an agent.

"Blight" or "nuisance" means the conditions as set forth in Chapter 94 of the City of Corinth Code of Ordinances.

"City Manager" means the City Manager of the City of Corinth and his or her designees.

"Director" means the Director of the Planning and Development Department and his or her designees.

"Donated/collected material" means salvageable personal property, such as clothing and books and household items that is collected for periodic transport off-site for processing or redistribution or both.

"Parcel owner" or "property owner" means the owner of real property on which a UDCB is or is proposed to be placed.

"Person" includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

"Principal activity" means an activity that fulfills a primary function of an establishment, institution, household, or other entity.

"Principal building" means a main building that is occupied a principal activity.

"UDCB operator" or "operator" means a person or entity who utilizes or maintains a UDCB to solicit donations/collections of salvageable personal property.

"UDCB permit" means the City of Corinth's annually renewable permit required to place, operate, maintain, or allow a UDCB within the Corinth City limits.

"Unattended donation/collection boxes" or "UDCBs" means unstaffed drop-off boxes, containers, receptacles, or similar facility that accept textiles, shoes, books and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling.

"Unpermitted UDCB" means a UDCB established either without a UDCB permit or with a UDCB permit that was issued in error or on the basis of incorrect or incomplete information supplied, or in violation of any law, ordinance, rule, or regulation.

§ 118.06 - Permit required for UDCBs.

- A. With the exception of UDCBs described in Subsection B, below, it is unlawful to place, operate, maintain or allow a UDCB on any real property unless the parcel owner/agent and/or operator first obtain an annually renewable UDCB permit from the City. A separate UDCB permit is required for each UDCB.
- B. UDCBs that are either enclosed within a principal building or are accessory to a principal activity on a property owned or leased by the bin operator shall not require a UDCB permit. However, UDCBs that are accessory to a principal activity on a property owned or leased by the bin operator shall meet all other requirements of this chapter except the requirements contained in Subsection 118.12 (A), (B) and/or (C). Public and private schools are not subject to the requirements of this Chapter.
- C. The UDCB permit applicant shall be the UDCB operator and the permit may not be transferred, conveyed or otherwise assigned to another person or entity.

D. Decisions regarding UDCB permit applications shall be made by the Director and the Director shall be considered the investigating official acting for the City Manager.

§ 118.07 - Application requirements.

Applications for permits under this chapter shall file a written, sworn application with the Director. The UDCB permit application shall be made on a form provided by the city. All applications shall include:

- A. A signed agreement stating that the parcel owner/agent and operator will abide by all the processes and requirements described in this chapter;
- B. A non-refundable application fee in the amount of \$50.00;
- C. A signed authorization from the parcel owner/agent to allow placement of the UDCB;
- D. A signed acknowledgement of responsibility from the parcel owner/agent and the operator for joint and several liability for violations of this chapter;
- E. Proof of general liability insurance of at least \$1,000,000.00 covering the applicant's UDCB and naming the City of Corinth as an additional insured;
- F. For nonprofit operators, evidence that the nonprofit is recognized by the Internal Revenue Service as such;
- G. For for-profit operators, proof of an active business tax certificate;
- H. The name, address, email, website (if available) and telephone number of the UDCB operator and parcel owner, including 24-hour contact information;
- I. A vicinity map showing 1) the proposed location of the UDCB; and 2) the distance between the site and all existing UDCBs within 1,000 feet of the proposed UDCB location;
- J. Photographs of the location and adjacent properties;
- K. A site plan containing:
 - 1. Location and dimensions of all parcel boundaries;
 - 2. Location of all buildings;
 - 3. Proposed UDCB location;
 - 4. Distance between the proposed UDCB and parcel lines buildings;
 - 5. Location and dimension of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/markings; and
 - 6. Any other site information requested by the Director;
- L. Elevations showing the appearance, materials, and dimensions of the UDCB, including the information required in this chapter to be placed on the UDCB and notice sign;
- M. A description and/or diagram of the proposed locking mechanism of the UDCB;
- N. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the UDCB) that is sufficient to prevent/eliminate blight-related conditions; and
- O. Any other reasonable information regarding time, place, and manner of UDCB operation, placement, and/or maintenance that the Director requires to evaluate the proposal consistent with the requirements of this chapter.

§ 118.08 - UDCB permit expiration and renewal.

- A. Unless renewed as described in Subsection B, below, each UDCB permit shall expire and become null and void annually on the anniversary of its date of issuance.
- B. A UDCB operator may apply for permit renewal by submitting to the city at least one month prior to the expiration of the active UDCB permit. The UDCB permit renewal application shall be made on a form provided by the city. All applications shall be filed with the city and shall include:
 - 1. A signed agreement stating that the parcel owner/agent and operator will abide by all the processes and requirements described in this chapter;
 - 2. Photographs of the existing UDCB;
 - 3. A non-refundable application fee in the amount of \$50.00;
 - 4. A signed authorization from the parcel owner/agent to allow placement of the UDCB;
 - 5. A signed acknowledgement of responsibility from the parcel owner/agent and the operator for joint and several liability for violations of this chapter;
 - 6. Proof of general liability insurance of at least \$1,000,000.00 covering the applicant's UDCB and naming the City of Corinth as an additional insured;
 - 7. For nonprofit operators, evidence that the nonprofit is recognized by the Internal Revenue Service as such;
 - 8. For for-profit operators, proof of an active business tax certificate;
 - 9. The name, address, email, website (if available) and telephone number of the UDCB operator and parcel owner, including 24-hour contact information; and
 - 10. Any other reasonable information regarding time, place, and manner of UDCB operation, placement, and/or maintenance that the Director requires to evaluate the proposal consistent with the requirements of this chapter.
- C. The Director shall either approve or deny the renewal of a UDCB permit within 60 days of receipt of the complete renewal application and payment of the renewal fee. The failure of the Director to act within this timeframe shall constitute approval of the UDCB permit renewal.
- D. The Director shall approve the renewal of a UDCB permit if he or she finds that no circumstances existed during the term of the UDCB permit or existed at any time during the review of the application for renewal that are inconsistent with any criteria required for approval of a new UDCB permit as specified in Section 118.09 or that would justify the revocation of the UDCB permit as specified in Subsection 118.16.

§ 118.09 - Requirements for the approval and renewal of a UDCB permit.

The Director shall not issue a UDCB permit or renewal unless each of the following is true:

- A. The applicant has submitted a complete and accurate application accompanied by the applicable fee;
- B. There are no open citations, unpaid fines or unresolved violations or complaints related to any UDCB managed by the proposed operator;
- C. All existing unpermitted UDCBs that are managed by the proposed operator have been removed;
- D. Any verified blight on the subject property has been abated and any case of a complaint to the City regarding blighted conditions on the subject property has been closed; and
- F. The proposal is consistent with all the requirements of this chapter.

- G. For renewals, the site does not have a history of having nuisance conditions even if incidents of blight were abated. For the purpose of this subsection, "history of having nuisance conditions" means 2 notices of violation from the City have been sent to the applicant in the previous 12 months.

§ 118.10 - Time limit for final decision.

The Director shall provide a written decision regarding the placement of a UDCB within 60 days of the submission of a complete application for a UDCB permit.

§ 118.11 - Appeal and petition processes.

- A. Within ten calendar days after the date of a decision by the Director on an application for a UDCB permit or a renewal of such, an appeal from said decision must be filed by the applicant or any other interested party. The appeal shall be submitted to the Director. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the city and shall be filed with such Department, along with the appropriate fees required by the City. The appeal application must be complete and shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues during the appeal and/or in court.

If a hearing is held on the appeal, then during such hearing, the appellant will be limited to issues and/or evidence previously raised in the appeal application itself. The appellant shall not be permitted to present any other issues and/or oral, written and/or documentary evidence during the appeal process.

In considering the appeal, the City Manager shall determine whether the proposal conforms to the requirements of this chapter, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The written decision of the City Manager shall be final and shall be made within 60 days of the submission of the appeal.

- B. The applicant seeking placement of a UDCB which would be affected by this chapter and who contends that the ordinance as applied to him or her would be unlawful under and/or conflict with federal, state, or local law or regulation, must submit a petition to the City Manager requesting relief from the ordinance. Petitions must be on the appeal form provided by the city and submitted to the City Manager. Failure to submit such a petition will preclude such person from challenging the ordinance as applied in court. The Petition shall identify the name and address of the applicant and property owner, the affected application number, and shall state specifically and completely how the ordinance as applied to him or her would be unlawful under and/or in conflict with federal, state, or local law or regulation, and shall include payment of fees required by the City. Failure to raise each and every issue that is contested in the petition and provide appropriate supporting evidence will be grounds to deny the petition and will also preclude the petitioner from raising such issues in court.

If a hearing is held on the petition, then during such hearing, the petitioner will be limited to issues and/or evidence previously raised in the petition itself. The petitioner shall not be permitted to present any other issues and/or oral, written and/or documentary evidence during the petition process.

Within 60 calendar days of receipt of the completed petition, the City Manager, or designee, shall mail to the applicant a written determination accepting or rejecting the petition. The written decision of the City Manager is final. The City Manager will utilize reasonable time, place and manner

criteria to determine if the petition should be granted or denied consistent with this chapter. If the petition is granted, the City may impose reasonable time, place and manner-related conditions on the UDCB consistent with this chapter.

§ 118.12 - Location.

- A. No UDCB shall be located within 1,000 feet from any other UDCB, except those described in Subsection 118.06 (B).
- B. With the exception of areas described in Subsection (C), below, UDCBs are only allowed to be located in the following zones, which are designated in the zoning maps and described in the Unified Development Code:
 - 1. C-1, C-2, and C-3;
 - 2. I;
 - 3. U-1;
- C. No UDCBs are permitted within 100 feet of FM 2499, Lake Sharon Drive, and Corinth Parkway.
- D. A UDCB is only permitted on a lot that also contains a principal building that contains at least one operating business or other ongoing activity.
- E. UDCBs are prohibited within any of the following locations:
 - 1. Required building setback, landscaping, buffer yard, access easement, drainage easement, floodplain, driveway, required parking space, utility easement or fire lane;
 - 2. 200 feet from lots that are zoned or used for residential or mixed-use commercial purposes as designated in the City's zoning maps, said distance shall be measured from lot line to lot line;
 - 3. The public right-of-way and 20 feet of the public right-of-way;
 - 4. 5 feet from any property line; or
- F. UDCBs cannot block or impede access to:
 - 1. Required parking or driveways;
 - 2. Pedestrian routes;
 - 3. Emergency vehicle routes;
 - 4. Building ingress and egress;
 - 5. Required handicapped accessibility routes;
 - 6. Required easements;
 - 7. Trash enclosure areas or access to trash bins/trash enclosures; or
 - 8. Traffic nor visually impair any motor vehicle operation within a parking lot, driveway, or street.
- G. UDCBs cannot impede the functioning of exhaust, ventilation, or fire extinguishing systems.
- H. No more than one UDCB is permitted per parcel. A UDCB is only permitted on a lot that is platted. In the case of a shopping center or office development that consists of multiple platted lots, the Director shall treat the shopping center or office development as if it is one contiguous lot.
- I. The donation/collection area must be visible from inside the principal building and be no more than ten feet from a continually operating light source of at least one foot candle.

§ 118.13 - Physical attributes.

A. UDCBs shall:

1. Be fabricated of durable and waterproof materials;
2. Be placed on ground that is paved with durable cement;
3. Not exceed 50 square feet in size, and not be more than 72 inches high, 60 inches wide and 50 inches deep;
4. Not be electrically or hydraulically powered or otherwise mechanized;
5. Not be a fixture of the site or considered an improvement to real property;
6. The color and associated signage shall not be high-intensity or fluorescent; and
7. Have the following information conspicuously displayed on at least two-inch type visible from the front on the UDCB:
 - i. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the UDCB and the parcel owner/owner agent;
 - ii. Address and parcel number of the site;
 - iii. Instructions on the process to register a complaint regarding the UDCB to the City Code Enforcement Division;
 - iv. The type of material that may be deposited;
 - v. A notice stating that no material shall be left outside the UDCB;
 - vi. The pickup schedule for the UDCB;
 - vii. A City approved identification system that identifies the box as being properly permitted by the City; and
 - viii. Any disclosure required by law.

§ 118.14 - Maintenance.

- A. No blight shall be within 20 feet of the UDCB including, but not limited to donation/collection overflow, litter, debris, and dumped material.
- B. UDCBs shall be maintained and in good working order. Items to be repaired, removed, and/or abated include, but are not limited to graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
- C. UDCBs shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes the removal of donated/collected material and abatement of the blight described this section.
- D. The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
- E. UDCBs cannot be used for the collection of solid waste and/or any hazardous materials.

§ 118.15 - Liability.

Applicants and/or owner/owners agent shall maintain a minimum general liability insurance of \$1,000,000.00 for the duration of the operation of a UDCB at each site, to cover any claims or losses due to the placement, operation, or maintenance of the UDCB and naming the City of Corinth as additional insured.

§ 118.16 - Compliance process.

- A. Whenever the Director determines that a UDCB with a valid permit does not conform to any requirement in this chapter he/she shall promptly notify the parcel owner/agent and UDCB operator through electronic mail of the violation. The violation must be abated and proof of such submitted to the City within 24 hours after receipt of such notification.
- B. If an UDCB does not have a current, valid permit, then both the UDCB and any blight within 20 feet of the UDCB shall be removed within 24 hours after the parcel owner/agent or UDCB operator is notified of the violation.
- C. The property owner or owner's agent shall have the right to rescind consent for a UDCB to be placed on the property, provided written notice of the rescission is provided to the UDCB operator and the city, and the UDCB shall be removed from the property within 24 hours of such rescission.
- D. Each day that a violation of a requirement of this chapter is not abated constitutes a new and separate offense.
- E. Any UDCB located within the jurisdiction of the City that does not have a current, valid permit shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees.
- F. Any permit issued hereunder may be revoked by the Director if the permit holder has received 2 notices of violation for violations of this chapter or any other provision of this Code of Ordinances within a 12 month time period or has knowingly made a false material statement in the application or otherwise becomes disqualified for the issuance of a permit under the terms of this Article.
 - 1. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, 3 days from the date of mailing.
 - 2. The permit holder shall have ten 10 days from the date of such notice of revocation in which to file notice with the Director of their appeal from the order revoking said permit. The Director shall provide for a hearing on the appeal not later than 15 days after the notice of the appeal is filed.
 - 3. Any appeal of revocation pursuant to this section shall stay the revocation until said revocation is finalized.
 - 4. Upon finalization of any revocation, the permit holder shall remove said UDCB no later than 24 hours after said final decision. Upon expiration of this 24 hour grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice.
 - 5. In the event the permit of any permit holder is revoked by the Director, no additional permit shall be issued to such person within one year of the date such permit was revoked.
 - 6. In the event that any permit holder has 2 or more UDCB permits revoked within a 12 month period, then all permits issued to the person shall be revoked and all UDCBs operated by the person shall be removed.
- G. The property owner and operator are jointly and severally liable and responsible for all fees, citations, and compliance with the regulations.
- H. All notices for unpermitted UDCBs shall be in writing and personally delivered to the parcel owner/agent and UDCB operator or by depositing such notice in the United States mail, postage paid, and addressed to the parcel owner/agent at the owner(s) last known address as it appears on the

UDCB itself. If the City cannot reasonably determine the name and/or address of the unpermitted UDCB operator, placing the written notice on the UDCB itself constitutes sufficient notice.

§ 118.99 - Penalty

Any person, that violates this chapter shall be deemed **guilty of a misdemeanor** and upon conviction thereof shall be fined a sum not exceeding \$500. Each continuing day's violation shall constitute as a separate offense. A culpable mental state is not required for the commission of an offense under this chapter. The penalty provisions imposed under this chapter shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 2.

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 judgement 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 3.

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 15th day of March, 2018.

APPROVED:

BY: _____

MAYOR BILL HEIDEMANN

DULY RECORDED:

BY: _____

CITY SECRETARY

APPROVED AS TO FORM:

BY: _____

CITY ATTORNEY