

**MINUTES
MAY 12, 2015
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
REGULAR MEETING – PUBLIC HEARINGS – EXECUTIVE SESSION**

ATTENDING: JUSTIN HOLLAND, MAYOR PRO TEM, Presiding
BRIAN BERRY
BARRY BROOKS
JOE CHAMBERLAIN
RICHARD KRAUSE
KEVIN LAMBERTH
ABSENT: LORNE LIECHTY, MAYOR

Mayor Pro Tem Justin Holland called the meeting to order at 6:30 p.m. Berry delivered the invocation.

Proclamation designating May 16-May 22, 2015 as Safe Boating Week.

Holland read aloud a proclamation designating May 16 - 23 as Safe Boating Week and reminding boaters to wear life jackets and practice safe boating procedures. Mark Durbin, member of the United States Coast Guard Auxiliary Flotilla 081-05-10 which is in its 41st year on Lake Ray Hubbard accepted the proclamation.

Discussion and action regarding the Minutes of April 28, 2015.

MOTION: APPROVE THE MINUTES OF APRIL 28, 2015.

MOTION MADE: KRAUSE

SECONDED: CHAMBERLAIN

APPROVED: UNANIMOUS

(Absent: Liechty)

Application for a conditional use permit for construction of an additional accessory building (pool cabana) 400 sq. ft. in area, 14' in height built of like materials as the residence on Darr Estates, Block A, Lot 29 at 602 Sorita Circle (RCAD property ID# 16128) - requested by David Edling.

Presentation of request.

David Edling, 602 Sorita Circle presented the revised request for a conditional use permit for construction of a 20' by 20' pool cabana sided with bricks to match the residence. Edling stated that he would agree to remove the smaller accessory building (shade structure) as recommended by the Planning and Zoning Commission in order to be granted a conditional use permit for the proposed cabana. Edling requested though that the Council consider allowing him to keep both existing accessory structures should a conditional use permit be granted.

PUBLIC HEARING to receive comments regarding the request.

The Mayor Pro Tem re-opened the public hearing that was opened and continued on April 14, at 6:37 p.m. Edling indicated support for the request. There being no others present to speak in support of or in opposition to the proposed cabana, Holland closed the public hearing at 6:37 p.m.

Discussion and action regarding the request.

Chairman John Main reported that the Commission considered the request at the April 7 and May 5 Planning and Zoning Commission meetings and voted 4 to 1 to recommend approval provided that the 1.) The free-standing shade structure is removed; and 2.) The outdoor kitchen area shall not be enclosed. Main stated that the dissenting vote supported approval of a conditional use permit but opposed the requirement to remove the shade structure. There was discussion regarding the request and regarding the definition of "structure".

MOTION: APPROVE ORDINANCE 150414A GRANTING A CONDITIONAL USE PERMIT FOR CONSTRUCTION OF AN ADDITIONAL ACCESSORY BUILDING (POOL CABANA) 400 SQ. FT. IN AREA, 14' IN HEIGHT BUILT OF LIKE MATERIALS AS THE RESIDENCE ON DARR ESTATES,

BLOCK A, LOT 29 AT 602 SORITA CIRCLE PROVIDED THAT 1.) THE FREE-STANDING SHADE STRUCTURE IS REMOVED; AND 2.) THE OUTDOOR KITCHEN AREA SHALL NOT BE ENCLOSED.

MOTION MADE: CHAMBERLAIN
SECONDED: BERRY

There was discussion regarding the motion and regarding. Some on the Council indicated support for the applicant's request that he be allowed to keep existing accessory structures.

APPROVED: FOR: BERRY, CHAMBERLAIN, HOLLAND, KRAUSE
OPPOSED: BROOKS, LAMBERTH (Absent: Liechty)

Application for a conditional use permit (CUP) to construct a residence with a 4/12 roof pitch on Lot 20, Block B, Heath Crossing, Phase 1C & 1 D (733 Avalon Dr.), RCAD parcel 72594. A CUP is required for a roof pitch less than 8/12 pursuant to Ordinance No. 111220B pertaining to the Heath Crossing Planned Development Zoning District - requested by Randy Charles, Heart to Home Builders, on behalf of Mr. and Mrs. Richard Lee;

Presentation of request.

Richard Lee, 733 Avalon Drive, stated that the proposed 4/12 roof pitch would better match the Tuscan style architecture of the future residence planned for the property and had been approved by the homeowners association.

PUBLIC HEARING to receive comments regarding the request.

Holland opened the public hearing at 6:50 p.m. and there being no one other than Lee present to speaking regarding the request, closed the public hearing at 6:50 p.m.

Discussion and action regarding the request.

Main stated that the Planning and Zoning Commission voted unanimously on May 5 to recommend approval of the requested conditional use permit. Director of Community and Economic Development Kim Dobbs confirmed that the 8/12 roof pitch requirement was specified by the developer in Ordinance 111220B pertaining to the Heath Crossing planned development district.

MOTION: APPROVE ORDINANCE 150414B GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A RESIDENCE WITH A 4/12 ROOF PITCH ON LOT 20, BLOCK B, HEATH CROSSING, PHASE 1C & 1 D (733 AVALON DR.).

MOTION MADE: KRAUSE
SECONDED: LAMBERTH
APPROVED: UNANIMOUS (Absent: Liechty)

Application for a conditional use permit (CUP) to construct a residence with a 5/12 and 3/12 roof pitch on Lot 6A, Block B, Heath Crossing, Phase 1 (120 Mallard Crossing), RCAD parcel 64780. A CUP is required for a roof pitch less than 8/12 pursuant to Ordinance No. 111220B pertaining to the Heath Crossing Planned Development Zoning District - requested by Perry Bowen, Homes by Bowen, on behalf of Mr. and Mrs. Michael Cloud;

Presentation of request.

Michael Cloud, 1880 Tahoe Drive, Rockwall, stated that proposed 5/12 and 3/12 roof pitches were designed to match the prairie modern architecture of the future residence and had been approved by the homeowners association.

PUBLIC HEARING to receive comments regarding the request.

The Mayor Pro Tem opened the public hearing at 6:53 p.m. and there being no one other than Cloud to speak in support of or in opposition to the request, closed the public hearing at 6:50 p.m.

Discussion and action regarding the request.

MOTION: APPROVE ORDINANCE 150414C GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A RESIDENCE WITH A 5/12 AND 3/12 ROOF PITCH ON LOT 6A, BLOCK B, HEATH CROSSING, PHASE 1 (120 MALLARD CROSSING).

MOTION MADE: BROOKS
SECONDED: LAMBERTH
APPROVED: UNANIMOUS (Absent: Liechty)

Discussion and Action Regarding a Facilities Agreement with Talus Development Group, LLC pertaining to the Ridge Lakes Phase 1 addition.

Dobbs and city attorney Mack Reinwand presented and answered questions regarding and recommend approval of the facilities agreement pertaining to the Ridge Lakes Phase 1 addition.

MOTION: AUTHORIZE THE MAYOR TO EXECUTE A FACILITIES AGREEMENT WITH TALUS DEVELOPMENT GROUP, LLC PERTAINING TO THE RIDGE LAKES PHASE 1 ADDITION.

MOTION MADE: CHAMBERLAIN
SECONDED: BROOKS
APPROVED: UNANIMOUS (Absent: Liechty)

Discussion and action regarding the Final Plat of the Ridge Lakes Phase 1 addition - submitted by Darren Mabry of Talus Development Group, LLC.

Dobbs stated that the staff Development Review Committee reviewed the final plat of the Ridge Lakes Phase 1 addition, confirmed that it complied with the concept plan for the subdivision as approved by Ordinance 141118A and recommended approval. Main reported that the Planning and Zoning Commission voted unanimously to approve the final plat on May 5.

MOTION: APPROVE THE FINAL PLAT OF THE RIDGE LAKES PHASE 1 ADDITION.

MOTION MADE: KRAUSE
SECONDED: LAMBERTH
APPROVED: UNANIMOUS (Absent: Liechty)

Discussion and action regarding the Amended Plat of Buffalo Creek Tennis Village, Block 2, Lots 1R, 3R, 6, 8, 9, 10, and 11 to relocate lot lines - Requested by the property owners.

Rob Whittle, Whittle Development Inc. stated that the amended plat of the Buffalo Creek Tennis Village addition reflected transactions in which small parts of Lot 1 had been sold to adjacent property owners that wished to extend their back yards.

MOTION: APPROVE THE AMENDED PLAT OF BUFFALO CREEK TENNIS VILLAGE, BLOCK 2, LOTS 1R, 3R, 6, 8, 9, 10, AND 11 TO RELOCATE LOT LINES.

MOTION MADE: BERRY
SECONDED: KRAUSE
APPROVED: UNANIMOUS (Absent: Liechty)

Discussion and Action regarding a Development Agreement with Ed Crawford pertaining to infrastructure improvements related to the Amended plat of Lot 25R, Twinview Estates Addition.

Dobbs stated the proposed development agreement pertains to infrastructure improvements associated with the development of Lot 25R, Twinview Estates and provides for extension of escrow payments for water line improvements.

MOTION: AUTHORIZE THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH ED CRAWFORD PERTAINING TO INFRASTRUCTURE IMPROVEMENTS RELATED TO THE AMENDED PLAT OF LOT 25R, TWINVIEW ESTATES ADDITION.

MOTION MADE: BROOKS
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Liechty)

Discussion and action regarding the Amended Plat of Lot 25R, Twinview Addition - submitted by Ed Crawford.

MOTION: APPROVE THE AMENDED PLAT OF LOT 25R, TWINVIEW ADDITION.

MOTION MADE: KRAUSE
SECONDED: LAMBERTH
APPROVED: UNANIMOUS (Absent: Liechty)

Application for a variance to §157.02 (C) of the Code that limits fences in the side and rear yard abutting a street to a maximum height of 4' to allow a fence in the side yard of eight feet (8') in height on Lot 1, Block 15, Buffalo Creek Country Club Estates, Phase 8 (7 Siesta Circle) - requested by Chad Archibald;

Presentation of request.

Dobbs stated that the applicant indicated earlier in the day that he was unable to attend the meeting. Dobbs stated that the option to request that action be deferred to a later date was offered but that the applicant stated his preference that even though he would not be in attendance to present or answer questions, his preference was for the Council to take action regarding the request for a variance to fence regulations for the property situated at 7 Siesta Circle.

PUBLIC HEARING to receive comments regarding the request.

Holland opened the public hearing at 7:13 p.m. Harriett Anderson, 902 Country Club Drive and Whittle, who are both members of the Buffalo Creek Country Club Estates Homeowners Association Board, expressed opposition to the requested variance stating that it should first be considered by the Board. There being no others present to provide input regarding the requested variance, Holland closed the public hearing at 7:16 p.m.

Discussion and action regarding the request.

MOTION: DENY A REQUEST FOR A VARIANCE TO §157.02 (C) OF THE CODE THAT LIMITS FENCES IN THE SIDE AND REAR YARD ABUTTING A STREET TO A MAXIMUM HEIGHT OF 4' TO ALLOW A FENCE IN THE SIDE YARD OF EIGHT FEET (8') IN HEIGHT ON LOT 1, BLOCK 15, BUFFALO CREEK COUNTRY CLUB ESTATES, PHASE 8 (7 SIESTA CIRCLE.

MOTION MADE: BROOKS
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Liechty)

Holland adjourned the meeting at 7:20 p.m.

APPROVED:

LORNE O. LIECHTY
MAYOR

ATTEST:

STEPHANIE GALANIDES
CITY SECRETARY

