

**MINUTES  
HEATH CITY COUNCIL  
200 LAURENCE DRIVE - HEATH, TX 75032  
REGULAR MEETING – PUBLIC HEARINGS – EXECUTIVE SESSION  
TUESDAY, OCTOBER 10, 2017 - 6:30 P.M.**

ATTENDING: BRIAN BERRY, MAYOR  
KELSON ELAM, MAYOR PRO TEM  
JOE CHAMBERLAIN  
RICH KRAUSE  
FRANK NEW  
PAUL RUFFO  
BRENT WEAVER

Mayor Brian Berry called the meeting to order at 6:30 p.m., delivered the invocation and led the Pledge of Allegiance.

**2. Discussion and Action Regarding the Minutes of September 26, 2017- Regular Meeting.**

**MOTION: APPROVE MINUTES OF SEPTEMBER 26, 2017.**

MOTION MADE: CHAMBERLAIN  
SECONDED: NEW  
APPROVED: PASSED UNANIMOUSLY

**3. Discussion and Action Regarding the Minutes of September 30, 2017- Special Meeting.**

**MOTION: APPROVE MINUTES OF SEPTEMBER 30, 2017.**

MOTION MADE: CHAMBERLAIN  
SECONDED: RUFFO  
APPROVED: PASSED UNANIMOUSLY

**16. Open Forum – Citizens' Comments.**

Mayor Brian Berry explained how the Open Forum would be conducted and invited those who wished to speak to come forward.

- Brooks Nolan, 505 Loma Vista - spoke in support of and stated his concerns about Heath senior would like to remain in Heath.
- Chuck Dale, 804 Smirl Drive – in support for giving seniors a break and enacting this freeze.
- Donna Rolator, 709 Avalon Drive – concerned what the tax break would do the city budget.
- Lorne Liechty, 502 Terry Lane – stated that he has been an active proponent of this freeze and brought the request to council in 2007 and again in 2013. All cities in Rockwall County except Fate and Heath offer the tax break. Strongly encourage to enact the senior citizen tax freeze.
- Roy Heath, 205 James Drive – stated his support to enact a senior citizen tax freeze.
- John Harper, 505 Moraine Way – in support and stated the freeze it is not a significant increase on the budget and asked for serious consideration.

**4. Discussion and Action Regarding an Ordinance to establish an ad valorem tax exemption for persons 65 years of age or older or disabled persons as allowed by the Texas Tax Code; and providing an effective date.**

Council Member Chamberlain provided information establishing an ad valorem tax exemption for persons 65 years or older or disabled persons in the City of Heath. Six citizens spoke regarding the tax freeze at the Citizens' Forum. Council members each stated their thoughts on the proposed tax freeze and council member Elam stated that this is a vote for a tax increase therefore it should be a matter for the city. Elam recommended putting the item on a ballot and letting the citizens decide. Director of Finance, Laurie Mays provided a hand out stating the projected impact on revenue.

**MOTION: APPROVE ORDINANCE TO ESTABLISH AN AD VALOREM TAX EXEMPTION FOR PERSONS 65 YEARS OF AGE OR OLDER OR DISABLED PERSONS AS ALLOWED BY THE TEXAS TAX CODE WITHOUT THE \$30k HOMESTEAD EXEMPTION.**

MOTION MADE: CHAMBERLAIN

SECONDED: BERRY

MOTION NOT PASSED: FIVE TO TWO

Councilmember New stated that he is for the exemption but needs more information to clarify exactly what the exemption is going to do to the seniors.

FOR: BERRY; CHAMBERLAIN

AGAINST: ELAM; KRAUSE; NEW; RUFFO; WEAVER

**5. Discussion and Action Regarding an Ordinance amending Chapter 159, Zoning, of the Code of Ordinances by authorizing a zoning change from (PD) Planned Development District and (A) Agricultural District to (PD) Planned Development District for Local Retail Use on a 28.62 acre tract of land being described as all of a 13.30 acre tract of land described in Special Warranty Deed with Vendor's lien to Heath Crossing, LTD. recorded in Instrument No. 20170000001806 of the Official Public Records, Rockwall County, Texas, and being part of that 13.65 acre tract of land described in Special Warranty Deed with Vendor's lien to Heath Crossing, LTD. recorded in Instrument No. 201600000017663 of said Official Public Records, and being all of that 1.06 acres tract of land described in Special Warranty Deed to Heath Crossing, LTD. recorded in Instrument No. 20160000000929 of said Official Public Records, and being part of that 0.62 acre tract of land described in Special Warranty Deed to Heath Crossing, LTD. recorded in Instrument No. 20160000001074 of said Official Public Records of Rockwall County, Texas, being a tract of land situated in the E. Teal Survey, Abstract No. 207, City of Heath, Rockwall County Texas, located at the northwest corner of FM 740 (Ridge Road) and FM 549. Applicant: Heath Crossing Limited (Case No. ZA-2017-03)**

City Manager Ed Thatcher stated that the city received an email from a citizen providing a petition with a list of individuals that are in support of the development. Director of Community Development, Robert LaCroix stated that the applicant is requesting a zoning change from (PD) Planned Development District and (A) Agricultural District to (PD) Planned Development District for Local Retail Uses. The revised Concept Plan incorporates additional acreage into the development that lies north of the existing PD and increases development to 17.76 acres. The remainder 28.62 acres will remain as agricultural. The revised plan shifts the detention pond to back of the property, creates additional pad sites, and indicates 10% of the total site that will be open space. A change to the plan is the allowance of designated areas for outdoor sales and display. The applicant has submitted a revised set of development design standards that include land uses, parking ratio requirements, signage standards and some additional provisions. The applicant submitted additional regulations on the pad sites and lowered the buildable area from 50% to 12.5% on each pad site. A significant change was made to the gas facility, moving it to the north and adding a little more square footage to the site. Phase 1 of the development will include the grocery building, retail center, and fueling station. The grocery building will provide 291 parking spaces, the retail center will provide 158 spaces, and the fueling station will provide 12 spaces. A 15 foot landscape buffer and retaining wall is on the western

property line. Twenty three neighborhood notices were mailed and none were received regarding the request. Applicant, Steve Gregory, Vice Present at Malouf Interests, Inc., owner and developer of the property introduced the design team: Matt Malouf, owner of the property; Joe Askew working the audio presentation; Joe Facaro, Kimberly Horn Engineers; Jonathan Krill, GGF Good Fulton & Farrell Architects; Tommy Mann and Brad Williams, Winstead legal team. Gregory stated that this project started in July 2015 and provided a presentation/video. Gregory thanked everyone for coming out. Harry Heinkele, P&Z Commission member was present and stated that there was general agreement with the Commission on the building, architecture, related retail, and especially the 12.5% pad sites buildable area and a condition was placed for a 10,000 square foot open space area.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Berry opened the public hearing at 7:41 p.m. and the following spoke regarding the request:

- Sharon Caldwell, 501 Willow Springs – is a member on the Architectural Standards Advisory Committee stated she is opposed and her concerns are on the signs and the possible 90% concrete for parking.
- Mike Rask, 303 Drew Lane – opposed because too much concrete and not enough community open space and stated the design element needs some work.
- Tiki Sherman, 702 Laurence Drive – stated that she did not receive notification and is favor of moving the gas station, looking for more green space and asked what the percentage is on building area on the pad sites.
- Jimmy Dale, 244 Summer Tanager – spoke in support and asked the council to consider the request for the needed tax dollars.
- Chuck Dale, 804 Smirl Drive – spoke in support and stated that this will help with traffic.
- Tony Austin, 2300 Versailles Court – strongly in favor and stated this is the single best opportunity for Heath. It's a high impact for tax base and it is a beautiful development.
- Mark Word, 625 Dove Hill – spoke in support but is concerned what the back side of the development is going to look like.
- Kathy Nolan, 505 Loma Vista – spoke in opposition but stated she did admire the stamp concrete on the driveway in front of the store. Two concerns are the size of the grocery store/too much retail and the architectural style in not consistent with the rural charm.
- Rocky Swartz, 4B Lakeway Drive – spoke in favor of grocery store but not the strip center, stated that he would prefer to see it smaller.
- Judy Word, 625 Dove Hill – opposed and stated that this will set the tone for future buildings. This does not look like Heath.
- Al Lowrance, 129 Mallard Crossing – stated that he is in favor of the grocery store and would like to see a lot more trees and a playground area.
- Dunham Biles, 606 Sorita Circle – spoke in support and stated now is the time and that this is long overdue for tax benefits.
- Mike Spruill, 728 Wilford Way – in support and stated that he is a home builder and his customers want this.
- Greg Ramey, 405 Chippendale – development needs more innovation. Concerned on glare from glass on building, building materials, traffic, and how this will affect the students from the High School. Likes the idea of a grocery store and the location is good.
- Clay Spicer, 1308 Montserrat Circle – spoke in support and stated that this is a great opportunity and location. These are the basic amenities needed.
- Lisa Melgoza, Tully Drive – asked when the taxes are effective and does the City decide what goes into the strip center.
- Roy Heath, 205 James Drive – spoke in favor stating it's a beautiful design. His concern is that we will lose this opportunity. He would like to see more trees and less concrete.

There being no one else to speak, Mayor Berry closed the public hearing at 8:12 p.m.

**Discussion and action regarding the request.**

Steve Gregory spoke addressing the citizen comments and concerns. Mayor Berry clarified that the city would receive ad valorem taxes and sales taxes which will be effective immediately. Council discussion continued and asked clarification on the detention pond, pad sites, fuel station location, green space, traffic flow, variance to sign ordinance, the drainage easement, and the 800 foot building site with 90% impervious coverage. Council member Weaver commented on concerns about far too much impervious coverage, which could ultimately result in a sea of parking lots when built out, and not nearly enough meandering trails, green space, and places for the community to gather. Weaver commented that this would eventually become a 28 acre commercial development, which would be the single largest development in Heath, and therefore we can and should do much better in the design of the overall development. Council member Ruffo echoed Weavers comments of concerns regarding the degree of impervious cover permitted in the proposal, and stated that we need to quantify the amount of "green space" which will be incorporated into each pad site. Ruffo also added that impending changes to the retail industry necessitate the incorporation of community gathering spaces into our retail developments. Council member Krause's concerns were that it is an unplanned development lacking specifics and requesting the audience to imagine the potential Vs showing it. Concept plan concerns include permitted uses, signage and other "entitlements" believed to be carried over from the previous PD. Council member New commented that is still too big and we can do better. Mayor Berry stated that the proposal is a phenomenal look and his concern is in what has the ability to come in if this is not accepted. Berry also thanked David, Director of Tom Thumb for their work. Mayor Pro Tem stated that Tom Thumb has been an excellent partner and he can vision the connection of this property to the EDC property behind it, his main concern is the lack of guarantee to green space. Gregory concluded with reducing the impervious coverage to 80% and stated they will work with the city to build a great development. City Attorney, Andy Messer recommended scheduling a work session to help provide guidance through some of these issues.

**MOTION: MOTION TO TABLE THE ITEM TO THE NEXT COUNCIL MEETING.**

MOTION MADE: ELAM  
SECONDED: NEW

**AMENDED MOTION: TO TABLE THE REQUEST TO THE OCTOBER 24, 2017 COUNCIL MEETING AND SCHEDULE A WORK SESSION BEFORE THAT COUNCIL MEETING.**

MOTION MADE: ELAM  
SECONDED: NEW

Applicant asked for written questions/feedback a week before the meeting and for the work session to include the developer.

APPROVED: PASSED FIVE TO TWO  
FOR: ELAM, KRAUSE, NEW, RUFFO, WEAVER  
AGAINST: BERRY, CHAMBERLAIN

*(Mayor Berry recessed the meeting at 10:01 p.m. and reconvened at 10:08 p.m.)*

**6. Discussion and Action Regarding an Ordinance amending Chapter 159, Zoning, of the Code of Ordinances to grant a Conditional Use Permit for a single-family dwelling and one or more accessory building uses on property of less than ten acres that is zoned (A) Agricultural District, on Tract 1, R. A. Lewis Addition, being 1.501 acres of land (part of a 2.181 acre tract) situated in the Antonio Rodriguez Survey, Abstract No. 231, City of Heath, Rockwall County, Texas, located at 291 Lowe Road. Applicants/Owners: Ashraf Currimbhoy and Molly McStravick (Case No. CUP-2017-07)**

Director of Community Development, Robert LaCroix stated that the property owner has requested approval of Conditional Use Permit on a property of less than ten acres that is zoned as an Agricultural District. The proposal is to build one single-family residence on the 1.501 acre tract as allowed in the

Agricultural District. Seven Neighborhood notices were mailed and two were received in favor of the request. Applicant was not present.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Berry opened the public hearing at 10:10 p.m. The following spoke regarding the request.

- Roy Heath, 205 James Drive – spoke in support.

There being no one else to speak regarding the request, Berry closed the public hearing at 10:11 p.m.

**Discussion and action regarding the request.**

**MOTION: APPROVE ORDINANCE NO. 171010A FOR A CONDITIONAL USE PERMIT FOR A SINGLE-FAMILY DWELLING AND ONE OR MORE ACCESSORY BUILDING USES ON AGRICULTURAL ZONED DISTRICT LOCATED AT 291 LOWE ROAD.**

MOTION MADE:           WEAVER  
SECONDED:             NEW  
APPROVED:             PASSED UNANIMOUSLY

**7. Discussion and Action Regarding a Resolution to consider the request of property owners Beau and Amie Niedermeier for a Special Exception to §159.07 (B) (1) that provides that buildings requiring a building permit in Residential Zoning Districts shall be required to have exterior walls constructed using a masonry material covering at least 80% of each wall, exclusive of all windows, doors, or roofs. The Property is described as Lot 44, Block B, Heath Crossing, Phase 2A, City of Heath, Rockwall County TX, and is more commonly known as 621 Shadow Wood Lane.(Case No. MIS-2017-05)**

Senior Planner, Kevin Lasher stated that the applicant is in the process of designing a new residence on the property containing 4,971 square feet of climate controlled area, with a total covered area of 7,800 square feet. They are seeking to use cement-fiber (Hardie-board) siding for the exterior materials of the house, which is being designed in a Texas Hill Country Farmhouse Modern motif. As stated in the Zoning Code “Synthetic products (exterior insulation and finish systems, cementitious, or other materials of similar characteristics) shall not be considered a masonry material”. The Hardie-board material can be used on 20% of the building facades; however, the owner is proposing to utilize the cement-fiber (Board and Batten) panels in the following quantities as shown in the attached building elevation exhibits: Front Elevation - 74% Masonry/ 26% Board and Batten; Right Side Elevation - 82% Masonry/ 18% Board and Batten; Left Side Elevation - 100% Masonry/ 0% Board and Batten; Rear Elevation - 58% Masonry/ 42% Board and Batten. Fifteen notices were mailed and one notice was returned in support. Applicant had a representative present to answer any questions.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Berry opened the public hearing at 10:14 p.m. and the following spoke in regarding the request.

- Roy Heath, 205 James Drive – spoke in support and stated the design is high quality and consistent with what is in Heath.

There being no one else to speak regarding the request, Berry closed the public hearing at 10:15 p.m.

**Discussion and action regarding the request.**

**MOTION: APPROVE RESOLUTION NO. 171010A FOR A SPECIAL EXCEPTION TO §159.07 (B) (1) REQUIRING EXTERIOR WALLS CONSTRUCTED USING A MASONRY MATERIAL COVERING AT LEAST 80% OF EACH WALL, EXCLUSIVE OF ALL WINDOWS, DOORS, OR ROOFS LOCATED AT 621 SHADOW WOOD LANE.**

MOTION MADE:           CHAMBERLAIN  
SECONDED:             RUFFO  
APPROVED:             PASSED UNANIMOUSLY

**8. Discussion and Action regarding a Final Plat of 35.629 acres of land out of the George R. Paschal Survey, Abstract No. 404, and the Joshua Canter Survey, Abstract No. 85, for 167 single family residential lots and one HOA lot to be recorded as Travis Ranch, Phase 3C, located within the extraterritorial jurisdiction (ETJ) of the City of Heath in Kaufman County, Texas. Applicant/Owner: D.R. Horton Texas, Ltd. (Case No. FP-2017-04)**

Senior Planner, Kevin Lasher stated that the request is for a Final Plat for Travis Ranch Phase 3, a portion of Travis Ranch which lies within the City of Heath's extraterritorial jurisdiction (ETJ). The City is responsible for the review and approval of plats within its ETJ through an Interlocal Agreement with Kaufman County. The average lot size for this phase is approximately 6,000 square feet (50' x 120'). Although staff is concerned that the residential density and lot sizes established by this plat does not correspond with the existing residential density pattern evident throughout the city, the City is unable to enforce its zoning and lot size regulations since the development is located outside of the corporate limits (*Section 212.003, Local Government Code, State of Texas*). On March 22, 2007, a Preliminary Plat for Travis Ranch, Phase 3 was approved by the City consisting of 425 single family detached residential lots on 145.898 acres, including 9 common areas and one public school site. In February 2014, the first Final Plat was approved for Phase 3G consisting of 45 residential lots on 15.52 acres. A Final Plat for Phase 3G-1 was also approved in February 2014 consisting of 45 residential and 2 common area lots on 15.589 acres. In March 2015, the Final Plat for Phase 3G-2 was approved consisting of 28 lots on 8.361 acres. The request is in compliance.

**MOTION: APPROVE FINAL PLAT OF 35.629 ACRES OF LAND RECORDED AS TRAVIS RANCH, PHASE 3C, LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF HEATH IN KAUFMAN COUNTY, TEXAS.**

MOTION MADE: CHAMBERLAIN  
SECONDED: ELAM  
APPROVED: PASSED FIVE TO TWO

Council member Krause stated that he opposes having the name "Heath" on the subdivision.

FOR: BERRY; CHAMBERLAIN; ELAM; RUFFO; WEAVER  
AGAINST: KRAUSE; NEW

**9. Discussion and Action Regarding a Resolution Adopting a Policy Authorizing Staff to Provide a "Courtesy" Notice to Real Property Owners within an Additional Three Hundred (300) Feet Beyond the Statutory Minimum Two Hundred (200) Foot Notification Boundary for Certain Public Hearing Cases.**

Director of Community Development, Robert LaCroix stated that Council requested staff to consider expanding the current 200 foot notification boundary for future cases and agenda items requiring a public hearing. At the September 26<sup>th</sup> meeting, council asked staff to institute a process to provide courtesy public hearing notices to all real property owners whose properties are located an additional three hundred (300) feet beyond the minimum two hundred (200) foot notification area, as measured from the property being the subject of a public hearing. The proposed Resolution provides a 500 foot notification boundary, which is established with the intent of improving community awareness with respect to future development activity within the City; the scheduled public hearing would not be invalidated in the event a notice does not get delivered to a property owner whose property is in excess of 200 feet from the property in question; and written protests received from real property owners, whose property is located in excess of two hundred (200) feet from the property in question, shall not be calculated as being a part of the protest area as defined in the Local Government Code of the State of Texas for certain development applications.

**MOTION: APPROVE RESOLUTION NO. 171010B ADOPTING TO PROVIDE A "COURTESY" NOTICE TO REAL PROPERTY OWNERS WITHIN AN ADDITIONAL THREE HUNDRED (300) FEET BEYOND THE STATUTORY MINIMUM TWO HUNDRED (200) FOOT NOTIFICATION BOUNDARY FOR CERTAIN PUBLIC HEARING CASES.**

MOTION MADE: CHAMBERLAIN  
SECONDED: RUFFO  
APPROVED: PASSED UNANIMOUSLY

**10. Discussion and Action Regarding Award of the Construction Contract for the 3 MG Ground Storage Tank and Transfer Pump Project and a Resolution authorizing the Mayor to execute a construction contract for the 3 MG Ground Storage Tank and Transfer Pump Project.**

Capital Improvements Project Manager, Chuck Todd stated the City is constructing a 3 MG ground storage tank and a transfer pump on a 3-acre parcel that the City has purchased from the City of Rockwall. The City will also upgrade the existing pump station under a separate construction contract. These improvements are to address the water system needs due to the growth of the City. The City received seven bids for the ground storage tank project on Tuesday, Sept. 26th. The low bidder has successfully performed similar projects for other Cities. CIP funds are available for the construction contract. Staff recommends that the City Council approve this resolution authorizing the Mayor to execute the construction contract with Gracon Construction, Inc. in the amount of \$2,938,500.

**MOTION: APPROVE RESOLUTION NO. 171010C AWARDED CONSTRUCTION CONTRACT FOR 3 MG GROUND STORAGE TANK AND TRANSFER PUMP PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT.**

MOTION MADE: CHAMBERLAIN  
SECONDED: KRAUSE

Council member Krause stated that he confirmed that the City runs an extensive back ground check on these contractors.

APPROVED: PASSED UNANIMOUSLY

**11. Discussion and Action Regarding a Resolution for the Acquisition of a Military surplus vehicle, Humvee, to be used as a utility vehicle for HDPS.**

Director of Public Safety, Terry Garrett stated that there is a need for a utility vehicle to be used by Heath DPS and such a vehicle is available for transfer from the Texas Facilities Commission at a cost of \$3000. The 1989 surplus Humvee will be utilized for mutual aid and Congressman Ratcliffe's office endorses the program.

**MOTION: APPROVE RESOLUTION NO. 171010D FOR THE ACQUISITION OF A MILITARY SURPLUS VEHICLE, HUMVEE TO BE USED AS A UTILITY VEHICLE.**

MOTION MADE: KRAUSE  
SECONDED: NEW  
APPROVED: PASSED UNANIMOUSLY

**12. Discussion and Action on appointing a member to The Rockwall County Central Appraisal District Board of Directors.**

Council Member Kelson Elam stated that the Texas State Law requires appointments to the Appraisal District Board of Directors every odd numbered year to take office in the even number years. As a tax entity we have ability to nominate someone for the Rockwall Central Appraisal District Board of Directors.

**MOTION: NOMINATE JERRY HOGAN TO THE ROCKWALL COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.**

MOTION MADE: ELAM  
SECONDED: RUFFO  
APPROVED: PASSED UNANIMOUSLY

**13. Discussion regarding City Council rules and procedures for calling meetings and setting agendas.**

City Attorney, Andy Messer stated that there is a provision in our charter that states the City Council shall determine its own rules and procedures and we do not have any written procedures. In the past, the Mayor in consultation with the City Manager set the agenda. There is also a provision in our charter that the City Secretary can call Special Meetings. This discussion is to set rules and procedures for setting an agenda. Council recommended a Resolution on the next council agenda to allow that a council member may request an item on the agenda by an email to the Mayor, City Manager and City Secretary, as well as procedures to remove an item from the agenda and for calling/ cancelling a Special Meeting.

**14. Discussion regarding the scope and authority of the Architectural Standards Advisory Committee.**

City Attorney, Andy Messer requested a Resolution be put in place describing the powers, duties, and who the Committee reports to. Other items should include the Committee's primary objectives, member terms, etc. When the Committee was formed, the primary goal for the Committee was to put together a set of design standards and present them to the council for their consideration and adoption. Later a separate formal committee would be formed that had authority directed by the city council to be incorporated as a Review Board with full voting capabilities and with a goal to review future applications. Council liaison to the Committee, Ruffo, stated that the committee is a short term committee and it is creating a set of standards that will be brought to council for approval with the intent of the creation of a Review Board. With Council direction, Ruffo will research other cities and examples of their Review Committees.

**15. Discussion and Action Regarding an Ordinance amending Chapter 159, Zoning, of the Code of Ordinances to grant a Conditional Use Permit for a single-family dwelling and one or more accessory building uses on property of less than ten acres that is zoned (A) Agricultural District, on Lot 1, Block A, Ellis Addition, City of Heath, Rockwall County Texas, located at 900 Heathland Crossing. Applicant/Owner: Scott Lewis (Case No. CUP-2017-06)**

Director of Community Development, Robert LaCroix stated that the property owner has requested approval of a Conditional Use Permit (CUP) for a single-family dwelling and one or more accessory buildings on a property of less than ten acres that is zoned (A) Agricultural District. The proposal is to build one single-family residence on a platted 4.294 acre tract as allowed in the (A) Agricultural District. As part of the Conditional Use Permit, the applicant is requesting to utilize exterior building materials, specifically cementitious fiber plank (Hardie Plank) siding, in excess of 20% on three of the four sides of the home. The front elevation indicates 35% of the façade consisting of siding, the right elevation indicating 35% siding and the left elevation indicating 48% siding. The rear elevation is utilizing less than 20% which is allowed (15%). The applicant, Scott Lewis was present to answer questions.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Berry opened the public hearing at 11:44 p.m. and the following spoke regarding the request:

- Judy Word, 625 Dove Hill Circle – spoke in opposition and stated that the barn backs up to her property and her concerns are: the barn is in the flood plain; adding two more buildings; maintain deed restrictions; and the city leasing their portion of the property to the applicant; and the usage of the barn as commercial.

There being no one else to speak regarding the request, Berry closed the public hearing at 11:47 p.m.

**Discussion and action regarding the request.**

Council asked the applicant clarification on citizen concerns.

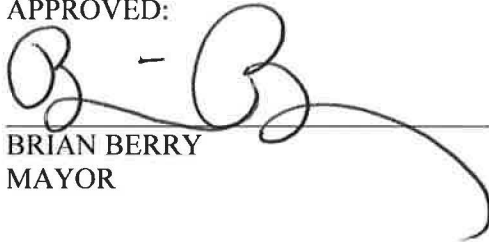


**MOTION: APPROVE ORDINANCE NO. 171010B FOR A CONDITIONAL USE PERMIT FOR A SINGLE-FAMILY DWELLING AND ONE OR MORE ACCESSORY BUILDING USES ON PROPERTY ZONED (A) AGRICULTURAL DISTRICT LOCATED AT 900 HEATHLAND CROSSING.**

MOTION MADE: KRAUSE  
SECONDED: CHAMBERLAIN  
APPROVED: PASSED UNANIMOUSLY

Mayor Berry adjourned the meeting at 11:56 p.m.

APPROVED:

  
BRIAN BERRY  
MAYOR

ATTEST:

  
NORMA DUNCAN  
CITY SECRETARY

