

**MINUTES  
HEATH CITY COUNCIL  
200 LAURENCE DRIVE - HEATH, TX 75032  
REGULAR MEETING – PUBLIC HEARINGS  
TUESDAY, AUGUST 8, 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.

**Discussion and action regarding the Minutes of July 25, 2017 – Regular Meeting.**

**MOTION: APPROVE MINUTES OF JULY 25, 2017.**

MOTION MADE: ELAM  
SECONDED: KRAUSE  
APPROVED: PASSED UNANIMOUSLY

**Heath DPS Officer Recognition and Awards: Presentation of award pins to officers for their roles in assisting citizens and other agencies.**

Director of Public Safety, Terry Garrett presented a uniform bar to the following officers for volunteering their services: Sergeants Brian Burton, Jevin Womack, and Brendan Seery; and Officers Michael Morgan, Kaleb Hazard, David Florence, and Greg Givens. Garrett stated that after the July 7<sup>th</sup> DPD shootings, these seven individuals volunteered to joint venture with the City of Dallas by covering shifts for Dallas Police Officers who wished to attend the funerals of their fallen colleagues. Chief Garrett also presented Officer Casey Northcutt with a Lifesaving Award; on June 3, 2017 at Harry Meyers Park, Northcutt heroically revived a citizen who had suffered a heart attack. Mayor Brian Berry congratulated all the officers and stated that it is an honor to serve with the Heath Fire and Police Department.

*(Mayor Pro Tem, Kelson Elam recused himself at 6:40 p.m.)*

**Discussion and Action regarding the request of Roderick and Deborah Swartz, owners, for a special exception to §159.07(B)(1) of the Code of Ordinances that provides for exterior masonry construction requirements in Residential Zoning Districts in a (SF-15) Single-Family Residential District (118 James Drive). (MIS-2017-01)**

Director of Community Development, Robert LaCroix stated that this request is for the building of a new home. The owner wishes to use brick and cement-fiber (Hardie-board) siding for the exterior materials of the house. Generally, the Hardie-board material can be used on 20% of the building facades, but this request exceeds the 20% allowance for each façade. Ten neighborhood notices were mailed; five returned in support of the request in support of the request and none in opposition.

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

Mayor Berry opened the public hearing at 6:46 p.m. As no one was present to speak regarding the request, Berry closed the public hearing at 6:47 p.m.

**MOTION: APPROVE THE SPECIAL EXCEPTION FOR EXTERIOR MASONRY CONSTRUCTION REQUIREMENTS LOCATED AT 118 JAMES DRIVE.**

MOTION MADE: NEW  
SECONDED: RUFFO  
APPROVED: PASSED UNANIMOUSLY OF THOSE PRESENT  
ABSENT: ELAM

*(Mayor Pro Tem Kelson Elam returned to the regular meeting at 6:49 p.m.)*

**Discussion and Action regarding the application of Heath Crossing Limited, for 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 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. 2017000001806 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. 20160000017663 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. 2016000000929 of said Official Public Records, and being part of that 0.61 acre tract of land described in Substitute Trustee's Deed to Bank United recorded in Volume 2034, Page of the Deed 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. (ZA-2017-03) (Applicant Heath Crossing Limited Requests the Public Hearing be Continued to the September 12, 2017 City Council Meeting)**

Director of Community Development, Robert LaCroix stated there was no recommendation from the P&Z Commission and the applicant had submitted a written formal request to continue the Public Hearing to the September 12, 2017 City Council Meeting. LaCroix stated there would not be a presentation.

**MOTION: TO CONTINUE THE PUBLIC HEARING TO THE SEPTEMBER 12, 2017 CITY COUNCIL MEETING.**

MOTION MADE: CHAMBERLAIN  
SECONDED: WEAVER  
APPROVED: PASSED UNANIMOUSLY

**Discussion and Action regarding an Ordinance changing the zoning from (SF-43) Single-Family Residential District to (LR) Local Retail District on a 1.00 acre tract of land situated in the J. Canter Survey, Abstract No. 53, City of Heath, Rockwall County Texas, and being a part of that certain called 7.15 acre tract as described in a deed to Kenneth Stephens et ux, filed of record in Volume 133, Page 980, Deed Records of Rockwall County, Texas, located on the south side of Hubbard Drive west of FM 740 (301 Hubbard Drive), Applicant/Owner Ridenour Realty Co. (ZA-2017-04 - Applicant/Owner Requests Withdrawal of Request)**

Director of Community Development, Robert LaCroix stated that the applicant had requested that their application be withdrawn without any further action by the City Council. The applicant intends to re-submit the application with modifications at a later time.

**MOTION: APPROVE TO WITHDRAW THE CASE WITHOUT PREJUDICE.**

MOTION MADE: CHAMBERLAIN  
SECONDED: ELAM  
APPROVED: PASSED UNANIMOUSLY

**Discussion and Action regarding an Ordinance changing the zoning from (A) Agricultural District to (PD) Planned Development District for office/retail use on a 6.109 acre tract of land situated in the W. W. Ford Survey, Abstract No. 80, City of Heath, Rockwall County Texas, and being a 6.11 acre tract of land described in a deed to Horizon Promed LLC, recorded CC#20140000008269, Official Public Records Rockwall County, Texas (OPRTCT), located on southeast corner of F.M. 3097 (Horizon Road) and F.M. 549, Applicant Jimmy Strohmeyer, Strohmeyer Architects. (ZA-2017-05)**

Director of Community Development, Robert LaCroix stated that this request was for a zoning change from Agricultural District to Planned Development District. The intent is to zone this property using the same Planned Development standards used by the property adjacent to this tract. The site plan approval will be required for any future developments when the property is subdivided for use. Seven neighborhood notices were mailed; one notice was returned in favor and none in opposition.

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

Mayor Berry opened the public hearing at 6:57 p.m. and there being no one to speak regarding the request, Berry closed the public hearing at 6:57 p.m.

**MOTION: APPROVE ORDINANCE NO. 170808A REGARDING A ZONING CHANGE REQUEST TO PLANNED DEVELOPMENT DISTRICT LOCATED AT THE SOUTHEAST CORNER OF FM 3097 (HORIZON ROAD) AND FM 549 CONDITIONAL UPON (1) MIN SITE SIZE OF 1 ACRE AND (2) MIN SITE DEPTH OF 200 FEET.**

MOTION MADE: WEAVER  
SECONDED: RUFFO  
APPROVED: PASSED UNANIMOUSLY

**Discussion and Action regarding a request for approval of a Preliminary Plat of a 6.109 acre tract of land situated in the W. W. Ford Survey, Abstract No. 80, City of Heath, Rockwall County Texas, and being a 6.11 acre tract of land described in a deed to Horizon Promed LLC, recorded CC#20140000008269, Official Public Records Rockwall County, Texas (OPRTCT), located on southeast corner of FM 3097 (Horizon Road) and FM 549, Applicant Jimmy Strohmeyer, Strohmeyer Architects. (PP-2017-05)**

Director of Community Development, Robert LaCroix stated that this is the second part of this case, a Preliminary Plat of a 6.109 acre tract of land, in order to subdivide the property for development of office and retail uses. The underlying proposed zoning is Local Retail. It will require a ten-foot right-of-way dedication on FM 549 and thirty-five feet of right-of-way dedication on Jeff Boyd. A ten-foot utility/sidewalk easement would also be required. Site Plan approval will be required on any future development when the property is subdivided for use. The sewer water line may need some adjusting during final plat. Property owner and applicant, Jimmy Strohmeyer, was present to answer any questions.

**MOTION: APPROVE PRELIMINARY PLAT LOCATED AT SOUTHEAST CORNER OF FM 3097 (HORIZON ROAD) AND FM 549.**

MOTION MADE: CHAMBERLAIN  
SECONDED: ELAM  
APPROVED: PASSED UNANIMOUSLY

*(Mayor Brian Berry recused himself at 7:35 p.m.)*

**Discussion and Action regarding the request of Deric Salser, applicant, for the approval of a site plan in association with the replat of Lot 2, Block A, Ridge Crossing, City of Heath, Rockwall County Texas and all of a 2.043 acre tract of land described in a special warranty deed to Heath Hub Office, LLC, recorded in CC# 201600000023251, Real Property Records, Rockwall County, Texas and also being 8.286 acres of land situated in the E. Teal Survey, Abstract No. 207, City of Heath, Rockwall County, Texas, located at the northwest corner of Ridge Rd (FM 740) and Laurence Dr (FM 1140) (SP-2017-03)**

Director of Community Development Robert LaCroix stated that this request is a continuation of the Site Plan that was approved in June for the proposed office building, and this request indicates the location of a "Texas Hill Country" style restaurant on the proposed tract. The plan includes additional civil plans for building materials, signage, tree survey, landscape plan, lighting plan, and exterior building elevations. It also indicates the location of fire lanes, utility easements, access drives, parking spaces, water, sanitary lines, storm water structures, and fire hydrant locations. The restaurant development is proposed to be 4,480 square feet in floor area, requiring 45 parking spaces. Chairman of the P&Z Commission Steve McKimmey stated that the commission had considered the request, considered the variances and materials, and overall were pleased and approved the request unanimously 5-0. The following were present to answer questions and provided presentations: Applicant, Deric Salser, 345 New Hope Rd, Sunnyvale, TX; Property owner, Elias Pope, 14 Kensington, Heath TX; and Architect, Ken Killough, 800 Jackson Street, Dallas, TX. Killough specifically addressed the building materials and presented samples of the materials. The council continued discussion. Councilmember Weaver expressed concern regarding the architectural aesthetics of the building décor.

**MOTION: APPROVE THE SITE PLAN LOCATED AT NORTHWEST CORNER OF RIDGE ROAD (FM 740) AND LAURENCE DRIVE (FM 1140)**

MOTION MADE: CHAMBERLAIN  
SECONDED: RUFFO  
APPROVED: PASSED UNANIMOUSLY  
ABSENT: BERRY

*(Mayor Brian Berry returned to the regular meeting at 8:23 p.m.)*

**Discussion and Action regarding the application of Warren Gold, applicant, representing Premier Nationwide Lending, for approval of a variance to the Code of Ordinances, Chapter 151: Sign Code, Section 151.26 Permitted Sign Structure, (2) Minimum/maximum letter/logo height for an attached business sign located at 25 Noble Court being situated on Lot 20, Block A, Cobblestone Farms, City of Heath, Rockwall County Texas, and take any action necessary. (25 Noble Court) (SV-2017-02)**

Director of Community Development, Robert LaCroix explained that this request pertains to a sign variance to allow a logo/sign on the front side of the building business façade. The applicant has resubmitted a request with modifications that are smaller than the original request. This building is 190 feet from the street right-of-way, allowing a maximum height of 24 inches. The requested logo is 35 1/8 inches in height – 11 1/8 inches in excess of the maximum height allowed. The lettering for the actual sign is in compliance with the requirements of the Sign Code. Premier Nationwide Lending Branch Manager, William Branch, 2315 Wisdom Crest Circle, Heath and Terri Karr, 312 Dartbrook Drive, Rockwall TX were present to answer any questions. Karr presented a petition with nine signatures from neighboring business owners indicating their approval of the sign variance. As council continued discussion, the largest concern was regarding businesses that have complied with the sign code, as this sign variance would not be fair to them.

**MOTION: APPROVE THE REQUEST FOR A SIGN VARIANCE LOCATED AT 25 NOBLE COURT.**

MOTION MADE: KRAUSE  
SECONDED: CHAMBERLAIN  
APPROVED: MOTION FAILED FOUR TO THREE  
FOR : BERRY, CHAMBERLAIN, KRAUSE  
AGAINST: ELAM, NEW, RUFFO, WEAVER

**11. Open Forum – citizens’ comments.**

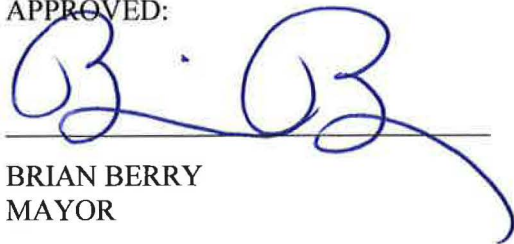
Mayor Brian Berry stated that the Open Forum is a new agenda item and explained how the forum would be conducted. He then invited those who wished to speak to come forward.

- Jane Simonson, 520 Moraine Way – explained her relationship as partners to the owner of Sip Heath, provided some personal background regarding the situation, and spoke in support of the proposed coffee shop located at 301 Hubbard.
- Carrie Foerster, 126 Dunford Drive – expressed two concerns: an increase in drug activity in the wooded area behind the Highlands of Heath near McCrummens Estates and an excessive amount of litter landing coming from the McCrummens Estate landing in the ponds and park. She has made numerous requests to the City to clean up the area and suggesting adding property lighting to the trails and provided police to monitor the trails.
- Marcy Sosnowskie, 213 Stanford Court – expressed her support of the previous request to get the city to clean up the trails behind Highlands of Heath.
- Brooks Nolan, 505 Loma Vista – plea to the City to get off the half trail attitude and complete the trails that have been started but are unfinished and asked that the city provide lighting and enlist police patrol of the area.
- Carrier Foerster, 126 Dunford Drive – believes that if the City enforced the curfew, kids would not spend time late at night in the wooded areas/trails.

Council member Frank New thanked the City Manager and the Mayor for adding “Open Forum” to the agenda.


Mayor Berry adjourned the meeting at 8:55p.m.

APPROVED:



BRIAN BERRY  
MAYOR

ATTEST:



NORMA DUNCAN  
CITY SECRETARY

