



Wylie City Council

NOTICE OF MEETING

Regular Meeting Agenda

July 9, 2019 – 6:00 p.m.
Wylie Municipal Complex
Council Chambers
300 Country Club Road, Building #100
Wylie, Texas 75098

Eric Hogue	Mayor
David R. Duke	Place 1
Matthew Porter	Place 2
Jeff Forrester	Mayor Pro Tem
Candy Arrington	Place 4
Timothy T. Wallis, DVM	Place 5
David Dahl	Place 6
Chris Holsted	City Manager
Richard Abernathy	City Attorney
Stephanie Storm	City Secretary

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020.

Hearing impaired devices are available from the City Secretary prior to each meeting.

CALL TO ORDER

Announce the presence of a Quorum

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

- **Junior Mayor Lucca Romano**

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must fill out a non-agenda form prior to the meeting in order to speak. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, approval of the Minutes of June 25, 2019 Regular Meeting of the Wylie City Council.** (*S. Storm, City Secretary*)

REGULAR AGENDA

- 1. Consider, and act upon, a Preliminary Plat to establish Brookside Estates, creating 68 single family residential lots and 11 open space lots on 14.599 acres within Wylie's ETJ, located at 2121 Stone Road approximately 1800' east of Kreymer Lane.** (*J. Haskins, Planning Manager*)

Executive Summary

MOTION TO RECONSIDER

The applicant is requesting the item be reconsidered based on a revised plan. The revision does not include realignment of the existing sewer line or easement, nor does it propose alleys. The proposed plat has been revised to reflect a 35' front yard setback on all lots along the eastern boundary, with all other lots being 25' front yard setback. In addition, the applicant is requesting that no alleys be required for the subdivision. The minimum lot size is 5,750 sf, maximum lot size is 8,714 sf, with an average lot size of 6,835 sf. There is 87,246 sf of open space, landscape buffers, and detention area within the proposed subdivision.

- 2. Consider, and act upon, the Certified Reasons for Denial of the Brookside Estates Preliminary Plat.** (*C. Holsted, City Manager*)

Executive Summary

On June 25, 2019, the City Council denied the Preliminary Plat for Brookside Estates. At that time, the developer's attorney formally requested that the City Council provide the "certified reasons for denial" of the Brookside Estates Preliminary Plat.

EXECUTIVE SESSION

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

- § 551.071 – Private consultation with an attorney for the City.
- § 551.072 – Discussing purchase, exchange, lease or value of real property.
- § 551.074 – Discussing personnel or to hear complaints against personnel.
- § 551.087 – Discussing certain economic development matters.
- § 551.073 – Discussing prospective gift or donation to the City.
- § 551.076 – Discussing deployment of security personnel or devices or security audit.

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on July 5, 2019 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Stephanie Storm, City Secretary

Date Notice Removed



Wylie City Council

Minutes

Regular Meeting

June 25, 2019 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:02 p.m. The following City Council members were present: Councilman David R. Duke, Mayor *pro tem* Jeff Forrester, Councilwoman Candy Arrington, Councilman Timothy T. Wallis, and Councilman David Dahl. Councilman Matthew Porter was absent.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renaé Ollie; Police Chief Anthony Henderson; Chief Building Official Bret McCullough; Public Information Officer Craig Kelly; Parks and Recreation Director Robert Diaz; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Public Works Director Tim Porter; Planning Manager Jasen Haskins, Library Director Rachel Orozco; Human Resources Manager Lynn Fagerstrom; WEDC Assistant Director Jason Greiner; Project Engineer Wes Lawson; City Attorney Ryan Pittman; Municipal Court Judge Art Maldonado; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester gave the invocation and Councilman Duke led the Pledge of Allegiance.

PRESENTATIONS

- **Outgoing Wylie Boards and Commissions Members; Oath of Office for Incoming Members**

Mayor Hogue presented outgoing board members gifts of appreciation for their service. Mayor Hogue thanked each member for volunteering their time to serve on the various boards and commissions.

Judge Art Maldonado administered the Oath of Office to the newly appointed board and commission members in attendance.

- **Parks and Recreation Month Proclamation**

Mayor Hogue presented a proclamation recognizing the month of July as Parks and Recreation Month in the City of Wylie. Parks and Recreation Director Robert Diaz, Parks Manager Brent Stowers, Recreation Manager Carmen Powlen, and Administrative Assistant Janet Hawkes were present to accept the proclamation.

- **Employee Milestone**

Mayor Hogue and City Manager Holsted presented milestone anniversary honors to the following employees:

- Ernest TeBay, Crossing Guard – 15 years of service
- Chris Campbell, WFR Fire Captain – 15 years of service
- Renae Ollie, Assistant City Manager – 15 years of service
- James Brown, WFR Battalion Chief – 25 years of service

- **Wylie PD Promotional Badge Pinning**

Police Chief Henderson congratulated Lieutenant Scott Stowers on his recent retirement with 25 years of law enforcement experience.

Henderson administered the Texas Oath of Honor to newly appointed Sergeant Jeff Callan, Sergeant Jason Prince, Corporal Jacob Perry, Corporal Helen Taylor, and Corporal Gabrielle Williams. Sergeant Jason Prince was pinned by his father-in-law Bud Mitchell. Sergeant Jeff Callan was pinned by his daughter Chloe and son Kegan. Corporal Helen Taylor was pinned by her husband David. Corporal Gabrielle Williams was pinned by her husband Brent. Corporal Jacob Perry was pinned by his wife Alisha.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must fill out a non-agenda form prior to the meeting in order to speak. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

- Justin Dumlao addressed Council requesting that infrastructure be a priority with regard to roadways, and requesting that funds continue to be available to maintain and expand City services such as the Library, Parks, and Public Safety during the budget process.
- Keith Stephens addressed Council stating the EDC presented the current status of the EDC at the Chamber of Commerce luncheon earlier in the day and asked that Council consider attending and supporting important events such as these in the future.
- Pamela Hart addressed Council commending the women on the police force and said she looks forward to additional diversity in the law enforcement ranks.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Consider, and act upon, approval of the Minutes of June 11, 2019 Regular Meeting of the Wylie City Council.** (S. Storm, City Secretary)
- B. **Consider, and act upon, a vendor application for the Wylie ISD Council of PTA's "Back to the Future Back to School" event at Olde City Park on August 24, 2019.** (R. Diaz, Parks & Recreation Director)
- C. **Consider, and act upon, a vendor application for the 1LT Robert F. Welch III Charity "Family Music in the Park" event at Olde City Park on July 26, 2019.** (R. Diaz, Parks & Recreation Director)

- D. Consider, and act upon, the award of bid #W2019-84-A for Concrete Maintenance & Repair (Various Locations) to GT Construction Inc., in the estimated annual amount of \$750,000.00, and authorizing the City Manager to execute any and all necessary documents. (G. Hayes, Purchasing Manager)**
- E. Consider, and act upon, approval and final acceptance of the Newport Harbor Pump Station Improvements project and authorize final payment to Red River Construction Company, Inc. in the amount of \$41,004.09, and accept the project as complete. (T. Porter, Public Works Director)**
- F. Consider, and act upon, Ordinance No. 2019-15 to amend Planned Development 2017-11, Section 5.5.f to set forth 20' front yard setbacks on lots 5-19, 39 and 40 of Block K of Woodbridge Phases 21 and 22, generally located southeast of the intersection of McCreary Road and Hensley Lane. ZC 2019-07. (J. Haskins, Planning Manager)**
- G. Consider, and act upon, Ordinance No. 2019-16 to change of zoning from Agricultural (AG/30) to Commercial Corridor, property located at 2455 Country Club Road (Tract 2 William Patterson Survey). ZC 2019-08. (J. Haskins, Planning Manager)**
- H. Consider, and act upon, a Final Plat for Birmingham Place Phase 5 Lots 1 and 2, Block A to establish two commercial lots on 5.251 acres located on the northeast corner of Park Blvd. and FM 1378. (J. Haskins, Planning Manager)**
- I. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for May 31, 2019. (M. Beard, Finance Director)**
- J. Consider, and place on file, the City of Wylie Monthly Investment Report for May 31, 2019. (M. Beard, Finance Director)**
- K. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of May 31, 2019. (S. Satterwhite, WEDC Director)**

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Duke, to approve the Consent Agenda as presented. A vote was taken and motion passed 6-0 with Councilman Porter absent.

Mayor Hogue convened the Council into Executive Session at 7:02 p.m.

EXECUTIVE SESSION

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

- § 551.071 – Private consultation with an attorney for the City.
- § 551.072 – Discussing purchase, exchange, lease or value of real property.
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- § 551.087 – Discussing certain economic development matters.
- § 551.073 – Discussing prospective gift or donation to the City.
- § 551.076 – Discussing deployment of security personnel or devices or security audit.

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

A governmental body may not conduct a private consultation with its attorney except:

- (1) when the governmental body seeks the advice of its attorney about:
 - a. Pending or contemplated litigation; or
 - b. A settlement offer, or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- **Development Regulations**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 8:05 p.m.

REGULAR AGENDA

1. **Consider, and act upon, authorizing the City Manager to sign an Agreement between John Englar and Yanyin Duan or their assigns and the City of Wylie to allow for the annexation into the City limits and the development of single-family homes within property located in the City's Extraterritorial Jurisdiction (ETJ), generally located north of Stone Road and east of Kreymer Road, and more specifically at 2121 E. Stone Road. (J. Haskins, Planning Manager)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is proposing an Agreement relating to the annexation of a 14.599-acre residential development consisting of 62 residential lots. The property is currently in the City's ETJ off Stone Road east of Kreymer. This Agreement offers the same conditions as the Agreement considered by Council on April 9, 2019.

Applicant Comments

Art Anderson, applicant's attorney, addressed Council requesting to speak on Items 1, 2, and 3 together as they are all related. Anderson stated if Council decides to approve the Item 1 Agreement, they will waive all enforcement rights under HB 2439 and will work with the City Attorney if other language needs to be included in the Agreement. Item 2 is the relocation of the sanitary sewer line and is contingent upon Item 1. Item 3 is the preliminary plat. The difference between the proposed preliminary plat and the prior preliminary plat submitted at the April 9 meeting is that the sanitary sewer line does not move. Anderson stated the preliminary plat meets all of the requirements for the City Subdivision Regulations except the setback requirement. Anderson reported that the applicant requests that if Council does not approve Items 1 and 2 that they approve Item 3. If the Council approves Items 1 and 2, the applicant would agree to withdraw Item 3.

Ryan Pittman, City Attorney, addressed Council stating within the Subdivision Regulations there is a requirement of 50-foot setbacks within the ETJ. The usual and customary setback within the City limits is 25 feet. The City does have authority to enforce setbacks within the ETJ, but it is the applicant's position that the City cannot enforce the setbacks under State Law.

Council Comments

Councilman Dahl asked about the request for reduction in parkland dedication fees. Adam Buczek and Trey Walette, representing Skorburg Company, responded the Parks Board recommended that they pay the full park fees; but \$22,000 of those park fees can be used on park improvements as a reimbursement to their community. Dahl asked why the applicant is requesting to use less than required, in accordance

with City standards, masonry exterior requirements on the homes and reduce the elevation repetition from seven to five. Walette responded the 80% masonry gives the builder the option to have some architecture relief and the elevations allow the consumer to choose, and both come at the request of the homebuilder.

Citizen Comments

Bethany Packard, Laurie Pollard, Julie Kilgore, Chad Packard, and Geoff Kilgore addressed Council with concerns related to the proposed subdivision including the large trees on the property, access to their property, maintenance of the area behind the fence, changing the flow of water which could result in the drying up of ponds, 15 feet setbacks, potential drainage issues, and pollution.

Applicant Comments

Buczek addressed Council responding to some of the concerns. In regards to the drainage, Buczek stated the developer has protections and processes that ensure the requirements of the City and State must be met so the flow, volume, and concentration of the water must stay the same. Concerning who maintains the area behind the fence within the tree preservation buffer, Buczek reported that the applicant could include language that states the HOA maintains that area. Concerning preserving the large trees, the applicant has added the tree buffer to save the specimen trees that are the most mature and beautiful trees and removed two lots to save large specimen trees.

Mayor *pro tem* Forrester asked the developer if they had met with the adjacent neighbors. Buczek responded Dr. Kilgore went to their office and Walette reported he met with the Pollards and Mr. Kilgore and emailed with Mr. Packard.

Council Action

A motion was made by Councilwoman Arrington to authorize the City Manager to sign an Agreement between John Englar and Yanyn Duan or their assigns and the City of Wylie to allow for the annexation into the City limits and the development of single-family homes within property located in the City's Extraterritorial Jurisdiction (ETJ), generally located north of Stone Road and east of Kreymer Road, and more specifically at 2121 E. Stone Road.

Pittman clarified that, if Item 1 is approved, the developer has offered to work on including language to preserve the City's right to impose the utilization of specific building materials. He suggested including language such as "moved to approve, subject to developer working with the City Attorney's office on language addressing their waiver of HB 2439." Councilwoman Arrington made a motion to adopt the modifications as suggested by Pittman. The motion and modification were seconded by Councilman Dahl.

A vote was taken and motion failed 2-4 with Mayor Hogue, Mayor *pro tem* Forrester, and Councilmen Duke and Wallis voting against, and Councilman Porter absent.

- 2. Consider, and act upon, authorizing the City Manager to sign an Agreement between John Englar and Yanyn Duan or their assigns and the City of Wylie to relocate a sanitary sewer line and sewer easement within property located in the City's Extraterritorial Jurisdiction (ETJ), located at 2121 E. Stone Road. (*J. Haskins, Planning Manager*)**

Citizen Comments

Julie Kilgore addressed Council clarifying that the developer did not reach out to her; she went to their office.

Council Action

A motion was made by Councilwoman Arrington, seconded by Councilman Dahl, to authorize the City Manager to sign an Agreement between John Englar and Yanyn Duan or their assigns and the City of

Wylie to relocate a sanitary sewer line and sewer easement within property located in the City's Extraterritorial Jurisdiction (ETJ), located at 2121 E. Stone Road. A vote was taken and motion failed 2-4 with Mayor Hogue, Mayor *pro tem* Forrester, and Councilmen Duke and Wallis voting against, and Councilman Porter absent.

- 3. Consider, and act upon, a Preliminary Plat for Brookside Estates Addition to establish 68 residential and 11 open space lots on 14.599 acres within Wylie's ETJ, located at 2121 Stone Road approximately 1800' east of Kreymer Lane. (J. Haskins, Planning Manager)**

Staff Comments

Planning Manager Haskins addressed Council stating that under this preliminary plat, the property would stay in the ETJ, there is no annexation or development agreement. The proposed residential lots and layout generally meet the requirements of the Subdivision Regulations; however, the plat currently displays the building line setback at 15 feet. The Subdivision Regulations require 50-foot setbacks for residential lots in the ETJ. Water would be served by East Fork SUD and sewer would be served by the City of Wylie due to the property being within Wylie's sewer CCN (Certificate of Convenience and Necessity).

Haskins reported the Commission recommended denial 7-0 and expressed concerns about the setbacks. Haskins reported the applicant was asked if they would increase the setbacks on the larger lots as the increased depth of those lots may allow an increased setback and the applicant declined.

Citizen Comments

Justin Dumao addressed Council speaking in favor of the development.

Bethany Packard and Julie Kilgore addressed Council regarding concerns with the developer not working together with the adjacent property owners and the City to come up with a reasonable plan and solution for this property.

Geoff Kilgore addressed Council regarding the general provisions for the ETJ in the Subdivision Regulations.

Council Action

A motion was made by Councilwoman Arrington, seconded by Councilman Wallis, to deny a Preliminary Plat for Brookside Estates Addition to establish 68 residential and 11 open space lots on 14.599 acres within Wylie's ETJ, located at 2121 Stone Road approximately 1800' east of Kreymer Lane. A vote was taken and motion passed 6-0 with Councilman Porter absent.

Art Anderson requested certified reasons for denial under Chapter 212.

- 4. Consider, and act upon, approval of Resolution No. 2019-18(R) authorizing the application for a Collin County Park and Open Space Grant for the purpose of the Twin Lakes Park Trail project. (R. Diaz, Parks & Recreation Director)**

Staff Comments

Parks and Recreation Director Diaz addressed Council stating the grant application requests \$280,020 in funding from Collin County for the purpose of installing trails and a playground in Twin Lakes Park following the recommendations in the 2010 City of Wylie Parks, Recreation and Open Space Master Plan, and the Trails Master Plan. At this time, proposed improvements in the application include construction of approximately 1,980 linear feet of 10-foot and 8-foot-wide, concrete hike-and-bike trail, two low-water crossings, ADA ramps and pedestrian access from the park crossing Canyon Lake Drive, litter receptacles, and benches.

Council Action

A motion was made by Councilwoman Arrington, seconded by Mayor *pro tem* Forrester, to approve Resolution No. 2019-18(R) authorizing the application for a Collin County Park and Open Space Grant for the purpose of the Twin Lakes Park Trail project. A vote was taken and motion passed 6-0 with Councilman Porter absent.

5. **Consider, and act upon, the acceptance of the withdrawal of applicant Roger Lang and the appointment of an alternate board member to the Zoning Board of Adjustments to fill the term of July 1, 2019 to June 30, 2021.** (*S. Storm, City Secretary*)

Council Comments

Mayor Hogue asked Mayor *pro tem* Forrester if the Board and Commission Interview Panel had a recommendation for an alternate Zoning Board of Adjustment member. Forrester stated they would like to recommend Shaun Chronister as the alternate board member.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to recommend Shaun Chronister as the alternate. A vote was taken and motion passed 6-0 with Councilman Porter absent.

Mayor Hogue convened the Council into Executive Session at 9:07 p.m.

EXECUTIVE SESSION

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

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Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

A governmental body may not conduct a private consultation with its attorney except:

- (1) when the governmental body seeks the advice of its attorney about:
 - a. Pending or contemplated litigation; or
 - b. A settlement offer, or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- **Discuss Drainage Issues**

Council came out of Executive Session at 9:35 p.m. and convened into the Executive Sessions listed below at 9:38 p.m.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING.

This chapter does not require a governmental body to conduct an open meeting:

- (1) to discuss or deliberate 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
 - (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- **Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Project 2019-6a and 2019-6b.**

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

- **Consider the sale or acquisition of property located near Highway 78 and Ballard.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 10:25 p.m.

READING OF ORDINANCES

Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.

City Secretary Storm read the captions of Ordinance Nos. 2019-15 and 2019-16 into the official record.

ADJOURNMENT

A motion was made by Councilman Duke, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 10:27 p.m. A vote was taken and the motion passed 5-1 with Councilman Dahl voting against and Councilman Porter absent.

Eric Hogue, Mayor

ATTEST:

Stephanie Storm, City Secretary



Wylie City Council AGENDA REPORT

Meeting Date:	<u>July 9, 2019</u>	Item Number:	<u>1</u> <i>(City Secretary's Use Only)</i>
Department:	<u>Planning</u>	Account Code:	<u></u>
Prepared By:	<u>Jasen Haskins</u>	Exhibits:	<u>2</u>
Date Prepared:	<u>July 5, 2019</u>		

Subject

Consider, and act upon, a Preliminary Plat to establish Brookside Estates, creating 68 single family residential lots and 11 open space lots on 14.599 acres within Wylie's ETJ, located at 2121 Stone Road approximately 1800' east of Kreymer Lane.

Recommendation

Motion to _____ a Preliminary Plat to establish Brookside Estates, creating 59 single family residential lots and four open space lots on 14.599 acres within Wylie's ETJ, located at 2121 Stone Road approximately 1800' east of Kreymer Lane.

Discussion

OWNER: John Englar and Yanyu Duan **APPLICANT: Trey Walette for Skorburg Company**

MOTION TO RECONSIDER

The applicant is requesting the item be reconsidered based on a revised plan. The revision does not include realignment of the existing sewer line or easement, nor does it propose alleys.

The applicant is proposing a 14.599-acre residential development consisting of 59 residential lots and four open space lots and a detention area. The property is in the City's ETJ in the county of Collin. As such, the City's Subdivision Regulations apply along with the City's engineering standards, such as street design, due to an inter-local agreement with Collin County. The Zoning Ordinance does not apply in the subject subdivision.

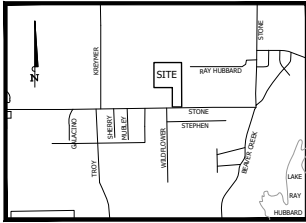
The proposed plat has been revised to reflect a 35' front yard setback on all lots along the eastern boundary, with all other lots being 25' front yard setback. In addition, the applicant is requesting that no alleys be required for the subdivision. The minimum lot size is 5,750 sf, maximum lot size is 8,714 sf, with an average lot size of 6,835 sf. There is 87,246 sf of open space, landscape buffers, and detention area within the proposed subdivision.

The proposed plat dedicates the necessary right of way for future expansion of Stone Road.

Water would be served by East Fork SUD. Sewer would be served by the City of Wylie due to the property being within Wylie's sewer CCN (Certificate of Convenience and Necessity).

The plat is technically correct except for the building line setback of 50' as stated in the Subdivision Regulations. If the property were within city limits, the required front yard setback would be 25'. In accordance with Subdivision Ordinance Section 3.2.B, the City Council may waive the requirement of alleys if deemed in the best interest of the City.

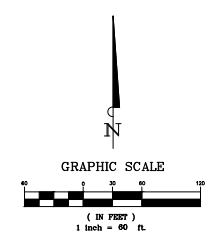
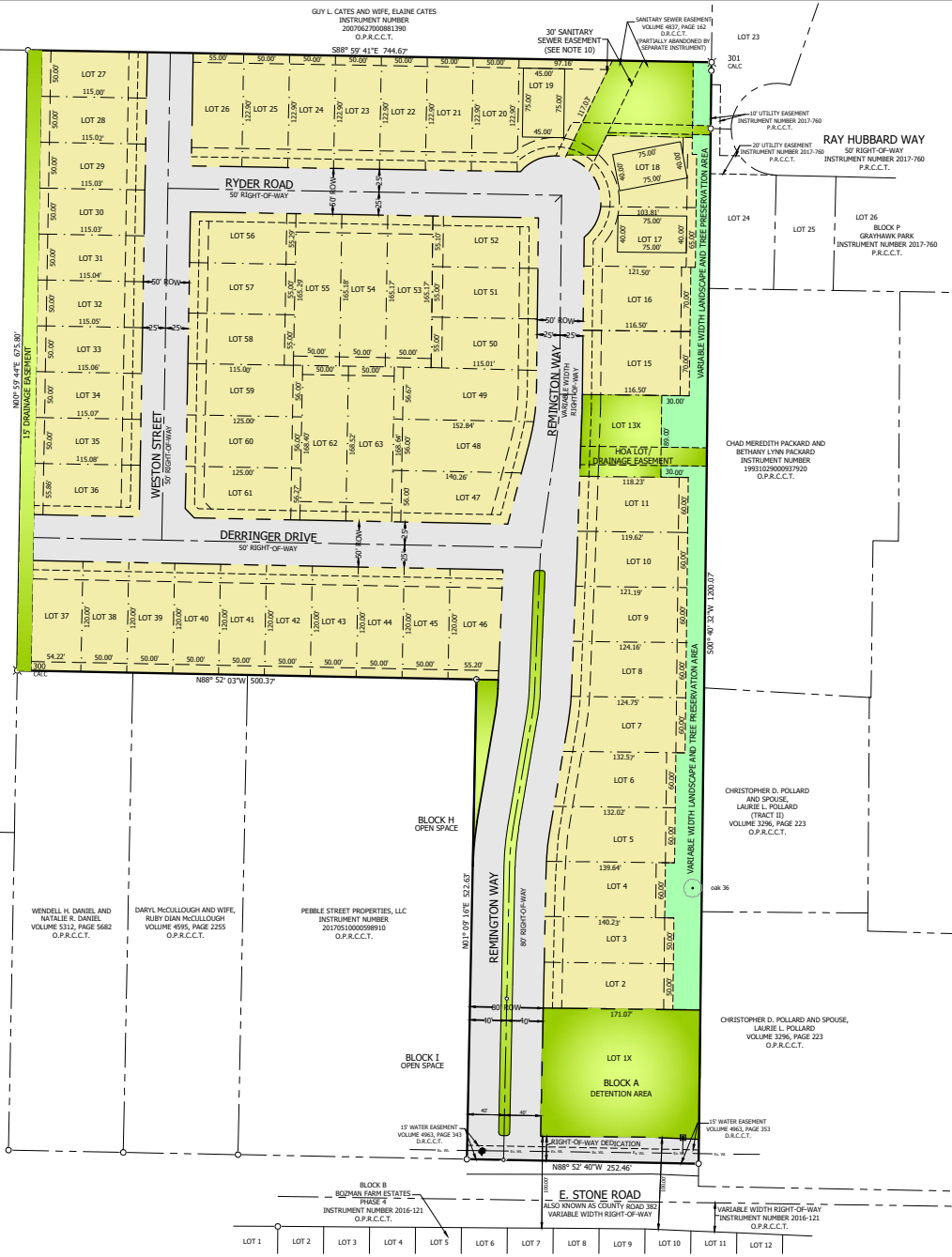
On June 25th City Council denied the Preliminary Plat 6-0. That plat is attached as well as a revised Lot Layout Exhibit for reference.



VICINITY MAP
SCALE: 1" = 2000'
COLLIN COUNTY, TEXAS

FRANK SOLLA AND WIFE,
JULIA SOLLA
VOLUME 5135, PAGE 3349
O.P.R.C.C.T.

FRANCISCO DE LA PENA SUAREZ
ABSTRACT NUMBER 689



- LANDSCAPE AND TREE PRESERVATION AREA
- OPEN SPACE AND DETENTION
- RESIDENTIAL LOTS
- RIGHT OF WAY

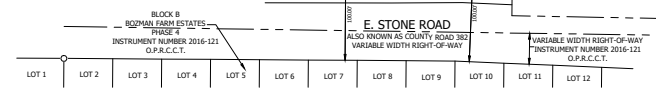
RESIDENTIAL LOTS	59	LOTS
AVERAGE LOT SIZE	6835	SF
MINIMUM LOT SIZE	5750	SF
MAXIMUM LOT SIZE	8714	SF
OPEN SPACE, BUFFER, DETENTION	87246	SF
ROW	145411	SF

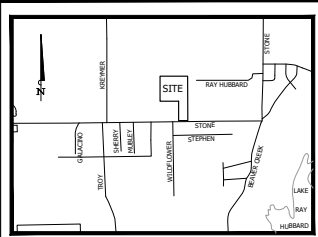
BROOKSIDE ESTATES LOT LAYOUT EXHIBIT

ENGINEER / SURVEYOR:
BANNISTER ENGINEERING, LLC
240 NORTH MITCHELL DRIVE
MANSFIELD, TEXAS 76063
CONTACT: MICHAEL DAVIS, RPLS
PHONE: 817-842-2094
Mike@bannistereng.com

OWNER / DEVELOPER:
JOHN ENGLAR & YANYU DUAN
8214 WESTCHESTER DRIVE, SUITE 710
DALLAS, TEXAS 75225

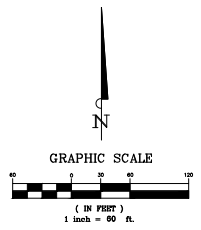
BANNISTER
ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823 PROJECT NO.: 090-18-019



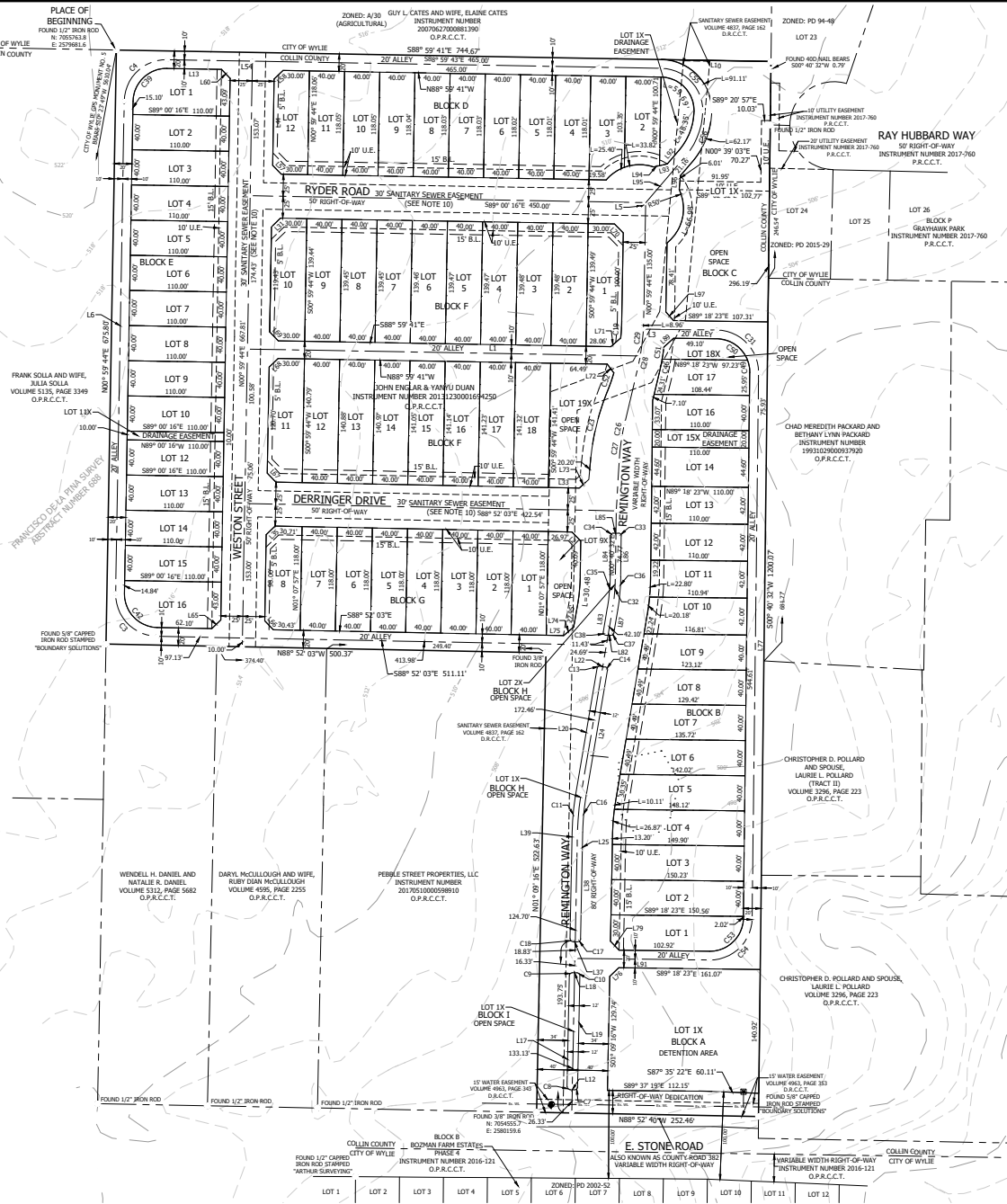


VICINITY MAP
SCALE: 1" = 2000'
COLLIN COUNTY, TEXAS

Line #	Length	Direction
L1	446.86	S88° 59' 41"E
L3	83.56	S89° 18' 23"E
L5	9.90	S45° 59' 44"W
L6	559.94	S0° 59' 44"W
L10	124.67	N88° 59' 31"W
L12	5.00	S88° 50' 44"E
L13	61.99	N88° 59' 41"W
L17	126.13	S1° 09' 16"W
L18	5.00	N88° 50' 44"W
L19	126.13	N1° 09' 16"E
L20	148.02	S9° 37' 48"W
L22	6.00	N80° 22' 12"W
L24	144.77	N9° 37' 48"E
L25	121.20	N1° 09' 16"E
L31	14.14	S45° 59' 44"W
L33	35.04	S88° 52' 03"E
L35	14.13	S45° 07' 51"W
L37	5.00	S88° 50' 44"E
L38	121.20	N1° 09' 16"E
L39	121.00	S1° 09' 16"W
L44	98.07	S0° 59' 44"W
L54	96.99	N88° 59' 41"W
L57	14.14	S44° 00' 16"E
L58	14.14	S46° 00' 02"W
L60	14.14	N43° 59' 58"W
L65	14.14	N45° 59' 44"E
L66	14.18	S43° 56' 09"E
L67	14.18	S43° 56' 09"E
L68	14.14	S46° 00' 02"W
L69	14.14	S43° 59' 56"E
L70	14.14	N44° 00' 16"W
L71	14.89	N49° 07' 51"E
L72	12.32	N37° 00' 30"W
L73	14.61	N48° 03' 28"E
L74	15.08	S50° 03' 11"W
L75	19.74	N88° 52' 03"W
L76	14.20	S45° 55' 27"W
L77	620.54	S0° 40' 29"W
L79	14.14	S43° 50' 44"E
L82	6.09	N90° 00' 00"W
L83	28.14	N9° 37' 48"E
L84	46.27	N0° 40' 32"E
L85	6.00	S89° 19' 28"E
L86	46.27	S0° 40' 32"W
L87	27.12	S9° 37' 48"W
L89	14.78	N48° 19' 43"E
L91	153.00	N89° 18' 23"W
L92	20.78	S40° 34' 24"W
L93	8.96	S77° 28' 53"W
L94	7.03	N77° 28' 53"E
L95	70.10	S40° 34' 24"W
L96	16.04	N5° 07' 25"E
L97	13.44	N41° 13' 27"W



LEGEND
 N NORTH
 S SOUTH
 E EAST
 W WEST
 ° DEGREES
 ' MINUTES
 " SECONDS/INCHES
 O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
 D.R.C.C.T. DEED RECORDS COLLIN COUNTY, TEXAS
 P.R.C.C.T. PLAT RECORDS COLLIN COUNTY, TEXAS
 U.E. UTILITY EASEMENT
 EFSUD U.E. EAST FORK SPECIAL UTILITY DISTRICT UTILITY EASEMENT
 B.L. BUILDING LINE



GENERAL NOTES:

- The tract shown herein and described above was not abstracted by the surveyor. Additional easements or other encumbrances, whether of record or not may affect the subject tract.
- According to the surveyor's interpretation of information shown on the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM), Community Panel No. 48058C403, dated June 2, 2009, the property appears to be within Zone "X" and the entire property lies within a "Zone determined to be outside the 1% annual chance floodplain" zone as defined by the U.S. Department of Housing and Urban Development, Federal Emergency Administration, or the Federal Emergency Management Agency.
- The above referenced "FIRM" map is for use in administering the NFIP; it does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, drainage systems or other surface or subsurface conditions existing on or near the subject property which are not studied or addressed as a part of the "FIRM".
- All found monuments shown herein are deemed to be controlling monuments.
- Exact coordinates and bearings shown herein are Texas State Plane Coordinate System, NAD83 (CRS), Texas North Central Zone (4202). All distances shown herein are surface distances.
- SOURCE BENCHMARK:** City of Wylie Monument No. 5, located at the Northern Intersection of Trey Road and County Road 732 (Reaver Creek). Elevation = 454.27'
- Notice: Selling a portion of any lot in this addition by metes and bounds is a violation of state law and City Ordinance and is subject to penalties imposed by law.
- All lot lines are radial or perpendicular to the street unless otherwise noted by bearing.
- The Home Owner's Association will maintain all Open Space Lots and Detention Area Lots. All such non-developable lots are labeled as "O.S. lots".
- Sanitary Sewer Easements in Streets are centered on the pipe as installed.
- Visibility Triangles: No fence, wall, screen, billboard, sign, structure, or foliage of hedges, trees, bushes, or shrubs shall be erected, planted or maintained in any right-of-way, Foliage or hedges, trees, bushes, and shrubs planted adjacent to the alleys right-of-way which are not governed by the visibility triangles or by zoning Ordinance of the City, shall be maintained such that the minimum overhang or encroachment shall be 14-feet above the alley surface at the edge of the pavement.

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	75.27	47.99	89°51'49"	S43° 56' 02"E	67.79
C4	75.41	48.00	90°00'35"	S46° 00' 02"W	67.89
C7	5.50	3.50	90°00'00"	N46° 09' 16"E	4.95
C8	5.50	3.50	90°00'00"	S43° 50' 44"E	4.95
C9	5.50	3.50	90°00'00"	S46° 09' 16"W	4.95
C10	5.50	3.50	90°00'00"	N43° 50' 44"W	4.95
C11	40.73	258.38	7°47'41"	S5° 01' 59"W	40.70
C13	4.71	3.00	90°00'00"	S54° 37' 48"W	4.24
C14	4.71	3.00	90°00'00"	N35° 22' 12"W	4.24
C16	42.01	284.00	8°28'32"	S5° 23' 32"W	41.97
C17	5.50	3.50	90°00'00"	N46° 09' 16"E	4.95
C18	5.50	3.50	90°00'00"	S43° 50' 44"E	4.95
C23	82.14	275.00	17°06'40"	N13° 32' 22"E	81.83
C31	75.38	48.00	89°58'53"	S44° 18' 57"E	67.87
C32	36.73	235.00	8°57'18"	N0° 09' 10"E	36.69
C33	4.71	3.00	90°00'00"	S44° 19' 28"E	4.24
C34	4.71	3.00	90°00'00"	N45° 40' 32"E	4.24
C35	35.79	228.00	8°57'18"	N0° 09' 10"E	35.75
C36	37.66	241.00	8°57'18"	S5° 09' 39"W	37.63
C37	4.21	3.00	80°22'12"	S48° 48' 54"W	3.87
C38	5.22	3.00	99°37'48"	N40° 11' 00"W	4.58
C39	59.70	38.00	90°00'35"	S46° 00' 02"W	53.74
C42	59.59	38.00	89°50'52"	S43° 53' 42"E	53.67
C46	16.59	275.00	3°22'25"	S11° 40' 00"W	16.59
C49	14.39	38.00	21°41'42"	N10° 10' 19"W	14.30
C50	45.27	38.00	68°13'03"	S55° 11' 52"E	42.64
C51	14.08	275.00	2°58'04"	N8° 28' 21"E	14.08
C52	22.95	225.00	5°50'41"	N19° 10' 25"E	22.94
C53	59.67	38.00	89°57'53"	N45° 40' 32"E	53.72
C54	75.37	47.98	90°00'23"	S45° 41' 24"W	67.85
C55	75.40	48.00	90°00'00"	S44° 00' 16"E	67.88
C56	55.26	80.00	39°34'40"	S20° 47' 05"W	54.17

NOTE: "Preliminary Plat for Review Purposes Only"
PRELIMINARY PLAT
 OF
BROOKSIDE ESTATES
 14,599 acres out of the
 Francisco De La Pina Survey, Abstract Number 688
 Collin County, Texas
 68 Residential Lots & 11 Open Space Lots
 Prepared Date: December 2018
 Revision Date: May 2019

ENGINEER / SURVEYOR: BANNISTER ENGINEERING, LLC
 240 NORTH MITCHELL DRIVE
 MANSFIELD, TEXAS 76063
 CONTACT: MICHAEL DAVIS, RPLS
 PHONE: 817-842-2094
 MDE@bannistereng.com

SHEET 1 OF 2

OWNER / DEVELOPER: JOHN ENGLAR & VIANEY DUAN
 503 STONEHEDGE DRIVE
 WYLIE, TEXAS 75098

BANNISTER ENGINEERING
 240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
 TPLS REGISTRATION NO. 10193823 PROJECT NO.: 000-18-019

OWNERS DEDICATION:

WHEREAS JOHN ENGLAR & YANYU DUAN, are the sole owner(s) of a 14.599 acres (635,944 square feet) of land in the Francisco De La Pina Survey, Abstract Number 688, Collin County, Texas, said 14.599 acres (635,944 square feet) of land being all of that certain tract of land described in a General Warranty Deed to JOHN ENGLAR & YANYU DUAN (hereinafter referred to as ENGLAR tract), as recorded in Instrument Number 2013112000169420, Official Public Records, Collin County, Texas (O.P.R.C.C.T.); said 14.599 acres (635,944 square feet) of land being more particularly described, by metes and bounds, as follows:

BEGINNING at a one-half inch iron rod found for the Northeast corner of said ENGLAR tract, same being the Northeast corner of that certain tract of land described in a Warranty Deed to Frank Solia and wife, Julia Solia (hereinafter referred to as Solia tract), as recorded in Volume 5135, Page 3395, O.P.R.C.C.T.; same also being the South line of that certain tract of land described in a Warranty Deed with Vendor's Lien to Guy L. Cates and wife, Elaine Cates (hereinafter referred to as Cates), as recorded in Instrument Number 2007062700081390, O.P.R.C.C.T.;

THENCE South 88 degrees 59 minutes 41 seconds East with the common line between said ENGLAR tract and said Cates tract, a distance of 744.67 feet to the Northeast corner of said ENGLAR tract, same being the Southeast corner of said Cates tract, same also being the West line of Grayhawk Park (hereinafter referred to as Grayhawk Park), an addition to the City of Wylie, Collin County, Texas, according to the plat recorded in Instrument Number 2017-760, Plat Records, Collin County, Texas (P.R.C.C.T.), from which a 400 nail found bears South 00 degrees 40 minutes 32 seconds West, a distance of 0.79 feet;

THENCE South 00 degrees 40 minutes 32 seconds West with the common line between said ENGLAR tract and said Grayhawk Park, pass at a distance of 246.54 feet, the Southwest corner of said Grayhawk Park, same being the Northwest corner of that certain tract of land described in a General Warranty Deed with Vendor's Lien in Favor of Third Party to Chad Meredith Packard and Bethany Lynn Packard (hereinafter referred to as Packard), as recorded in Instrument Number 1993102900937920, O.P.R.C.C.T.; and continue with said course and the common line between said ENGLAR tract and said Packard tract, pass at a distance of 681.77 feet, the Southwest corner of said Packard tract, same being the Northwest corner of that certain tract of land described in a General Warranty Deed to Christopher D. Pollard and spouse, Laurie L. Pollard (hereinafter referred to as Pollard tract), as recorded in Volume 3296, Page 223, O.P.R.C.C.T.; and continue with said course and the common line between said ENGLAR tract and said Pollard tract for a total distance of 1200.07 feet to a five-eighths inch iron rod with plastic cap stamped "BOUNDARY SOLUTIONS" found for the Southeast corner of said ENGLAR tract, same being the existing North right-of-way line of East Stone Road, also known as County Road 382 (variable width right-of-way);

THENCE North 88 degrees 52 minutes 40 seconds West, departing the West line of said Pollard tract and with the common line between said ENGLAR tract and the existing North right-of-way line of said East Stone Road, a distance of 252.46 feet to a three-eighths inch iron rod found for the Southernly Southwest corner of said ENGLAR tract, same being the Southeast corner of that certain tract of land described in a Warranty Deed with Vendor's Lien to Pebble Street Properties, LLC (hereinafter referred to as Pebble Street Properties tract), as recorded in Instrument Number 20170510000598910, O.P.R.C.C.T.;

THENCE North 01 degree 09 minutes 16 seconds East, departing the existing North right-of-way line of said East Stone Road and with the common line between said ENGLAR tract and with said Pebble Street Properties tract, a distance of 522.63 feet to a three-eighths inch iron rod found for an inner-ell corner of said ENGLAR tract, same being the Northeast corner of said Pebble Street Properties tract;

THENCE North 88 degrees 52 minutes 03 seconds West, continue with the common line between said ENGLAR tract and with said Pebble Street Properties tract, pass at a distance of 249.40 feet, the Northwest corner of said Pebble Street Properties tract, same being the Northeast corner of that certain tract of land described in a Warranty Deed with Vendor's Lien to Dany McCullough and wife, Ruby Dian McCullough (hereinafter referred to as McCullough tract), as recorded in Volume 4595, Page 2255, O.P.R.C.C.T.; and continue with said course and the common line between said ENGLAR tract and said McCullough tract, pass at a distance of 374.40 feet, the Northwest corner of said McCullough tract, same being the Northeast corner of that certain tract of land described in a General Warranty Deed to Wendell H. Daniel and Natalie R. Daniel (hereinafter referred to as Daniel tract), as recorded in Volume 5312, Page 5683, O.P.R.C.C.T.; and continue with said course and the common line between said ENGLAR tract and said Daniel tract for a total distance of 500.37 feet to a five-eighths inch iron rod with plastic cap stamped "BOUNDARY SOLUTIONS" found for the Westernly Southwest corner of said ENGLAR tract, same being the Northwest corner of said Daniel tract, same also being the East line of the aforesaid Solia tract;

THENCE North 00 degrees 59 minutes 44 seconds East with the common line between said ENGLAR tract and said Solia tract, a distance of 675.80 feet to the **PLACE OF BEGINNING**, containing a calculated area of 14.599 acres (635,944 square feet) of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That JOHN ENGLAR & YANYU DUAN, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as **BROOKSIDE ESTATES**, an addition to Collin County, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Wylie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Wylie's use thereof.

The City of Wylie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Wylie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all planning ordinances, rules, regulations and resolutions of the City of Wylie, Texas.

WITNESS MY HAND AT _____ Texas, this _____ day of _____, 2019.

JOHN ENGLAR & YANYU DUAN

By: _____ By: _____
JOHN ENGLAR YANYU DUAN

OWNER'S DEDICATION STATEMENT

WATER LINE AND WATER LINE APPURTENANCES

Now, Therefore Know All Men by These Presents:

That, JOHN ENGLAR & YANYU DUAN, acting herein by and through its duly authorized officer, does hereby dedicate all such water lines, valves, and water system appurtenances to the East Fork Special Utility District Executed this the _____ day of _____, 2019.

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared JOHN ENGLAR, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed some for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the _____ day of _____, 2019.

Notary Public in and for the State of Texas

My commission expires: _____

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared YANYU DUAN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed some for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the _____ day of _____, 2019.

Notary Public in and for the State of Texas

My commission expires: _____

Recommended for Approval

Chairman, Planning & Zoning Commission
City of Wylie, Texas Date: _____

Approved for Construction

Mayor, City of Wylie, Texas Date: _____

Accepted

Mayor, City of Wylie, Texas Date: _____

*The undersigned, the City Secretary of the City of Wylie, Texas, hereby certifies that the foregoing final plat of the **BROOKSIDE ESTATES**, subdivision or addition to Collin County was submitted to the City Council on the _____ day of _____, 2018, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easement, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to read the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this _____ day of _____, A.D., 2019.

City Secretary
City of Wylie, Texas

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that I, Michael Dan Davis, do hereby certify that I prepared this Final Plat and the field notes from an actual and accurate survey of the land, that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the subdivision Regulations of the City of Wylie, Texas.

PRELIMINARY,
THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE AND SHALL NOT BE
USED OR VIEWED OR RELIED UPON AS A FINAL
SURVEY DOCUMENT



DATE: _____
Michael Dan Davis
Registered Professional Land Surveyor No. 4838
BANNISTER ENGINEERING, LLC
T.B.P.L.S. REGISTRATION NO. 10193823

THE STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Michael Dan Davis, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office, this _____ day of _____, 2019.

Notary Public in and for the State of Texas

NOTE: *Preliminary Plat for Review Purposes Only*

PRELIMINARY PLAT
OF
BROOKSIDE ESTATES
14.599 acres out of the
Francisco De La Pina Survey, Abstract Number 688
Collin County, Texas
68 Residential Lots & 11 Open Space Lots
Prepared Date: December 2018
Revision Date: May 2019
SHEET 2 OF 2

ENGINEER / SURVEYOR:
BANNISTER ENGINEERING, LLC
240 NORTH MITCHELL DRIVE
MANSFIELD, TEXAS 76063
CONTACT: MICHAEL DAVIS, RPLS
PHONE: 817-842-2094
Mike@bannistereng.com

OWNER / DEVELOPER:
JOHN ENGLAR & YANYU DUAN
503 STONEHEDGE DRIVE
WYLIE, TEXAS 75098



240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823 PROJECT NO.: 090-18-019



Wylie City Council

AGENDA REPORT

Meeting Date:	<u>July 9, 2019</u>	Item Number:	<u>2</u> <i>(City Secretary's Use Only)</i>
Department:	<u>City Manager</u>	Account Code:	<u>N/A</u>
Prepared By:	<u>Chris Holsted</u>	Exhibits:	<u>Letter</u>
Date Prepared:	<u>July 3, 2019</u>		

Subject

Consider, and act upon, the Certified Reasons for Denial of the Brookside Estates Preliminary Plat.

Recommendation

Motion to approve the Certified Reasons for Denial of the Brookside Estates Preliminary Plat.

Discussion

On June 25, 2019, the City Council denied the Preliminary Plat for Brookside Estates. At that time, the developer's attorney formally requested that the City Council provide the "certified reasons for denial" of the Brookside Estates Preliminary Plat.

Section 212.009 of the Local Government Code requires the City Council to certify the reasons for the action taken on the preliminary plat application at the request of the applicant. The attached letter cites the reasons for denial and will be provided to the developer and representatives upon approval by Council.



Our Mission...
*...to be responsible stewards of the public trust,
to strive for excellence in public service
and to enhance the quality of life for all.*

July 9, 2019

Skorburg Company
Attn: Mr. Trey Wallette
8214 Westchester Drive, Suite 710
Dallas, Texas 75225
twallette@skorburgcompany.com

VIA Certified Mail, RRR
No. 7017 1070 0001 0882 8129
and Via Email

Mr. Art Anderson, Esq.
Winstead PC
2728 N. Harwood Street, Suite 500
Dallas, Texas 75201
aanderson@winstead.com

Via Email

RE: Denial of the Preliminary Plat for Brookside Estates, a proposed subdivision creating 68 single-family residential lots and 11 open space lots on 14.599 acres within the City of Wylie's ETJ, generally located north of Stone Road and east of Kreymer Road (the "Preliminary Plat")

Dear Mr. Wallette and Mr. Anderson:

In response to Mr. Anderson's request at the June 25, 2019, Wylie City Council meeting and in accordance with Section 212.009(e) of the Texas Local Government Code, I hereby certify that the following are the reasons for the City Council's denial of the Preliminary Plat as reflected by the motion, second and vote of the City Council on June 25, 2019:

1. The Preliminary Plat fails to provide a drainage plan that adequately addresses the impact of internal and external drainage, including, but not limited to, lot-to-lot, off-site, storm sewer, detention ponds and/or similar conditions;
2. The Preliminary Plat fails to provide at least two (2) points of vehicular access, which must be connected via improved roadways to an existing, improved thoroughfare and street system by one or more approach roads of such dimensions and improved to such standards as set forth in applicable City of Wylie subdivision regulations;
3. The Preliminary Plat fails to provide for two separate and approved fire apparatus access roads that are placed a distance apart equal to not less than one-half of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, as required by the 2015 International Fire Code;
4. The Preliminary Plat fails to provide for two separate and approved fire apparatus access roads that are placed a distance apart equal to not less than one-half of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, as required by the 2009 International Fire Code;

5. The Preliminary Plat calls for a front building setback of 15 feet in violation of applicable Wylie subdivision regulations; and
6. The Preliminary Plat calls for a front building setback of 15 feet in violation of applicable Collin County regulations.

Sincerely,

CITY OF WYLIE, TEXAS

Eric Hogue, Mayor

cc: Chris Holsted, City Manager
Ryan D. Pittman, City Attorney's Office