



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## Meeting Agenda

### City Council

---

Monday, August 12, 2019

4:00 PM

Council Chambers

---

#### REGULAR MEETING

1. **4:00 P.M. - CALL MEETING TO ORDER**

2. **PUBLIC WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM**

- A. Proposed 5-year Capital Improvement and Strategic Plan Follow-up
- B. 2020 Service Program and Funding

3. **RECESS INTO EXECUTIVE SESSION**

*Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.*

**A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**

- A1. Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14
- A2. Seek Advice of City Attorney Regarding Recent Legislative Enactment Relating to Development Regulations by Local Government
- A3. Seek Advice of City Attorney Regarding Recent Legislative Enactment Relating to Public Meetings of the Governing Body
- A4. Seek Advice of City Attorney Regarding Open Meetings Act Requirements

**B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**

- B1. Land Acquisition for Future Development

**C. Personnel Matters Pursuant to Section 551.074**

- C1. Board Appointments Relating to the Process and Review of Applications

- D. **Deliberation Regarding Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087**

4. **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

5. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

6. **INVOCATION**

7. **PLEDGE OF ALLEGIANCE**

8. **TEXAS PLEDGE**

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

9. **CITIZEN COMMENTS**

*Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. Once the business portion of the meeting begins, only comments related to public hearings will be heard. All comments are limited to 5 minutes. Please refrain from "personal criticisms."*

*In order to be recognized during the "Citizen Comments" or during a Public Hearing (applicants included), please complete a blue or yellow "Appearance Card" located at the entry to the City Council Chamber and present it to the Assistant City Secretary prior to the start of the meeting.*

10. **COUNCIL ANNOUNCEMENTS**

11. **SUB-COMMITTEE REPORTS**

12. **STAFF COMMENTS**

*In addition to matters specifically listed below, Staff comments may include updates on ongoing or proposed projects and address of posted agenda items.*

A. **City Manager Report or Authorized Representative**

Current/Future Agenda Items

13. **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**14. CONSENT AGENDA**

*All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff's recommendation.*

**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[19-3195](#) Ordinance - Third and Final Reading of an Ordinance Adopting Amended Land Use Assumptions, Capital Improvement Plans for Water and Sewer, and Revised Water and Sewer Impact Fees

**Presenters:** Joe Smolinski and Bart VanAmburgh

**Attachments:** [Ordinance](#)

[19-3211](#) Ordinance - Second Reading of an Ordinance of the City of Mansfield, Texas, Revising Chapter 90 "Animal Control", of the Code of Ordinances (OR-1787-10) of the City of Mansfield, Texas Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty; and Providing for an Effective Date

**Presenters:** Clayton Chandler and Tracy Aaron

**Attachments:** [Ordinance](#)

[19-3227](#) Resolution - A Resolution Awarding a Construction Contract for a Traffic Signal at the Intersection of East Broad Street/Mitchell Road to Roadway Solutions, Inc.; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$255,000.00 (Street Bond Fund)

**Presenters:** Joe Smolinski and Bart VanAmburgh

**Attachments:** [Resolution](#)

[Bid Tab](#)

[19-3234](#) Resolution - A Resolution Rejecting All Bids for Construction of the Industrial Elevated Storage Tank

**Presenters:** Bart VanAmburgh and Joe Smolinski

**Attachments:** [Resolution](#)

[19-3223](#) Minutes - Approval of the July 22, 2019 Regular City Council Meeting Minutes

**Presenters:** Shelly Lanners and Susana Marin

**Attachments:** [7-22-19 DRAFT Meeting Minutes](#)

**END OF CONSENT AGENDA**

**15. PUBLIC HEARING**

- [19-3220](#) Public Hearing - First Public Hearing on the Tax Rate, Levying the Ad Valorem Taxes for the Fiscal Year 2020 at a Rate of \$0.7100 per One Hundred Dollars (\$100.00) Assessed Valuation on all Taxable Property Within the Corporate Limits of the City as of January 1, 2019, to Provide Revenues for the Payment of Current Expenditures and to Provide an Interest and Sinking Fund on all Outstanding Debts of the City, and Providing for Due and Delinquent Dates Together With Penalties and Interest  
***Presenters:*** Clayton Chandler, Peter Phillis, Gary Cardinale and Jennifer Goldthwaite
- [19-3221](#) Public Hearing - First Public Hearing on the Budget for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020, in Accordance with the Charter of the City of Mansfield, and the Appropriation of Various Amounts Thereof  
***Presenters:*** Clayton Chandler, Peter Phillis, Gary Cardinale and Jennifer Goldthwaite
- [19-3222](#) Public Hearing - First Public Hearing on the Use of Hotel/Motel Tax for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020  
***Presenters:*** Clayton Chandler, Peter Phillis, Gary Cardinale and Jennifer Goldthwaite
- [19-3228](#) Public Hearing - Public Hearing and Consideration of a Request for an Alternate Location for a Roof-Mounted Solar Panel System under Section 7800.B.37.H of the Zoning Ordinance to Allow Solar Panels on the Front Roof Slope of the House Facing a Public Street at 5 Altman Court; Mr. and Mrs. F. A. Simon (SP#19-002)  
***Presenters:*** Joe Smolinski and Lisa Sudbury  
***Attachments:*** [Maps and Supporting Documents](#)  
[Letter from applicant](#)

**16. PUBLIC HEARING AND FIRST READING**

- [19-3225](#) Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12 Single-Family Residential District to PD Planned Development District for Single-Family Residential Uses on Approximately 0.475 Acres Being a Portion of Lot 6, Block 2 of the Original Town of Britton, Generally Located at 924 Cope St.; Ben Hartman (ZC#19-008)  
***Presenters:*** Joe Smolinski and Lisa Sudbury  
***Attachments:*** [Ordinance](#)  
[Maps and Supporting Information](#)  
[Exhibit A](#)  
[Exhibit B](#)



**17. PUBLIC HEARING CONTINUATION AND SECOND READING**[19-3193](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District and C-2 Community Business District to PD Planned Development District for Single-Family Residential, Multi-Family Residential, Senior Living, and C-2 Community Business Uses on Approximately 76.734 Acres out of the S. S. Callender Survey, Abstract No. 359, Tarrant County, TX, Generally Located on the East Sides of FM 157 and House Road, the North Side of Mouser Way, and West of Towne Crossing and Cedar Point; Tim Coltart of Realty Capital Management, LLC on Behalf of Glenn Day, et al and Sowell Property Partners - Mansfield, LP (ZC#19-005)

**Presenters:** Joe Smolinski and Lisa Sudbury

**Attachments:** [Ordinance](#)

[Exhibit A](#)

[Maps and Supporting Information](#)

[Letters of Support](#)

[Request to Table to 8-12-19](#)

[Exhibit B](#)

**18. NEW BUSINESS**[19-3229](#)

Ordinance - First Reading of an Ordinance Amending Chapter 38 of the Mansfield Code of Ordinances to Establish a Historic Preservation Tax Exemption Program for the City of Mansfield (HLC#19-002)

**Presenters:** Joe Smolinski and Lisa Sudbury

**Attachments:** [Ordinance](#)

**19. ADJOURN**

**CERTIFICATION**

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the August 12, 2019 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Thursday, August 8, 2019 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

---

Susana Marin, City Secretary

Approved as to form:

---

City Attorney

DATE OF POSTING: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

DATE TAKEN DOWN: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call (817) 473-0211 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3195

**Agenda Date:** 8/12/2019

**Version:** 4

**Status:** Third and Final Reading

**In Control:** City Council

**File Type:** Ordinance

**Agenda Number:**

**Title**

Ordinance - Third and Final Reading of an Ordinance Adopting Amended Land Use Assumptions, Capital Improvement Plans for Water and Sewer, and Revised Water and Sewer Impact Fees

**Requested Action**

Approval of the Ordinance.

**Recommendation**

The Capital Improvements Advisory Committee (CIAC) recommends approval of the amendments as described in the proposed Ordinance. Staff recommends approval of the Ordinance.

**Description/History**

Chapter 395 of the Local Government Code requires the City Council to update impact fees and their associated documents (the Land Use Assumptions and Capital Improvement Plans) every five years.

On June 20, Council members received the Water and Wastewater Impact Fee Report, a presentation that will be delivered by Freese & Nichols representatives on July 8, and the written recommendation by the CIAC. The proposed Ordinance amends the existing Water and Sewer Impact Fee Ordinance based on the findings of the report and the CIAC recommendations.

The Director of Public Works will be in attendance at the meeting to answer Council's questions.

**Funding Source**

N/A

**Prepared By**

Bart VanAmburgh, P.E., Director of Public Works

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING UPDATED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS FOR WATER AND SEWER, AND REVISED WATER AND SEWER IMPACT FEES FOR THE CITY OF MANSFIELD, TEXAS, AS SET FORTH HEREIN; AMENDING CHAPTER 51 OF TITLE V OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, AS AMENDED, TO REVISE THE IMPACT FEES THEREIN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 395 of the Texas Local Government Code sets forth certain procedures to be followed by municipalities in imposing, collecting, updating and expending impact fees; and

**WHEREAS**, the City Council of the City of Mansfield, Texas, has heretofore directed City staff to prepare updated land use assumptions to be used in preparation of updated capital improvement plans for water and sewer facilities and revised impact fees based thereon; and

**WHEREAS**, the City Council finds that the City has complied with the requirements of Chapter 395 of the Local Government Code regarding notice, public hearings, promulgation and methodology used to prepare the updated land use assumptions, updated capital improvement plans and revised impact fees; and

**WHEREAS**, the City Council finds that the water and sewer improvements proposed in said updated capital improvement plans will best address the requirements imposed upon the City by new development; and

**WHEREAS**, the City Council further finds that the revised impact fees imposed by this ordinance provide the proper level of cost recovery to the City attributable to new development.

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

**SECTION 1.**

Section 15.097, Chapter 51 of Title V of the Code of Ordinances, City of Mansfield, Texas, is hereby amended to read as follows:

**“§ 51.097 CAPITAL IMPROVEMENT PLAN FOR WATER IMPACT FEE**

The Capital Improvement Plan in the Water and Wastewater Impact Fee Report, dated May 2019, is adopted and incorporated herein by reference for all purposes.”

**SECTION 2.**

Section 15.098, Chapter 51 of Title V of the Code of Ordinances, City of Mansfield, Texas, is hereby amended to read as follows:

**“§ 51.098 CAPITAL IMPROVEMENT PLAN FOR SEWER IMPACT FEE**

The Capital Improvement Plan in the Water and Wastewater Impact Fee Report, dated May 2019, is adopted and incorporated herein by reference for all purposes.”

**SECTION 3.**

Section 15.099, Chapter 51 of Title V of the Code of Ordinances, City of Mansfield, Texas, is hereby amended to read as follows:

**“§ 51.099 LAND USE ASSUMPTIONS**

The Land Use Assumptions in the Water and Wastewater Impact Fee Report, dated May 2019, is adopted and incorporated herein by reference for all purposes.”

**SECTION 4.**

The aforementioned Capital Improvement Plan and Land Use Assumptions are contained in the Water and Wastewater Impact Fee Report (dated May 2019) attached hereto as Exhibit “A” and made a part hereof for all purposes, and are hereby adopted.

**SECTION 5.**

The imposition of the revised impact fees set forth hereinbelow and in Exhibit “B” attached hereto and made a part hereof for all purposes is hereby approved.

**SECTION 6.**

Section 15.100, Chapter 51 of Title V of the Code of Ordinances, City of Mansfield, Texas, is hereby amended by revising Subsection (D) to read as follows:

“(D) The maximum assessable impact fee for water supply treatment and distribution facilities shall be \$3,070 per equivalent service unit or ESU. The amount of the water impact fee to be collected hereunder shall be \$3,000 per equivalent service unit or ESU. The maximum assessable impact fee for

wastewater collection and treatment facilities shall be \$1,509 per equivalent service unit or ESU. The amount of the wastewater impact fee to be collected hereunder shall be \$1,500 per equivalent service unit or ESU. The amount of each impact fee due shall be determined by multiplying the impact fee to be collected hereunder by the number of ESU generated by the new development. The impact fees to be collected hereunder may be increased by adoption of an ordinance to an amount not to exceed the maximum assessable impact fee.”

#### **SECTION 7.**

The equivalent service units or ESUs to be used in the determination or calculation of impact fees are contained in the Water and Wastewater Impact Fee Report (dated May 2019) adopted hereinabove.

#### **SECTION 8.**

For new development that is part of a valid preliminary or final plat approved prior to the adoption of this ordinance, the revised impact fees shall not be collected on any lot for which a valid and complete building permit application is submitted within one year after the date of adoption of this ordinance, provided however, lots in such development shall continue to be subject to any previously assessed impact fees.

#### **SECTION 9.**

That it is the intent of the City of Mansfield to fund part of the cost of the capital improvements identified in the aforementioned Capital Improvement Plan for Water and Sewer Impact Fees by the impact fees adopted herein and to fund the remainder of the cost by utility revenues; and that no capital improvements identified hereinabove will be funded by duplicated revenue resources unless a credit is given to offset the amount of impact fees charged as specified by Chapter 395 of the Local Government Code.

#### **SECTION 10.**

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City and shall not repeal or affect any of such other ordinances except insofar as the provisions thereof are inconsistent or in conflict with the provisions hereof, and to the extent of such conflict, if any, such other ordinances are hereby repealed.

#### **SECTION 11.**

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

**SECTION 12.**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**David Cook**, Mayor

ATTEST:

\_\_\_\_\_  
**Susana Marin**, City Secretary

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
**Allen Taylor**, City Attorney

**Exhibit “B”**

**Water and Sewer Impact Fees  
City of Mansfield, Texas  
Updated \_\_\_\_\_, 2019  
via Ordinance No. \_\_\_\_\_**

Water Meter Size	Impact Fee Amounts at		
	Water	Sewer	Total
3/4"	\$3,000	\$1,500	\$4,500
1"	\$5,100	\$2,550	\$7,650
1.5"	\$9,900	\$4,950	\$14,850
2"	\$24,900	\$12,450	\$37,350
3"	\$50,100	\$25,050	\$75,150
4"	\$99,900	\$49,950	\$149,850
6"	\$159,900	\$79,950	\$239,850
8"	\$279,900	\$139,950	\$419,850





# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3211

**Agenda Date:** 8/12/2019

**Version:** 2

**Status:** Second Reading

**In Control:** City Council

**File Type:** Ordinance

**Agenda Number:**

**Title**

Ordinance - Second Reading of an Ordinance of the City of Mansfield, Texas, Revising Chapter 90 "Animal Control", of the Code of Ordinances (OR-1787-10) of the City of Mansfield, Texas Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty; and Providing for an Effective Date

**Requested Action**

Approval of Ordinance

**Recommendation**

Approval of Ordinance

**Description/History**

The Code of Ordinances Chapter 90, of the City of Mansfield, Texas, has not been revised since November 11, 2002, as indicated by Ordinance 1405. The only additions since that date was the addition of Ordinance 1753 on September 14, 2009. Ordinance 1753 addressed the roadside sales of animals and on October 11, 2010 City Council address Livestock Permitting and associated fees. The proposed revision of Chapter 90 reflects needed changes to allow the Animal Care and Control Department to address animal related problems in the City of Mansfield and update parts of the Ordinance that are outdated due to State law changes and continued growth of the City of Mansfield.

**Justification**

Continued growth of the City combined with changes in state law has made the revision of the current Ordinance necessary. If the Ordinance revision is adopted, the Animal Care and Control Department will be better able to address animal related issues with ordinances that are in line with Texas State law, current city zoning requirements, proposed dog park projects, and address other animal related problems in the City of Mansfield.

**Funding Source**

None

**Prepared By**

Tracy L. Aaron, Chief of Police, Mansfield Police Department  
817-804-5782

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 90 “ANIMAL CONTROL” OF THE CITY OF MANSFIELD, TEXAS CODE OF ORDINANCES BY PROVIDING NEW DEFINITIONS FOR FOWL, POTBELLIED PIG, AND TETHER; EXTENDING TIME FOR AN OWNER TO APPEAL A DANGEROUS DOG DETERMINATION; AMENDING REGULATIONS FOR IMPOUNDED ANIMALS; AMENDING THE FEE SCHEDULE; PROVIDING REGULATIONS FOR TETHERING OF ANIMALS; CLARIFYING LICENSING REQUIREMENTS AND ADMINISTRATIVE OVERSIGHT AND ENFORCEMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Mansfield is a home rule city acting under its charter adopted by the electorate to Article IX, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council of the City of Mansfield has previously adopted regulations governing animal control; and

**WHEREAS**, the City Council has determined that the amendments to the Code of Ordinances as set out herein are in the best interest of the health, safety and general welfare of the citizens of Mansfield and the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS THAT:**

**SECTION 1.**

Section 90.01 “Definitions” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended by revising the definition of “Fowl” and adding definitions for “Potbellied pig” and “Tether” to read as follows:

**“FOWL** Any bird, including chickens, roosters, and poultry.”

**“POTBELLIED PIG** A domesticated miniature Vietnamese, Chinese, or Asian potbellied or potbelly pig, not exceeding 250 pounds in weight and thirty inches (30”) in height measured at the shoulder, kept as a pet for personal enjoyment and not kept or raised for breeding, sale or human consumption.”

**“TETHER** Any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.”

## **SECTION 2.**

Section 90.02 “Establishment of Office of Animal Control Manager” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsections (C) and (D) to read as follows:

“(C) The Animal Control Manager shall employ Animal Control Officers to assist in the carrying out of his duties.

(D) The Animal Control Manager and Animal Control Officers shall be assigned to the Mansfield Police Department under the authority of the Chief of Police.”

## **SECTION 3.**

Section 90.06 “Livestock and Livestock Permits” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended to read as follows:

“(A) The keeping of livestock on any property within the City of Mansfield must comply with the regulations of the Zoning Ordinance.

(1) Permits will only be issued by the Animal Care and Control Department for livestock that are kept in conformance with the zoning regulations and the regulations in this Chapter.

(2) The provisions of the Zoning Ordinance related to livestock shall be enforced by the Code Compliance Department.

(B) It shall be unlawful and illegal for any person owning or having control over any livestock to knowingly allow the same to be at-large unattended on any public property, or on the property of another without the consent of such other person.

(C) It shall be unlawful and illegal for any person owning or having control over any livestock to keep said livestock, regardless of whether livestock are kept for personal use or for commercial purposes, unless a livestock permit has been obtained from the Animal Control Manager.

(D) In order to obtain a livestock permit, an owner of livestock shall complete an application and be required to pay a one-time permit fee established by City Council to register his/her property and to describe the type and number of livestock thereon.

(E) Any person obtaining a livestock permit will be issued a permit sign and will be required to post and maintain prominently said sign at the main entrance to the property where the livestock is kept.

(F) All livestock permits will be required to be renewed on an annual basis (twelve (12) months from date of issuance). Livestock owners will not be required to pay a permit renewal fee. The Animal Control Manager shall send a form annually to each registered owner, at the designated (last known) mailing or email address, seeking updated registration information for permit renewal.

(G) Livestock permits may be denied or revoked for any of the following reasons:

(1) Health or safety issues.

(2) Animal cruelty or neglect as defined in Tex. Penal Code § 42.09.

(3) More than three violations of livestock at-large within a permit year.

(4) Failure to obtain a livestock permit within ten business days of placing livestock on property within the city.

(5) Failure to maintain or post the issued permit sign.

(H) If a livestock permit is denied or revoked, the applicant or permit holder will have thirty (30) calendar days from the date of denial or revocation to remove any and all livestock from the city limits or said livestock may be impounded by the Animal Control Manager. Failure to renew a permit, in accordance with this chapter, shall presumptively be considered a revocation.

(I) A person denied or having a permit revoked may appeal the denial or revocation as set out in §90.20.

## **SECTION 4.**

Section 90.07 “Swine Prohibited” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended to read as follows:

### **“§ 90.07 SWINE AND POTBELLIED PIGS**

(A) It shall be unlawful for any person to keep any swine, not including potbellied pigs, in any house, shed, pen, lot, or pasture within the city.

(B) It shall be unlawful for any person to keep, harbor or raise more than two (2) potbellied pigs on any one (1) tract or lot within the city.

(C) It shall be unlawful for any person to breed, sell, give away, or release a potbellied pig in any one (1) location within the city.

(D) It shall be unlawful for any person to keep a potbellied pig outdoors other than at those times necessary for the elimination of waste materials, eating, or exercise, and no potbellied pig may be outside more than two (2) hours during a twenty-four (24) hour period. All outdoor areas must be kept clean and free of excess waste material.

(E) Potbellied pigs are subject to all applicable sections of this chapter including the requirements of this chapter which prohibit animals at-large.

(F) It shall be unlawful for any person to keep a potbellied pig at any location within the city unless such person has first paid an annual registration fee and filed a registration application with the Animal Control Division. Each application must include the following:

- (1) Name, street address and phone number of the owner;
- (2) Evidence that the animal has been spayed/neutered;
- (3) Name and description of the animal;
- (4) Approximate weight, height and age of the animal; and
- (5) Animal's general health.”

## **SECTION 5.**

Section 90.08 “Keeping of Fowl” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended to read as follows:

“(A) The keeping of fowl on any property within the City of Mansfield must comply with the regulations of the Zoning Ordinance.

(B) The provisions of the Zoning Ordinance related to fowl shall be enforced by the Code Compliance Department.

(C) A person commits an offense if he/she:

(1) Keeps or maintains more than four (4) fowl on one-half acre or less or at a distance closer than fifty (50) feet from any habitation located on another's property;

(2) Keeps or maintains more than ten fowl on more than one-half acre but less than one acre at a distance closer than fifty (50) feet from any habitation located on another's property;

(3) Keeps or maintains twenty-five (25) fowl or more on one acre or more at a distance closer than fifty (50) feet from any habitation located on another's property;

(4) Fails to keep any duck, goose, or swan from being at-large however, all ducks, geese, or swans found within the parks of the city are hereby exempted;

(5) Fails to keep any chicken, pea-fowl, turkey, or guinea fowl contained within a coop or pen;

(6) Keeps or maintains roosters except with written permission of the Animal Control Manager; and

(7) Keeps or maintains fowl within one hundred (100) feet of any private water well.

In connection with all of the above, the premises and facilities used for the keeping of fowl authorized to be kept under any of the provisions of this section must be kept in such a manner as to prevent the emission of odor or noise offensive to persons of ordinary sensibilities in the neighborhood or the existence of any nuisance dangerous to the public health.”

#### **SECTION 6.**

Section 90.11 “Dangerous Animals” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (C) to read as follows:

“(C) An owner, not later than the fifteenth (15<sup>th</sup>) business day after the date the owner is notified that an animal owned by the owner is a dangerous animal, may appeal the determination of the Animal Control Manager to Municipal Court.”

#### **SECTION 7.**

Section 90.22 “License, Vaccinations and Microchip Requirements” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (B) to read as follows:

“(B) A person commits an offense if he owns any dog or cat over sixteen (16) weeks of age without having such dog or cat currently licensed with the city and issued by the Animal Care and Control Division. City license will be valid for twelve (12) months from October to September. The color of the city license will change from year to year for easy visual recognition. This does not apply to animals temporarily within the city for a period not to exceed fourteen (14) days.”

#### **SECTION 8.**

Section 90.23 “Impoundment; Fees” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (E) to read as follows:

“(E) (1) The animal shelter shall be considered the designated caretaker of an impounded animal immediately upon intake at the shelter. After the expiration of any required holding period, the city shall become the owner of the animal in question and may dispose of it in accordance with this chapter.

(2) Any animal not reclaimed by the owner may be humanely euthanized after being impounded for seventy-two (72) hours, except that any animal wearing a current rabies vaccination tag and any animal that is microchipped shall be impounded for not less than six (6) days and any animal wearing a city license tag shall be impounded for not less than fifteen (15) days.

(3) Any impounded feral or unmanageable animals, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the Animal Control Manager for the safety of staff caring for the animal during the impoundment period.

(4) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.

(5) An owner who no longer wishes responsibility of an animal, or believes the animal to be in an ill or injured condition, may sign an Owner Surrender Form allowing the animal to be immediately euthanized in a humane manner, provided that no dog or cat that has bitten a human being shall be euthanized before expiration of the ten (10) day quarantine period.

(6) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a non-profit humane organization for the purpose of veterinary medical care, as determined by the Animal Control Manager.

(7) After the expiration of any required impoundment period or immediately after being voluntarily released by its owner, the animal shall become the property of the city, all ownership rights for the animal shall transfer to the city, and the department may dispose of the animal by any of the following methods: adoption, transfer to another agency, reclamation, or humane euthanasia.”

## **SECTION 9.**

Section 90.23.1 “Fee Schedule” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended to read as follows:

“(A) A fee schedule for animal control related matters shall be established by the City Council to be incorporated in the policies and procedures associated with this chapter.

Adoptions	Spay/Neuter	\$25 (voucher)/per animal
	Rabies	\$10 (voucher)/per animal
	Microchip	\$20/animal
	Core Vaccine	\$5/per animal

City License	Spay/Neuter	\$10/\$5 with a microchip
	Non-Spay/Neuter	\$15/\$10 with a microchip
Registration	Potbellied Pig	\$25/per animal
Multiple Pet Permit		\$25 per year
Impoundment Fees	Dogs/Cats – 1 <sup>st</sup>	\$20
	Dogs/Cats – 2 <sup>nd</sup>	\$30
	Dogs/Cats – 3 <sup>rd</sup>	\$45
	Boarding	\$5 per day per animal
Ownership Relinquish		
Pickup Fee	Licensed	\$30 per animal
	Non-Licensed	\$40 per animal
Owner Drop Off	Licensed	\$20 per animal
	Non-Licensed	\$30 per animal
Quarantine	Boarding	\$10 per day per animal
	Testing	\$60 per animal
Microchip	Implant	\$20 per animal”

## **SECTION 10.**

Section 90.24“Enforcement” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (A) to read as follows:

“(A) Enforcement of this subchapter shall be the responsibility of the Animal Control Department, Planning & Zoning Department, and Code Enforcement Division. In the absence of an animal control officer, any department or official designated by the City Manager shall have enforcement responsibilities and authority.”

## **SECTION 11.**

Section 90.25 “Care and Humane Treatment of Animals” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (G) to read as follows:

“(G) Tethering animals.

(1) A person commits an offense if he tethers an animal to a stationary object for any length of time except as allowed by subsections (2) and (3) of this section.



(2) Restraint on the owner's property or for a lawful animal event, veterinary treatment, grooming, training, law enforcement activity, or when needed to protect the safety or welfare of a person or animal, shall be allowed provided that all of the following conditions are met:

(a) The animal's owner maintains continuous, direct physical control of the animal throughout the period of restraint;

(b) The tether is attached to a properly fitting collar or harness and is not wrapped around the animal's neck. Choke or prong-type collars are prohibited;

(c) The tether is designed and placed in a manner to prevent entanglement or injury; and

(d) The tether does not allow the animal to move outside the person's property or come within ten (10) feet of public property if tethered outside a fenced area.

(3) A "skyline" type aerial trolley consisting of a line that is strung between two (2) fixed points that arc at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the requirements of subsections (2)(b) and (d) of this section are met and the animal is enclosed behind a fence of adequate size and strength capable of preventing the general public, including children, and other animals from entering the area."

## **SECTION 12.**

Section 90.37 "Quarantine Procedures for Animals" of Chapter 90 "Animal Control" of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsections (A) and (C) to read as follows:

"(A) The owner of an animal that has bitten a human commits an offense if he fails to submit the animal to the Animal Control Manager for quarantine immediately upon notification by the Animal Control Manager of a biting incident."

"(C) The Animal Control Manager shall follow these procedures for quarantining and testing:

(1) When a dog or cat has bitten a human, the dog or cat shall be placed in quarantine in a facility specified by the Animal Control Manager and approved by the Texas Department of State Health Services.

(2) When an animal that has not bitten a human is suspected of having rabies, it shall be placed in quarantine for ten (10) days in a facility specified by the Animal Control Manager and approved by the Texas Department of State Health Services.

(3) Upon the request of the owner of a dog or cat which has bitten a human, and at the sole discretion of the Animal Control Manager, the Animal Control Manager may permit home quarantine for the animal if the following criteria can be met:

- (a) The animal was currently vaccinated against rabies at the time of the bite or scratch;
  - (b) The animal was not at-large at the time of the bite;
  - (c) The animal's owner has secure facilities at his home for the animal which have been approved by the Animal Control Manager;
  - (d) The Animal Control Manager or a licensed veterinarian must observe the animal on at least the first (1<sup>st</sup>) and eighth (8<sup>th</sup>) days of the quarantine period;
  - (e) If the animal becomes ill during the observation period, the person with possession of the animal must notify the Animal Control Manager;
  - (f) The owner must sign an agreement to abide by the quarantine rules; and
  - (g) At the end of the quarantine period, the animal shall be observed by a licensed veterinarian and the veterinarian will generate a letter authorizing the release of the animal from quarantine.
- (4) If the Animal Control Manager is in possession of a dog or cat which has bitten a human, and such animal is designated as unowned, the Animal Control Manager may cause such animal to be euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
- (5) If the animal which has bitten a human is a high risk animal, the Animal Control Manager shall cause such animal to be euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
- (6) If the animal which has bitten a human is a low risk animal, the Animal Control Manager shall cause the animal to be euthanized, and shall submit its brain for rabies diagnosis by a Texas Department of State Health Services certified laboratory if the Animal Control Manager has cause to believe the animal is rabid. If the Animal Control Manager has no cause to believe the animal is rabid, then neither quarantining nor testing will be required.
- (7) If the animal, including a dog or cat, which has bitten a human, inflicted multiple bite wounds, lacerations or punctures to a person, the Animal Control Manager may cause the animal to be euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
- (8) If the animal which has bitten a human is not included in subsection (C)(1), (C)(2), (C)(3), (C)(4), (C)(5), (C)(6) or (C)(7) of this section, the Animal Control Manager shall cause the animal to be euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(9) The Animal Control Manager shall cause to be euthanized any animal required to be quarantined under this subsection (C) which cannot be maintained in a secure quarantine, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(10) The Animal Control Manager shall follow the rules promulgated by the Texas Department of State Health Services when submitting an animal brain for testing.

(11) The Animal Control Manager may euthanize an unowned animal prior to the end of the quarantine, and have the brain tested for rabies.

(12) All quarantined animals shall be separated from all other animals in such a manner that there is no possibility of physical contact between animals.”

### **SECTION 13.**

Section 90.38 “Disposition or Release of Quarantined Animal” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (D) to read as follows:

“(D) The owner of a quarantined animal shall pay to the Animal Control Manager all costs of quarantine and disposition of the animal by fee set by the Council. No quarantined animal shall be released until all fees have been paid, unless waived by the Animal Control Manager.”

### **SECTION 14.**

Section 90.99 “Disposition or Release of Quarantined Animal” of Chapter 90 “Animal Control” of the City of Mansfield, Texas Code of Ordinances shall be amended to read as follows:

“Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this chapter. Each day that a violation is permitted to exist shall constitute a separate offense.”

### **SECTION 15. CUMULATIVE**

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

## **SECTION 16. SEVERABILITY**

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

## **SECTION 17. PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 18. SAVINGS**

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the City of Mansfield, as amended, or any other ordinances affecting animals or animal control which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 19. PUBLICATION**

The City Secretary of the City of Mansfield is hereby directed to publish this ordinance as required by law.

## **SECTION 20. EFFECTIVE DATE**

This Ordinance shall take effect as specified in the above sections after its passage on third and final reading and publication as required by law.

**FIRST READING APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**SECOND READING APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
David L. Cook, Mayor

ATTEST:

\_\_\_\_\_  
Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3227

**Agenda Date:** 8/12/2019

**Version:** 1

**Status:** Consent

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:**

### Title

Resolution - A Resolution Awarding a Construction Contract for a Traffic Signal at the Intersection of East Broad Street/Mitchell Road to Roadway Solutions, Inc.; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$255,000.00 (Street Bond Fund)

### Requested Action

Consider the Resolution awarding a construction contract for a traffic signal at the intersection of East Broad Street/Mitchell Road to Roadway Solutions, Inc.; authorizing and directing the City Manager to execute contract documents; and authorizing funding for an amount not to exceed \$255,000.00.

### Recommendation

The Public Works Staff recommends approval of the Resolution.

### Description/History

This project will add a traffic signal at the intersection of East Broad Street/Mitchell Road.

The project was advertised in the Fort Worth Star Telegram on July 3 and July 10, 2019 and also advertised on the City webpage and [www.civcastusa.com](http://www.civcastusa.com) <<http://www.civcastusa.com>>. Bids were opened on July 25, 2019. There were two bidders for the project. The bids ranged from a low bid of \$236,349.00 to a high bid of \$254,800.00. The low bidder was Roadway Solutions, Inc.

The requested funds are for a construction contract with Roadway Solutions, Inc. in the amount of \$236,349.00 plus a 5% contingency and other miscellaneous services to complete the project. This project is to be accomplished within a budget not to exceed \$255,000.00. Currently all signal contractors are experiencing delays with the delivery of mast arms and poles due to a backlog of orders from the material suppliers. The backlog in orders has added a project delay of 4 to 6 months to previous signal projects. Due to the delays in material delivery it is anticipated the signal will be complete in early 2020.

### Justification

The signal foundations and controller pad were installed with the construction of East Broad Street improvements in anticipation of a traffic signal at this location. This signal will help traffic flow at The Shops west entry and Mitchell Road. This signal is eligible for reimbursement with

TIRZ funding however it is being constructed in advance of the TIRZ agreement terms. Therefore funding is provided from the Street Bond Fund.

Roadway Solutions, Inc. has successfully completed work in the City of Mansfield in the past. Their most recent completed projects include traffic signals at Matlock Road/Heritage Parkway and West Debbie Lane/Towne Crossing Boulevard. The Public Works Department feels that Roadway Solutions, Inc. has the necessary staff and equipment to successfully complete the project.

The Assistant Director of Public Works - Transportation will be in attendance at the meeting to answer Council's questions regarding the proposed contract. A resolution and bid tab is attached for Council's consideration.

### **Funding Source**

The funding source will be from the Street Bond Fund.

### **Prepared By**

David Boski, P.E., Asst. Director of Public Works - Transportation

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AWARDED A CONSTRUCTION CONTRACT TO ROADWAY SOLUTIONS, INC. FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF EAST BROAD STREET/MITCHELL ROAD; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; AND APPROPRIATING FUNDS FOR AN AMOUNT NOT TO EXCEED \$255,000.00**

WHEREAS, the City of Mansfield has publicly advertised and requested competitive bids for the construction of a traffic signal at the intersection of East Broad Street/Mitchell Road; and,

WHEREAS, all bids were received, opened and publicly read aloud on July 25, 2019; and,

WHEREAS, the expenditure of the funds stated herein will be secured from the Street Bond Fund; and,

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield that the construction provided for herein be started at the earliest possible date to ensure necessary service and delivery; and,

WHEREAS, after review of all bids received, it is the recommendation and determination of Council that the "lowest and best" bid is that of Roadway Solutions, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

Section 1.

The City Manager is hereby authorized and directed to execute contractual documents for construction of a traffic signal at the intersection of East Broad Street/Mitchell Road with Roadway Solutions, Inc. in the amount of Two Hundred Thirty Six Thousand Three Hundred Forty Nine and 00/100 (\$236,349.00) plus a 5% contingency for a total amount not to exceed Two Hundred Forty Eight Thousand One Hundred Sixty Six and 45/100 Dollars (\$248,166.45).

Section 2.

Funding for the entire project is hereby authorized in an amount not to exceed Two Hundred Fifty Five Thousand and 00/100 Dollars, (\$255,000.00).

PASSED AND APPROVED THIS THE 12<sup>th</sup> DAY OF AUGUST 2019.



---

**David L. Cook, Mayor**

ATTEST:

---

**Susana Marin, City Secretary**

BID TABULATION  
KIMLEY-HORN AND ASSOCIATES, INC.

Checked By:   
Jacob Reinig, P.E. 7-25-2019

Owner: **City of Mansfield**  
Proj. No.: **Bid No. 2019-41-04-03**  
Project: **Traffic Signal Improvements at East Broad Street/Mitchell Road**  
Date: **July 25, 2019**

BIDDER 1		BIDDER 2	
Roadway Solutions, Inc. 1425 Crescent Drive Carrollton, TX 75006		Durable Specialties, Inc. P.O. Box 535969 Grand Prairie, TX 75053	
Unit Price	Item Cost	Unit Price	Item Cost
SECTION A - PAVING			
\$13,249.00	\$13,249.00	\$1,000.00	\$1,000.00
\$2,500.00	\$2,500.00	\$6,500.00	\$6,500.00
\$99.00	\$1,485.00	\$100.00	\$1,500.00
\$125.00	\$1,250.00	\$100.00	\$1,000.00
\$40.00	\$2,800.00	\$40.00	\$2,800.00
\$600.00	\$6,000.00	\$300.00	\$3,000.00
\$625.00	\$6,250.00	\$100.00	\$1,000.00
\$3,750.00	\$3,750.00	\$4,000.00	\$4,000.00
\$6,500.00	\$6,500.00	\$5,000.00	\$5,000.00
\$24.00	\$6,000.00	\$25.00	\$6,250.00
\$3,500.00	\$3,500.00	\$8,500.00	\$8,500.00
\$100.00	\$100.00	\$450.00	\$450.00
\$1.00	\$160.00	\$1.00	\$160.00
\$1.50	\$900.00	\$1.00	\$600.00
\$1.60	\$880.00	\$2.00	\$1,100.00
\$2.00	\$720.00	\$2.00	\$720.00
\$33,325.25	\$33,325.25	\$20,000.00	\$20,000.00
\$325.00	\$3,250.00	\$385.00	\$3,850.00
\$325.00	\$1,300.00	\$385.00	\$1,540.00
\$3.00	\$30.00	\$385.00	\$3,850.00
\$325.00	\$2,600.00	\$385.00	\$3,080.00
\$325.00	\$3,250.00	\$385.00	\$3,850.00
\$325.00	\$1,300.00	\$385.00	\$1,540.00
\$700.00	\$4,200.00	\$1,400.00	\$8,400.00
\$130.00	\$1,300.00	\$145.00	\$1,450.00
\$130.00	\$520.00	\$155.00	\$620.00
\$1.85	\$952.75	\$2.00	\$1,030.00
\$2.00	\$570.00	\$2.00	\$570.00
\$3.00	\$705.00	\$3.00	\$705.00
\$5.00	\$2,625.00	\$4.00	\$2,100.00
\$2.00	\$1,760.00	\$2.00	\$1,760.00
\$6,900.00	\$6,900.00	\$7,800.00	\$7,800.00
\$17,950.00	\$17,950.00	\$27,200.00	\$27,200.00
\$18,150.00	\$18,150.00	\$27,000.00	\$27,000.00
\$18,400.00	\$18,400.00	\$29,000.00	\$29,000.00
\$1,400.00	\$1,400.00	\$1,400.00	\$1,400.00
\$850.00	\$5,100.00	\$1,000.00	\$6,000.00
\$3,100.00	\$3,100.00	\$5,000.00	\$5,000.00
\$8,000.00	\$32,000.00	\$8,750.00	\$35,000.00
\$3.20	\$2,192.00	\$3.00	\$2,055.00
\$6,875.00	\$6,875.00	\$7,500.00	\$7,500.00
\$6,800.00	\$6,800.00	\$4,200.00	\$4,200.00
\$3,750.00	\$3,750.00	\$4,720.00	\$4,720.00
TOTAL BASE BID		\$236,349.00	
		\$254,800.00	



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3234

**Agenda Date:** 8/12/2019

**Version:** 1

**Status:** Consent

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:**

**Title**

Resolution - A Resolution Rejecting All Bids for Construction of the Industrial Elevated Storage Tank

**Requested Action**

Reject all bids for construction of the Industrial Elevated Storage Tank.

**Recommendation**

The Engineering Staff recommends that all bids received be rejected.

**Description/History**

The Water System Capital Improvements Plan proposes a two million gallon elevated storage tank to be constructed at Hanks Dr. and 7th St. The project design contract was awarded on May 22, 2017 to Freese & Nichols, Inc. The design was completed and prepared for public bid. The Engineer's Opinion of Probable Cost prepared by Freese & Nichols and budgeted for construction of the project was \$6,070,000.00.

The project was publicly bid on July 18, 2019. There were three bidders. Bids ranged from a low bid of \$6,623,000.00 to a high bid of \$8,436,000.00. A fourth bid was received after the required bid opening time and was returned to the bidder unopened.

**Justification**

The lowest and best bid for the project is \$553,000.00 higher than the amount budgeted for the project. In an effort to obtain a bid within the project budget, it is recommended that all bids received be rejected. Staff will review scope and project details and consider any possible revisions to possibly result in a lower project construction cost. The project will then be publicly rebid.

**Funding Source**

Not Applicable

**Prepared By**

Raymond Coffman, P.E., City Engineer, Engineering Department, 817-276-4238



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF THE INDUSTRIAL ELEVATED STORAGE TANK RECEIVED THROUGH A PUBLIC BID OPENING.**

**WHEREAS**, the City of Mansfield has publicly advertised and requested competitive bids for the Industrial Elevated Storage Tank; and

**WHEREAS**, all bids were received, opened and reviewed on July 18, 2019; and

**WHEREAS**, the City has decided to review and possibly revise the project scope; and

**WHEREAS**, after review of all bids received, it is the recommendation and determination of Council that all bids be rejected.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:**

**SECTION 1.**

The City Manager is hereby authorized and directed to reject all bids received by the City for construction of the Industrial Elevated Storage Tank.

PASSED AND APPROVED THIS THE 12<sup>th</sup> DAY OF AUGUST, 2019.

\_\_\_\_\_  
**David Cook**, Mayor

ATTEST:

\_\_\_\_\_  
**Susana Marin**, City Secretary



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3223

**Agenda Date:** 8/12/2019

**Version:** 1

**Status:** Approval of Minutes

**In Control:** City Council

**File Type:** Meeting Minutes

**Agenda Number:**

**Title**

Minutes - Approval of the July 22, 2019 Regular City Council Meeting Minutes

**Requested Action**

Action to be taken by the Council to approve the minutes.

**Recommendation**

Approval of the minutes by the Council.

**Description/History**

The minutes of the July 22, 2019 Regular City Council Meeting are in DRAFT form and will not become effective until approved by the Council at this meeting.

**Justification**

Permanent Record

**Funding Source**

N/A

**Prepared By**

Susana Marin, TRMC, City Secretary  
817-276-4203



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## Meeting Minutes - Draft

### City Council

---

Monday, July 22, 2019

5:00 PM

Council Chambers

---

#### REGULAR MEETING

#### **5:00 P.M. - CALL MEETING TO ORDER**

*Mayor Cook called the meeting to order at 5:03 p.m.*

**Absent** 1 - Brent Newsom

**Present** 6 - David Cook; Larry Brose; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

#### **RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:04 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:08 p.m. Mayor Cook adjourned executive session at 7:05 p.m.*

#### **Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney Regarding Tax Exemption for Historic Property

#### **Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**

#### **Personnel Matters Pursuant to Section 551.074**

**Deliberation Regarding Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087**

#### **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

**7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE  
INTO REGULAR BUSINESS SESSION**

*Mayor Cook reconvened into regular business session at 7:14 p.m.*

**INVOCATION**

*Walnut Ridge Baptist Church Missions Director Jerry Ritchie gave the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Moore led the Pledge of Allegiance.*

**TEXAS PLEDGE**

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

*Mayor Pro Tem Short led the Texas Pledge.*

**CITIZEN COMMENTS**

*Jerry Ritchie - 1412 Wheeler Drive - Mr. Ritchie spoke in support of agenda item 19-3206.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Leyman had no announcements.*

*Mayor Pro Tem Short had no announcements.*

*Council Member Lewis had no announcements.*

*Council Member Moore extended congratulations to Darryl Haynes for his recent marriage. He acknowledged the 10th anniversary of the passing of retired Mansfield Independent School District Superintendent Vernon Newsom.*

*Council Member Newsom was absent.*

*Council Member Broseh had no announcements.*

*Mayor Cook echoed Council Member Moore's comments regarding Vernon Newsom.*

**SUB-COMMITTEE REPORTS**

*There were no sub-committee reports given.*

**STAFF COMMENTS**

**City Manager Report or Authorized Representative**



---

Current/Future Agenda Items

*City Manager Clayton Chandler echoed Council comments regarding Vernon Newsom.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

No action was taken by the Council.

**CONSENT AGENDA****ITEMS TO BE REMOVED FROM THE CONSENT AGENDA****[19-3205](#)**

Resolution - A Resolution Awarding a Construction Contract for a Traffic Signal at the Intersection of Heritage Parkway/Commerce Drive to Durable Specialties, Inc.; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$365,000.00 (Street Bond Fund)

A motion was made by Council Member Leyman to approve the following resolution:

**A RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF HERITAGE PARKWAY/COMMERCE DRIVE; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; AND APPROPRIATING FUNDS FOR AN AMOUNT NOT TO EXCEED \$365,000.00**

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:

**Aye:** 6 - David Cook; Larry Brose; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3575-19

**[19-3209](#)**

Resolution - A Resolution Authorizing a Contract Between the City of Mansfield, Texas and Tarrant County and the County's Tax Assessor/Collector for the Collection of the City of Mansfield, Texas Tax Collection Services

A motion was made by Council Member Leyman to approve the following resolution:

**A RESOLUTION APPROVING, RATIFYING, AND CONFIRMING, THAT THE CITY MANAGER OR HIS DESIGNEE OF THE CITY OF MANSFIELD, TEXAS IS**

**AUTHORIZED TO ENTER INTO A CONTRACT BY AND BETWEEN WENDY BURGESS, TARRANT COUNTY TAX ASSESSOR-COLLECTOR, TARRANT COUNTY AND THE CITY OF MANSFIELD FOR THE PROVISION OF TAX COLLECTION SERVICES FOR THE CITY OF MANSFIELD**

(Resolution in its entirety located in the City Secretary's Office)

**Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3576-19

[19-3210](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas authorizing a contract between the City of Mansfield, Texas and Tarrant County and the County's Assessor/Collector for the Collection of the South Pointe Public Improvement District Assessment/Collection Services

**A motion was made by Council Member Leyman to approve the following resolution:**

**A RESOLUTION APPROVING, RATIFYING, AND CONFIRMING, THAT THE CITY MANAGER OR HIS DESIGNEE OF THE CITY OF MANSFIELD, TEXAS IS AUTHORIZED TO ENTER INTO A CONTRACT BY AND BETWEEN WENDY BURGESS, TARRANT COUNTY TAX ASSESSOR-COLLECTOR, TARRANT COUNTY AND THE CITY OF MANSFIELD FOR THE SOUTH POINTE PUBLIC IMPROVEMENT DISTRICT COLLECTION SERVICES OF THE CITY OF MANSFIELD**

(Resolution in its entirety located in the City Secretary's Office)

**Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3577-19

[19-3212](#)

Resolution - A Resolution Approving a Preservation Agreement Between the City of Mansfield and Manuel and Elva Hernandez, Owners of 301 W. Broad St.

**A motion was made by Council Member Leyman to approve the following resolution:**

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING A PRESERVATION AGREEMENT WITH MANUEL AND ELVA HERNANDEZ, OWNERS OF THE GAULDEN-BASKIN HOUSE AT 301 W. BROAD STREET FOR A HISTORIC MANSFIELD PRESERVATION GRANT NOT TO EXCEED \$10,000; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

**(Resolution in its entirety located in the City Secretary's Office)**

**Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3578-19

[19-3214](#)

Resolution - A Resolution Authorizing a Professional Services Agreement Between the City of Mansfield and Halff Associates Inc., for Development Strategies for Historic Downtown Mansfield, for \$125,000

**A motion was made by Council Member Leyman to approve the following resolution:**

**A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH HALFF ASSOCIATES, INC. FOR DEVELOPMENT STRATEGIES RELATED TO THE TAX INCREMENT FINANCE ZONE DISTRICT NO. TWO, PARKING, LAND USE ANALYSIS AND CITY OWNED PROPERTY ANALYSIS AND OTHER RELATED DOCUMENTS FOR THE HISTORIC DOWNTOWN MANSFIELD AREA FOR AN AMOUNT NOT TO EXCEED \$125,000 AND PROVIDING AN EFFECTIVE DATE**

**(Resolution in its entirety located in the City Secretary's Office)**

**Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3579-19

[19-3204](#)

Minutes - Approval of the July 8, 2019 Regular City Council Meeting Minutes

**A motion was made by Council Member Leyman to approve the minutes of the**

---

**July 8, 2019 Regular City Council Meeting as presented. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

[19-3206](#)

Request for Special Event Permit: Walnut Ridge Baptist Church - Compassion International

**A motion was made by Council Member Leyman to approve the request for special event permit. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

[19-3207](#)

Request for Special Event Permit: Music Alley

**A motion was made by Council Member Leyman to approve the request for special event permit. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

[19-3208](#)

Request for Special Event Permit: MISD Back to School Celebration

**A motion was made by Council Member Leyman to approve the request for special event permit. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

## **END OF CONSENT AGENDA**

### **OLD BUSINESS**

#### **19-3198**

Resolution - A Resolution Adopting the Updated Stormwater Management Program and Authorizing the City Manager to Sign the Notice of Intent and Complete Other Forms for the Texas Commission on Environmental Quality

*Director of Public Works Bart VanAmburgh made brief comments and answered Council questions. City Attorney Allen Taylor answered Council questions.*

**A motion was made by Council Member Broseh to approve the following resolution:**

**A RESOLUTION ADOPTING THE UPDATED STORMWATER MANAGEMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF INTENT AND OTHER FORMS FOR THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**(Resolution in its entirety located in the City Secretary's Office)**

**Seconded by Council Member Leyman. The motion CARRIED by the following vote:**

**Aye:** 5 - Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 1 - David Cook

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3580-19

### **PUBLIC HEARING CONTINUATION AND SECOND READING**

#### **19-3193**

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District and C-2 Community Business District to PD Planned Development District for Single-Family Residential, Multi-Family Residential, Senior Living, and C-2 Community Business Uses on Approximately 76.734 Acres out of the S. S. Callender Survey, Abstract No. 359, Tarrant County, TX, Generally Located on the East Sides of FM 157 and House Road, the North Side of Mouser Way, and West of Towne Crossing and Cedar Point; Tim Coltart of Realty Capital Management, LLC on Behalf of Glenn Day, et al and Sowell Property Partners - Mansfield, LP (ZC#19-005)

*Realty Capital Management representative Spencer Long made brief comments and asked the Council to table this agenda item to the August 12, 2019 meeting.*

**A motion was made by Mayor Cook to table this agenda item to the next regular scheduled meeting. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Larry Broseh; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 1 - Terry Moore

**Absent:** 1 - Brent Newsom

**Abstain:** 0

[19-3195](#)

Ordinance - Public Hearing and First Reading of an Ordinance Adopting Amended Land Use Assumptions, Capital Improvement Plans for Water and Sewer, and Revised Water and Sewer Impact Fees

*Bart VanAmburgh made brief comments and answered Council questions. Mayor Cook continued the public hearing through second reading at 7:29 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:29 p.m.*

**A motion was made by Council Member Leyman to approve the second reading of "AN ORDINANCE ADOPTING UPDATED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS FOR WATER AND SEWER, AND REVISED WATER AND SEWER IMPACT FEES FOR THE CITY OF MANSFIELD, TEXAS, AS SET FORTH HEREIN; AMENDING CHAPTER 51 OF TITLE V OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, AS AMENDED, TO REVISE THE IMPACT FEES THEREIN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

**NEW BUSINESS**

[19-3211](#)

Ordinance - First Reading of an Ordinance of the City of Mansfield, Texas, Revising Chapter 90 "Animal Control", of the Code of Ordinances (OR-1787-10) of the City of Mansfield, Texas Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty; and Providing for an Effective Date

*Police Chief Tracy Aaron made brief comments.*

**A motion was made by Council Member Lewis to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 90 "ANIMAL CONTROL" OF THE CITY OF MANSFIELD, TEXAS CODE OF ORDINANCES BY PROVIDING NEW DEFINITIONS FOR FOWL, POTBELLIED PIG, AND TETHER; EXTENDING TIME FOR AN OWNER TO APPEAL A DANGEROUS DOG DETERMINATION; AMENDING REGULATIONS FOR IMPOUNDED ANIMALS; AMENDING THE FEE SCHEDULE; PROVIDING REGULATIONS FOR TETHERING OF ANIMALS; CLARIFYING LICENSING REQUIREMENTS AND ADMINISTRATIVE OVERSIGHT AND ENFORCEMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE;**

**PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE;  
PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE."**

**Seconded by Council Member Moore. The motion CARRIED by the following  
vote:**

**Aye:** 6 - David Cook; Larry Brose; Terry Moore; Julie Short; Mike Leyman and Casey  
Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

### **ADJOURN**

**A motion was made by Council Member Brose to adjourn the meeting at 7:40  
p.m. Seconded by Council Member Lewis. The motion CARRIED by the  
following vote:**

**Aye:** 6 - David Cook; Larry Brose; Terry Moore; Julie Short; Mike Leyman and Casey  
Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

\_\_\_\_\_  
ATTEST: David L. Cook, Mayor

\_\_\_\_\_  
Susana Marin, City Secretary



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3220

**Agenda Date:** 8/12/2019

**Version:** 1

**Status:** First Reading

**In Control:** City Council

**File Type:** Consideration Item

**Agenda Number:**

**Title**

Public Hearing - First Public Hearing on the Tax Rate, Levying the Ad Valorem Taxes for the Fiscal Year 2020 at a Rate of \$0.7100 per One Hundred Dollars (\$100.00) Assessed Valuation on all Taxable Property Within the Corporate Limits of the City as of January 1, 2019, to Provide Revenues for the Payment of Current Expenditures and to Provide an Interest and Sinking Fund on all Outstanding Debts of the City, and Providing for Due and Delinquent Dates Together With Penalties and Interest

**Requested Action**

Provide opportunity for the citizens of Mansfield, Texas to offer their ideas regarding the FY 2019/2020 tax rate.

**Recommendation**

Receive citizen input regarding the tax rate.

**Description/History**

The City of Mansfield, Texas has announced a tax rate of \$0.71 to support the budget for fiscal year 2020. The public hearing is to receive input from the public about the tax rate.

**Justification**

Provide for the annual service program to the City of Mansfield, Texas for fiscal year 2020.

**Funding Source**

N/A

**Prepared By**

Peter Phillis, Deputy City Manager  
817-276-4261

Gary Cardinale, Budget/Purchasing Director  
817-276-4262

Jennifer Goldthwaite, Assistant Budget/Purchasing Director  
817-276-4263





# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3221

**Agenda Date:** 8/12/2019

**Version:** 1

**Status:** First Reading

**In Control:** City Council

**File Type:** Consideration Item

### Title

Public Hearing - First Public Hearing on the Budget for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020, in Accordance with the Charter of the City of Mansfield, and the Appropriation of Various Amounts Thereof

### Requested Action

Provide opportunity for the citizens of Mansfield to offer their ideas regarding the FY 2019/2020 proposed budget.

### Recommendation

Receive citizen input regarding the FY 2019/2020 proposed budget.

### Description/History

The public hearing regarding the proposed FY 2019/2020 budget to receive citizen input.

Please note that a vote to adopt the budget ordinance will be presented at the special Council meetings scheduled for September 9, September 10, and September 11, 2019.

### Justification

Provide for the annual service program for the City of Mansfield, Texas for fiscal year 2020.

### Funding Source

N/A

### Prepared By

Peter Phillis, Deputy City Manager  
817-276-4261

Gary Cardinale, Budget/Purchasing Director  
817-276-4262

Jennifer Goldthwaite, Assistant Budget/Purchasing Director  
817-276-4263



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3222

**Agenda Date:** 8/12/2019

**Version:** 1

**Status:** First Reading

**In Control:** City Council

**File Type:** Consideration Item

**Agenda Number:**

**Title**

Public Hearing - First Public Hearing on the Use of Hotel/Motel Tax for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020

**Requested Action**

Provide an opportunity for the citizens of Mansfield to offer their ideas regarding the use of Hotel/Motel Tax for FY 2019/2020.

**Recommendation**

Receive citizens input regarding the use of Hotel/Motel Tax for FY 2019/2020.

**Description/History**

Annually, the City of Mansfield, Texas adopts a service/work plan for the use of Hotel/Motel Tax funds as defined by the City Council.

The Texas Legislature has defined the use of the funds by legislating guidelines found in Chapter 351 of the Texas Tax Code. Historically, the City Council has allocated certain percentages of the expected revenue collection from the Hotel/Motel tax in the upcoming year. The allocations of the proceeds to the organizations are defined by the City Council. Use or purpose of the funds is to be determined by the City Council within the parameters of the law.

- Council may choose not to allocate any funds;
- Council may choose to allocate a portion of the funds;
- Council may choose to allocate all the funds.

Guidance on use or allocation of funds can be found in Chapter 351 of the Texas Tax Code.

The city anticipates collecting \$739,040.

**Justification**

As permitted by State Law and Charter.

**Funding Source**

Hotel/Motel in City

**Prepared By**

Peter Phillis, Deputy City Manager  
817-276-4261

Gary Cardinale, Budget/Purchasing Director  
817-276-4262

Jennifer Goldthwaite, Assistant Budget/Purchasing Director  
817-276-4263



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3228

**Agenda Date:** 8/12/2019

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Consideration Item

**Agenda Number:**

**Title**

Public Hearing - Public Hearing and Consideration of a Request for an Alternate Location for a Roof-Mounted Solar Panel System under Section 7800.B.37.H of the Zoning Ordinance to Allow Solar Panels on the Front Roof Slope of the House Facing a Public Street at 5 Altman Court; Mr. and Mrs. F. A. Simon (SP#19-002)

**Requested Action**

To consider the subject request

**Description/History**

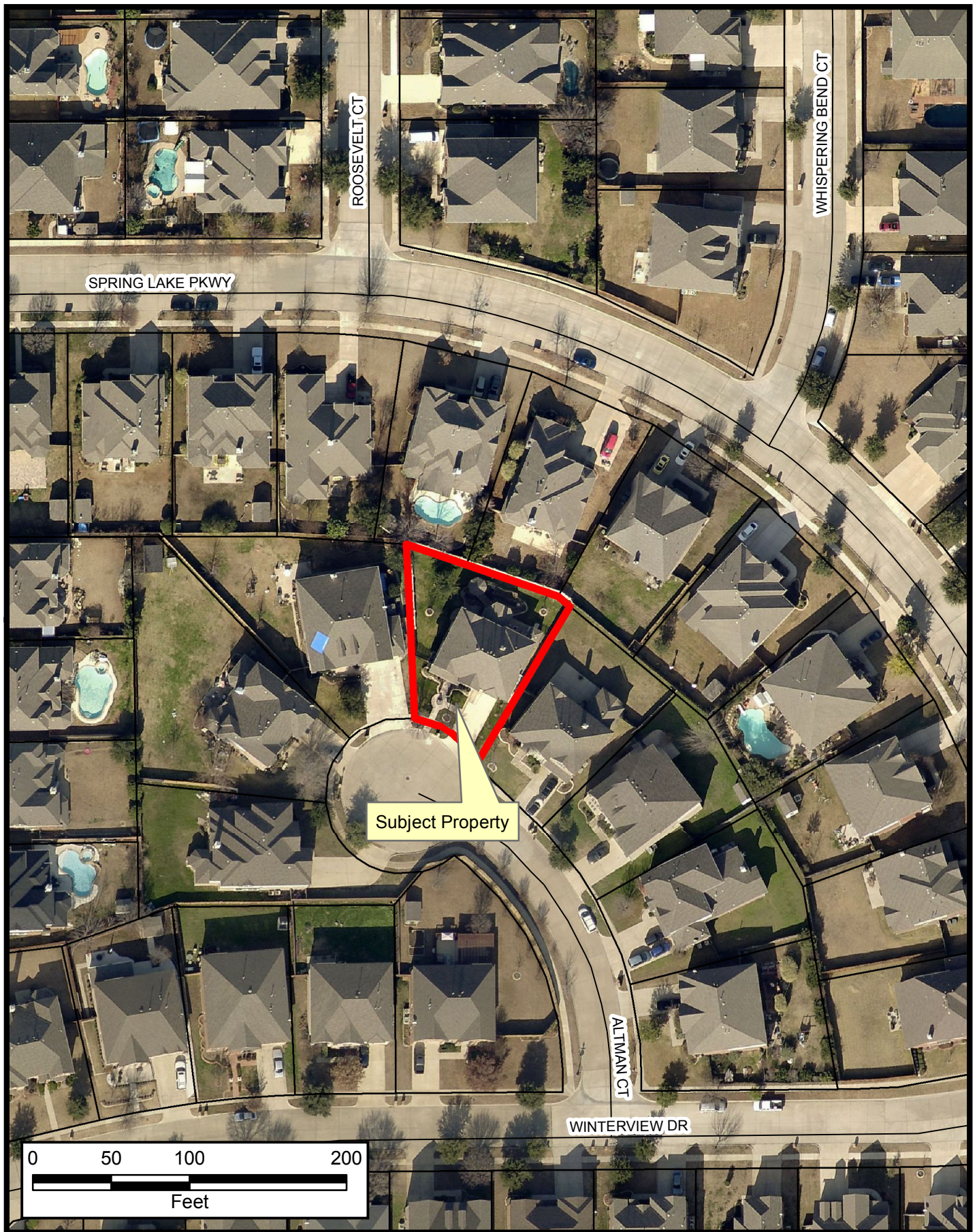
The Zoning Ordinance allows roof-mounted solar panel systems on a residence provided that the panels are not located on a front or side roof slope facing a public street. The City Council may approve an alternate location at one (1) meeting after holding a public hearing and written notice sent to owners of real property within 200 feet of the request.

The homeowner at 5 Altman Court is requesting that solar panels be allowed on the front slope of his roof facing the street. The applicant has provided details in his letter of request.

**Prepared By**

Lisa Sudbury, AICP  
Interim Director of Planning  
817-276-4227





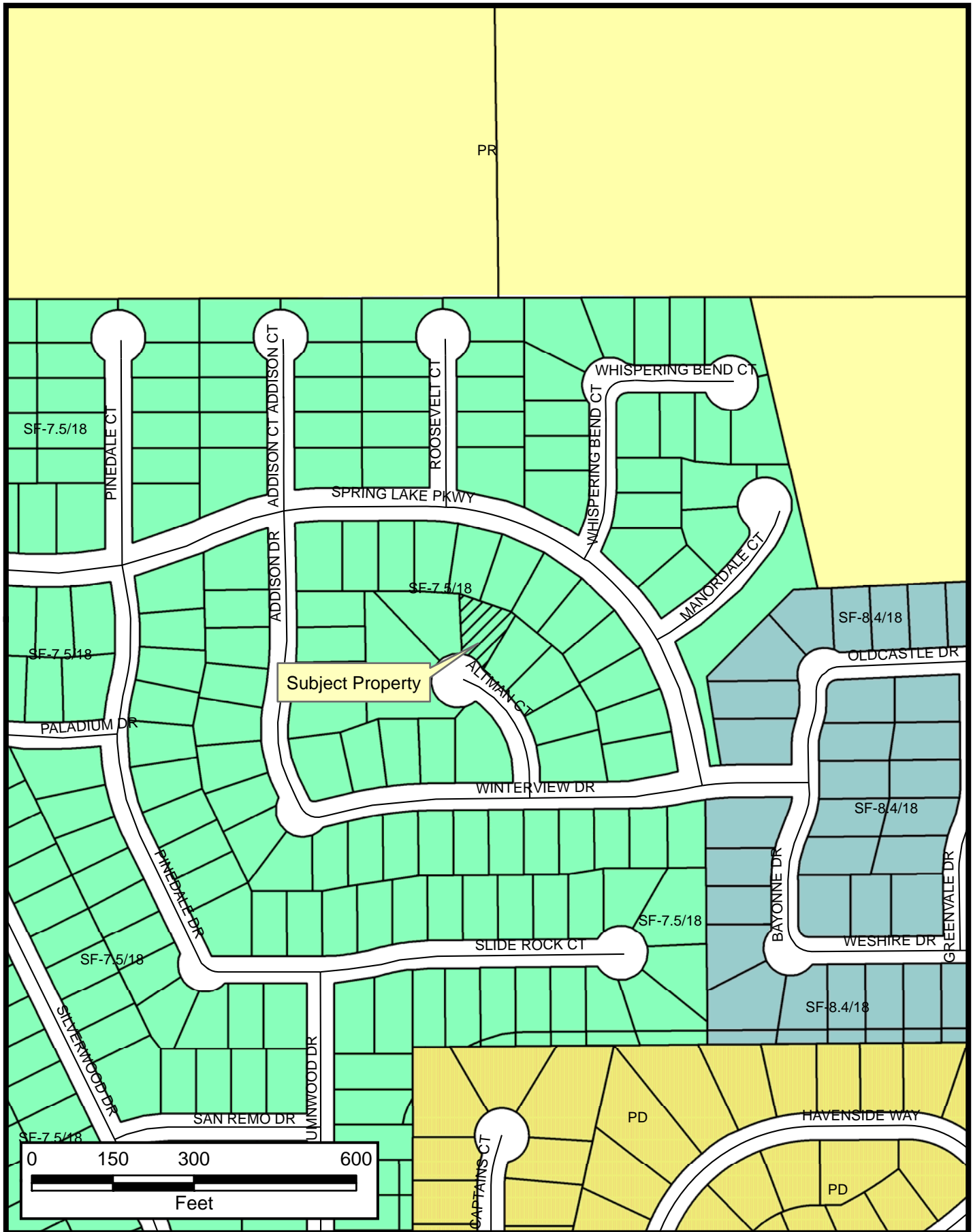
**SP#19-002**

49

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

7/22/2019





**SP#19-002**

## Property Owner Notification for SP#19-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
VILLAGES AT SPRING LAKE, THE	BLK 1	SLOLY, THEODORE	4901 SPRING LAKE PKWY	MANSFIELD, TX	76063
VILLAGES AT SPRING LAKE, THE	BLK 1	MITCHAM, ROBERT	15 WHISPERING BEND CT	MANSFIELD, TX	76063
VILLAGES AT SPRING LAKE, THE	BLK 1	CRAIG, BRIAN M	1 ROOSEVELT CT	MANSFIELD, TX	76063-5584
VILLAGES AT SPRING LAKE, THE	BLK 9	THOMPSON, ADRIAN M	105 ADDISON DR	MANSFIELD, TX	76063-5517
VILLAGES AT SPRING LAKE, THE	BLK 9	RUVALCABA, RENE	103 ADDISON DR	MANSFIELD, TX	76063
VILLAGES AT SPRING LAKE, THE	BLK 9	MATT, ERNST G	101 ADDISON DR	MANSFIELD, TX	76063-5517
VILLAGES AT SPRING LAKE, THE	BLK 9	EUBANKS, YVONNE	4802 SPRING LAKE PKWY	MANSFIELD, TX	76063-5593
VILLAGES AT SPRING LAKE, THE	BLK 9	JONES, KEVIN G	4804 SPRING LAKE PKWY	MANSFIELD, TX	76063-5593
VILLAGES AT SPRING LAKE, THE	BLK 9	MWIKYA, REDEMPA	4806 SPRING LAKE PKWY	MANSFIELD, TX	76063
VILLAGES AT SPRING LAKE, THE	BLK 9	WINIGER, KRIS M	4808 SPRING LAKE PKWY	MANSFIELD, TX	76063-5593
VILLAGES AT SPRING LAKE, THE	BLK 9	QUINTANA, JOSEPH	4810 SPRING LAKE PKWY	MANSFIELD, TX	76063
VILLAGES AT SPRING LAKE, THE	BLK 9	MCCULLOUGH, SHERRY	4900 SPRING LAKE PKWY	MANSFIELD, TX	76063-5595
VILLAGES AT SPRING LAKE, THE	BLK 9	LOVE, JAMES P	4902 SPRING LAKE PKWY	MANSFIELD, TX	76063-5595
VILLAGES AT SPRING LAKE, THE	BLK 9	DE HOLMQUIST, SEELEY A	4904 SPRING LAKE PKWY	MANSFIELD, TX	76063-5595
VILLAGES AT SPRING LAKE, THE	BLK 9	FINN, RICHARD	4906 SPRING LAKE PKWY	MANSFIELD, TX	76063-5595
VILLAGES AT SPRING LAKE, THE	BLK 9	RENCH, JAMES B	1 ALTMAN CT	MANSFIELD, TX	76063-5518
VILLAGES AT SPRING LAKE, THE	BLK 9	LEWIS, SHEILA A	2 ALTMAN CT	MANSFIELD, TX	76063-5518
VILLAGES AT SPRING LAKE, THE	BLK 9	CUNNINGHAM, KELLEY	3 ALTMAN CT	MANSFIELD, TX	76063
VILLAGES AT SPRING LAKE, THE	BLK 9	CSH 2016-1 BORROWER LLC	8665 E HARTFORD DR STE 200	SCOTTSDALE, AZ	85255

Monday, July 22, 2019

Page 1 of 2

## Property Owner Notification for SP#19-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
VILLAGES AT SPRING LAKE, THE	BLK 9	SIMON, MERCEDES M	5 ALTMAN CT	MANSFIELD, TX	76063-5518
VILLAGES AT SPRING LAKE, THE	BLK 9	COTHRAN, CHARLES	6 ALTMAN CT	MANSFIELD, TX	76063-5518
VILLAGES AT SPRING LAKE, THE	BLK 9	ZUNIGA, JOSE	7 ALTMAN CT	MANSFIELD, TX	76063-5518
VILLAGES AT SPRING LAKE, THE	BLK 9	REEVES, HALTON	8 ALTMAN CT	MANSFIELD, TX	76063
VILLAGES AT SPRING LAKE, THE	BLK 9	WILSON, CHERI	4803 WINTERVIEW DR	MANSFIELD, TX	76063-6766
VILLAGES AT SPRING LAKE, THE	BLK 9	LEE, BRENDA H	4805 WINTERVIEW DR	MANSFIELD, TX	76063-6766
VILLAGES AT SPRING LAKE, THE	BLK 9	CLARK, WALTER	4807 WINTERVIEW DR	MANSFIELD, TX	76063
VILLAGES AT SPRING LAKE, THE	BLK 9	WILL, JOSEPH	4809 WINTERVIEW DR	MANSFIELD, TX	76063-6766
VILLAGES AT SPRING LAKE, THE	BLK 9	JOHNSON, KEITH E	107 ADDISON DR	MANSFIELD, TX	76063



Mr. & Mrs. F. A. Simon

5 Altman Court

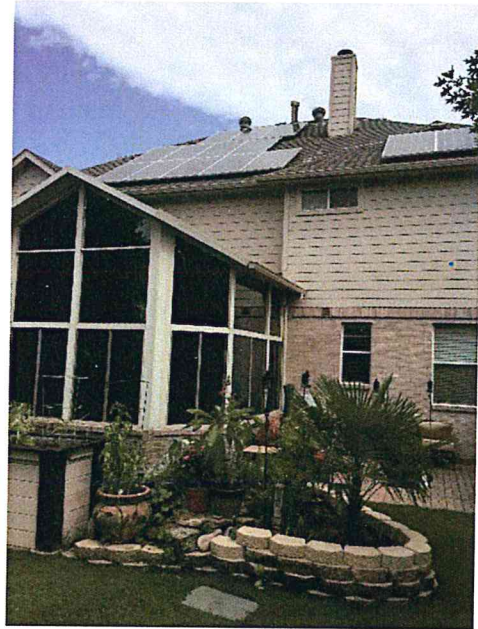
Mansfield, TX. 76063

To: Mansfield zoning and permit department,

After vetting several companies about our decision to go solar, we chose B&M Services, Electrical/Solar. The system is designed in accordance with our past monthly/annual energy consumption. B&M Services took a satellite image of our home to determine the best placement of the panels.



A \$40,000-dollar system is not producing the energy it was designed for, due to the 14 panels on the rear and coolest part of the roof based on the day-to-day analysis of the weather pattern. We are asking permission to move the 14 panels from the rear to the front and hottest part of the roof, as it will not present an eyesore from the street due to the large trees in front of the home. We are in a cul-de-sac and homes are on one side only



View from across the street.



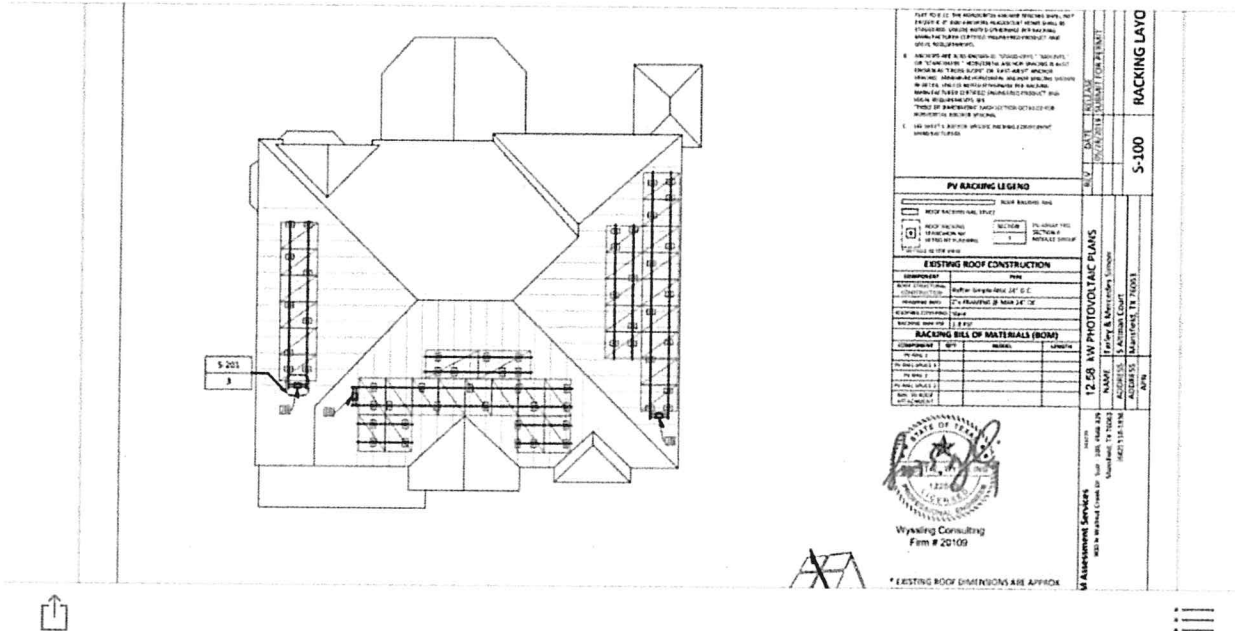
View approaching from right front.



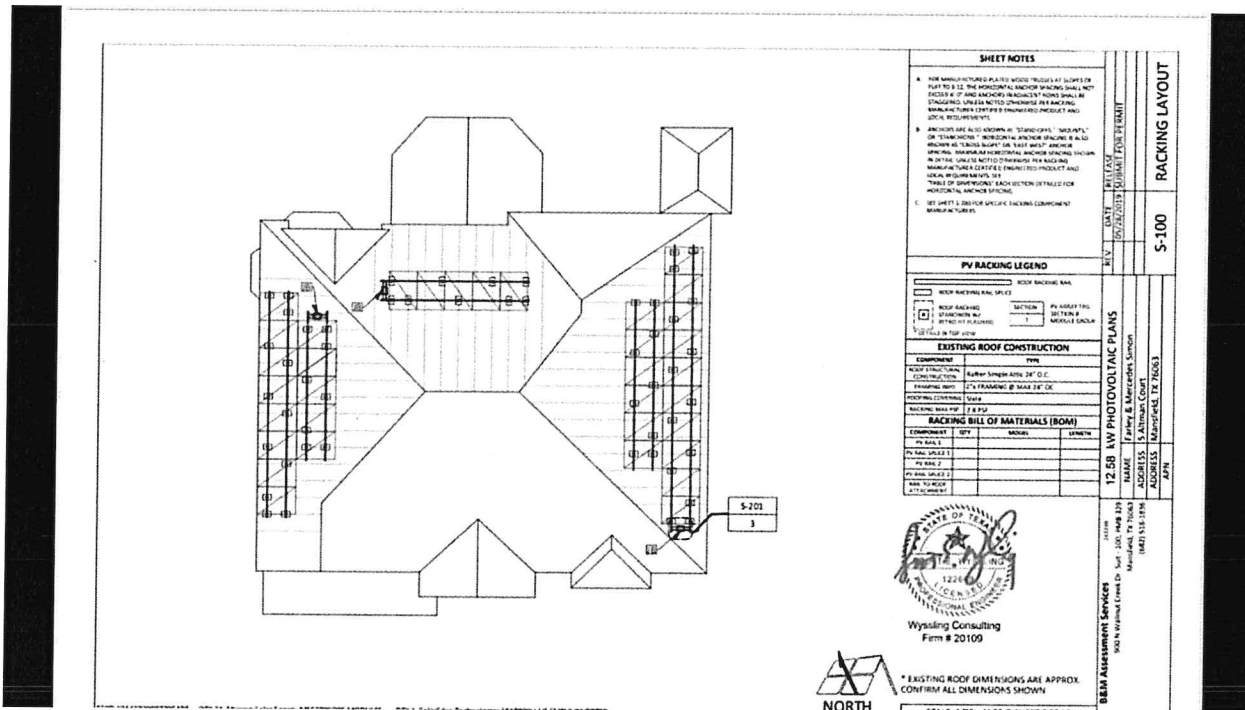
First permit request denied due to city rule not allowing panels facing the street.

Done

2 of 3



Second permit request approved.



Regards,

Farley A. Simon (U.S.M.C, Retired)

Mercedes M. Simon (U.S. Navy, Retired)



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3225

Agenda Date: 8/12/2019

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

### Title

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12 Single-Family Residential District to PD Planned Development District for Single-Family Residential Uses on Approximately 0.475 Acres Being a Portion of Lot 6, Block 2 of the Original Town of Britton, Generally Located at 924 Cope St.; Ben Hartman (ZC#19-008)

### Requested Action

To consider the subject zoning change request.

### Recommendation

The Planning & Zoning Commission held a public hearing on July 15, 2019, and voted 3-2 (Knight and Weydeck voting no; Bounds and Papp absent) to approve with the condition that the number of lots be reduced from three to two with minimum lot areas that more closely resembled the base zoning district. The applicant stated that the goal of having smaller lots was to generate more value and tax revenue for the City in an area that has seen a large investment in infrastructure, as well as provide low-maintenance housing for young families and empty nesters. Furthermore, the applicant stated that the neighborhood was previously platted in such a way that made it more challenging to carve out medium-sized lots that conform to the minimum 7,500 sq. ft. lot size. While these points were acknowledged by staff and the commissioners, staff and some of the commissioners believed the proposed minimum lot size was still too small for the neighborhood. One of the commissioners asked the applicant if they would still develop the property if the Commission supported staff's recommendation of reducing the development from three to two lots, and the applicant stated they likely would, however that when considering the development costs, it could make the development not feasible. One of the commissioners also asked the applicant if they planned to redevelop other property in the neighborhood in a similar manner, which the applicant said they would. The applicant has not made any changes to their plans and is still requesting a total of three homes (one existing and two new homes) in this development.

### Description/History

The subject property consists of 0.475 acres located on the west side of Cope Street and the east side of Noah Street. The property is currently occupied by a single-family home and detached garage fronting on Cope Street, as well as five sheds. The applicant is requesting to re-zone the property from SF-7.5/12 Single-Family Residential District to PD Planned Development District for single-family residential uses.

#### Development Plan

The applicant plans to retain the single-family home and detached garage fronting on Cope Street, demolish four of the five sheds, and develop two new single-family lots on the west half of the property that will front Noah Street. The applicant plans to follow all the standards for SF-7.5/12 zoned property, except for the following deviations:

Minimum Lot Depth: 100'

Minimum Lot Width: 51'  
Minimum Lot Area: 5,100 sq. ft.  
Minimum Front Yard for New Residences: 20'  
Minimum Front Yard for Existing Residence: 10'  
No minimum masonry construction requirements

The landscaping will comply with Section 7300 of the Zoning Ordinance and the existing trees shall count towards the requirements. The applicant plans to preserve 13 pecan trees (with 20-30" calipers) on the property, as well as one crepe myrtle tree. No existing trees are planned for removal.

The provided conceptual elevations show single-story or two-story homes with attached two-car garages are possible here and the building materials could be a mix of wood siding and masonry materials with craftsman-style details.

Summary

The proposed development will preserve an existing home and create two additional residential lots with homes that will enhance the character of the Britton neighborhood, while also preserving trees on the property. Many of the proposed development standards (minimum lot size, lot depth, lot width, front yard) deviate from the standards of the base zoning district (SF-7.5/12), however the neighborhood was platted before the current zoning standards existed and was platted to be able to support a mix of lot sizes and shallower lot depths and reduced setbacks. While staff does not object to the shallower lot depth and reduced setbacks, staff is concerned about the proposed minimum lot area (5,100 sq. ft.) being far below the minimum required for the base zoning district (7,500 sq. ft.) and among the smallest in the neighborhood. Staff believes the proposed minimum lot size is too dense for-and out of character with-the neighborhood, and would therefore only recommend approval if the number of lots was reduced from three to two with minimum lot areas that more closely resemble the standards of the base zoning district.

**Prepared By**

Lisa Sudbury, AICP, Interim Director of Planning  
817-276-4227

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to owners of the affected properties, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended;

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

**SECTION 1.**

That the Comprehensive Zoning Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Mansfield, to give the hereinafter described property a new zoning district classification of PD, Planned Development; said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.**

That the use and development of the hereinabove described property shall be in accordance with the development plan shown on Exhibit "B" attached hereto and made a part hereof for all purposes.

**SECTION 3.**

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.**

That the above described properties shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

**SECTION 5.**

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

**SECTION 6.**

Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**DULY PASSED** on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**David L. Cook, Mayor**

ATTEST: \_\_\_\_\_  
**Susana Marin, City Secretary**

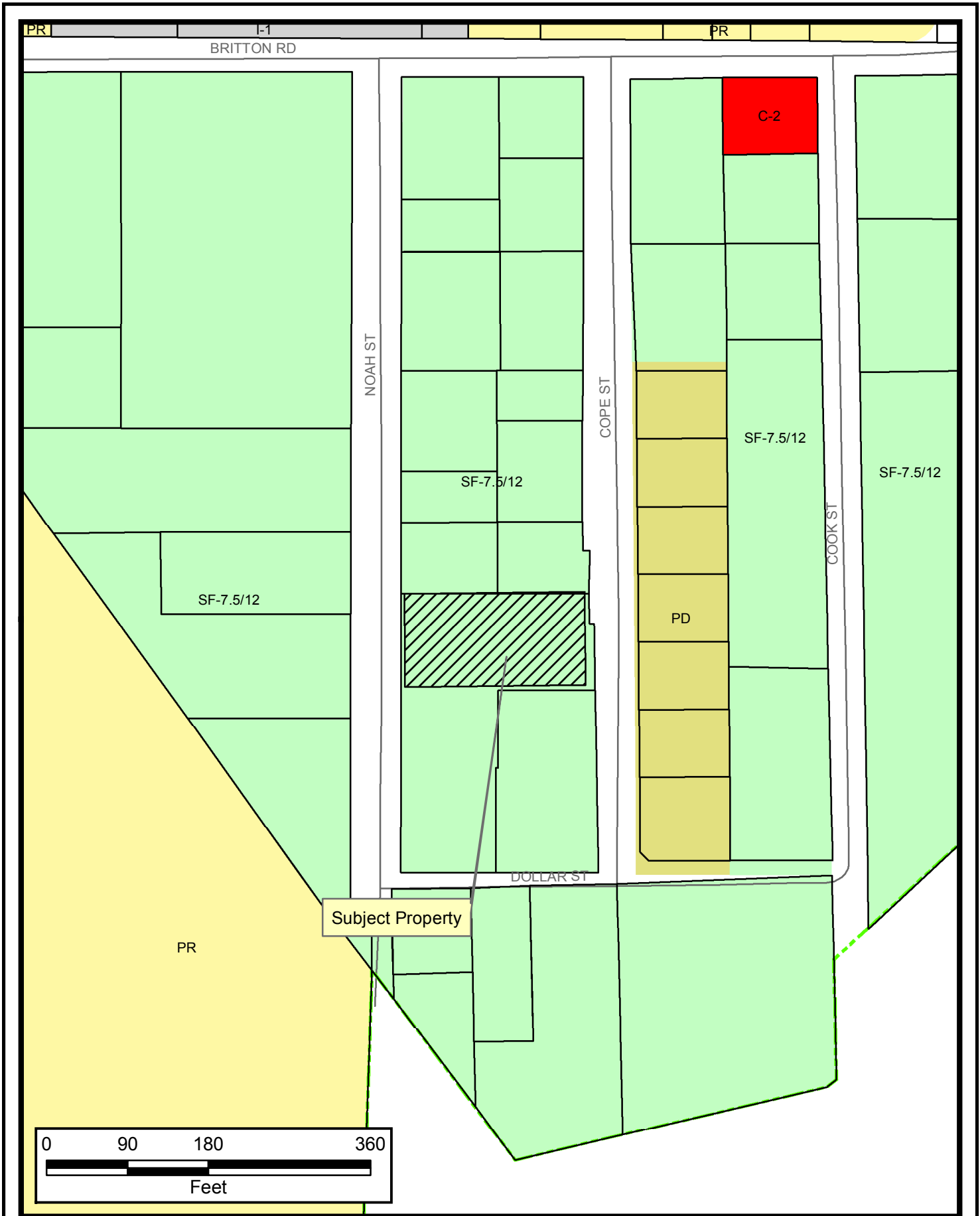
APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
**Allen Taylor, City Attorney**











## Property Owner Notification for ZC#19-008

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
LOT 7, BLK 3 BRITTON RINESS ADD		RINESS HOLDINGS LLC	6606 THISTLE WOOD DR	MIDLOTHIAN, TX	75065-6962
LOT 6, BLK 3 BRITTON RINESS ADD		RINESS HOLDINGS LLC	6606 THISTLE WOOD DR	MIDLOTHIAN, TX	75065-6962
LOT 5, BLK 3 BRITTON RINESS ADD		RINESS HOLDINGS LLC	6606 THISTLE WOOD DR	MIDLOTHIAN, TX	75065-6962
LOT 4, BLK 3 BRITTON RINESS ADD		RINESS HOLDINGS LLC	6606 THISTLE WOOD DR	MIDLOTHIAN, TX	75065-6962
LOT 3, BLK 3 BRITTON RINESS ADD		RINESS HOLDINGS LLC	6606 THISTLE WOOD DR	MIDLOTHIAN, TX	75065-6962
LOT 2, BLK 3 BRITTON RINESS ADD		RINESS HOLDINGS LLC	6606 THISTLE WOOD DR	MIDLOTHIAN, TX	75065-6962
LOT 1, BLK 3 BRITTON RINESS ADD		RINESS HOLDINGS LLC	6606 THISTLE WOOD DR	MIDLOTHIAN, TX	75065-6962
10 1 O T BRITTON 0.516 ACRES		SCHUTZA ALTON T & JOANN	4709 ALAMO CT	GRAND PRAIRIE, TX	75052
4;PT3& 5;6 1 O T BRITTON 2.388 ACRES		MARTIN J W & MARIA	932 COOK ST	MANSFIELD, TX	76065
5B 2 O T BRITTON-REV 0.248 ACRES		COPE D W & BETTY	5 PAMELA CT	MANSFIELD, TX	76063
5C 2 O T BRITTON-REV 0.132 ACRES		ZIPS KIMBERLY G	917 NOAH ST	MANSFIELD, TX	76065
8 1 O T BRITTON 0.517 ACRES		CLARK RONALD CHARLES	920 NOAH ST	MANSFIELD, TX	76065
LOT 5A BLK 2 O T BRITTON-REV .122 AC		REYES JAMES RICHARD	912 COPE ST	MANSFIELD, TX	76065
LOT 5D BLK 2 O T BRITTON-REV 0.263 AC		RESIDENTIAL ASSET SECURITIES CORP	HOME EQUITY MORTGAGE ASSET BACKED SERIES 2005-KS8	WEST PALM BEACH, FL	33407
LOT 7 BLK 2 O T BRITTON-REV 1.0506 AC		DAVES JO E	936 COPE ST	MANSFIELD, TX	76065
LOT 9 BLK 1 O T BRITTON-REV .691 AC		WRIGHT RHONDA MARIE	928 NOAH ST	MANSFIELD, TX	76065
LOT PT 7 BLK 1 O T BRITTON-REV .496 AC		LEVERIDGE SHAWN	528 COBBLESTONE CIR	MANSFIELD, TX	76063
LOT S PT 6 BLK 2 O T BRITTON-REV 0.594 AC		BEN HARTMAN	500 ALVARADO ST	MANSFIELD, TX	76063
NEPT 6 2 O T BRITTON 0.1933 ACRES		COPE D W & BETTY	5 PAMELA CT	MANSFIELD, TX	76063

Property Owner Notification for ZC#19-008

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
PT 5 3 O T BRITTON 0.835 ACRES		YARBROUGH KEITH	918 COOK ST	MANSFIELD, TX	76065
PT 6 & 5 OT BRITTON .207 ACRES		JOHNSON JUSTIN	921 NOAH ST	MANSFIELD, TX	76065
SEPT 5 3 O T BRITTON 0.573 ACRES		MARTIN JAMES W & MARIA E	932 COOK ST	MANSFIELD, TX	76065

## **Exhibit A**

### **Legal Description**

Whereas, **BEN HARTMAN** is the sole owner of a 0.475 acre (20,700 square feet) tract of land in the Hugh Henderson Survey, Abstract Number 432, Ellis County, Texas; said 0.475 acre (20,700 square feet) of land being all of that certain tract of land described in a General Warranty Deed to Ben Hartman (hereinafter referred to as Hartman tract), as recorded in Instrument Number 1911998, Deed Records, Ellis County, Texas (D.R.E.C.T.), said 0.475 acre (20,700 square feet) of land also being a portion of Lot 6, Block 2, Original Town of Britton (hereinafter referred to as Lot 6), according to the plat thereof recorded in Volume 158, Page 45, D.R.E.C.T., said 0.475 acre (20,700 square feet) of land being more particularly described, by metes and bounds, as follows:

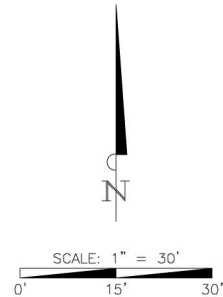
**BEGINNING** at a one-half inch iron rod found for the Northeast corner of herein described tract, same being the Southeast corner of that certain tract of land described in a Special Warranty Deed to D.W. Cope and Betty Cope (hereinafter referred to as Cope tract), as recorded in Volume 2388, Page 614, D.R.E.C.T., same also being the existing West right-of-way line of Cope Street (50' right-of-way), formerly known as Fourth Street, according to the plat recorded in Volume 158, Page 45, D.R.E.C.T., same also being the East line of said Lot 6;

**THENCE** South 00 degrees 28 minutes 49 seconds East, with the common line between said Hartman tract, the existing West right-of-way line Cope Street, and the East line of said Lot 6, a distance of 103.50 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southeast corner of herein described tract;

**THENCE** South 89 degrees 21 minutes 24 seconds West, departing the existing West right-of-way line of said Cope Street and crossing said Lot 6, a distance of 200.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southwest corner of herein described tract, same being the existing East right-of-way line of Noah Street (50' right-of-way), formerly known as Fifth Street, according to the plat recorded in Volume 158, Page 45, D.R.E.C.T., same also being the West line of said Lot 6;

**THENCE** North 00 degrees 28 minutes 49 seconds West, with the common line between said Hartman tract, the existing East right-of-way line of said Noah Street, and the West line of said Lot 6, a distance of 103.50 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Northwest corner of herein described tract;

**THENCE** North 89 degrees 21 minutes 24 seconds East, departing the existing East right-of-way line of said Noah Street, and crossing said Lot 6, a distance



Install New FH

## Zoning 7.5/12

<b>LEGEND</b>	
D.R.E.C.T.	✕ FIRE WATER CONNECTION
DEED RECORDS	⌚ IRRIGATION CONTROL VALVE
ELLIS COUNTY, TEXAS	
▲ UTILITY PIN FLAG	⚡ TRAFFIC SIGNAL
● GAS MANHOLE	Ⓢ STORM MANHOLE
▼ GAS MARKER	N NORTH/NORTHING
Ⓜ GAS METER	S SOUTH
☑ TRANSFORMER	E EAST/EASTING
● ELECTRIC METER	W WEST
⌚ TELEPHONE RISER	° DEGREES
— SIGN	' MINUTES/FEET
Ⓢ POWER POLE	" SECONDS/INCHES
☆ LIGHT	① #
Ⓢ SANITARY SEWER MANHOLE	TITLE COMMITMENT ITEM
● CLEAN-OUT	-GAS- GAS LINE
◆ FIRE HYDRANT	-EX.-WL- WATER LINE
Ⓢ WATER VALVE	-EX.-SS-SEWER LINE
Ⓜ WATER METER	-EX.-SD- STORM DRAIN LINE
Ⓢ WATER MANHOLE	-EX.-OH- OVERHEAD UTILITY
	-EX.-TEL- UNDERGROUND TELEPHONE
-GDRL- GUARD RAIL	
-CHLK- CHAIN LINK FENCE	
-WIRE- WIRE FENCE	
-WOOD- WOOD FENCE	
C- GUY WIRE	

Owner:  
Ben Hartman  
500 Alvarado St  
Mansfield Tx, 76063  
benhartman8628@gmail.com

Whereas, BEN HARTMAN is the sole owner of a 0.475 acre (20,700 square feet) tract of land in the Hugh Henderson Survey, Abstract Number 432, Ellis County, Texas, said 0.475 acre (20,700 square feet) of land being all of that certain tract of land described in a General Warranty Deed to Ben Hartman (hereinafter referred to as Hartman tract), as recorded in Instrument Number 1911998, Deed Records, Ellis County, Texas (D.R.E.C.T.), said 0.475 acre (20,700 square feet) of land also being a portion of Lot 6, Block 2, Original Town of Britton (hereinafter referred to as Lot 6), according to the plat thereof recorded in Volume 158, Page 45, D.R.E.C.T., said 0.475 acre (20,700 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 herein described tract, same being the Southeast corner of that certain tract of land described in a Special Warranty Deed to D.W. Cope and Betty Cope (hereinafter referred to as Cope tract), as recorded in Volume 2388, Page 614, D.R.E.C.T., same also being the existing West right-of-way line of Cope Steet (50' right-of-way), formerly known as Fourth Street, according to the plat recorded in Volume 158, Page 45, D.R.E.C.T., same also being the East line of said Lot 6;

THENCE South 00 degrees 28 minutes 49 seconds East, with the common line between said Hartman tract, the existing West right-of-way line Cope Street, and the East line of said Lot 6, a distance of 103.50 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southeast corner of herein described tract;

THENCE South 89 degrees 21 minutes 24 seconds West, departing the existing West right-of-way line of said Coe Street and crossing said Lot 6, a distance of 200.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southwest corner of herein described tract, same being the existing East right-of-way line of Noah Street (50' right-of-way), formerly known as Fifth Street, according to the plat recorded in Volume 158, Page 45, D.R.E.C.T., same also being the West line of said Lot 6;

THENCE North 00 degrees 28 minutes 49 seconds West, with the common line between said Hartman tract, the existing East right-of-way line of said Noah Street, and the West line of said Lot 6, a distance of 103.50 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Northwest corner of herein described tract;

THENCE North 89 degrees 21 minutes 24 seconds East, departing the existing East right-of-way line of said Noah Street, and crossing said Lot 6, a distance of 200.00 feet to the PLACE OF BEGINNING and containing a calculated area of 0.475 acre (20,700 square feet) of land.

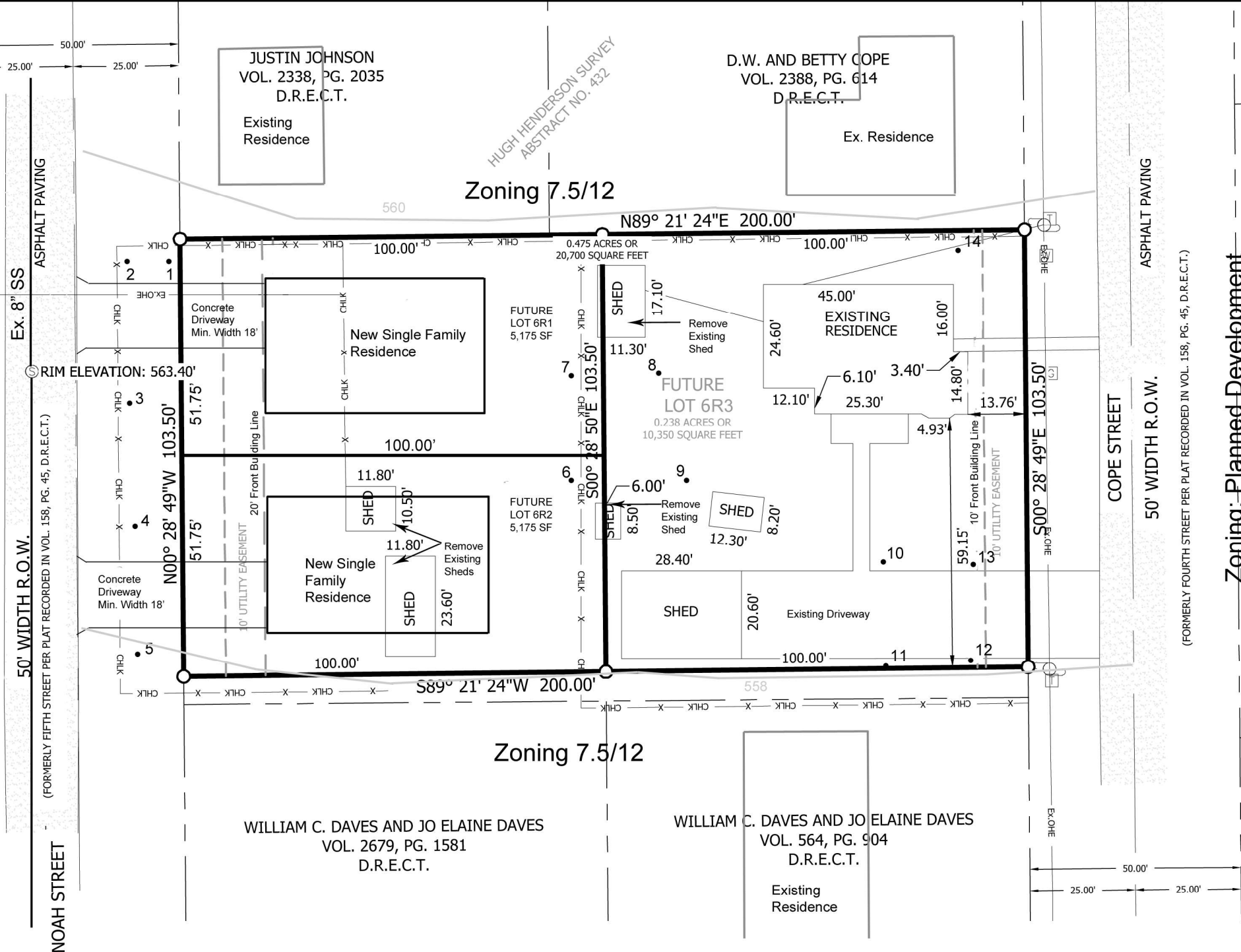
Notes:

Parking requirements shall comply with section 7200 of the Zoning Ordinance  
Landscaping shall comply with section 7300 of the Zoning Ordinance

This PD shall comply with all base zoning requirements of the existing 7.5/12 Zoning District with the following deviations:

1. Minimum Lot Depth - 100'
2. Minimum Lot width - 51'
3. Minimum Lot Area - 5,100 SF
4. Minimum Front Yard for New Residences - 20'
5. Minimum Front Yard for Existing Residences - 10'
6. Existing trees shall count towards the tree requirements of Sec. 7300
7. No minimum masonry construction requirements

The proposed Development will be in complete accordance with the provisions of the approved Planned Development District and Development Plan recorded hereunder.



## Conceptual Elevations

Exhibit B  
ZC#19-008

**BTH ENGINEERING, LLC**  
**FIRM# 19847**  
**500 ALVARADO ST. MANASSAS VA 20108**  
**817-996-8628**  
**BENHARTMAN8628@GMAIL.COM**

**PROJECT:**  
 Lots 6R1, 6R2 and 6R3, Block 2, Original Town of Britton  
 Being 20,700 square feet (0.475 acre) out of  
 Hugh Henderson Survey, Abstract No. 432  
 City of Mansfield, Ellis County, Texas

## DEVELOPMENT PLAN

SCALE: 1" = 30'

5/20/2019

SHEET NUMBER  
1 OF 1





# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3193

**Agenda Date:** 8/12/2019

**Version:** 2

**Status:** Second Reading

**In Control:** City Council

**File Type:** Ordinance

### Title

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District and C-2 Community Business District to PD Planned Development District for Single-Family Residential, Multi-Family Residential, Senior Living, and C-2 Community Business Uses on Approximately 76.734 Acres out of the S. S. Callender Survey, Abstract No. 359, Tarrant County, TX, Generally Located on the East Sides of FM 157 and House Road, the North Side of Mouser Way, and West of Towne Crossing and Cedar Point; Tim Coltart of Realty Capital Management, LLC on Behalf of Glenn Day, et al and Sowell Property Partners - Mansfield, LP (ZC#19-005)

### Requested Action

To consider the subject zoning change request.

### Recommendation

The Planning & Zoning Commission held a public hearing on June 17, 2019, and voted 3-3 (Chairman Wilshire, Papp, and Weydeck voting no; Knight absent) to recommend approval resulting in a denial. The recommendation to approve was conditioned on the applicant limiting C-2 uses to Zones 1, 2, and 4, adjusting the minimum predominant roof pitch to 8:12, and adjusting the minimum masonry percentage for front-facing elevations to 80%.

Several of the commissioners complemented the quality of the proposed development as well as the quality of the developer's Main Street Lofts development and liked the mix of residential products that were offered. Several of the commissioners also desired more commercial development in the project and noted the lack of retail on the west side of town, particularly as it relates to grocery stores. Almost all of the commissioners expressed concern about the minimum masonry percentages and roof pitch and wanted the minimum standards to more closely resemble the Zoning Ordinance. The applicant responded that they wanted to provide for more flexibility for different materials and styles and to reduce monotony in the development, but agreed to make adjustments to their plans. Some of the commissioners were also concerned about higher density and smaller lot widths than what is typically allowed in the single-family portion of the development, and one of the commissioners requested that the minimum lot areas more closely align with the minimum lot widths and depths. There were also some concerns about provided parking requirements, but the applicant stated that they have extensively researched parking requirements for the different uses and feel they have adequately provided for parking needs and stated that they would not underpark the development as it would be bad for business. Some of the commissioners also requested that some of the renderings be improved to provide for proper scaling and to ensure that they are reflective of the materials percentages proposed in the written standards. One of the commissioners also wanted the project to more closely resemble the Lakeside development in Flower Mound and wanted more information on the planned improvements and amenities in the open space area, which the applicant stated they were still working with the Parks Department on. One of the commissioners also questioned the walkability of the project, stating that there was nothing to walk to given the limited commercial component. Finally, there was some

concern about the lack of on-site detention and how this would affect drainage.

The applicant responded to several of the Commissioners' concerns and made revisions to their plans to reflect some of the concerns, including adjusting the minimum lot areas and side yard setbacks, adjusting the minimum masonry percentages, increasing the minimum roof pitch to 8:12 for the predominant roof, and providing additional renderings or modifying them.

## **Description/History**

### **First Reading**

The subject property consists of 76.734 acres on the east sides of FM 157 and House Road, the north side of Mouser Way, and west of the Towne Crossing and Cedar Point apartment complexes. The property is currently vacant land. The applicant is requesting to re-zone the property from C-2 Community Business District and PR Pre-Development District to PD Planned Development District for a mixed-use development including single-family residential, multi-family residential, senior living, and C-2 community business uses.

### **Planned Development Standards**

The applicant intends to develop a high quality mixed-use development called Watson Branch, which is designed to further enhance the FM 157 corridor just north of Mouser Electronics, the Main Street Lofts, and downtown, and near the location of a future signalized intersection with the Main Street-FM 157 connector. While the developer plans to provide a small commercial area (and intends to include two restaurants), the development is intended to provide primarily for high-quality urban-style multi-family residences (with the Main Street Lofts serving as the minimum standard for architectural design and quality) and an array of unique single-family home products. The multi-family component will include both market and senior living units. In addition, the development will include an open space corridor slated to include a regional trail. The applicant anticipates a maximum density of 14 dwelling units per acre.

### **Zones:**

The planned development standards call for the property to be broken into four different zones. Zones 1 and 2, comprising 29.5 acres, are located in the northwestern portion of the property and have frontage along FM 157. Zone 1 is intended primarily for multi-family residential uses and the commercial component of the development. Zone 2 is intended primarily for the senior living component of the development. Zone 3, comprising 45.6 acres, is situated in the central portion of the property and is intended primarily for single-family residential uses. Lastly, Zone 4, comprising the easternmost 3.5 acres of the property, is separated from the balance of the property by floodplain and land uses are unspecified, but could include single-family residential, commercial, or civic uses.

### **Permitted Uses:**

While the zones outline the intended separation of land uses on the property, the permitted use table allows for flexibility of land uses throughout the property. Single-family dwellings, zero-lot-line dwellings, two-family dwellings, townhouses, and C-2 uses could be built in any of the four zones. Multi-family dwellings are restricted to Zone 1, while senior housing units (including for-rent cottages) are allowed only in Zones 1 & 2.

### **Minimum Commercial Requirements:**

The planned development standards specify a minimum of 7,500 sq. ft. of commercially-occupied space (and the developer intends for at least two restaurants in their cover letter) and a minimum of 400 linear feet of frontage built to commercial storefront standards. The developer intends for the commercial component of the development to be minimal though, due to the proximity to downtown and the commercial uses along the US 287 corridor. In addition, the applicant has specified that all C-2 uses requiring a Specific Use

Permit (SUP) shall still require an SUP under this Ordinance.

**Maximum Number of Residential Units:**

The maximum number of single-family, zero-lot-line, two-family, and townhome dwellings is 300 lots. Furthermore, of these 300 lots, a maximum of 15% may be attached dwellings. The maximum number of multi-family and senior housing units is 800 dwelling units.

**Minimum Lot Standards:**

The minimum lot standards for commercial, mixed-use, and multi-family lots (located in Zones 1 & 2) are outlined below:

Min. Lot Width: 100'

Min. Lot Depth: 120'

Min. Lot Area: 12,000 sq. ft.

Min. Floor Area per Dwelling Unit: 550 sq. ft. (efficiency); 650 sq. ft. (1-bedroom); 900 sq. ft. (2-bedroom); 1,000 sq. ft. (3-bedroom)

Min. Front Yard: 5'

Min. Rear Yard: 0'

Min. Interior Side Yard (adjacent to lot): 0' in Zone 1; 10' in Zone 2

Min. Exterior Side Yard (adjacent to public street): 5'

Max. Height: 4 stories

The minimum lot standards for single-family (SF), zero-lot line (ZL), and townhome (TH) lots (located in Zones 2, 3, and 4) are outlined below:

Min. Lot Width: 45' (SF); 30' (ZL); 22' (TH)

Min. Lot Depth: 90'

Min. Lot Area: 4,050 sq. ft. (SF); 2,700 sq. ft. (ZL); 1,980 sq. ft. (TH)

Min. Floor Area per Dwelling Unit: 1,800 sq. ft.

Garage Access: street (SF); alley (ZL & TH)

Min. Front Yard: 10'

Min. Front Yard to Garage Doors: 20' (SF); N/A (ZL & TH)

Min. Rear Yard: 15'

Min. Rear Yard to Garage Doors: N/A (SF); 3' (ZL & TH)

Min. Interior Side Yard (adjacent to lot): 5' (SF); 0'/5' (ZL); 0' (TH)

Min. Exterior Side Yard (adjacent to public street): 10'

Max. Height: 3 stories

**Conceptual Elevations and Streetscape Standards:**

The applicant has provided conceptual elevations for the multi-family, commercial, and single-family components of the development. The elevations for the multi-family and commercial components are intended to identify the potential architectural materials only. In addition, the applicant has provided standards and renderings for the different streetscape sections.

**Access:**

Access into the development will be primarily from FM 157 and Mouser Way. From FM 157, there will be a minimum of one and a maximum of three access points, although staff notes this will be subject to TXDOT approval. From Mouser Way, there will also be a minimum of one and a maximum of three access points. The development will also be permitted to access House Road. It is intended that there will be a primary spine road through the development that will connect the various components of the development. This spine road will connect to the future FM 157-North Main Street connector at a signalized intersection at FM 157 and will travel eastward through the commercial and multi-family components and then turn southward through the single-family component down to Mouser Way. Street types and their

specifications (including width, parking, street trees, parkways, sidewalks, and right-of-way dedications) are detailed in Table 4.1.

**Open Space:**

The development will include a corridor of open space along the northeastern property line adjacent to Watson Branch. This corridor includes floodplain and the bulk of the existing trees in this area are planned to be preserved. The open space area along this corridor will be a minimum of six acres and a minimum corridor width of 25'. The applicant also plans to work with the Parks Department to develop a public trail along this corridor.

In addition, the applicant intends to provide 20' open space buffers along FM 157 and Mouser Way and a small open space area (min. 1,500 sq. ft.) near the multi-family and commercial components. On-site detention will not be provided, however water quality measures will be required. The applicant has also specified the standards for street trees on page 31. Trees shall not be required on single-family lots.

**Parking:**

The applicant has specified the following minimum parking standards:

General Office & Retail "Blended Rate": 1 space per 250 sq. ft.

General Office only: 1 space per 333 sq. ft.

Restaurant: 1 space per 100 sq. ft.

Multi-Family Residential: 1.5 spaces per unit

Age-Restricted Housing: 1.2 spaces per unit

Single-Family Residential: 2 off-street parking spaces

The applicant has also specified that on-street parking may be counted toward required parking and that the parking requirements may be reduced upon submittal of a revised parking calculation by the applicant and approval by the City. In addition, covered parking may be either masonry or metal (for carports) and shall comply with the regulations governing building materials; in addition, carports shall provide a minimum of 3' clearance from fire lanes. Trees shall be planted in parking lots such that each parking space is located within 60' of a tree. Parking space standards are detailed in Table 6.2.

**Architectural Requirements:**

The applicant has specified the following architectural materials standards. (Note: The overlay area refers to the frontage zone for buildings along FM 157 where the commercial component is planned)

Front Façade Materials:

Min. Masonry: 80% for zones 1-4; 90% for overlay area

Max. Stucco: 20% for zones 1-4; 10% for overlay area

Max. Hardi-Board (excluding recessed balconies): 20% for zones 1-4; 10% for overlay area

Max. Metal: 10% for all zones

Rear Façade Materials:

Min. Masonry: 25% for zones 1 & 2

Max. Stucco: 75% in zones 1 & 2

Max. Hardi-Board: 50% in zones 1 & 2

Max. Metal: 10% for all zones

In zones 3 & 4, while the applicant has not specified minimum or maximum materials percentages for the rear façade, they have specified that the exterior materials shall meet the minimum 80% masonry standard for all facades in the aggregate.



**Ground Floor Building Standards:**

Min. Glass Area: 60% in overlay area; 25% in zones 1 & 2

Min. Ceiling Height: 10' in overlay area; 8' in zones 1 & 2

The applicant has specified that wood, exposed CMU, and exposed aggregate are prohibited materials in all zones of the development. In addition, they have defined masonry materials to include brick, stone, cultured stone and cast stone, but to exclude CMU and exposed concrete. Furthermore, the applicant has specified that façade materials shall transition to a minimum of 20' around a building corner to internal area of a block.

The applicant has specified detailed architectural standards for single-family buildings located in zones 2, 3, and 4. These include encouraging the use of single-story roofs and porches on front elevations, façade articulation, roof breaks, walls with textured materials and ornamental details, decorative moldings, windows, dormers, chimneys, balconies and railings, and landscaping elements, and carrying façade treatment and design elements throughout all facades of the home and any accessory structures. The standards discourage large areas of blank wall without architectural treatment, as well as two-story entry features. Garage doors accessible from the street shall be constructed of decorative wood cladding ("Carriage Door" style) or simulated wood cladding, however alley garages may use painted aluminum garage doors.

Required features for single-family homes include a minimum predominant roof pitch of 8:12 (except for porches), architectural grade asphalt shingles or better, wood or stained fiberglass simulated wood grain front doors, concealed mechanical equipment and trash storage, coursed brick, soldier courses, proportional and design-appropriate shutters, enhanced gutter design, downspouts located at corners and columns, masonry or masonry-like chimneys, chimneys extending to the ground if on street-facing elevations, columns visible from the street at least 6" x 6", and wood fences (not greater than 6' in height) along alleys constructed with the support structure facing the house. Each home must also include at least four optional features from a list of 20 items.

**Signage:**

The applicant will adhere to all sign regulations established in Section 7100 of the Zoning Ordinance with the exception of the following:

- Each business with FM 157 frontage will be permitted one wall sign not to exceed 30' in length or 4' in height
- A monument sign or sign affixed to an entry wall, not to exceed 50 sq. ft. in sign area per side, shall be permitted at each entry on FM 157 and Mouser Way
- A projection sign, not to exceed 50 sq. ft. in sign area per side, shall be permitted on each building fronting FM 157
- A blade sign, not to exceed 20 sq. ft. in sign area per side, shall be permitted for each business tenant.

**Recommendation**

This proposal will provide for a quality, cohesive development with a mix of residential products that maximizes the use of one of the largest remaining infill tracts in this part of the City. While staff would have liked to see a little bit more space for commercial uses incorporated along FM 157, the development will nonetheless provide for additional high quality urban-design apartments, senior housing, and unique single-family residential products that provide a denser, more walkable design and a mix of product types (including 45' lots, zero-lot line homes, and townhomes) that are currently few and far between in the community. In addition, the applicant is endeavoring to provide high-quality architectural design, a mixture of

streetscapes, abundant access and connectivity through the development, and an open space corridor and a future public trail that will enhance the development and the community. Furthermore, the Official Land Use Plan encourages higher densities in this area combined with the preservation of high quality open space, both of which the applicant is providing. Staff recommends that any action be conditioned on C-2 uses being limited to Zones 1, 2, and 4.

### **Second Reading**

City Council held a public hearing and first reading on July 8, 2019 and voted 4-3 (Broseh, Leyman, and Mayor Cook voting no) to approve. In addition, the applicant provided four letters of support, two people spoke in support (including one who presented a list of downtown business owners in support), and there were six non-speakers in support. City Council had several concerns about the development and requests of the applicant, including a desire for more commercial space along FM 157, committing to providing at least one restaurant, providing more information on the types of restaurants allowed (i.e. sit down, fast food/quick serve, etc.), committing to the development standards by making more things “required” instead of leaving things open-ended and “encouraged” or “intended” (particularly with architectural requirements), having Council approve the site plans in addition to P&Z or instead of P&Z, providing trees on residential lots in addition to street trees, providing more information on the senior for-rent cottages (i.e. layout, quantity, etc.), providing the maximum allowable density for the single-family portion alone, reducing the number of 3-bedroom units, providing more masonry on rear facades facing Mouser Way, correcting or improving renderings to better match the written development standards and providing additional renderings (such as those included in the applicant’s presentation), providing for options for owner-occupied multi-family and senior living units, providing stipulations that require the single-family portion to be developed with the multi-family portion or by a set timeframe to ensure the single-family portion doesn’t go undeveloped, and providing more details regarding the trail and its design, construction, and alignment, and any other planned recreational improvements and amenities. In addition, some councilmembers questioned the applicant’s methodology of gathering real estate data as it related to the feasibility of commercial development and some councilmembers weren’t supportive of additional multi-family residential development in general. The applicant has submitted a letter requesting to table second reading until August 12, 2019 in order to give the applicant more time to make changes to their plans to address the concerns and requests of City Council.

### **Second Reading Continuation**

City Council held a public hearing and second reading on July 22, 2019 and voted 6-1 (Moore voting no) to table consideration until August 12, 2019 at the request of the applicant.

At the first reading, councilmembers made the following comments or requests:

- A desire for more commercial space along FM 157
- Commit to provide at least one restaurant
- Provide more information on the types of restaurants allowed (i.e. sit down, fast food/quick serve, etc.)
- Commit to the development standards by making more things “required” instead of leaving things open-ended and “encouraged” or “intended” (particularly with architectural requirements)
- Have City Council approve the site plans in addition to P&Z or instead of P&Z
- Provide trees on residential lots in addition to street trees
- Provide more information on the senior for-rent cottages (i.e. layout, quantity, etc.)
- Provide the maximum allowable density for the single-family portion
- Reduce the number of 3-bedroom units
- Provide more masonry on rear facades facing Mouser Way

- Correct or improve renderings to better match the written development standards and provide additional renderings (such as those included in the applicant's presentation)
- Provide options for owner-occupied multi-family and senior living units
- Provide stipulations that require the single-family portion to be developed with the multi-family portion or by a set timeframe to ensure the single-family portion doesn't go undeveloped
- Provide more details regarding the trail and its design, construction, and alignment, and any other planned recreational improvements and amenities.

In addition, some councilmembers questioned the applicant's methodology of gathering real estate data as it related to the feasibility of commercial development at this location and some councilmembers weren't supportive of additional multi-family residential development in general.

While changes have been made to the Development Standards that address a few of councilmembers' comments, several comments were not addressed, and additional changes were also made, some of which staff has concerns about:

- While it was clarified that the minimum commercial area excludes the residential leasing areas and that drive-thru restaurants would require specific use permits, the minimum required amount of commercial space was not increased, it was not required that at least one restaurant be provided, and additional information was not provided regarding the types of restaurants allowed.
- The concept plan base map was updated to remove the senior cottage footprints in favor of a few larger buildings. In addition, an inset showing greater detail for Zones 1 & 2 has been provided. However, senior cottages are still mentioned in the written development standards despite their location not being identified on the plan. Unlike the development standards presented at first reading, senior apartments and cottages have been separated out from the general standards for the multi-family products and there are no standards for senior cottages or senior apartments as it relates to number of units, minimum floor area per unit type, etc.
- The concept plan base map was also updated to remove one of the two access points on Mouser Way; staff recommends that both access points be retained.
- A maximum acreage of 30 acres has been established for zones 1 & 2 combined, and a minimum acreage of 48 acres has been established for zones 3 & 4 combined. The maximum allowable density for zones 3 & 4 has not been provided.
- The maximum number of 3-bedroom apartments has been limited to 30.
- The single-family lot standards have been modified to allow front porches and stoops to encroach into the 10' minimum front yard, and the lot configuration exhibit has been updated. Staff does not believe that the proposed J-swing and combination front entry/J-swing configurations can be provided as shown based on standard engineering requirements for vehicle maneuvering. In addition, staff does not support allowing front porches and stoops to encroach all the way to the front property line and would recommend that porches and stoops not encroach more than five feet into the front yard.
- A new exhibit has been provided showing the proposed single-family residential streetscape in comparison with a street in the Berryhill Addition. Staff does not believe this is a good neighborhood to compare this development to; it was stated in the applicant's response letter that this was "downtown", when in it is not. The applicant still proposes street trees in the right-of-way (area between the curb and the sidewalk), but no trees on the residential lots. Staff recommends that street trees not be located in the right-of-way; trees should be located in the required front yard.
- On the street plan, references to Street 4 have been removed and a fire lane plan for Zones 1 & 2 has been provided. The Fire Marshal notes that the northernmost building

will require a fire lane. In addition, there were concerns about lack of detail regarding potential townhome configurations. Staff recommends that all portions of the development meet the requirements of the International Fire Code.

- In the open space section, a new requirement for a masonry wall along Mouser Way has been added. However, no details have been provided regarding the proposed linear trail's design, construction, and alignment, nor any other planned recreational improvements.
- In the architectural standards, a new requirement for interior corridors in the multi-family buildings has been added, a new requirement for awnings in the commercial area has been added, and the word "encouraged" has been deleted from the single-family residential architectural standards. However, no requirements have been added for rear building facades facing Mouser Way.
- The base street plan, open space plan, and sign plan maps have all been updated to reflect changes to the overall concept plan
- It is still written into the standards that site plans shall be approved by P&Z instead of Council. Furthermore, no stipulations have been provided to require the single-family portion to be built by a specified time and no options have been provided for owner-occupied multi-family and senior living units.

While staff is very supportive of the proposed development and intended use of the property, we have the following concerns:

- It does not appear that all of Council's comments were adequately addressed;
- Some details of proposed development standards are too open-ended or are written in such a way that could potentially allow conflicts between the proposed development standards and the City's development regulations.

The applicant attempted to make additional changes to address some of staff's concerns and some of the unaddressed City Council comments, but it was after the deadline to turn in items for the City Council agenda packet.

Staff recommends that if Council approves this development at second reading, any conditions that Council deems necessary in light of staff's preceding analysis be included in their motion.

**Prepared By**

Lisa Sudbury, AICP  
Interim Director of Planning  
817-276-4227

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, SENIOR LIVING, AND C-2 COMMUNITY BUSINESS USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to owners of the affected properties, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended;

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

**SECTION 1.**

That the Comprehensive Zoning Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Mansfield, to give the hereinafter described property a new zoning district classification of PD, Planned Development; said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.**

That the use and development of the hereinabove described property shall be in accordance with the development plan shown on Exhibit "B" attached hereto and made a part hereof for all purposes.

**SECTION 3.**

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.**

That the above described properties shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

**SECTION 5.**

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

**SECTION 6.**

Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**DULY PASSED** on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**David L. Cook, Mayor**

ATTEST: \_\_\_\_\_  
**Susana Marin, City Secretary**

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
**Allen Taylor, City Attorney**

DAY AND SOWELL TRACTS  
METES AND BOUNDS DESCRIPTION  
76.734 Acres or 3,342,543 Square Feet

Being all that certain lot, tract or parcel of land situated in the S. S. Callender Survey, Abstract Number 359, City of Mansfield, Tarrant County, Texas, being all of that certain tract of land described in deed to Doris Ann Day Trust recorded in Volume 9743, Page 1428 of the Deed Records of Tarrant County, Texas, and referenced in deed to Glenn M. Day, III, Mary Angelyn Day Englert, Margaret Ann Day Samson and Elizabeth Jean Day Cooper in deed recorded in Instrument D208367819 of the Deed Records of Tarrant County, Texas, part of those certain tracts of land described in deed to Sowell Property Partners-Mansfield, LP. recorded in Volume 14864, Page 188, Volume 13515, Page 325 and Instrument D215155442 of the Deed Records of Tarrant County, Texas, said Sowell tracts being hereinafter referred to as "Sowell tracts" and part of that certain tract of land described in deed to the Flying A Group, LTD, recorded in Volume 13322, Page 16, and being more particularly described as follows:

BEGINNING at a ½" iron rod found at the north corner of said Day tract, being the east corner of that certain tract of land according to deed to Michel Tanios Rubeiz recorded in Volume 7946, Page 1460 of the Deed Records of Tarrant County, Texas, and being on the southwest line of Cedar Point Addition, an addition to the City of Mansfield according to the plat thereof recorded in Instrument D203031742 of the Plat Records of Tarrant County, Texas;

THENCE S 29°46'32" E, along the northeast line of said Day tract and the southwest line of Cedar Point Addition, passing at 275.37 feet, the south corner thereof from which a ½" iron rod found bears S 58°05'46" W, 0.26 feet, said corner being the west corner of Lot 1, Block 1, Mansfield Towne Crossing, Phase 5, an addition to the City of Mansfield according to the plat thereof recorded in Cabinet A, Slide 11104 of the Plat Records of Tarrant County, Texas a total distance of 604.30 feet to a ½" capped iron rod (Brittain & Crawford) found at the south corner thereof and the north corner of that certain tract of land described in deed to Sowell Property Partners-Mansfield, LP recorded in Volume 14864, Page 325 of the Deed Records of Tarrant County, Texas, being a west southwest corner of Lot 1, Block 1, Mansfield Towne Crossing Phase 5, an addition to the City of Mansfield according to the plat thereof recorded in Cabinet "A", Slide 11104 of the Plat Records of Tarrant County, Texas;

THENCE, along the common boundary line between said Sowell tracts and said Mansfield Towne Crossing, Phase 5, and in Watson Branch, the following:

N 70°12'16" E, 295.48 feet, to a ½" iron rod with Brittain & Crawford cap;

S 69°38'18" E, 293.46 feet; and

N 88°05'53" E, 260.70 feet, to a ½" iron rod with Brittain & Crawford cap at the most westerly corner of Lot 1, Block 2, Mansfield Towne Crossing, Phase 4, an addition to the City of Mansfield according to the plat thereof recorded in Cabinet "A", Slide 8522 of the Plat Records of Tarrant County, Texas;

THENCE, continuing along said common boundary line between said Sowell tracts and said Mansfield Towne Crossing, Phase, and in Watson Branch, the following;

S 31°11'17" E, 350.00 feet, to a ½" iron rod with Brittain & Crawford cap;

S 73°03'22" E, 511.99 feet, to a ½" iron rod with Brittain & Crawford cap;

N 89°53'16" E, 597.90 feet, to a ½" iron rod with Brittain & Crawford cap;

N 06°26'56" E, 346.30 feet, leaving said Watson Branch, to a ½" iron rod with Brittain & Crawford ca, and

N 60°26'19" E, 27.64 feet, to a ½" iron rods with Brittain & Crawford cap on the most northeast line of said Sowell tracts and said Mansfield Crossing Phase 4, being the southwest line of Lot 1, Block 1, Mansfield Pointe Addition, an addition to the City of Mansfield according to the plat thereof recorded in Cabinet "A", Slide 12077 of the Plat Records of Tarrant County, Texas;

THENCE S 46°33'16" E, 587.35 feet, along the northeast line of said Sowell tracts and the southwest line of said Lot 1, Block 1, Mansfield Pointe Addition, to a ½" iron rod on the northwest right-of-way line of Mouser Way according to Right-of-Way Deed to the City of Mansfield recorded in Instrument D216157021 of the Deed Records of Tarrant County, Texas;

THENCE, along the northwest Right-of-Way line of Mouser Way, the following:

Southwesterly, with the arc of a curve to the right having a radius of 2141.25 feet, a central angle of 01°25'57", whose chord bears S 63°38'36" W, 53.53 feet, an arc length of 53.54 feet, to a ½" iron rod with Brittain & Crawford cap;

S 64°21'34" W, 100.04 feet, to a ½" iron rod with Brittain & Crawford cap;

Southwesterly, with the arc of a curve to the left having a radius of 2211.25 feet, a central angle of 04°26'21", whose chord bears S 62°21'34" W, 171.28 feet, an arc length of 171.32 feet, to a ½" iron rod with Brittain & Crawford cap;

S 59°55'12" W, 582.19 feet, to a ½" iron rod with Brittain & Crawford cap;

S 59°34'21" W, 646.52 feet, to a ½" iron rod with Brittain & Crawford cap;

S 59°29'30" W, 382.60 feet, to a ½" iron rod with Brittain & Crawford cap on the east line of said Flying A tract;

THENCE S 59°40'37" W, 305.92 feet, continuing along said Right-of-Way line, to a ½" iron rod with Brittain & Crawford cap at the southerly end of a "corner clip;

THENCE N 75°00'47" W, 21.08 feet, along said corner clip, to a ½" iron rod with Brittain & Crawford cap on the northeasterly Right-of-Way line of House Road;

THENCE, along the southwest line of said Flying A tract and the northeast Right-of-Way line of House Road, the following:

N 29°52'54" W, 86.97 feet, to a ½" iron rod with Brittain & Crawford cap;

S 60°21'20" W, 13.04 feet, to a ½" iron rod with Brittain & Crawford cap;

N 29°54'09" W, 475.82 feet, to a ½" iron rod with Brittain & Crawford cap, and

N 45°58'16" W, 48.17 feet, to the southeast corner of that certain tract of land described in deed to R. G. and Doris Goodson recorded in Volume 3449, Page 121 of the Deed Records of Tarrant County, Texas;

THENCE, N 29°28'08" W, 669.93 feet, leaving said House Road and along the common line between said Sowell tracts and said Goodson tract, to a 5/8" iron rod found at the northwest corner of said Goodson tract, being an angle point corner in the southeasterly line of said Day tract;



THENCE S 64°57'10" W, along the southeast line of said Day tract and the northwest line of said Goodson tract, passing at 254.61 feet, the west corner thereof, being the north corner of that certain tract of land described in deed to Mark and Wendy Foster recorded in Volume 6987, Page 135 of the Deed Records of Tarrant County, Texas, passing at 526.89 feet, the west corner thereof, from which a ½" iron rod found bears S 29°22'38" E, 0.55 feet, said corner being the north corner of that certain tract of land described in deed to David Wesley and Josalin Black recorded in Instrument D216272074 of the Deed Records of Tarrant County, Texas, passing at 661.93 feet, the west corner thereof and the north corner of the remainder of that certain tract of land described in deed to Harry Blissard recorded in Volume 2790, Page 9 of the Deed Records of Tarrant County, Texas, (property now owned by Imogene Lambert), passing at 1078.50 feet, the north corner of Pressley Hiway Addition, an addition to the City of Mansfield according to the plat thereof recorded in Volume 160, Page 98 of the Plat Records of Tarrant County, Texas, and continuing a total distance of 1197.50 feet, to a 5/8" iron rod found at the west corner of said Pressley Hiway Addition and the south corner of said Day tract, being on the easterly right-of-way line of F. M. Highway 157 (100' R.O.W.), and being in a curve to the right;

THENCE Northwesterly, along the southwest line of said Day tract, the easterly right-of-way line of said F. M. Highway 157, and with the arc of said curve having a radius of 1859.88 feet, a central angle of 28°23'31", whose chord bears N 02°21'12" W, 912.23 feet, an arc length of 921.63 feet, to a 1" iron rod found;

THENCE N 11°50'33" E, 116.95 feet, continuing along the easterly right-of-way line of F. M. Highway 157 and the southwest line of said Day tract, to a ½" iron rod found at the west corner thereof, being the south corner of that certain tract of land described in deed to Doraco Brothers, LLC recorded in Instrument D210276021 of the Deed Records of Tarrant County, Texas;

THENCE N 59°15'13" E, along the northwest line of said Day tract and the southeast line of said Doraco tract, passing at 391.62 feet, a ½" iron rod found at the east corner thereof and the south corner of said Rubeiz tract, and continuing a total distance of 985.54 feet, to the POINT OF BEGINNING and containing approximately 76.734 acres or 3,342,543 square feet of land.

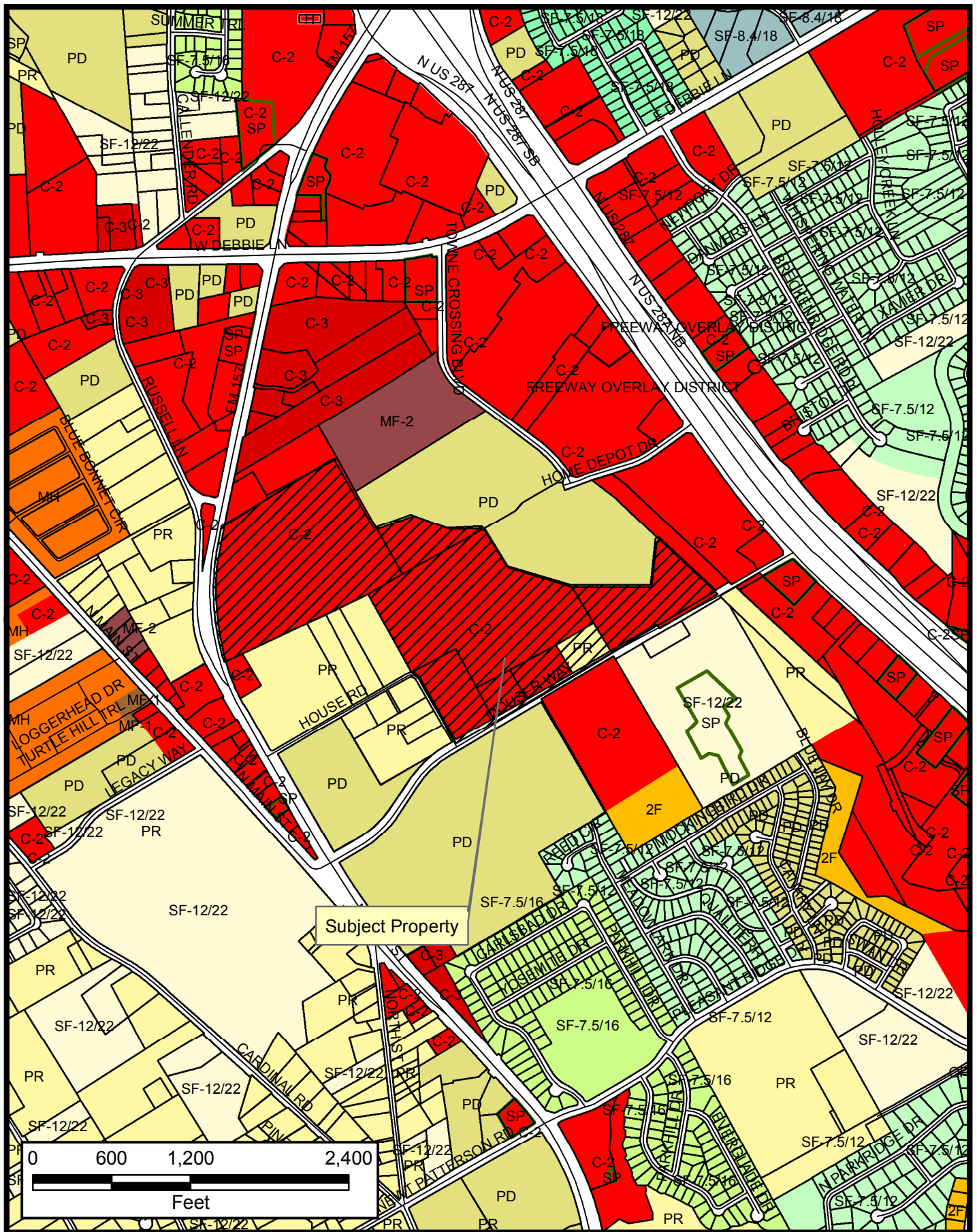
NOTE: The foregoing description was prepared from record documents and recent surveys of the component properties. The entire tract has not been surveyed as a whole and is subject to revision if further survey work is performed.

Grantham & Assoc., Inc.  
6570 Naaman Forest Blvd.  
Suite 200, LB 2  
Garland, Texas 75044









## Property Owner Notification for ZC#19-005

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
BUSHOKAI ADDITION	BLK 1	LEWIS, IVAN A & IRIS N	621 WILDCAT WAY	KENNEDALE, TX	76060-5845
CALLENDER, SIDNEY S SURVEY	A 359	SOWELL PROP PARTNERS-MANSFLD	1601 ELM ST STE 3500	DALLAS, TX	75201
CALLENDER, SIDNEY S SURVEY	A 359	RUBEIZ, TANIOS M & NADIM M	49 LORING DR	NORWELL, MA	02061-1155
CALLENDER, SIDNEY S SURVEY	A 359	DAY, GLENN M ETAL	2307 WOOD CLIFF CT	ARLINGTON, TX	76012-4234
CALLENDER, SIDNEY S SURVEY	A 359	DORACO BROTHERS LLC	712 PAUL DR	HURST, TX	76054
CALLENDER, SIDNEY S SURVEY	A 359	SOWELL PROP PARTNERS-MANSFIELD	1601 ELM ST STE 3500	DALLAS, TX	75201
CALLENDER, SIDNEY S SURVEY	A 359	DAY, GLENN M ETAL	2307 WOOD CLIFF CT	ARLINGTON, TX	76012-4234
CALLENDER, SIDNEY S SURVEY	A 359	ENGLERT, DONALD P & MARY	151 RUSSELL LN	MANSFIELD, TX	76063-3987
CALLENDER, SIDNEY S SURVEY	A 359	ENGLERT, DONALD P & MARY	151 RUSSELL LN	MANSFIELD, TX	76063-3987
CALLENDER, SIDNEY S SURVEY	A 359	PRESSLEY, TOMMY M & DEBBIE	149 RUSSELL LN	MANSFIELD, TX	76063-3987
CALLENDER, SIDNEY S SURVEY	A 359	GOODSON, NELDA DORIS	PO BOX 336	MANSFIELD, TX	76063-0336
CALLENDER, SIDNEY S SURVEY	A 359	FOSTER, MARK GREGORY & WENDY ANN	217 HOUSE RD	MANSFIELD, TX	76063-1543
CALLENDER, SIDNEY S SURVEY	A 359	DAY, GLENN M ETAL	2307 WOOD CLIFF CT	ARLINGTON, TX	76012-4234
CALLENDER, SIDNEY S SURVEY	A 359	BLACK, DAVID WESLEY & JOSALIN	211 HOUSE RD	MANSFIELD, TX	76063
CALLENDER, SIDNEY S SURVEY	A 359	SOWELL PROP PARTNERS-MANSFIELD	1601 ELM ST STE 3500	DALLAS, TX	75201
CALLENDER, SIDNEY S SURVEY	A 359	LAMBERT, IMOGENE	3206 VERNON DR	ARLINGTON, TX	76015-2022
CALLENDER, SIDNEY S SURVEY	A 359	COLTART, TIM	5804 QUAILS PATH	COLLEYVILLE, TX	76034
CALLENDER, SIDNEY S SURVEY	A 359	MILLER, CHARLES & UNA	375 COUNTY ROAD 4225	CLIFTON, TX	76634
CALLENDER, SIDNEY S SURVEY	A 359	YATES, MICHAEL	260 HOUSE RD	MANSFIELD, TX	76063

## Property Owner Notification for ZC#19-005

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
CALLENDER, SIDNEY S SURVEY	A 359	YATES, MICHAEL	260 HOUSE RD	MANSFIELD, TX	76063
CALLENDER, SIDNEY S SURVEY	A 359	SOWELL PROP PARTNERS-MANSFLD	1601 ELM ST STE 3500	DALLAS, TX	75201
CALLENDER, SIDNEY S SURVEY	A 359	SOWELL PROP PARTNERS-MANSFIELD	1601 ELM ST STE 3500	DALLAS, TX	75201
CALLENDER, SIDNEY S SURVEY	A 359	SOWELL PROP PARTNERS-MANSFIELD	1601 ELM ST STE 3500	DALLAS, TX	75201
CEDAR POINT ADDITION	BLK 1	CEDAR POINT APTS LP	247 N WESTMONTE DR	ALTAMONTE SPRINGS, FL	32714-3345
ELECTRONICS ADDITION	BLK 1	MOUSER ELECTRONICS INC	1000 N MAIN ST	MANSFIELD, TX	76063-1514
JALALI RETAIL CENTER	BLK 1	MIKE JALALI, LLC	PO BOX 14552	ARLINGTON, TX	76094-1552
MANSFIELD POINTE ADDN	BLK 1	IREIT MANSFIELD POINTE LLC	PO BOX 3666	OAK BROOK, IL	60522
MANSFIELD POINTE ADDN	BLK 1	TARRANT REGIONAL WATER DIST	PO BOX 4508	FORT WORTH, TX	76164-0508
MANSFIELD TOWNE CROSSING	BLK 1	BREIT STEADFAST MF MANSFIELD TX LP	PO BOX A-3878	CHICAGO, IL	60690
MANSFIELD TOWNE CROSSING	BLK 2	APARTMENT REIT TOWNE CROSSING	4901 DICKENS RD STE 101	RICHMOND, VA	23230-1952
NEW LIFE ADDITION, THE	BLK 1	MOUSER ELECTRONICS INC	1000 N MAIN ST	MANSFIELD, TX	76063-1514
NEW LIFE ADDITION, THE	BLK 1	MOUSER ELECTRONICS INC	1000 N MAIN ST	MANSFIELD, TX	76063-1514
OVERSTREET ADDITION	BLK 1	OVERSTREET, DORIS M	300 HUGULEY BLVD APT 310	BURLESON, TX	76028
OVERSTREET II ADDITION	BLK 1	OVERSTREET, DORIS M	300 HUGULEY BLVD APT 310	BURLESON, TX	76028
PRESSLEY HIWAY ADDITION	BLK 1	PRESSLEY, ALMA	1292 HWY 157 N STE 104	MANSFIELD, TX	76063-1595
PRESSLEY HIWAY ADDITION	BLK 1	HAIDER, RIAZ	1290 HWY 157 N	MANSFIELD, TX	76063-1538
WADDELL, F B SURVEY	A 1658	TARRANT COUNTY WATER DISTRICT	PO BOX 4508	FORT WORTH, TX	76164-0508
WADDELL, F B SURVEY	A 1658	MANSFIELD TC LP	10210 N CENTRAL EXPRESSWAY STE 300	DALLAS, TX	75231

Property Owner Notification for ZC#19-005

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
WADDELL, F B SURVEY	A 1658	MOUSER ELECTRONICS INC	1000 N MAIN ST	MANSFIELD, TX	76063-1514
WADDELL, F B SURVEY	A 1658	MOUSER ELECTRONICS INC	1000 N MAIN ST	MANSFIELD, TX	76063-1514
WALNUT CREEK VILLAGE ADDITION	BLK 1	CUBESMART LP C/O PTA-CS #686	PO BOX 320099	ALEXANDRIA, VA	22320
WALNUT CREEK VILLAGE ADDITION	BLK 1	CUBESMART LP C/O PTA-CS #686	PO BOX 320099	ALEXANDRIA, VA	22320



March 21, 2019

Mr. Clayton Chandler  
Mansfield City Manager  
1200 E. Broad Street  
Mansfield, TX 76063

**RE: Zoning Change Request for the Watson Branch PD**

Dear Mr. Chandler,

I am writing in support of the proposed Watson Branch project to be developed by Realty Capital Management. My family and I have met with the Realty Capital team to discuss their vision for the development and for the greater Mansfield community. As a neighboring property owner, we believe this project will create a lasting positive impact on Mansfield and will create opportunities for our property (adjacent on FM 157).

This corridor of Mansfield has long been underserved for quality development and this project will bring additional support for the surrounding businesses and for downtown. We believe that Watson Branch is good for our property and surrounding properties. It will help to re-create the northern entrance to Mansfield.

Realty Capital has created an attractive outline for this property and they have a proven track record of delivering quality projects. We support their proposed Watson Branch development.

Sincerely,

A handwritten signature in black ink, appearing to read "Skeeter Pressley", is written over a horizontal line.

Skeeter Pressley

Copy: Lisa Sudbury





US Headquarters  
1000 N. Main Street, Mansfield, TX 76063, USA  
(817) 804-3800 Main  
[www.mouser.com](http://www.mouser.com)

March 28, 2019

Mr. Clayton Chandler  
Mansfield City Manager  
1200 E. Broad Street  
Mansfield, TX 76063

**RE: Zoning Change Request for the Watson Branch PD**

Dear Mr. Chandler,

I am writing in support of the proposed Watson Branch project to be developed by Realty Capital Management. We recently had the opportunity to meet with the Realty Capital team to discuss their vision for the development and for the greater Mansfield community. As a neighboring property owner and the largest private employer in the city, we believe this project will create a lasting positive impact on Mansfield.

While the FM 157 corridor of Mansfield has long been underserved for quality development, Realty Capital's project will provide a needed catalyst for improvement in this area and additional support for the nearby businesses. Moreover, the proposed mix of stylish urban lofts and unique single-family homes offers a variety of quality housing choices and an alternative to the master-planned communities at a convenient location. We feel this is something that Mansfield residents and some of our Mouser employees would desire.

We were impressed with Realty Capital's outline for this property, their commitment to Mansfield, and their proven track record of delivering quality projects. I hope you will join us in supporting their proposed Watson Branch development.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Glenn Smith', followed by a horizontal line.

Glenn Smith  
President & CEO  
Mouser Electronics

Copy: Lisa Sudbury ✓



June 25, 2019

Mr. Clayton Chandler  
Mansfield City Manager  
1200 E. Broad Street  
Mansfield, TX 76063

**RE: Zoning Change Request for the Watson Branch PD**

Dear Mr. Chandler and members of City Council,

I am writing this letter on behalf of my family to communicate our support for the proposed Watson Branch project to be developed by Realty Capital Management.

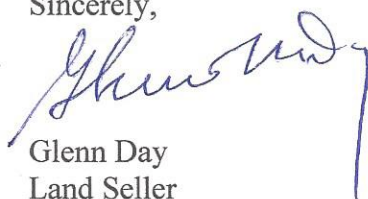
As you may be aware, our family has owned this property for more than a hundred years; I grew up across Main Street from this property. My sister and her husband still live in the family home. This area of 157 has remained unchanged for a long time; I am convinced that the proposed project will stimulate new, good quality developments in the area, and will bring a new, transformative life to this corridor.

The Realty Capital team has created a vision for our property that is consistent with the approved Comprehensive Plan in land use and density. The applicant has assembled three contiguous properties along Watson Creek and has proposed a variety of uses, including a significant addition to the city's park system that brings a great benefit to the residents of Mansfield. The proposed mix of active adult, urban residential and unique single-family homes offers a quality central alternative to the master planned communities that have become prevalent in South Mansfield, and will provide quality housing to support the growth in local employers and the school district alike.

Over the many years we have owned this land we have seen various land use options presented, but none have been of this quality or consistency with the Comprehensive Plan, nor supported local employers and businesses so well. We have been impressed with Realty Capital's projects and their plan for this property, and they have a proven record of delivering transformative projects.

Mansfield is moving in exciting ways, and my family is proud to be part of that movement. Please join us in supporting this proposed Watson Branch development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn Day", with a long, sweeping underline that extends to the right.

Glenn Day  
Land Seller

July 3, 2019

Mr. Clayton Chandler  
Mansfield City Manager  
1200 E. Broad Street  
Mansfield, TX 76063

**RE: Zoning Change Request for the Watson Branch PD**

Dear Mr. Chandler,

I am writing in support of the proposed Watson Branch project to be developed by Realty Capital Management. I have learned Realty Capital's vision for the development and for the greater Mansfield community. As a neighboring business, we believe this project will create a lasting positive impact on Mansfield.

This corridor of Mansfield has long been underserved for quality development, and this project will bring additional support for the surrounding businesses. We believe that Watson Branch is good for our property and surrounding properties.

Realty Capital has created an attractive development and they have a proven track record of delivering quality projects. We support their proposed Watson Branch development.

Sincerely,

Justin Beshorse  
Mansfield Store Manager  
Soulman's Barbque

Copy: Lisa Sudbury

A handwritten signature in black ink, reading "Justin Beshorse", written in a cursive style.



July 15, 2019

Mr. Andrew Bogda  
Planner 1  
1200 E Broad Street  
City of Mansfield, TX 76063

**RE: Request to Table Second Reading of Zoning Case ZC19-005 to August 12, 2019.**

Mr. Bogda,

We appreciate the time and effort that you, Mansfield City Council and City staff have put into the Watson Branch project and our zoning request.

To best respond to the questions that City Council members communicated to us, we respectfully request that City Council table the second reading of case number ZC19-005 at the meeting on July 22, 2019. We plan to use this time to work with our design and planning teams to refine our plans and appropriately address Council comments (at the August 12, 2019 meeting).

Please let me know what date you will need the resubmittal package, and if you have any questions.

Thank you for your consideration.

Sincerely,

Tim Coltart  
Managing Partner  
Realty Capital Management, LLC





SUBMITTAL DATE:  
**August 1 2019**

A DEVELOPMENT BY:  
REALTY CAPITAL MANAGEMENT, LP  
909 Lake Carolyn Parkway  
Irving, TX 75039  
469-533-4100

PLANNING BY:  
Roaring Brook Development Co.  
3058 Lakeside Parkway  
Flower Mound, TX 75022  
817.706.8353

## TABLE OF CONTENTS

SECTION 1	Development Narrative
SECTION 2	Administrative Process
SECTION 3	Character Zones Standards
SECTION 4	Street & Thoroughfare Standards
SECTION 5	Park & Open Space Standards
SECTION 6	Parking Standards
SECTION 7	Architecture Standards
SECTION 8	Signage
SECTION 9	Definitions
APPENDIX	A) Tree List B) Zoning Location Map

**DEVELOPMENT NARRATIVE**

REALTY CAPITAL MANAGEMENT, LLC,  
Watson Branch  
Letter of Intent

Lisa Sudbury  
Director of Planning  
City of Mansfield  
1200 E. Broad Street  
Mansfield, Texas 76063

Re: Zoning Change Request for Day-Sowell Property (Approximately 78 acres)  
Watson Branch

Dear Lisa Sudbury,

The intent of this project is to continue to enhance, grow and define the FM 157 corridor attracting a high quality demographic that will support local growth. The project is located on the inside eastern corner of a sweeping turn in FM 157 (south of Debbie) at the proposed new lighted intersection. Our project would include some neighborhood retail at the intersection with FM 157, but it is mostly comprised of a mix of high quality urban residences (market and senior) providing a more "lock and leave" lifestyle that supports the current downtown area initiatives. Any traffic from the project would have a minor impact on existing infrastructure due to the ease of access to both Main Street and the 287 frontage road.

To summarize, our plan features:

- Some neighborhood retail (location for two restaurants)
- Unique single-family homes that benefit from this very central location.
- Higher density market-rate rental lots and active adult living options, all connected by a regional trail system
- that connects FM 157 to Mouser along Watson Branch.

The neighborhood commercial would be located at the proposed traffic signal and there are significant additional commercial options both across and south on FM 157 (towards the larger intersection with Mouser). Our vision/main goal of this infill project is to provide support to other better located commercial sites. We need to avoid cannibalizing or distracting from these other options. We anticipate home prices to be from \$350k to over \$450,000 and this community will provide a unique supply of different lots to differentiate our project from the more traditional master plan communities. In the higher density residential area, the Main Street Lofts will serve as the minimum standard for architectural design and quality. The buildings fronting FM 157 will have heightened standards for materials and appearance and the ample greenspace throughout the site and we will utilize the natural creek area for a public trail system. We anticipate a blended residential density of less than 14 units per acre.

We look forward to the opportunity to work with you and contribute to the growth of Mansfield.

Tim Coltart  
Managing Director  
Realty Capital Management

**ADMINISTRATION**



## SECTION 2: ADMINISTRATION

### A) Applicability

The requirements of these Standards are mandatory and all development on land located within the boundaries of this Planned Development District must adhere to the rules and regulations set forth herein.

### B) Conflicting Regulations

Except as provided by these Standards, development within the Planned Development District is governed by City regulations. In the event of any conflict or inconsistency between these Standards and the applicable City regulations, the terms and provisions of these Standards shall control. In the event of a conflict between the text and the graphic images, the text shall control. Building codes, life safety codes, and Federal and State regulations take precedence where a standard requires actions that are in conflict with such codes and regulations.

### C) Regulating Plan

The Regulating Plan defines the areas and locations of the Zones for regulatory purposes. The Regulating Plan and Zone Standards are included as a part of this Planned Development in Section 3, and identifies the rules for development.

### D) Permitted Uses

The Permitted Uses include two categories due to the constraints of the acquisition process. One category includes all the current permitted uses under the existing C-2 zoning. The second category includes the additional residential uses permitted within the Watson Branch Planned Development District. In the event that the first site plan includes C-2 uses without any residential land uses, then the site plan shall comply with C-2 zoning regulations as specified in the City of Mansfield zoning ordinance, and the development standards contained herein shall not apply.

### E) Development Procedure

To develop a portion of the Planned Development District, or the entire District, the Applicant shall meet with the Development Review Committee (DRC) for preliminary review and comment. Any portion of the District may be developed, and may be developed in any order. The DRC shall indicate if any of the following procedures may be modified or omitted. A Preliminary Plat and/or a Site Plan must be submitted and approved by P&Z.

### F) Simultaneous Submittal

A Preliminary Plat and/or Site Plan Submittal may be submitted for simultaneous review and approval. If sufficient information is provided with the Site Plan, the Site Plan may replace the Preliminary Plat; and the Site Plan and the Final Plat may be submitted and reviewed for simultaneous approval. If the Site Plan information is insufficient to replace the Preliminary Plat, then sequential approval

shall be required.

### G) Site Plan

1. The Site Plan application shall be submitted to Staff for review and comment by Staff. The Site Plan may include all of the property within this Planned Development or any portion of thereof.
2. The Site Plan must be approved by the Planning and Zoning Commission. If the Site Plan substantially deviates from the Illustrative Plan, Staff may refer the Site Plan to City Council for approval.
3. Site Plan Denials at the Planning & Zoning Commission may be appealed to the City Council.

### H) Minor Modifications

The City Manager or designee may grant modifications to the requirement of street width, visibility, fire access or landscape requirements provided the modifications are deemed to be minor, are consistent with standards of health and safety, and are consistent with the goals of the overall development.

### I) Final Plat

Final Plats shall be submitted and reviewed by Staff and shall be approved by the Planning and Zoning Commission and filed on record prior to obtaining a building permit. A Final Plat must be approved by P&Z and filed on Record prior to obtaining a building permit. The Site Plan and Final Plat may be submitted for simultaneous review and approval in accordance with Paragraph 'F' above.

### J) Council Overview

In the event that Staff denies a submittal, or deems that a proposed modification is not a Minor Modification, the Applicant will have the option to submit the application to the City Council for approval, though such application shall not constitute a zoning change unless the proposed land use differs from the permitted land uses.

### K) Private Deed Restrictions

A mandatory Owners Associations will be responsible for the maintenance of all common areas as listed on the Site Plan(s). The Owners Association and associated documents shall be filed in accordance with the City of Mansfield policies. These documents must be reviewed by the City Attorney prior to filing the final plat. The documents shall be filed with the final plat at Tarrant County when deemed necessary by the attorney. The documents shall be submitted in a timely manner to allow for a minimum of 60 days review. Failure to submit documents or incomplete documents may result in a delay of construction, acceptance of the subdivision or delay in approval of a building permit. The City does not accept the responsibility for any delays in construction, approval or acceptance of the subdivision caused by the failure to submit the association documents or the inaccuracy of the documents.

**ZONE STANDARDS**

3.1: General Standards Applicable to All Zones

- A. General: The following tables and illustrations identify general regulations for all zones within the Watson Branch Planned Development. Additional Regulations specific to each zone are found in the following Sections.
- B. Regulating Plan (See Figure 3.1): The Regulating Plan shows the Zones within the Watson Branch Planned Development. The Zones are subject to regulations governing the following aspects of the development:
- C. Illustrative Concept (See Figure 3.2): The illustrative concept of the proposed land use is an example of the possible build-out of the subject property under the proposed zoning. The illustrative concept is not regulatory, and the final build-out may differ from the illustration. If Staff determines that any Plat/Site Plan application substantially differs from the Illustrative Concept, Staff may process the application in accordance with Paragraph 2.G.2.
1. Minimum and maximum land areas permitted within each zone;
  2. Permitted Land Uses within each zone;
  3. Maximum and minimum residential and commercial uses;
  4. The primary vehicular ingress and egress.
  5. Open Space, Park and Trail requirements specific to each zone;
  6. Streetscape and building façade restrictions specific to each zone;
  7. Parking on-street, off-street and garage parking standards;
  8. Other restrictions that may affect the land use, character or aesthetics of each zone.
- D. Lot Development Standards (See Table 3.3): The Development Standards define the minimum and maximum areas and/or dimensions within the Regulating plan.
- E. Permitted Use Tables (See Table 3.2):
1. Permitted Use Table lists the permitted and prohibited uses within the Watson Branch Planned Development.
  2. C-2 Permitted Uses: Where C-2 commercial uses are proposed in any zone within the Watson Branch PD District where no residential uses exist or are proposed, the standard City development regulations shall apply, as amended, under the City of Mansfield Code of Ordinances and the development standards herein shall not apply.
  3. Except as specified in this PD, C-2 Uses requiring an SUP in the Code of Ordinances shall also require an SUP under this planned development ordinance.
- F. Character Zones Special Conditions
1. Zone 1:
    - a. The Zone 1 is primarily multifamily uses, with some commercial uses required fronting SH 157 as indicated in Table 3.1.
  2. Zone 2
    - a. All building facades fronting SH 157 frontage shall have a commercial storefront appearance, in accordance with Overlay Area requirements.
    - b. Where the Zone 1 bounds PR-zoned property, multifamily property, or commercial property, parking shall be set back 10' minimum and buildings shall be set back 10' minimum.
    - c. Where Zone 1 bounds residential zoned property, parking shall be set back 0' minimum, and buildings shall be set back a minimum of 10'.
    - d. Between the SH 157 ROW and buildings fronting SH 157, a minimum buffer shall be required in accordance with Open space requirements.
    - e. Between the SH 157 ROW and buildings fronting SH 157, a maximum of one drive aisle and 2 bays of parking shall be permitted, in accordance with Section 3.2 Standards for Zone 1.
  3. Zone 3
    - a. The Zone 2 is primarily senior housing.
    - b. Where the Zone 2 bounds PR-zoned property, parking shall be set back 10' minimum from the property line and buildings shall be set back 10' minimum.
    - c. Between the SH 157 ROW and buildings fronting SH 157, a maximum of one drive aisle and 2 bays of parking shall be permitted, in accordance with Section 3.2 Standards for Zone 2.
    - d. Between the SH 157 ROW and buildings fronting SH 157, a minimum buffer shall be required in accordance with Open space requirements.
  4. Zone 4
    - a. The Zone 3 consists of single family uses.
    - b. Lots shall comply with Table 3.3 Lot Standards.
    - c. If Townhomes or 2-family homes are included within Zone 3, they shall be located adjacent to Zone 1 to serve as a buffer between the multifamily and the single family detached.
    - d. Between the Mouser Way ROW and lots, a minimum buffer shall be required in accordance with Open space requirements.
    - e. No residential lots shall be located north of the existing gas line easement.
  5. Zone 5
    - a. Zone 4 is separated from Zone 3 by the floodway and floodplain.
    - b. Land uses are unspecified, but may include single family residential, commercial or civic uses.
  6. Overlay Area: See Section 7.G. for Overlay Area Standards.

Figure 3.1 REGULATING PLAN AND ZONE IDENTIFICATION

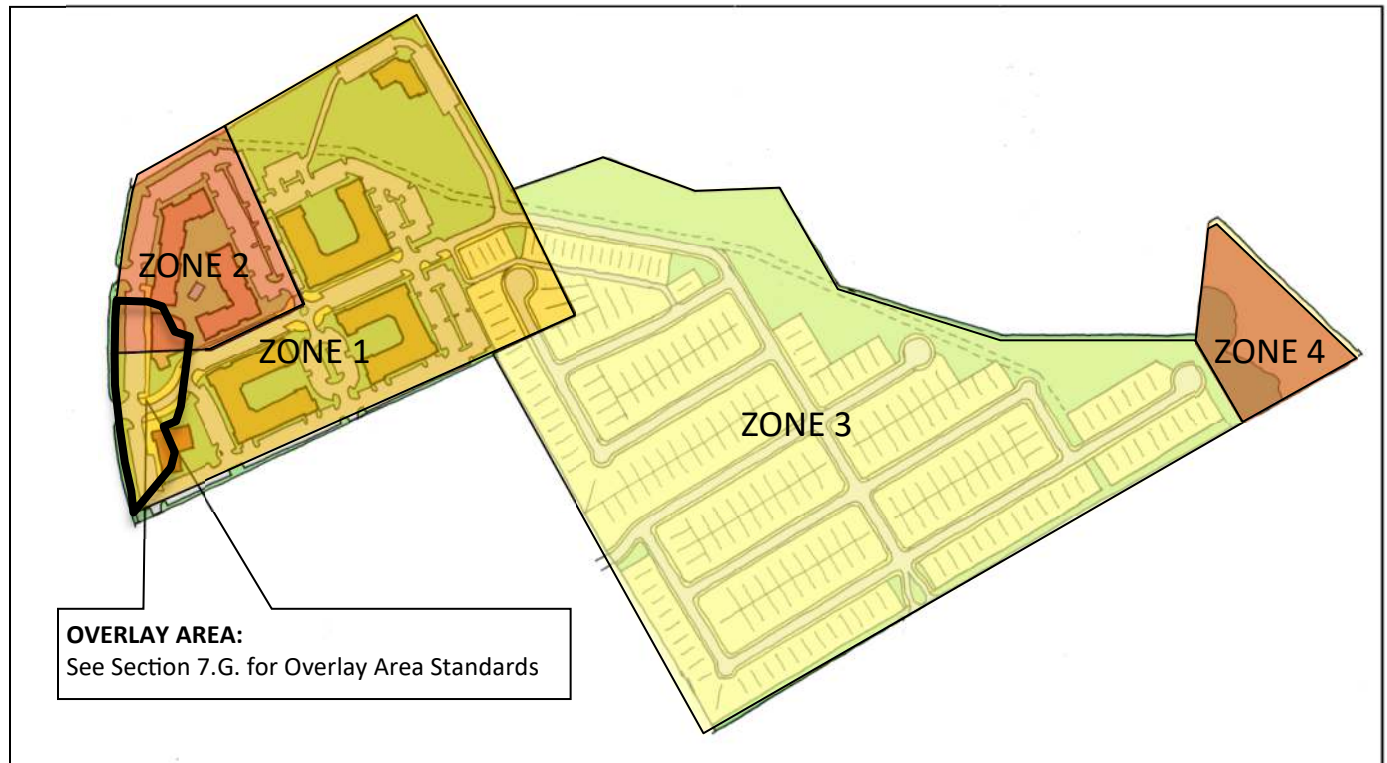


TABLE 3.1 ZONE STANDARDS TABLE	ZONES			
P=Permitted	1	2	3	4
<b>ZONE STANDARDS</b>				
AREA IN ACRES (+/- 20%)	22.5	7.0	45.6	3.5 (no min)
	Maximum 30 acres		Minimum 48 acres	
<b>OPEN SPACE MINIMUM STANDARDS</b>				
OPEN SPACES REQUIRED	OS-1a		OS-1b	OS-1c
	OS-2			
	BUFFER 1		BUFFER 2	
<b>COMMERCIAL REQUIREMENTS</b>				
FRONTAGE FAÇADE BUILT TO COMMERCIAL STOREFRONT STANDARDS (MIN LF)	400 LF		NA	P
NON-RESIDENTIAL OCCUPANCY REQUIRED <b>EXCLUDING LEASING OFFICES</b>	7500 SF	0	0	0

TABLE 3.2 PERMITTED USE TABLE	ZONES				
P=Permitted; R=Required; Blank=Not Permitted	1	2	3	4	Maximum residential
C-2 Permitted Uses	P	P	P	P	
<b>Residential Uses</b>					
Single Family Dwelling	P	P	P	P	300 Lots; maximum of 15% of lots may be attached dwellings
Zero-Lot line Dwelling	P	P	P	P	
Two-Family Dwelling	P	P	P	P	
Townhouse	P	P	P	P	
Multifamily Dwelling	P				800 Dwelling Units
Senior housing units including for-rent cottages	P	P			

Note: C-2 Uses requiring an SUP, not listed above, shall still require an SUP under this Ordinance. Drive-thru restaurants require an SUP per Mansfield Ordinance.

**TABLE 3.3 LOT DEVELOPMENT STANDARDS**

COMMERCIAL, MIXED-USE AND MULTIFAMILY LOT STANDARDS	ZONE 1	ZONE 2
MINIMUM LOT WIDTH	100'	
MINIMUM LOT DEPTH	120'	
MINIMUM LOT AREA	12,000 SF	
MINIMUM FLOOR AREA PER DWELLING UNIT		
EFFICIENCY	550 SF	
1-BEDROOM	650 SF	
2-BEDROOM	900 SF	
3-BEDROOM	1000 SF (MAXIMUM 30 3-BDRM UNITS)	
SENIOR LIVING APARTMENT	NO MINIMUM	
SENIOR COTTAGES	NO MINIMUM	
MINIMUM FRONT SETBACK	5'	5'
MINIMUM REAR SETBACK	0'	0'
MINIMUM INTERIOR SIDE SETBACK (ADJACENT TO LOT)	0'	10'
MINIMUM EXTERIOR SIDE SETBACK (ADJACENT TO PUBLIC STREET)	5'	5'
MAXIMUM HEIGHT IN STORIES	4	4
MINIMUM MASONRY CONSTRUCTION	See Table 7.2	
MINIMUM SETBACK FROM PUBLIC ROW		
FRONT BUILDING SETBACK FOR REQUIRED COMMERCIAL STOREFRONT	0' from sidewalk	
FRONT PARKING SETBACK FOR REQUIRED COMMERCIAL STOREFRONT	0' from Buffer 1	

SINGLE FAMILY LOT STANDARDS	SINGLE FAMILY	ZERO LOTLINE	TOWNHOME
MINIMUM LOT WIDTH (FT)	45'	30'	22'
MINIMUM LOT DEPTH (FT)	90'	90'	90'
MINIMUM LOT AREA (SF)	4050 SF	2700 SF	1980 SF
MINIMUM FLOOR AREA PER DWELLING UNIT (SF)	1800 SF	1800 SF	1800 SF
GARAGE ACCESS	STREET	ALLEY	ALLEY
SETBACKS			
MINIMUM FRONT SETBACK (EXCLUDING PORCHES OR STOOPS)	10'	10'	10'
MINIMUM FRONT SETBACK TO GARAGE DOORS	20'	NA	NA
MINIMUM REAR SETBACK	15'	15'	15'
MINIMUM REAR SETBACK TO GARAGE DOORS	NA	3'	3'
MINIMUM INTERIOR SIDE SETBACK (ADJACENT TO LOT)	5'	0' / 5'	0'
MINIMUM EXTERIOR SIDE SETBACK (ADJACENT TO PUBLIC STREET)	10'	10'	10'
MAXIMUM HEIGHT IN STORIES	3	3	3
MINIMUM MASONRY CONSTRUCTION	See Table 7.2		



*Figure 3.2a ILLUSTRATIVE CONCEPT PLAN*



*Figure 3.2a ILLUSTRATIVE SITE PLAN, ZONES 1 AND 2*





**Figure 3.3a Illustrative Example of Conceptual Single Story Storefront Facades:**

*Elevations are conceptual and subject to change. Images are intended to convey proposed use of materials on facades.*



**Figure 3.3b Illustrative Example of Conceptual Multi-Story Facades:**

*Elevations are conceptual and subject to change. Images are intended to convey proposed use of materials on facades.*





*Figure 3.4 Elevations Single Family: Illustrative Examples of Conceptual Facades*



*Figure 3.5 Elevations Zero Lotline: Illustrative Examples of Conceptual Facades*





*Figure 3.6 Elevations Townhomes: Illustrative Examples of Conceptual Facades*



### 3.2 STANDARDS FOR ZONES 1 & 2

#### Frontage on SH 157 with parking in front of building

##### A. GENERAL

1. See Table 3.2 for Land Use restrictions.
2. See Table 3.3 for Lot restrictions
3. See Section 7 for Architectural restrictions

##### B. STREETSCAPE STANDARDS

1. Tree Space: Tree Space width shall comply with Table 4.1
2. Sidewalk: Minimum 5' clear pedestrian width excluding trees wells or other obstructions, and shall connect to entrances on front facades.
3. Setback: Setback shall be a minimum of 0' from the sidewalk to the primary front wall.
4. Porch Space: All dwelling and commercial units with parking in front of the building and fronting on SH 157 shall have entrances that open directly onto the sidewalk. Balconies on the upper floors may encroach into the setback.
5. Finished Floor Elevation: The pedestrian entries to commercial units with front parking and fronting on SH 157 shall be accessed directly from the sidewalk.
6. Parking: Front parking lots may include a single or double row of parking spaces, either angled or head-in.
7. Buffer 1: The buffer space shall comply with Section 5, Table 5.1.

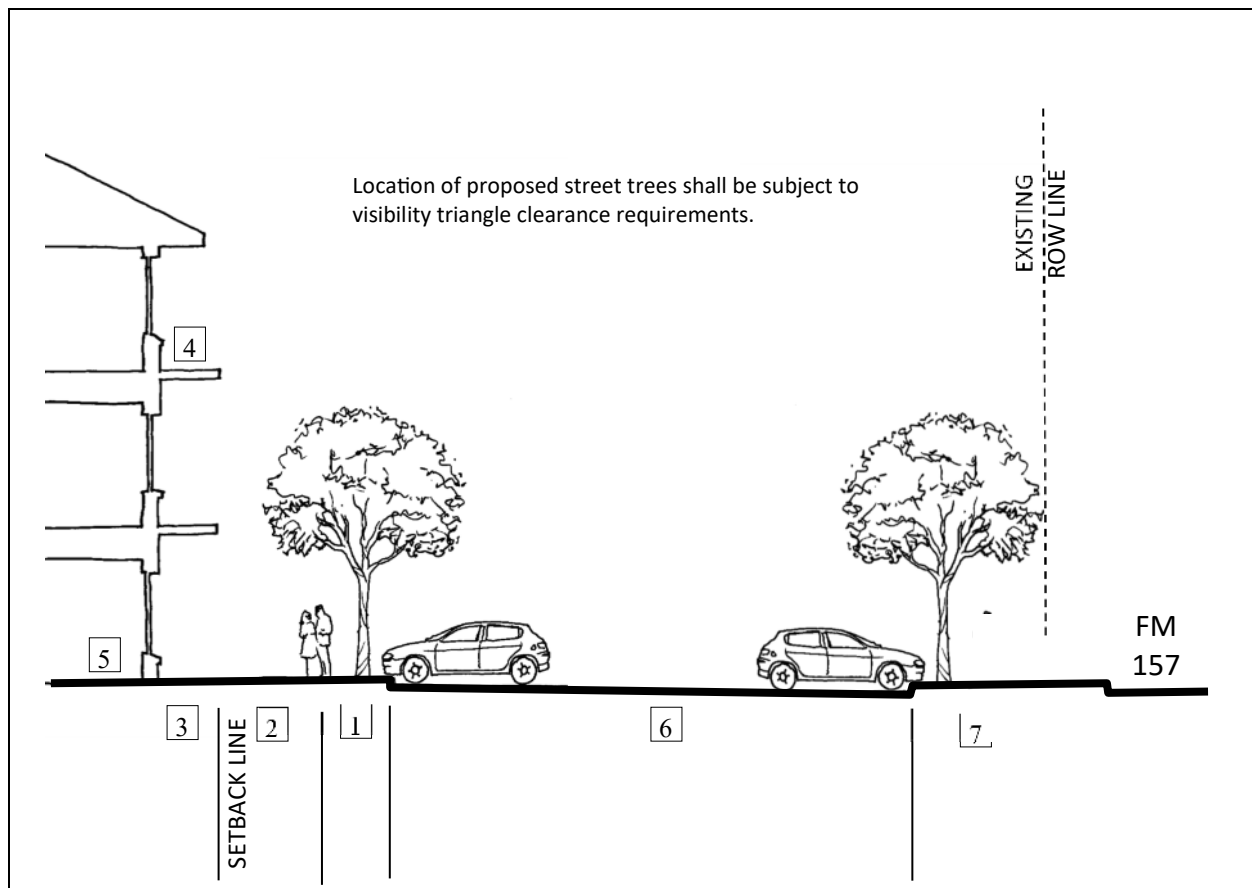


FIGURE 3.2.1 Streetscape Components

### 3.3 STANDARDS FOR ZONES 1 & 2

#### Frontage on Public Streets

##### A. GENERAL

1. See Table 3.2 for Land Use restrictions.
2. See Table 3.3 for Lot restrictions
3. See Section 7 for Architectural restrictions

##### B. STREETSCAPE STANDARDS

1. Tree Space: Tree Space width and Tree spacing along frontage shall comply with Table 4.1.
2. Sidewalk: Minimum 5' clear pedestrian width excluding trees wells or other obstructions.
3. Setback: Setback shall be a minimum of 5' from

the ROW to the primary wall surface.

4. Porch Space: All residential buildings shall have at least one entrance that opens directly onto the sidewalk. Balconies on the upper stories may encroach into the setback.
5. Finished Floor Elevation: The pedestrian entries of buildings fronting on public streets shall have a primary entry accessible from the sidewalk.
6. Parking: On-street parking is permitted. Parking spaces may be head-in, angled or parallel in accordance with street types in Section 4.
7. Public Rights-of-way: See Section 4 for street standards.

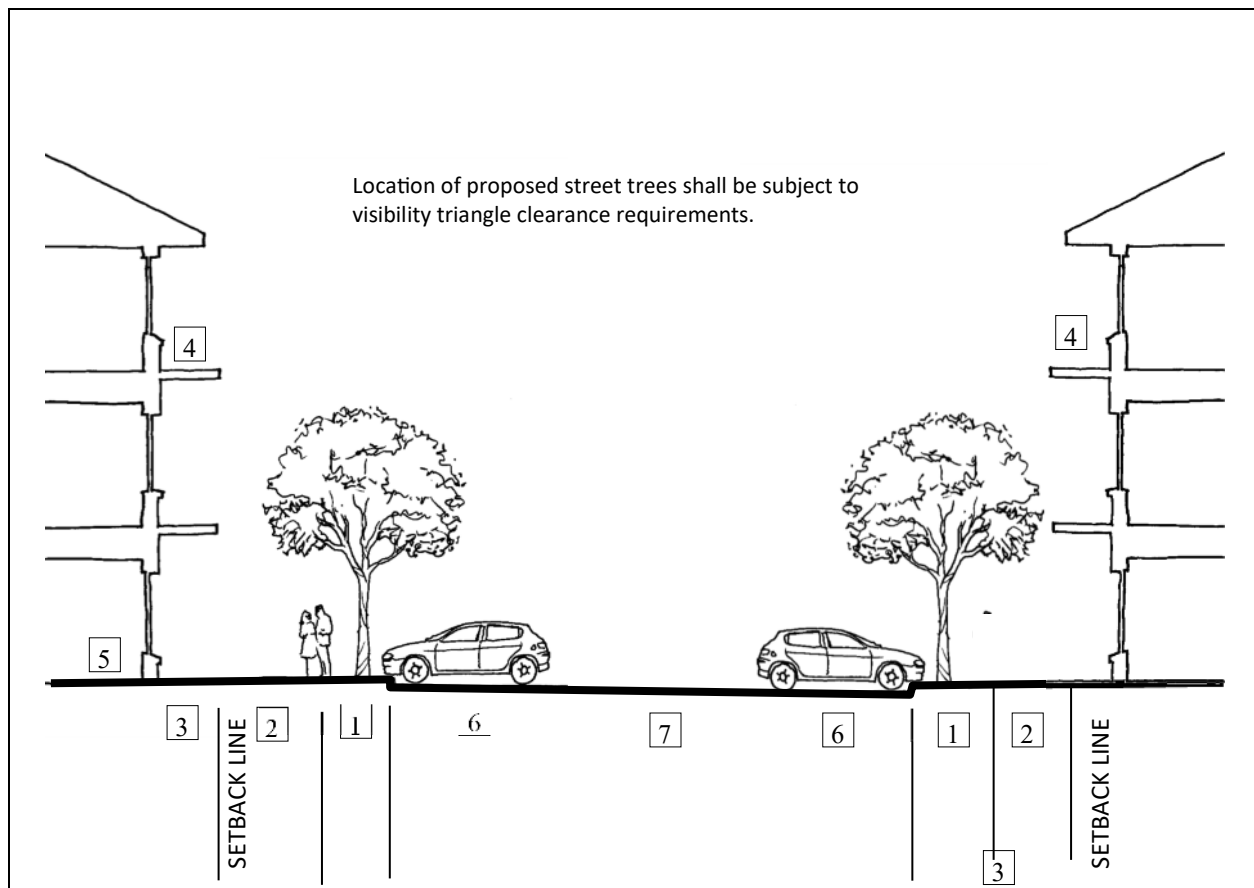


FIGURE 3.3.1 Streetscape Components

### 3.4 STANDARDS FOR ZONES 1 & 2 Side / Rear of Buildings, Parking

#### A. GENERAL

1. See Table 3.2 for Land Use restrictions.
2. See Table 3.3 for Lot restrictions
3. See Section 7 for Architectural restrictions

#### B. DEVELOPMENT STANDARDS

1. Tree space: See Section 6 for parking lot landscape requirements.
2. Sidewalk: Sidewalks are not required in parking lots. If sidewalks are included, they shall be a minimum of 4' in width.
3. Setback: Not applicable.
4. Porch Space: Not Applicable.

5. Drive Aisle: The drive aisle may be located adjacent to the building if the aisle is serving tuck-under garages.
6. Parking: Parking shall be located in a parking lot, carport, or garage.
7. Parking: Tuck-under: Individual parking garages are permitted within the building envelope.
8. Parking, Tandem: Tandem spaces, located outside the building envelope immediately behind the tuck-under garage provided they are designated to the same unit as the associated garage.
9. Open Space: No open space is required.

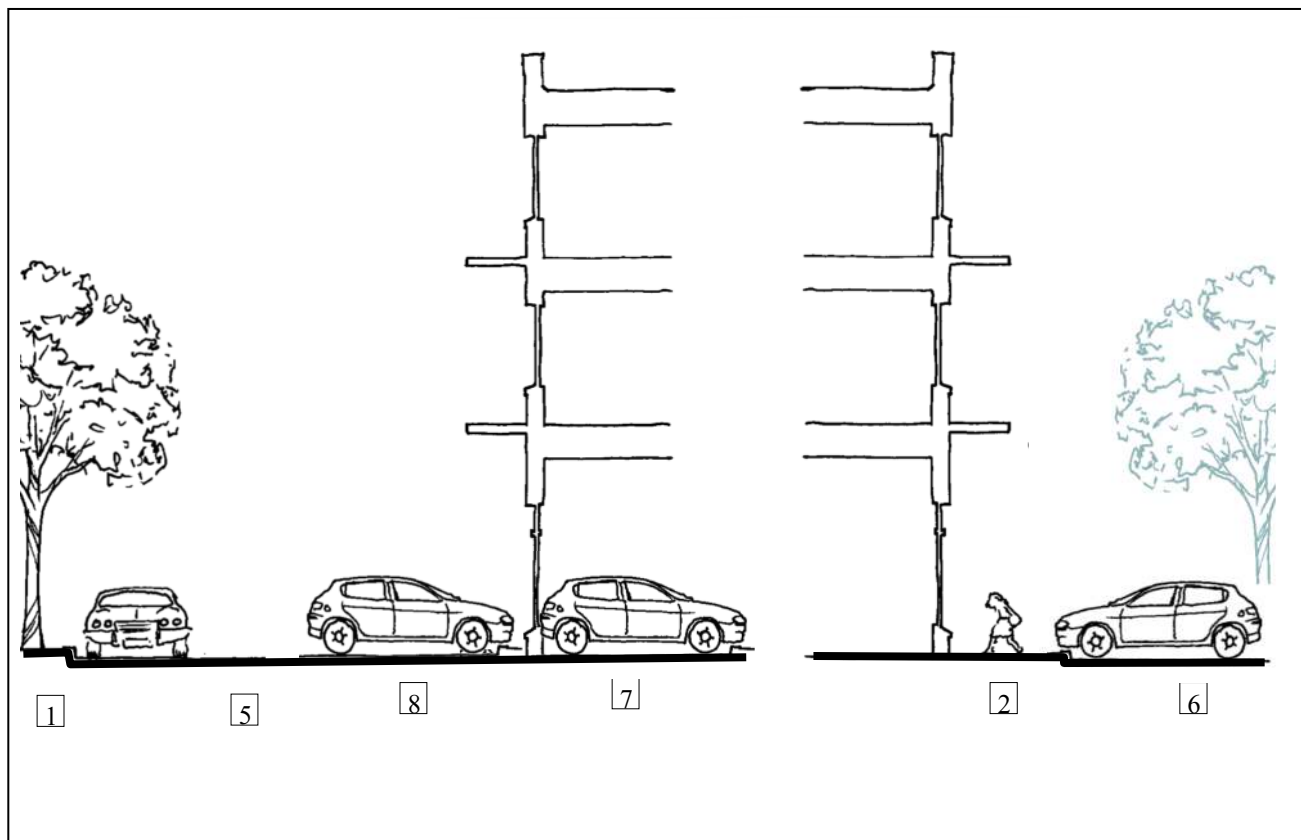


FIGURE 3.4.1 Rear Parking Components



### 3.5 STANDARDS FOR ZONES 1, 3 & 4 Residential Spine Road

#### A. GENERAL

1. See Table 3.2 for Land Use restrictions.
2. See Table 3.3 for Lot restrictions
3. See Section 7 for Architectural restrictions

#### B. STREETScape STANDARDS

1. Street Space: Trees shall be planted in the continuous parkway; in compliance with Table 4.1.
2. Sidewalk: Minimum 5' clear pedestrian width excluding trees wells or other obstructions. The sidewalk may encroach up to 1 foot into the front yard setback of the lot.

3. Setback: Setback shall be measured from the ROW to the building façade, and to the Garage doors.
4. Porch Space: The porch or stoop may project into the setback if the dwelling unit entrance opens onto the sidewalk. Balconies on the upper stories may encroach into the Setback.
5. Finished Floor Elevation: The finished floor elevation at any entry may be above the elevation of the adjacent curb by a maximum of 4 feet. One entry is required to be accessed from the sidewalk for each building fronting the street.
6. Street/Parking: Street shall be Street Type 3.

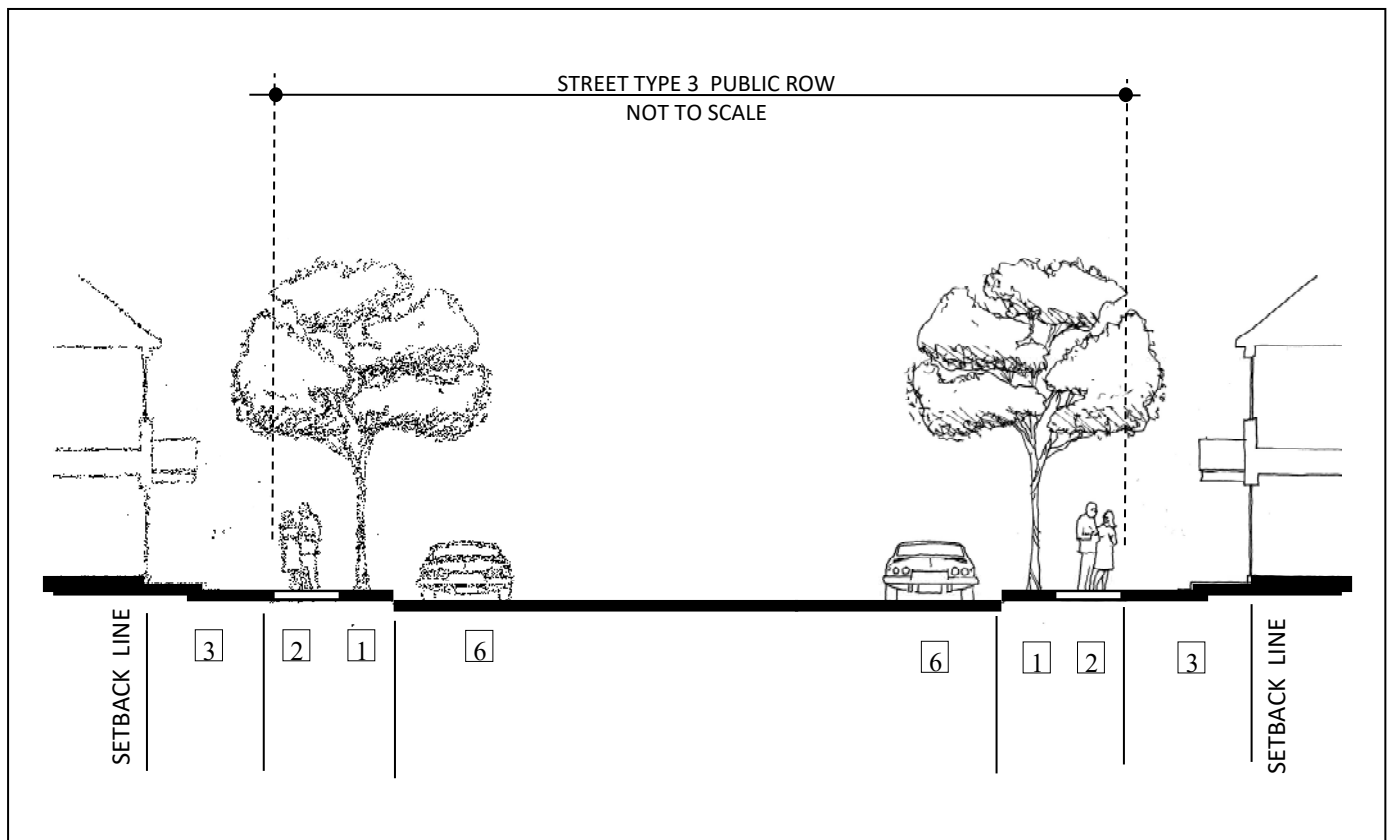


FIGURE 3.5.1 Single Family Streetscape Components

### 3.7 STANDARDS FOR SINGLE FAMILY LOTS

- A. PERMITTED: Lots with “J-Swing” driveway configuration, with garage doors perpendicular to the street, are permitted, provided the garage doors are “carriage style” with wood cladding or simulated wood cladding.
- B. PERMITTED: Lots with direct access garages are permitted. The garage doors facing the street shall be “carriage style” with wood cladding or simulated wood cladding.
- C. PERMITTED: Lots with a combination of direct access and J-Swing configurations are permitted provided the garage doors are “carriage style” with wood cladding or simulated wood cladding.
- D. PERMITTED: Garages with alley access are not required to have “carriage style” garage doors.
- E. PROHIBITED: A wood screening or privacy fence is prohibited within the lot frontage zone.
- F. PROHIBITED: Masonry screening walls exceeding 3’ 6” in height are prohibited within the lot frontage zone.
- G. FRONTAGE ZONE: The Frontage Zone extends from the ROW to the front wall of the home, excluding porches or stoops.
- H. CORNER LOT FENCES: Fences on corner lots facing the side street shall be set back from the sidewalk a minimum of 2’ and landscaped with shrubbery or ornamental grasses. Fences fronting the Spine Road shall be a maximum of 50’ in length.

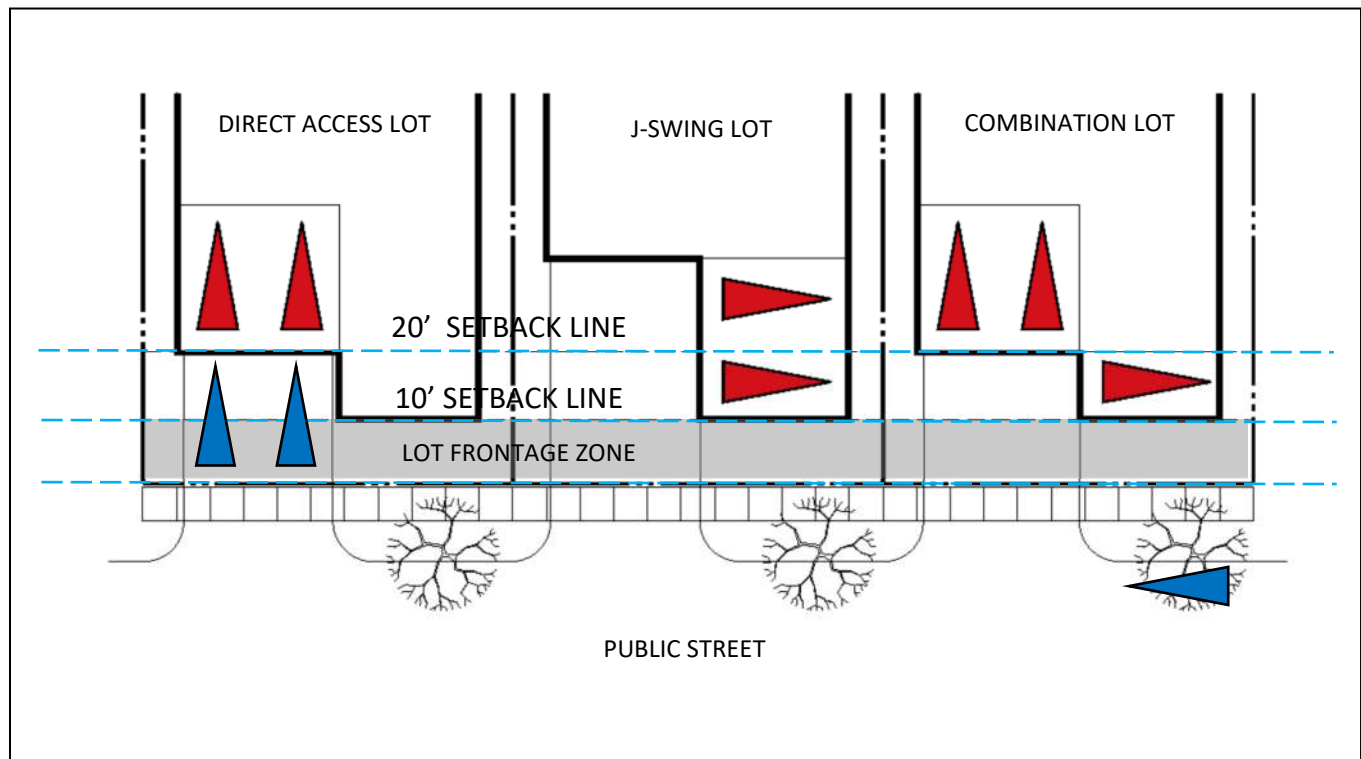


FIGURE 3.7.1 Permitted & Prohibited Lot Configurations

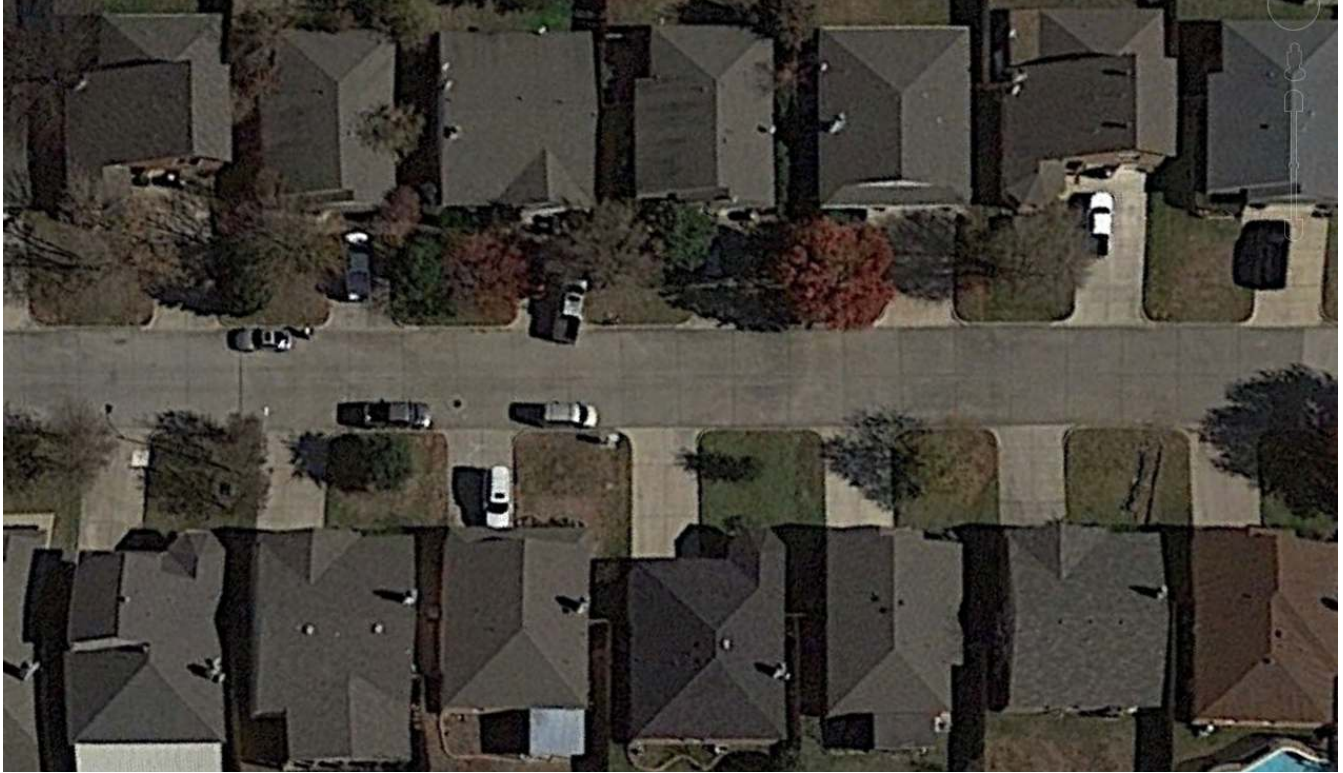


FIGURE 3.7.2: Hollyberry Drive, Mansfield, TX. No sidewalks, 1 tree per front yard.



FIGURE 3.7.3: Proposed Watson Branch Streetscape 5' sidewalks, 1 tree per lot.

**THE STREET AND THOROUGHFARE STANDARDS**



#### 4.1: General Thoroughfare Standards

- A. General: The following tables and illustrations identify standards for streets, parkways, sidewalks, and street trees.
- B. Illustrative Concept (See Figure 4.1): The illustrative concept of the proposed street network is an example of the possible build-out of the subject property under the proposed zoning. The illustrative concept is not regulatory, and the final build-out may differ from the illustration.
- C. Access to FM 157: A minimum of one, and a maximum of 3 access drives shall be permitted to access FM 157.
- D. Access to Mouser: A minimum of one, and a maximum of 3 access drives shall be permitted to access Mouser Way.
- E. Spine Road: the Spine Road must connect the primary ingress from FM 157 to one of the ingress/egress drives on Mouser.
- F. House Road: The development shall be permitted to access House Road.
- G. Lane Widths: Minimum fire access identified in the following street types must be increased to 26' where fire access to 4 story buildings is required.
- H. Fire Lane Plan: The Fire Lane Plan and building location and distance from fire lane is subject to the Site Plan submittal and review procedure prior to approval.
- I. Fire Apparatus Access: The minimum and maximum building setbacks as established in all zones within this section and as measured from existing utility easements can be altered to allow for aerial apparatus access to comply with Building and Fire Codes.

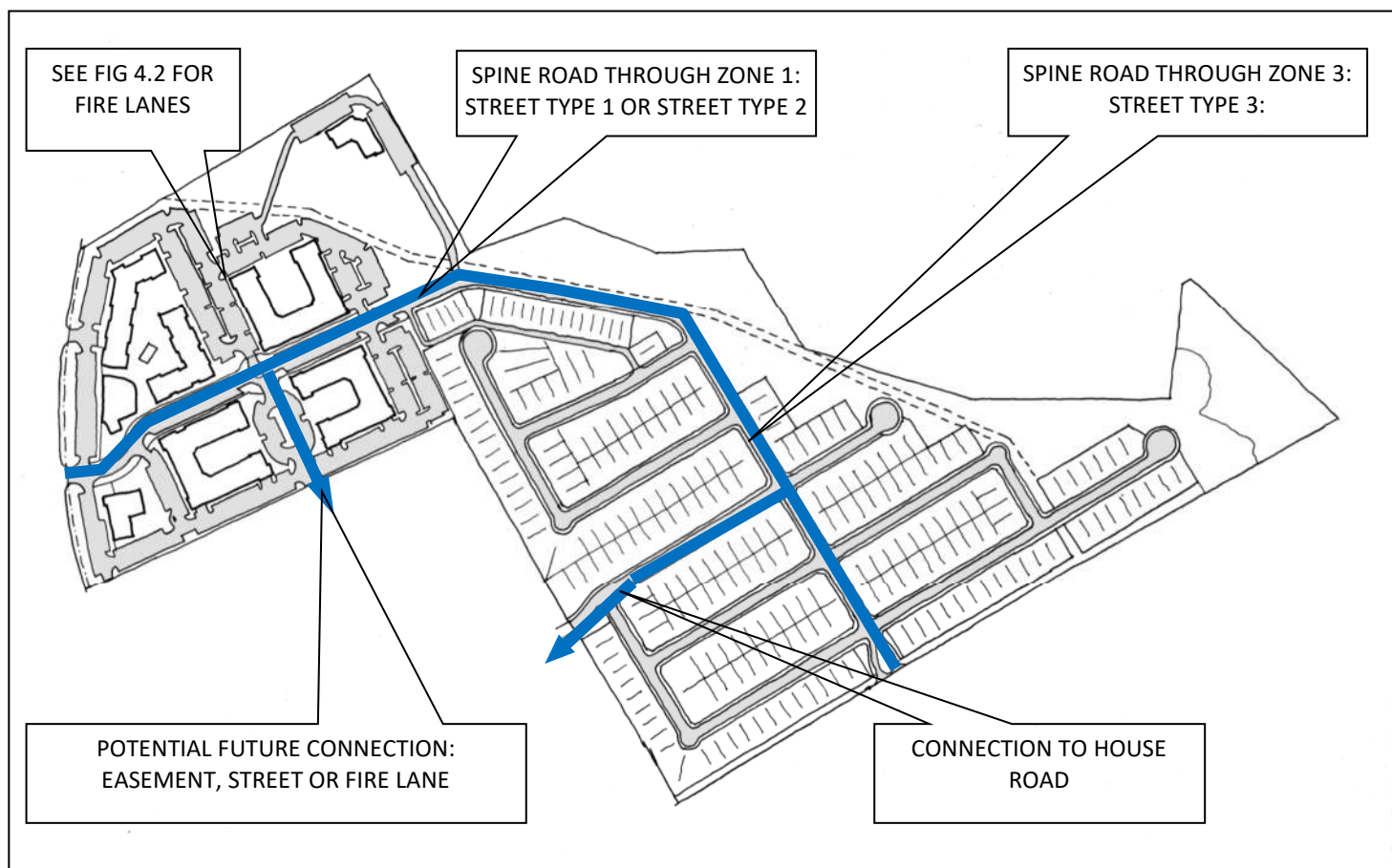


FIGURE 4.1 Illustrative Concept of Proposed Street Network

FIGURE 4.2 Conceptual Fire Lane Plan

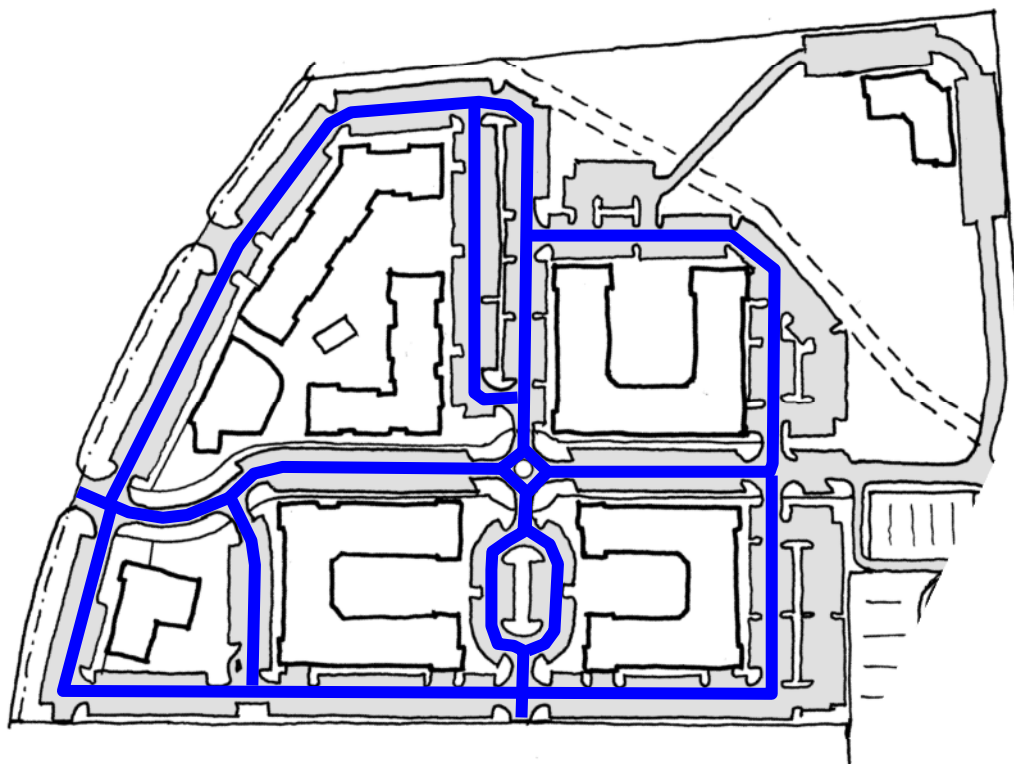


TABLE 4.1 PERMITTED STREET SECTIONS

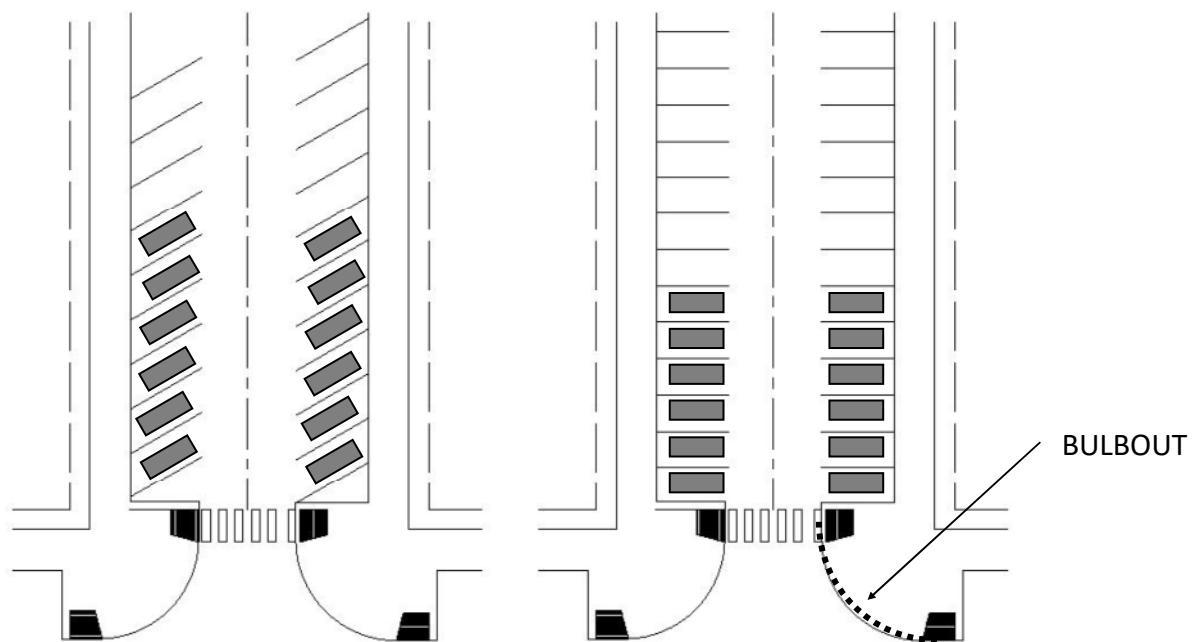
STREET TYPE	CURB B-B	PARKING	TREES	PARKWAY	SIDEWALK	ROW
STREET TYPE 1	60'	60° OR 90°	35' O.C.	5' MIN	5' MIN	80'
STREET TYPE 2	40'	PARALLEL	35' O.C.	5' MIN	5' MIN	60'
STREET TYPE 3	30'	INTERMITTENT	1/LOT	5' MIN	5' MIN	50'
STREET TYPE 4	NOTE 1	INTERMITTENT	1/LOT	5' MIN	5' MIN	47'
FIRE LANE	24' / 26'	NONE	NONE	NONE	NONE	24' / 26'
RESIDENTIAL ALLEY	NOTE 1	NONE	NONE	NONE	NONE	15'

STREET DESCRIPTIONS

STREET TYPE 1	COMMERCIAL OR MULTIFAMILY PUBLIC STREET WITH ANGLED OR HEAD-IN PARKING
STREET TYPE 2	COMMERCIAL OR MULTIFAMILY PUBLIC STREET WITH PARALLEL PARKING
STREET TYPE 3	SINGLE FAMILY RESIDENTIAL SPINE ROAD
STREET TYPE 4	SINGLE FAMILY LOCAL ROAD

NOTE 1: SUBJECT TO STAFF REVIEW AND APPROVAL.

## THOROUGHFARE DESIGN

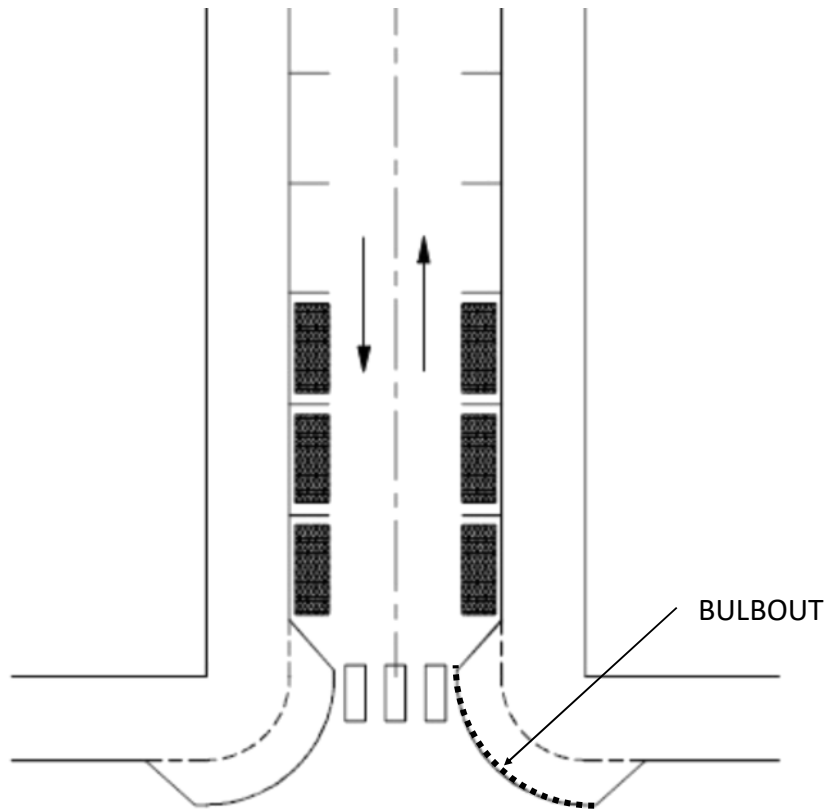


NOTE: Subject to final curb-to-curb dimensions and staff review and approval, a smaller minimum radius may be used at corners and bulbouts.

### STREET 1

DESCRIPTION	COMMERCIAL / MULTIFAMILY STREET
MEDIAN	PERMITTED
MINIMUM CURB TO CURB (B-B)	60' TO 62'
MINIMUM TRAVEL LANE WIDTH	12' (13' IF REQ'D BY FIRE DEPT)
PARKING LANE WIDTH	18'
PARKING ANGLE	60° / 90°
MINIMUM INTERSECTION RADIUS	28'
BULBOUT REQUIRED	YES
CROSSWALK WIDTH	5' Min
PARKWAY/ TREEWELL	Parkway or Tree well

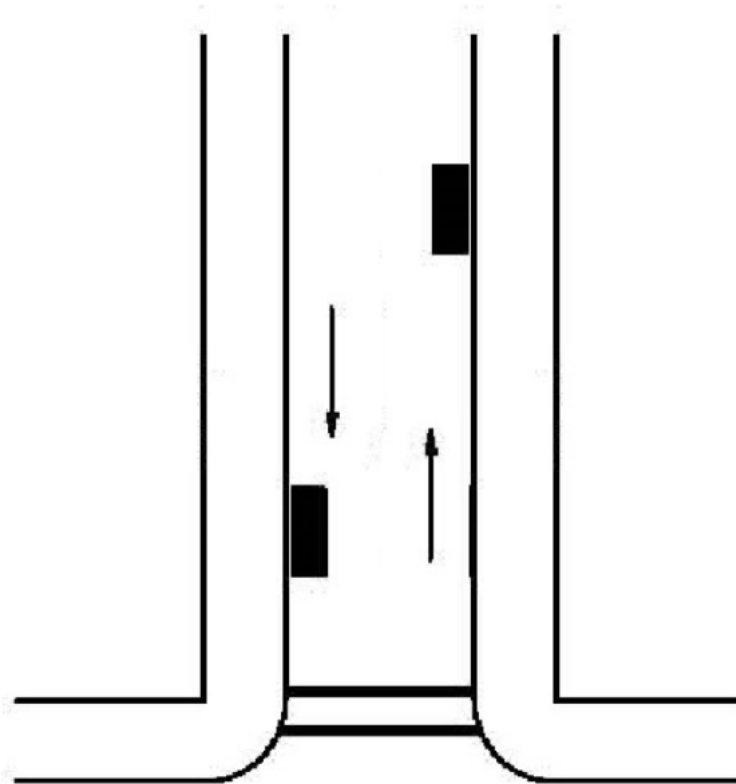
## THOROUGHFARE DESIGN



NOTE: Subject to final curb-to-curb dimensions and staff review and approval, a smaller minimum radius may be used at corners and bulbouts.

STREET 2	
DESCRIPTION	MULTIFAMILY STREET
MEDIAN	PERMITTED
MINIMUM CURB TO CURB (B-B)	40'
MINIMUM TRAVEL LANE WIDTH	12'
PARKING LANE WIDTH	8'
PARKING ANGLE	parallel
MINIMUM INTERSECTION RADIUS	28'
BULBOUT REQUIRED	Optional
CROSSWALK WIDTH	5'
PARKWAY/ TREEWELL	Parkway or Tree well

### THOROUGHFARE DESIGN

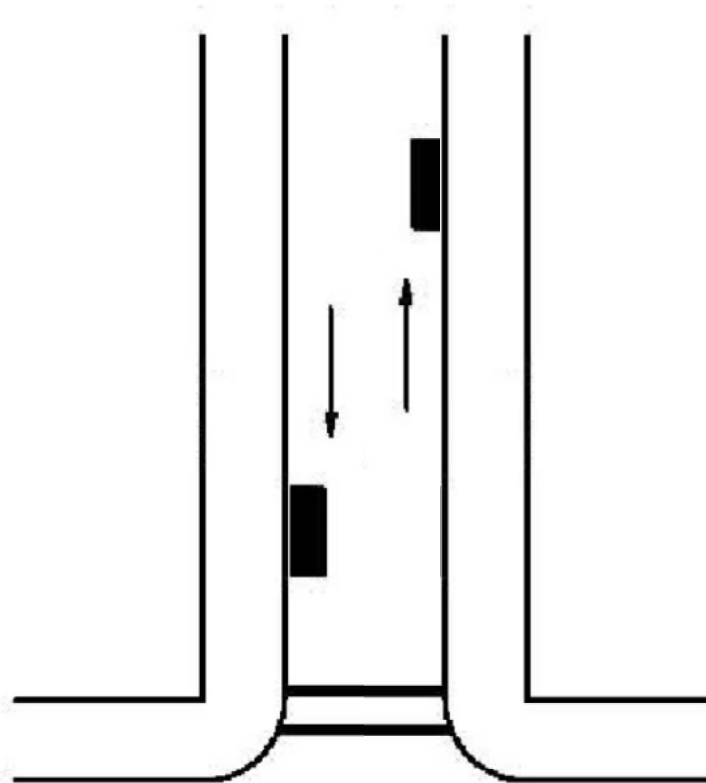


NOTE: Subject to final curb-to-curb dimensions and staff review and approval, a smaller minimum radius may be used at corners and bulbouts.

#### STREET 3

DESCRIPTION	RESIDENTIAL SPINE ROAD
MEDIAN	No
MINIMUM CURB TO CURB (B-B)	30'
MINIMUM TRAVEL LANE WIDTH	12'
PARKING LANE WIDTH	NA
PARKING ANGLE	NA
MINIMUM INTERSECTION RADIUS	28'
BULBOUT REQUIRED	NO
CROSSWALK WIDTH	5'
PARKWAY/ TREEWELL	Parkway

# THOROUGHFARE DESIGN

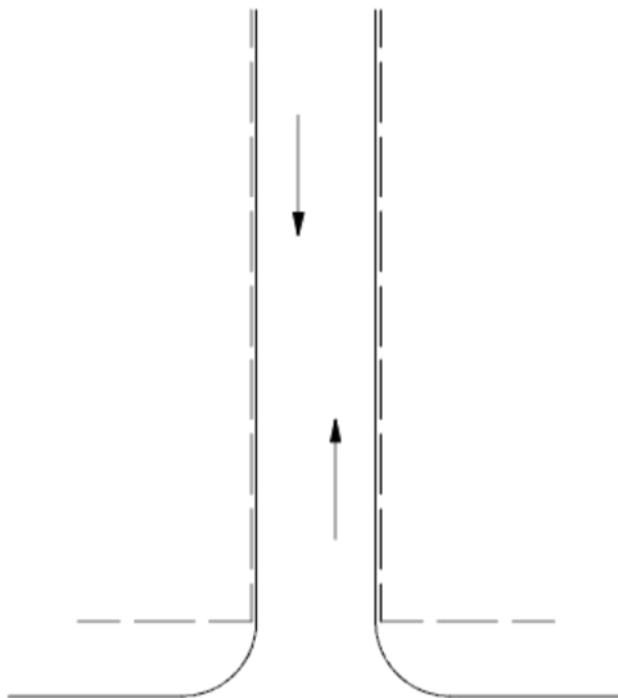


NOTE: The Development may include Residential Streets narrower than the City standard local street width. Narrower residential Street sections are subject to the review of the specific residential product type and layout being proposed and would be subject to Staff review and approval.

## STREET 4

DESCRIPTION	RESIDENTIAL LOCAL ROAD
MEDIAN	No
MINIMUM CURB TO CURB (B-B)	TBD, subject to Staff review
MINIMUM TRAVEL LANE WIDTH	12'
PARKING LANE WIDTH	NA
PARKING ANGLE	NA
MINIMUM INTERSECTION RADIUS	28'
BULBOUT REQUIRED	NO
CROSSWALK WIDTH	5'
PARKWAY/ TREEWELL	Parkway

## THOROUGHFARE DESIGN



NOTE 1: The minimum Fire Lane width may be reduced if approved by the Development Review Committee and the Fire Marshall.

NOTE 2: The Fire Lane Plan shall be submitted with the Site Plan submittal.

NOTE 3: Carports and canopies shall not be located within 3' of the fire lane.

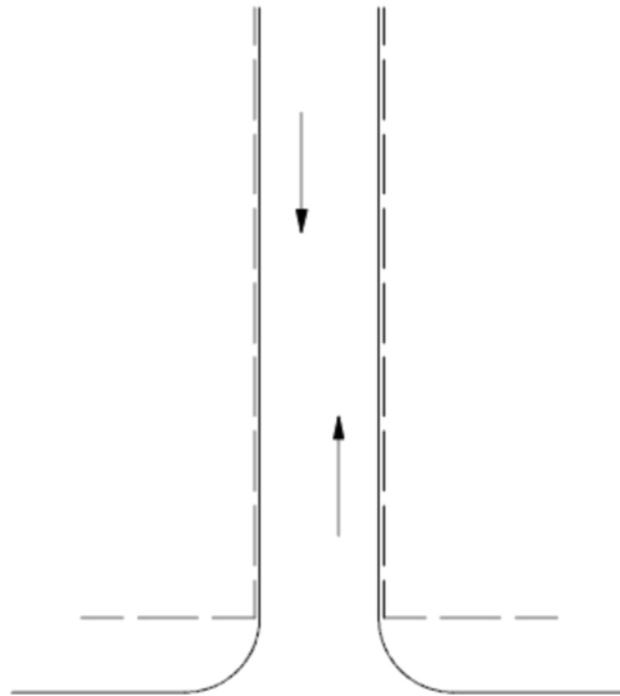
NOTE 4: Where the fire lane serves buildings 4 stories or higher, the fire lane shall be a minimum of 26' in width.

### FIRE LANE

DESCRIPTION	FIRE LANE
MEDIAN	No
CURB TO CURB	24' minimum paved width
TRAVEL LANE WIDTH	12'
PARKING LANE WIDTH	No parking
PARKING ANGLE	No parking
INTERSECTION RADIUS	28' inside radius
BULBOUT REQUIRED	No
CROSSWALK WIDTH	Not Applicable
PARKWAY/ TREETWELL	Not Applicable



## THOROUGHFARE DESIGN



NOTE: The Development may include Residential Alleys. Alley Standards are subject to the review of the specific residential product type and layout being proposed and would be subject to Staff review and approval. If Residential Alleys are used, they shall be owned and maintained by the HOA.

### RESIDENTIAL ALLEY

DESCRIPTION	RESIDENTIAL ALLEY
MEDIAN	No
CURB TO CURB	15' minimum paved width
TRAVEL LANE WIDTH	15'
PARKING LANE WIDTH	No parking
PARKING ANGLE	No parking
INTERSECTION RADIUS	28' inside radius
BULBOUT REQUIRED	No
CROSSWALK WIDTH	Not Applicable
PARKWAY/ TREETWELL	Not Applicable

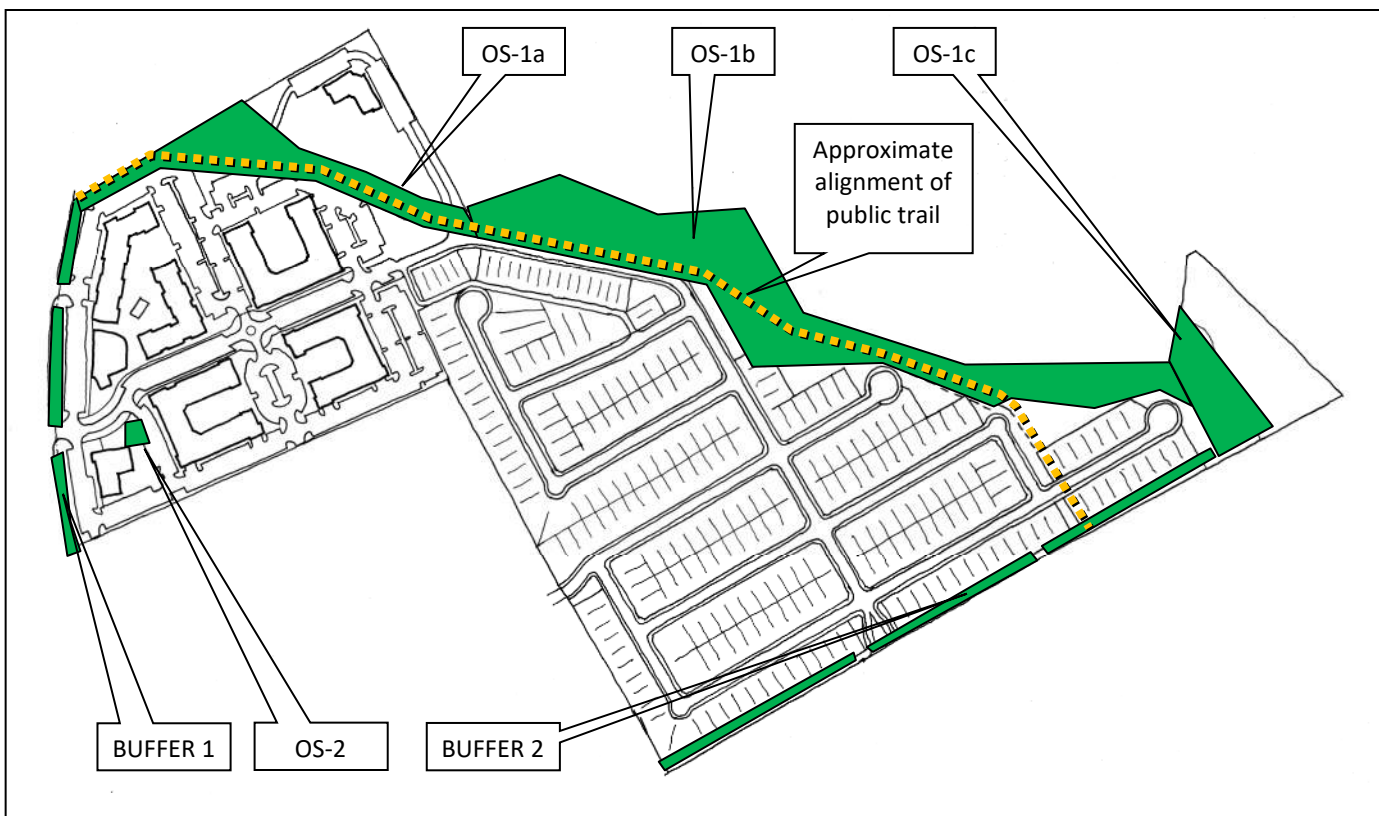
**PARK & OPEN SPACE STANDARDS**

### 5.1: PARK & OPEN SPACE ADMINISTRATION

- A. This Section defines the park and open space requirements. Each zone has requirements for minimum parks and open space and must comply with the following standards.
- B. The parks and open spaces require turf or mulch as the ground cover. Plazas may be paved. Seasonal color and shrubbery are permitted.
- C. Surplus open space in one zone may be applied to deficiencies in other zones.
- D. Due to the nature of the site and the tree preservation, no Tree Survey or Tree Mitigation shall be required in any zone.
- E. OS-2 may be placed in any location within Zone 1 or 2 with access to a public street.
- F. Total open space for all zones shall not be less than 6% of the gross land area.
- G. Buffers 1 & 2 shall require trees to be planted at the rate of 1 tree for each 35' of frontage.
- H. Buffer 2 shall require a privacy wall, not to exceed 8' in height above finished grade, and shall be constructed of brick or stone masonry.
- I. Detention shall not be required on the site. However, water quality measures shall be required. The ponds or swales may be located within the floodplain.

**TABLE 5.1 PARK AND OPEN SPACE REQUIREMENTS**

	OS-1a	OS-1b	OS-1c	OS-2	BUFFER 1	BUFFER 2
MINIMUM AREA	1.0 AC	4.0 AC	1.0 AC	1500 SF	0.3 AC	0.7 AC
MINIMUM WIDTH	25'	25'	25'	35'	20'	20'
TRAIL CONNECTION	R	R	R	P	NA	NA



**FIGURE 5.1 OPEN SPACE PLAN**

#### SUBSECTION 5.2: Street Trees

A. This Section defines requirements for new trees to be planted within the development.

B. Species: Acceptable trees species shall include the species indicated in Section 7300, Paragraph EE of the Mansfield Zoning Ordinance, and included herein as Appendix A.

C. Minimum Size: The minimum size trunk diameter of a newly planted required street tree shall be 3.5" (three and one half inches).

D. Minimum Tree Well Size: The minimum tree well size shall be 5' by 6' without using an approved root protection and barrier system. A smaller tree well or a tree well of different dimensions, may be used upon review and approval of plans, details, and specifications.

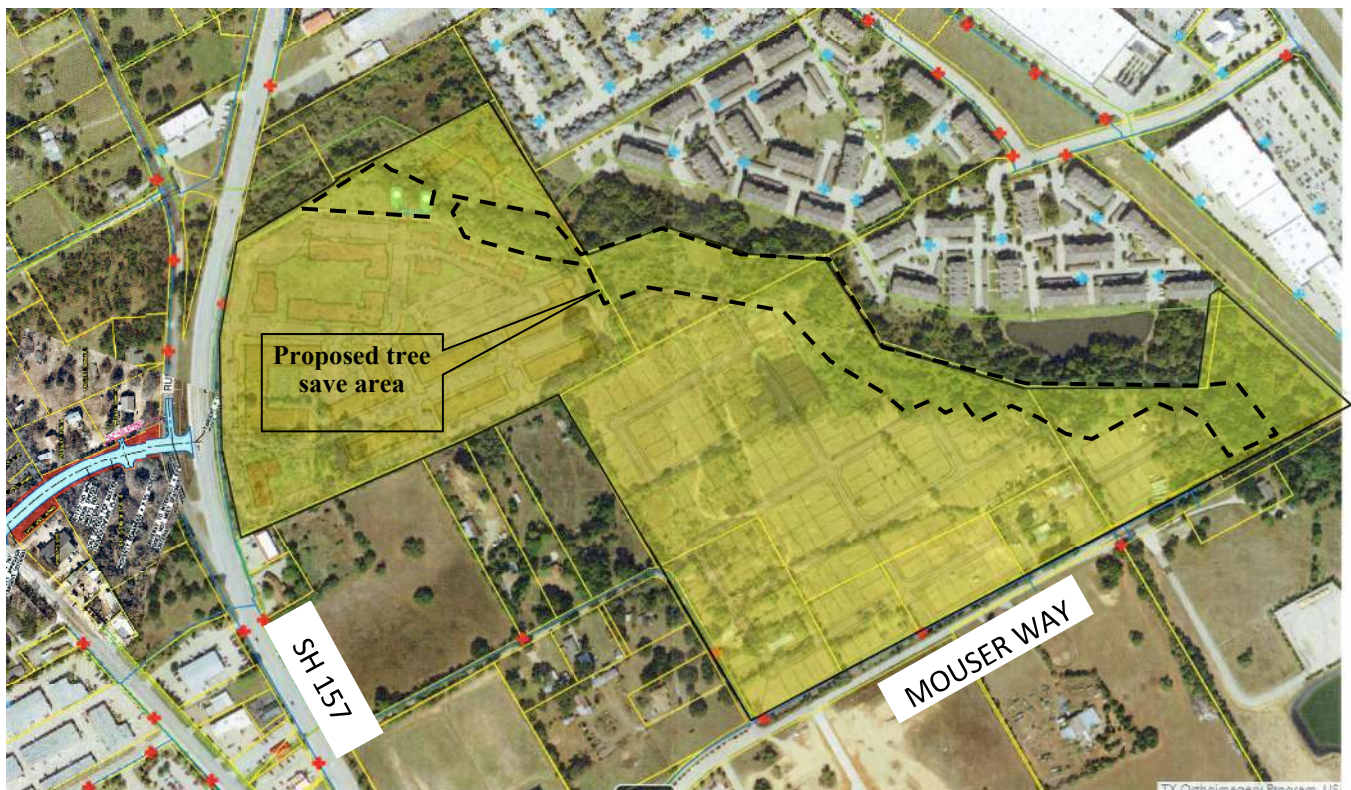
E. Minimum Parkway Width: The minimum width of a continuous parkway shall be 5' without using an approved root protection and barrier system.

F. Single family lots: No trees are required on the lot.

**TABLE 5.2 TREE PLANTING REQUIREMENTS**

ZONE	SPACING / PATTERN	COMMENTS
1, 2, 3, 4	CLUSTERED OR EQUALLY SPACED	Required trees located within the Open Spaces may be located anywhere within the designated open space and are not required to be placed adjacent to the curb. Tree locations shall be subject to compliance with the Visibility Zone requirements.
1	35' O.C.	Tree planting along street frontage shall be 2.5' to 3/0' behind the curb.
3	1 TREE/LOT	Tree planting along street frontage shall be 2.5' to 3/0' behind the curb.
1, 2		See Section 6 for parking lot landscape requirements.

*Figure 5.2 Tree Save Area*



**PARKING STANDARDS**

#### 6.1: REQUIRED PARKING STANDARDS

The number of required parking spaces shall be determined as follows:

- A. Parking spaces for persons with disabilities will be provided in the number and with such dimensions as are required by the Texas Accessibility Standards.
- B. The parking requirement may be reduced upon a submittal of the parking calculation by the applicant and approval by the City.
- C. Dimensions. The minimum required dimensions of parking spaces and aisles, if any, shall be as indicated in this Section 6.
- D. On-Street Parking: On-street parking may be counted toward required parking. No on-street parking space may be counted toward more than one platted lot.
- E. Covered Parking: Structure is to be masonry or metal and must comply with the regulations governing building materials. Carports of metal construction are permitted. Provide a minimum 3' clearance to fire lanes.
- F. Trees: Trees shall be planted in parking lots such that all parking spaces within a surface parking lot shall be located within 60' of a tree.

TABLE 6.1 MINIMUM REQUIRED PARKING	
OCCUPANCY / USE	MINIMUM REQUIRED PARKING
General Office and Retail "Blended Rate"	1 space per 250 sq ft (4/1000 SF)
General Office only	1 space per 333 sq ft (3/1000 SF)
Restaurant	1 space per 100 sq ft (10/1000 SF)
Multifamily	1.5 spaces per unit
Age-Restricted Housing	1.2 spaces per unit
Single Family	2 spaces off-street

TABLE 6.2 PARKING STANDARDS		
PARKING TYPE	PARKING STANDARD	COMMENT
ON-STREET PARKING:		
Parallel Parking:	8' x 20' min	From Back of Curb
Angled-in Parking	See Figure 6.1	Angle = 60° from Curb
Head-in Parking	9' x 18'	Angle = 90° from Curb
PARKING LOTS		
Parking Space, Typical	9' x 18'	Accessible spaces comply w ADA
Aisle Width	24' min	
Landscape Requirements		1 tree per 12 spaces average
Tandem Spaces	9' x 18'	Only behind associated garage space for same tenant
GARAGES		
"Tuck-under" Garage Spaces	9' x 20' Min	Permitted in Zones 1 and 2
Tuck-under" Garage Doors		Garage Doors Required
Carport Spaces	9' x 18'	Not readily visible from public street



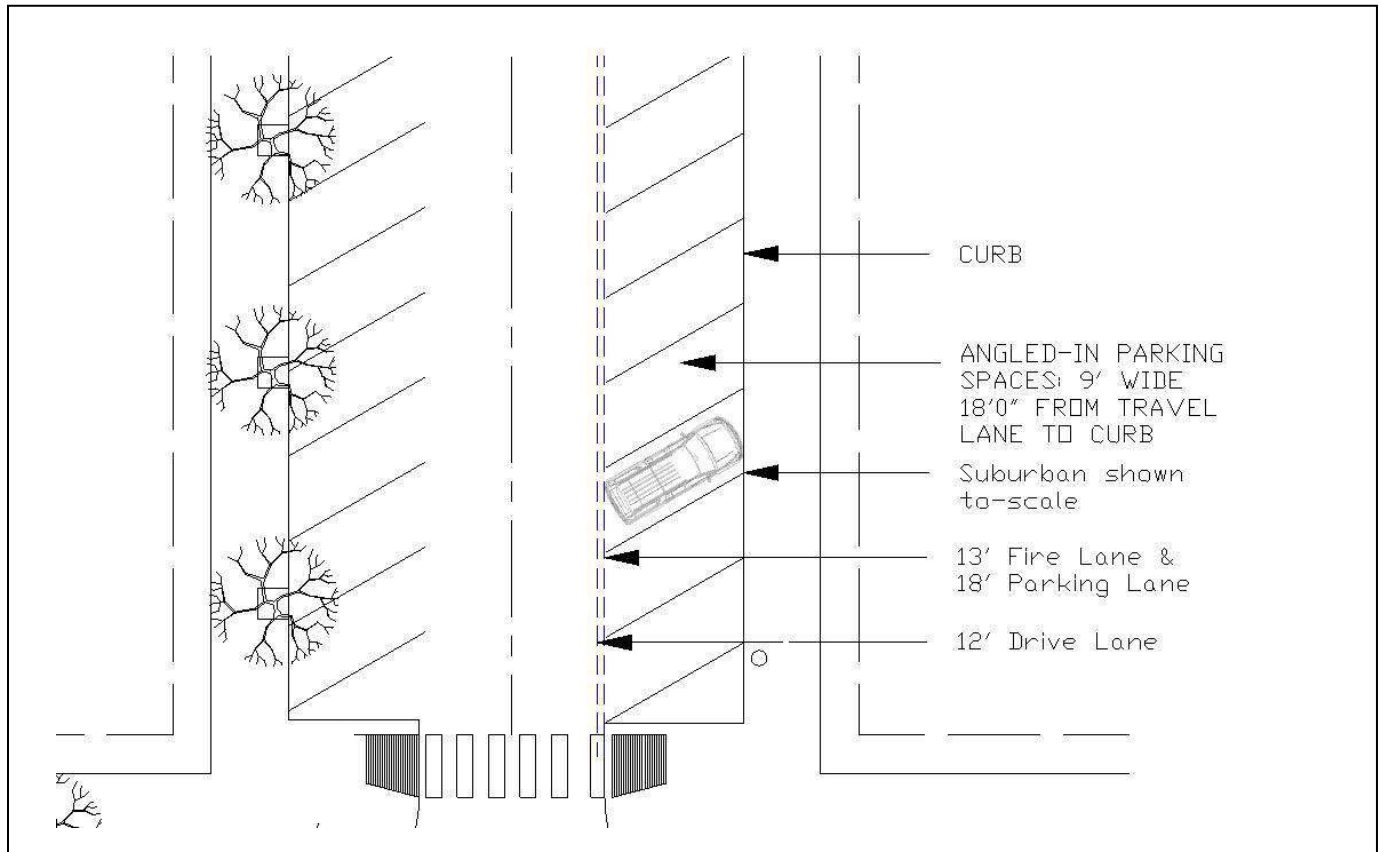


Figure 6.1: Angled-in Parking Dimensions

**ARCHITECTURE STANDARDS**

## SECTION 7: ARCHITECTURAL STANDARDS

### General Standards Applicable to All Zones

- A. General: The following tables and illustrations identify general regulations for all zones within the Watson Branch Planned Development.
- B. The purpose of the architectural and building regulations is to establish specific development standards along the public Rights-of-way that are appropriate to the surrounding neighborhoods, and to allow greater flexibility where the buildings are not visible from the public ROW's.
- C. Since the Planned Development does not include detailed engineering plans, any architectural elements that are required by engineering due to grading, such as retaining walls or stem walls, shall be permitted.
- D. Where the tables require a specific quantity of a wall material, that area is measured excluding windows, doors and other appurtenances.
- E. If a material is not addressed in the table, or if a new material falls into a prohibited category but should be permitted, the material may be submitted to DRC for an evaluation. If it is deemed appropriate, it may be approved administratively.
- F. Though wood siding is not permitted, wood may be used decoratively, for eave brackets, rafter tails, porch column wraps, and other elements subject to building and fire codes.

### G. Overlay Area

1. The Overlay Area includes the area between the FM 157 ROW and the buildings requiring commercial storefront facades and includes the commercial storefront facades. The frontage along the FM 157 ROW shall not be less than 50% of the FM 157 frontage.
2. No vehicular gates or perimeter fences are permitted within the Overlay area.
3. Leasing offices shall comply with commercial storefront requirements.
4. No carports shall be permitted within the Overlay area.

### H. Zone 1 and Zone 2

1. AC equipment and other mechanical equipment shall not be located between the front building facade and any public street.
2. Leasing offices shall comply with commercial storefront requirements, except that ceiling height may be 9' minimum height.
3. No carports shall be permitted between buildings and public rights-of-way.
4. All multifamily residential units, except ground floor units, shall be served by interior corridors that are finished with carpet, wood, tile or decorative stained concrete.

TABLE 7.1 GROUND FLOOR BUILDING STANDARDS		P= PERMITTED R= REQUIRED
ITEM	OVERLAY AREA	ZONES 1 AND 2
<b>PRIMARY UNIT ENTRANCE</b>		
ACCESS FROM SIDEWALK	R	P
ACCESS FROM INTERIOR CORRIDOR	P	P
MINIMUM GLASS AREA (FIG 7.1)	60%	25%
WINDOW AWNINGS/CANOPIES—MINIMUM	60% MIN OF OPENINGS	20% OF OPENINGS ON SPINE ROAD
<b>MINIMUM CEILING HEIGHT</b>	10'	8'

**OVERLAY AREA: GROUND FLOOR COMMERCIAL STOREFRONT STANDARDS**  
'Commercial Standards' applies only to the appearance, not building code requirements.



SIGN BAND

GLASS AREA MINIMUM:

Height = Window Sill to Ceiling at the store front.

Length = frontage of tenant space

Wall Area = Height x Length

Glass Area = 60% of wall area minimum

Required panels under windows: 6" min / 36" max.

Figure 7.1: OVERLAY AREA: Ground floor commercial storefront standards fronting SH 157

TABLE 7.2 MATERIAL BUILDING STANDARDS					
P= PERMITTED R= REQUIRED N=NOT PERMITTED NA= NOT APPLICABLE					
ITEM	OVERLAY AREA	ZONE 1	ZONE 2	ZONE 3	ZONE 4
<b>FRONT FAÇADE MATERIALS</b>					
MASONRY, minimum	R - 90%	R - 80%	R - 80%	R - 80%	R - 80%
STUCCO, maximum	P - 10%	P - 20%	P - 20%	P - 20%	P - 20%
HARDI-BOARD, maximum (EXCLUDING RECESSED BALCONIES)	P - 10%	P - 20%	P - 20%	P - 20%	P - 20%
WOOD	N	N	N	N	N
METAL, maximum	P - 10%	P - 10%	P - 10%	P - 10%	P - 10%
EXPOSED CMU	N	N	N	N	N
EXPOSED AGGREGATE	N	N	N	N	N
<b>REAR FAÇADE MATERIALS</b>					
MASONRY, minimum	NA	R-25%	R-25%	NOTE 1	NOTE 1
STUCCO, maximum	NA	P - 75%	P - 75%	NOTE 1	NOTE 1
HARDI-BOARD, maximum	NA	P - 50%	P - 50%	NOTE 1	NOTE 1
WOOD	NA	N	N	N	N
METAL, maximum	NA	P - 10%	P - 10%	P - 10%	P - 10%
EXPOSED CMU	NA	N	N	N	N
EXPOSED AGGREGATE	NA	N	N	N	N
NOTE 1: Exterior materials shall meet the minimum 80% masonry standard as calculated for all facades in the aggregate. * FAÇADE MATERIAL SHALL TRANSITION A MINIMUM OF 20' AROUND BUILDING CORNER TO INTERNAL AREA OF A BLOCK * MASONRY MATERIALS INCLUDE BRICK, STONE, CULTURED STONE, AND CAST STONE, BUT EXCLUDE CMU AND EXPOSED CONCRETE.					

I. SINGLE FAMILY BUILDING STANDARDS

1. Zones Permitted: Zones 2, 3, 4
2. Architecture: Development of new homes should address the following:
  - a. Use single-story roofs and/or porches on front elevations where feasible.
  - b. Use architectural elements, such as simple roof forms, facade articulation, roof breaks, walls with texture materials and ornamental details, and incorporation of landscaping, where possible.
  - c. Facade treatment, relevant to the home's style should be carried throughout the entire house with each facade and any accessory structure.
  - d. Use architectural features such as decorative moldings, windows, dormers, chimneys, balconies and railings, and landscaping elements such as lattices consistent with the architectural style.
  - e. Large areas of flat, blank wall and lack of treatment are strongly discouraged.
  - f. Two story entry features are discouraged.
3. Materials—Permitted and Prohibited: Materials for structures shall be in compliance with Table 7.2.
4. Building and accessory structures location on lot:
  - a. Garage doors accessible from the street shall be constructed of decorative wood cladding ("Carriage Door" Style) or stained simulated

- wood cladding (See Section 3.7.C. page 19.)
- b. Alley garages may use painted aluminum garage doors.
5. Required Features:
- a. Minimum predominant Roof Pitch: 8:12, except porches.
- b. Architectural grade asphalt shingles, or better.
- c. Wood or stained fiberglass simulated wood grain front door.
- d. No facade may be repeated within any 5 adjacent lots or across the street from those lots.
- e. Concealed or screened HVAC units, trash storage, and utility meters.
- f. If brick is used, brick shall be coursed exactly to the top and bottom of wall openings.
- g. If brick is used, a soldier course or other masonry header is required above windows & doors on the facade(s) facing the street.
- h. If shutters are used, shutters shall be one-half the width of, and the same height of the associated opening. All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building. Shutters do not need to be operable.
- i. Gutters shall be copper, galvanized steel, aluminum or painted if exposed.
- j. Downspouts shall be located at building corners and columns wherever possible.
- k. If chimneys are visible, they shall be sheathed in brick, stone, stucco or cementitious siding.
- l. If chimneys are located on a street-facing wall, they shall extend to the ground.
- m. Columns visible from the street shall be not less than 6" x 6" in cross section.
- n. Front steps of 3 or more risers shall have treads not greater than 12 inches.
- o. Direct Vent Fireplaces are permitted
- p. Wood Fences, not to exceed 6' in height, along alleys must be constructed with the support structure on the yard side of the fence. Fences located closer to the alley than the rear wall of the home are prohibited.
6. **Optional Features**—each home must use at least 4 of the following features:
- a. Stoop and portico at front door
- b. Front porch or front stoop steps and railing
- c. Front Porch roof
- d. Decorative or architectural porch railing
- e. Second story porch
- f. If brick or stucco is used, a stone base below first floor windows shall be installed.
- g. Facades using stone to cover 70% or more of the exterior.
- h. Tile, slate, or simulated tile or simulated slate roof material.
- i. Decorative eave and soffit.
- j. Trim at gable rake.
- k. Decorative roof finials or ornamentation.
- l. Decorative attic or gable feature greater than 3 square feet in size
- m. Trim 2 inches or wider at windows and doors of the street facade.
- n. Arched window head or heads (depending on architectural style) on street facade.
- o. Dormer with window.
- p. Window shutters on street facade(s).
- q. Divided light windows.
- r. Decorative concrete driveway
- s. Garage Doors of "Carraige Style" wood cladding (See Section 3.7.C. Page 19)
- t. Incorporate at least two of the following:



**SIGNAGE**



SECTION 8: SIGNAGE STANDARDS

General Standards Applicable Zones 1 and 2

- A. General: The following tables and illustrations identify general regulations for all zones within the Watson Branch Planned Development.
- B. The Watson Branch Planned Development shall comply with the Mansfield Sign Regulations as established in Section 7100 of the Mansfield Zoning Ordinance, except as described below.
- C. For the purpose of enforcement of signage regulations, the Watson Branch Planned Development fronting SH 157 may consist of multiple businesses, and may include the following signage types.
- D. Wall Signs: Businesses with SH 157 frontage shall be permitted one Wall Sign not to exceed 30 feet in length or 4 feet in height.
- E. Monument Signs: A Monument Sign not to exceed 50 square feet per side, shall be permitted at each entry from SH 157. A Monument Sign or a sign affixed to an entry wall, shall be permitted at each entry from Mouser Road, and shall not exceed 50 SF per side.
- F. Projection Signs: A projection sign, not to exceed 50 SF per side, shall be permitted on each building fronting SH 157.
- G. Blade Signs: A projection sign, not to exceed 20 SF per side, shall be permitted for each business tenant.

WALL SIGN, PLUS:

PROJECTION SIGN OR

MONUMENT SIGN



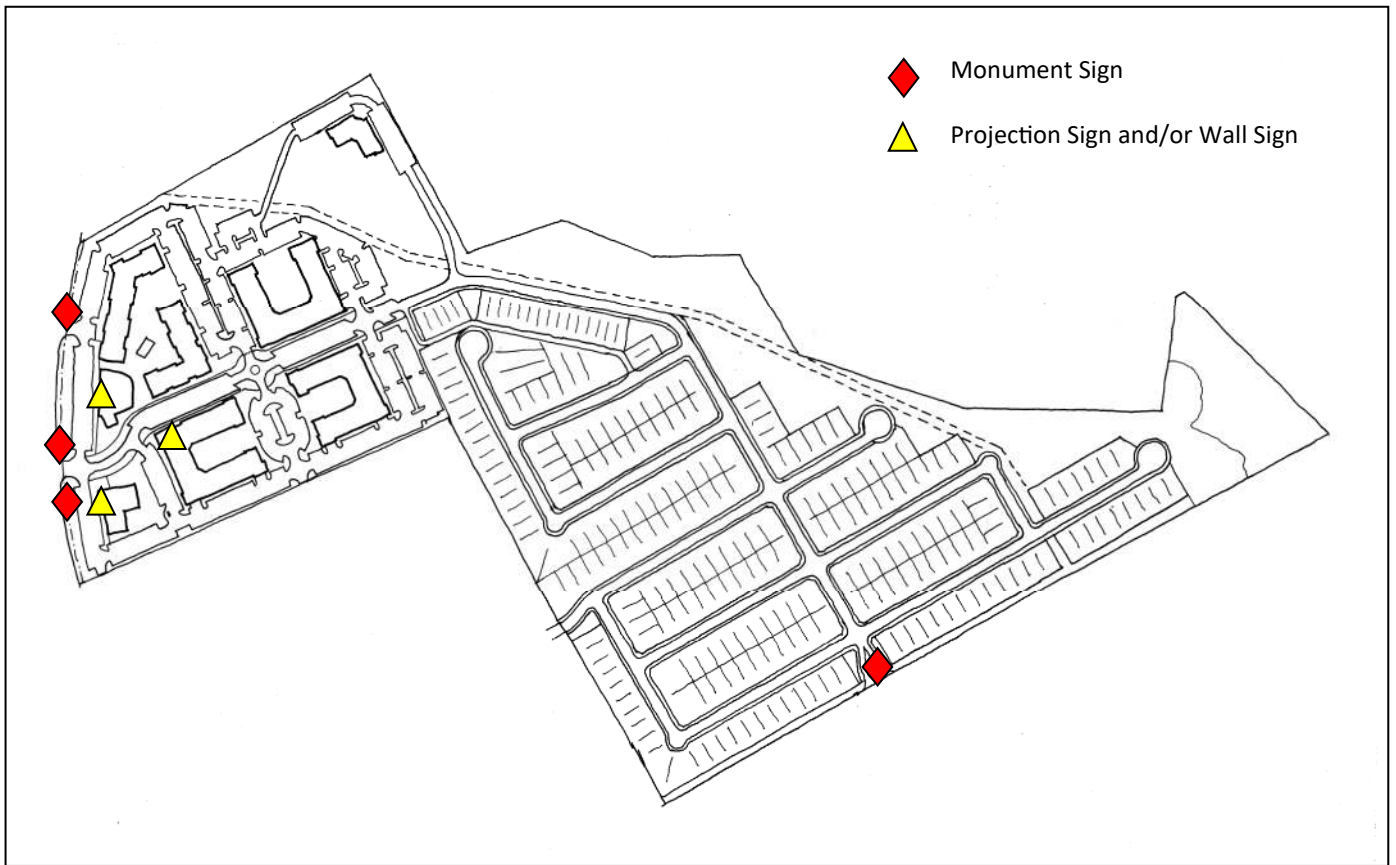
WALL SIGN, PLUS:

PROJECTION SIGN OR

MONUMENT SIGN



FIGURE 8.1 MONUMENT SIGN PLAN



**DEFINITIONS**

**Administrative**

**Regulating plan.** A plan for adoption of zoning that establishes the location of component zones, establishing land uses and development standards.

**Zone.** An area within the Regulating Plan that specifies a specific set of development rules and standards.

**Buildings**

**Building Height** The vertical distance measured from the lowest finished floor to the bottom of the roof eave on sloped roofs or to the roof surface on a flat roof.

**Building Area** The total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding cellars, carports or garages.

**Commercial Standards** Commercial Standards refer to the Ground Floor requirements for buildings as described in Section 7.

**Facade.** Façade is the exterior face of the building fronting or oriented toward a street or roadway, excluding alleyways.

**Finish Floor Elevation** The vertical measurement of any floor relative to Sea Level.

**Floor Area** See *Building Area*

**Ground Floor** The floor of a building which contains the primary entrance and exit nearest to the exterior grade level for pedestrian access.

**Ground Floor Elevation** The vertical measurement of the Ground Floor relative to Sea Level.

**Glass Area** The area of glass and its supporting frame that meets the standards identified in Section 7.

**Primary Entrance.** The primary entrance is the main or principal pedestrian entrance of all buildings (except outbuildings). For buildings fronting a street, the primary entrance is the entrance designed for access by pedestrians from the sidewalk. This is the primary architectural entrance even though day-to-day residential access may be via a secondary entrance associated with a garage, driveway or other vehicular use area.

**Sign Band** The portion of a building façade, above the first floor glass area, devoted to signs indicating the names or marks of the businesses occupying the tenant spaces.

**Lots**

**Building line** See “Setback”

**Lot** An undivided tract or parcel of land under one ownership having frontage on a street and either occupied or to be occupied by a building or building group together with accessory buildings or an open space.

**Lot Area** The net area of the lot, excluding streets and alleys

**Lot line** means the lines bounding a lot.

**Lot line, front,** means any lot line adjacent to a street or public access easement.

**Lot line, rear,** means any lot line opposite a front lot line and not adjacent to a street or public access easement.

**Lot line, side,** means any lot line not designated as a front or rear lot line.

**Lot Width** the distance between the side lot lines measured along the required front yard setback line. In the case of a lot having more than one required front yard, the lot width shall be measured along the building line associated with the street address.

**Lot Depth** The average distance between the front lot line and the rear lot line

**Lot Coverage** the percentage of a lot or tract covered by the foundation or first floor of buildings

**Setback** means a line parallel or approximately parallel to the street line or property line, at a specified distance therefrom, establishing the minimum distance from the street line or property line that a building may be erected.

**Signage Area** Signage area is the smallest rectangle that encompasses all text and logos.

**Street Frontage** The side of a lot facing or abutting a street or public park

**Open Space**

**Buffer, Landscape** areas of land parallel to streets or to adjacent land uses, and abutting a property

line, set aside to provide visual screening through the use of landscaping or fences or both.

**Floodplain** An area, through design or designation, set aside to accept and temporarily store storm water above grade. May also be used as a Park or other Open Space.

**Open Space:** Any outdoor area generally without buildings or parking, except as an accessory use.

**Park:** A park is a type of Open Space that is designed mainly for unstructured recreation. A park consists of areas of turf, trees, paths, trails, and park furnishings

**Plaza.** A plaza is an open space available for civic purposes and commercial activities. A plaza is bounded by buildings and streetscape and consists primarily of pavement with trees being optional. Plazas can be wider sidewalks or extensions of sidewalks for the purpose of providing outdoor seating for restaurants and cafes.

**Preserve.** An open space reserved for land that is intended for conservation. It consists of areas in the flood plain, woodlands, creeks, water bodies, steep grades, and other environmentally sensitive lands.

### **Parking**

**Parking, Carport** a roofed structure open on at least one side and used or designed to be used for the storage of one or more vehicles at or near the same elevation as the adjacent driveway, alley, or parking lot.

**Parking Garage** An enclosed space, or portion of a building to store vehicles at or near the ground floor level.

**Parking Lot** An area within a lot, to store multiple vehicles

**Parking Space** A paved area to store one vehicle

### **Streets& Streetscape**

**Alley** a space or thoroughfare that affords secondary means of access to a lot. Lot lines adjacent to alleys, alley easements, or alley rights-of-way do not constitute frontage.

**Median** The portion of the street, between the travel lanes of opposite direction, devoted to landscaping.

**Parking Lane** The portion of the street devoted to on-street parking.

**Parking, On-street** A lane within the Street devoted to the storage of vehicles.

**Porch Space** An area between the Build-to Line or the Setback line and the Property Line that permits portions of the building, such as porches, to encroach into the setback area.

**Streetscape.** Streetscape includes all improvements in a public right-of-way or private easement between the street curb and the Building Façade. Improvements include sidewalk, street trees, street lights, signage, and furnishings such as benches, trash receptacles, drinking fountains, bike racks, etc.

**Travel Lane** The portion of the street devoted to moving vehicles.

**(Tree) Parkway** The continuous landscaped area located within the Pedestrian Easement, between the sidewalk and the street curb, devoted to trees.

**Tree Space** The portion of the Streetscape adjacent to the street curb, devoted to trees planted in tree wells or in a continuous parkway.

### **Uses**

**Single-family residential, detached dwelling unit.**

A single-family detached residential unit is a freestanding building on an individual lot or tract of land intended for occupancy by one family.

**Single-family residential, attached dwelling unit.**

A single-family attached residential unit is a building on an individual lot intended for occupancy by one family that shares one or more common walls with similar adjacent units, also on individual lots.

**EE. Recommended Plant List:** All plants used to satisfy this ordinance shall be of a species common or adaptable to this area of Texas. The following is a list of recommended plants. Plant material not on this list must be approved by the Landscape Administrator before installation.

**Canopy-type Trees**

American Elm  
Bald Cypress  
Black Hickory  
Black Oak  
Black Walnut  
Blackjack Oak  
Bur Oak  
Cedar Elm  
Chinese Pistache  
Chinquapin Oak  
Dawn Redwood  
Durand Oak  
Eastern Red Cedar  
Big Tooth Maple  
Ginkgo  
Green Ash  
Gum Bumelia  
Lacebark Elm  
Lacey Oak  
Live Oak  
Pecan  
Post Oak  
River Birch  
Rusty Blackhaw  
Sawtooth Oak  
Shumard Red Oak  
Southern Magnolia  
Sweet Gum  
Green Ash  
Texas Ash  
Texas Oak  
Texas Walnut

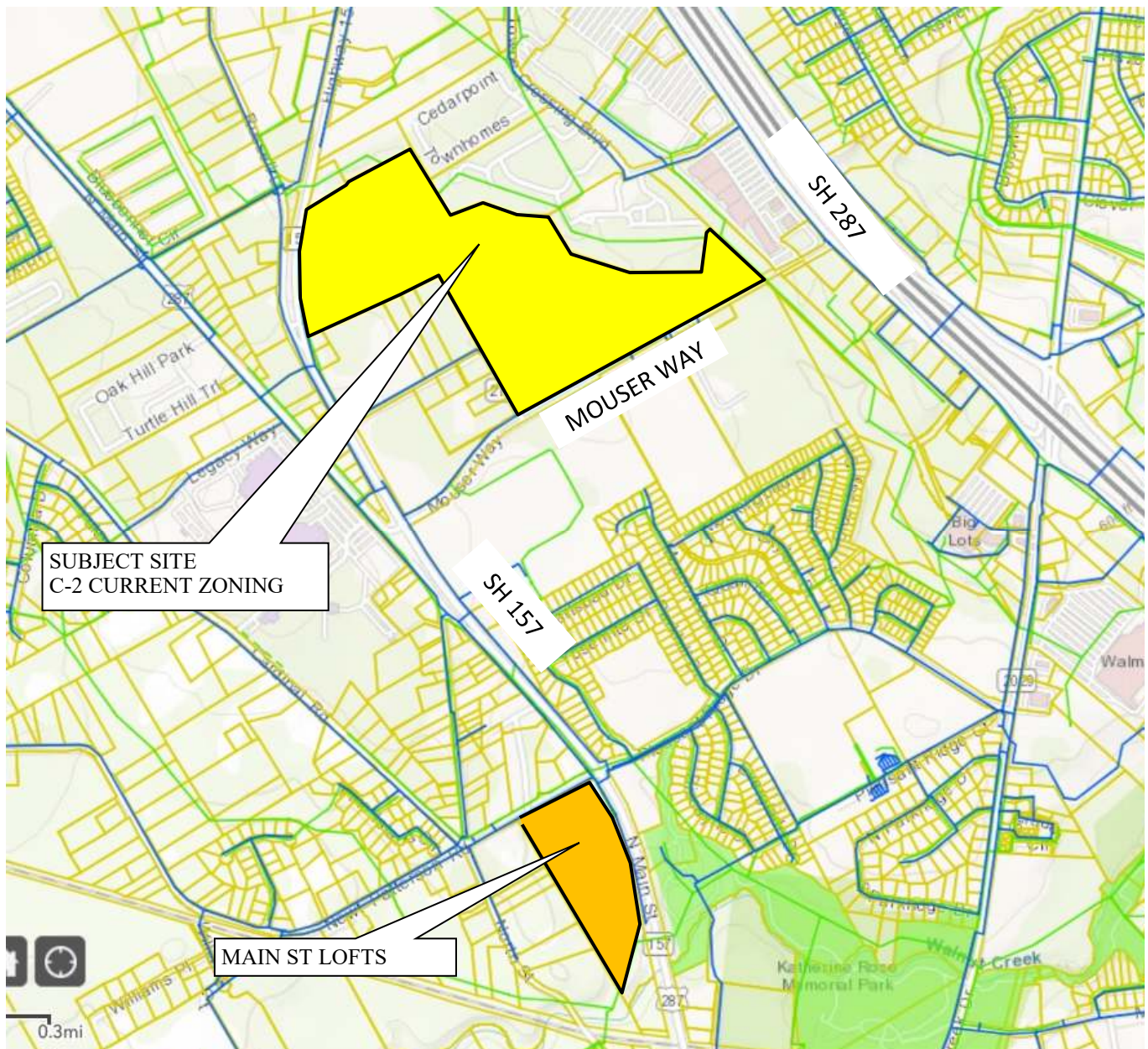
**Medium/Ornamental Trees**

Afghan Pine  
Austrian Pine  
Bigelow Oak  
Black Cherry  
Carolina Buckthorn  
Cherry Laurel  
Crape Myrtle  
Deciduous Holly  
Desert Willow  
Eve's Necklace  
Flowering Crabapple  
Goldenrain Tree  
Hercules Club  
Japanese Black Pine  
Japanese Maple  
Mexican Buckeye  
Mexican Plum  
Native Hawthorns  
Reverchon and Littlehip)  
Persimmon  
Ponderosa Pine  
Possumhaw Holly  
Prairie Flame-leaf Sumac  
Redbuds  
Rusty Blackhaw Viburnum  
Savannah Holly  
Shantung Maple  
Slash Pine  
Southern Wax Myrtle  
Texas Buckeye  
Vitex  
Yaupon Holly

7300-21



## ZONING LOCATION MAP





# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## STAFF REPORT

File Number: 19-3229

**Agenda Date:** 8/12/2019

**Version:** 1

**Status:** First Reading

**In Control:** City Council

**File Type:** Ordinance

**Agenda Number:**

**Title**

Ordinance - First Reading of an Ordinance Amending Chapter 38 of the Mansfield Code of Ordinances to Establish a Historic Preservation Tax Exemption Program for the City of Mansfield (HLC#19-002)

**Requested Action**

To consider the proposed ordinance.

**Recommendation**

The Historic Landmark Commission met on May 9, 2019, and voted 6 to 0 to recommend that the City Council establish a Historic Preservation Tax Exemption Program.

**Description/History**

One of the duties of the Historic Landmark Commission (Commission) is to recommend to the City Council programs that promote the preservation of Mansfield's historic resources. As one of these programs, the Commission has recommended that the Council establish a Historic Preservation Tax Exemption program.

This program will serve two purposes. First, the money saved by a property owner participating in the program may be used to make improvements and repairs that extend the life of the historic structure. Second, as investment in an older structure increases, the taxable value of that structure and surrounding properties may also rise.

The draft ordinance has been reviewed by Jeff Law, Chief Appraiser for the Tarrant Appraisal District. Staff has incorporated Mr. Law's recommendations into the ordinance.

The Historic Preservation Tax Exemption Program details are as follows:

Preservation tax incentives will be limited to historic properties that have an "H", Historic Landmark Overlay District designation.

To limit the number of applications that might otherwise conflict with the Downtown Tax Increment Re-Investment Zone program, the Commission has proposed the initial offer of tax incentives to 16 existing landmark structures and 12 officially recognized if the owners agree to a landmark designation. Additional properties may be nominated by the Commission and approved by the Council in the future.

The exemption applies to the property improvement value only and does not include the land value. This may include the primary structure and historically significant accessory structures. Non-contributing accessory buildings such as detached garages, sheds and swimming pools will not qualify for exemption.

Level 1 tax exemption: Level 1: Residential and commercial structures which have

135

obtained an "H", Historic Landmark Overlay District designation shall be eligible for a one-time exemption of twenty-five (25) percent of the assessed improvement value of the structure for a period of ten (10) years.

Level 2 tax exemption: Residential structures with an "H", Historic Landmark Overlay District designation shall be eligible for an exemption of up to one hundred (100) percent of the assessed improvement value of the structure for a period of ten (10) years for exterior restorations or repairs that extend the life of the structure amounting to five thousand dollars (\$5,000.00) or more.

Exterior or structural improvements under Level 2 include: foundation repair, original frame and beam repair, restoration of historic porches roof replacement associated with structural work or major rehabilitation projects and other repairs.

Only projects that retain or restore the historic integrity of the home through the use of proper materials and design, as determined by the Historic Landmark Commission, may qualify for the incentive.

A change in a residential use to a commercial use will result in a reduction in the exemption from 100% to 50% for the remaining years in the exemption period.

Level 3 tax exemption: Commercial structures with an "H", Historic Landmark Overlay District designation shall be eligible for an exemption of up to fifty (50) percent of the assessed improvement value of the structure for a period of ten (10) years for exterior restorations or repairs that extend the life of the structure amounting to five thousand dollars (\$5,000.00) or more.

If a property owner receiving a tax incentive removes the "H" Historic Landmark designation, the money received from the incentive must be repaid. No repayment is required if the property was destroyed by fire, storm, or other natural act not due to the property owner's action.

**Justification**

See information above

**Funding Source**

Not applicable

**Prepared By**

Lisa Sudbury, AICP, Interim Director of Planning  
817-276-4227

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 38 OF THE MANSFIELD CODE OF ORDINANCES, "TAXATION AND FINANCE," TO ESTABLISH A HISTORIC PRESERVATION TAX EXEMPTION PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article 8, Section 1-f of the Texas Constitution and Section 11.24 of the Texas Tax Code enable the City of Mansfield to exempt from taxation part or all of the assessed value of a structure if the structure is designated by the City as a historically or archeologically significant site in need of tax relief to encourage its preservation; and

**WHEREAS**, the City Council has established a program of designating historic sites and structures as historic landmarks through the zoning process in order to preserve and protect the cultural heritage of Mansfield; and

**WHEREAS**, the City Council is seeking to establish provisions to grant exemptions from ad valorem taxes for certain historically significant structures which have been recommended for exemption to encourage their preservation; and

**WHEREAS**, in accordance with state law the City Council finds that all designated landmark structures are historically significant and entitled to tax relief in order to encourage historic preservation; and

**WHEREAS**, upon the recommendation of the Mansfield Historic Landmark Commission, the City Council now finds it is necessary to adopt provisions for the tax exemption program for historic preservation within the City of Mansfield and that such provisions are in the best interest of the City and its citizens;

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

**SECTION 1.**

That Chapter 38 of the Code of Ordinances, City of Mansfield, Texas, is hereby amended by adding new Sections 38.20 through 38.27 to read as follows:

**"TAX RELIEF FOR HISTORIC STRUCTURES**

**§ 38.20 GRANTING OF EXEMPTIONS.**

The City Council shall by ordinance, concurrent with the levy of taxes for each current year, approve for partial exemption from ad valorem taxes certain historic resources which have been recommended for exemption pursuant to provisions of this Sub-chapter.

## § 38.21 PERCENTAGE OF VALUE EXEMPTED.

Historic resources which are approved for exemption by ordinance pursuant to the provisions of this Sub-chapter shall have the following percentage of assessed improvement value exempt from ad valorem taxes levied by the City:

(A)Level 1: Residential and commercial structures which have obtained an “H”, Historic Landmark Overlay District designation shall be eligible for a one-time exemption of twenty-five (25) percent of the assessed improvement value of the structure for a period of ten (10) years.

(B)Level 2: Residential structures with an “H”, Historic Landmark Overlay District designation shall be eligible for an exemption of up to one hundred (100) percent of the assessed improvement value of the structure for a period of ten (10) years for exterior restorations or repairs that extend the life of the structure amounting to five thousand dollars (\$5,000.00) or more.

(1) A change in a residential use to a commercial use will result in a reduction of one-half of the awarded exemption for the remaining years in the collection period.

(C)Level 3: Commercial structures with an “H”, Historic Landmark Overlay District designation shall be eligible for an exemption of up to fifty (50) percent of the assessed improvement value of the structure for a period of ten (10) years for exterior restorations or repairs that extend the life of the structure amounting to five thousand dollars (\$5,000.00) or more.

(D)Should a property owner receiving a tax exemption under this Sub-chapter remove the “H” Historic Landmark Overlay District designation, the value received from the exemption must be repaid. No repayment is required if a historic structure is destroyed by fire, storm, or other natural act not due to the property owner’s action.

## § 38.22 APPLICATION.

(A)For the assessment year for which the owner of the structure desires such structure to be tax exempt to the extent provided by this Sub-chapter, the owner shall file with the Historic Preservation Officer an application no later than January 1, attesting that the eligibility requirements of this Sub-chapter are fully satisfied at the time of application submittal.

(1) Once an owner has applied and been approved for a tax exemption on an eligible structure, an annual application shall not be required by the City during the collection period as long as the same owner retains ownership of the property.

(2) If the property ownership changes on an exempt property, the new owner may request an extension of the tax exempt status for the remainder of the

calendar year for the year of purchase. A new application will be required to be filed with the City as set out herein for the following assessment year. Any outstanding repair or maintenance items identified in the tax exemption survey of the most recent approved year must be addressed for the following year's eligibility.

(3) If a property owner was previously denied tax exempt status for a property, a new application must be filed with the City as set out herein. Any outstanding Zoning Ordinance compliance issues or exterior repair or maintenance items identified in previous tax exemption surveys must be addressed to regain eligibility.

(B) An application for a tax exemption shall be initiated by the owner of the subject property or by his or her agent, by completion of forms provided by the Historic Preservation Officer. For Level 2 and Level 3 exemptions, the application must include receipts for the cost of a qualifying restoration or repair project.

(C) The application shall affirmatively set forth the owner's authorization for City staff members to visit and inspect the property and books and records as necessary to certify whether or not the structure is being preserved and maintained as required by Section 38.23 of this Sub-chapter.

#### § 38.23 INSPECTION; APPROVAL OR DENIAL CERTIFICATION.

(A) Upon receipt of an application, the Historic Preservation Officer or designee shall conduct an inspection survey of the property and review the books and records as necessary to certify whether or not:

(1) The structure is being preserved and maintained in accordance with the City's applicable regulations and historic design guidelines; and

(2) The building and site are in compliance with the City's Zoning Ordinance; and

(3) The building and site are in compliance with the inspection criteria of this Sub-chapter listed under Paragraphs (B) and (C) below.

(B) Building elements with their materials and finishes shall be maintained in good repair and in operable condition to avoid decay, damage, structural failure and hazardous or unsafe conditions. Generally:

(1) Exterior surfaces of all structures (main structure and accessory structures) shall be clean, maintained, protected and weathertight.

(2) Repainting/paint touch-ups shall closely match the existing paint colors and applied at reasonable intervals.

(3) Damaged, loose, or rotted materials/details shall be reestablished,

repaired or replaced. All joints or cracks shall be weatherproofed appropriately by proper maintenance.

(4) Exterior facades shall be clean from any graffiti, overgrown vegetation, and left over residues from previous work/installations.

(5) Damaged or worn property elements shall be repaired, restored or replaced and secured properly to remain operable.

(6) Vacant structures shall be securely closed and weathertight. Any unoccupied structure shall be maintained and secured to avoid becoming a structure that may be considered demolished by neglect.

(7) Exterior materials shall be maintained to historic standards as outlined in the applicable historic landmark design guidelines and the Secretary of the Interior's Standards.

(8) Exterior plumbing, electrical and mechanical fixtures shall be secured properly.

(9) Grounds shall be maintained free of excessive rubbish, garbage, junk, refuse or debris.

(C) The Historic Preservation Officer or designee shall inspect the structure, accessory structures, property elements and grounds to ensure general maintenance has occurred as described immediately above.

(D) The Historic Preservation Officer shall present to the Historic Landmark Commission a list of properties recommended for approval or denial of the tax exemption based on the findings of the inspection survey. A denial recommendation may include the following reasons:

(1) A structure is not being preserved and maintained in accordance with the City's applicable regulations and historic design guidelines or is not in compliance with the City's Zoning Ordinance; or

(2) Deficiencies from previous inspection surveys were not completed by January 1 of the subject year; or

(3) Exterior work was completed, installed, or is under construction without a Certificate of Approval or in deviation of a previously approved Certificate of Approval.

(E) The Historic Landmark Commission shall hold a public hearing to make a determination of property eligibility and to certify properties have adequately addressed the deficiencies in the required time frame from the previous year and are in compliance. The Historic Landmark Commission may grant an extension to properties if it is determined that extenuating circumstances exist. Such circumstances should generally be justified by supportive information



such as:

(1) Cost estimates or other information indicating the required repair is more substantial than initially expected;

(2) Documentation that the issue(s) was misidentified or didn't exist in the manner described in the tax exemption survey; or

(3) Documentation that the issue is being addressed as part of a larger series of repairs or improvements and has received approval with a Certificate of Approval.

(F) The Historic Landmark Commission shall certify the facts to the City Council not later than March 1 of the subject year, along with the Historic Landmark Commission's determination for approval or denial of applications for tax exemption.

(G) Following adoption by City Council, the Historic Preservation Officer will notify applicants of any new deficiencies based on the findings of the tax exemption survey. The applicant shall address deficiencies within the time frame determined at the time of notification.

#### § 38.24 APPEAL OF HISTORIC LANDMARK COMMISSION'S DETERMINATION.

Any owner of a qualified historic resource may appeal denial of the tax exemption by the Historic Landmark Commission by submitting a notice of appeal in the form of a signed letter to the Historic Preservation Officer within ten (10) business days of the date of the Commission's action. The Historic Preservation Officer shall submit the letter of appeal to the City Council and it shall be heard as part of Council's consideration of the adopting ordinance noted in Section 38.25 of this Sub-chapter. Should the City Council overturn the Historic Landmark Commission's determination and grant tax exempt status to the property, the property will be added to the ordinance and list of exempted properties forwarded to the chief appraiser. If the City Council upholds the determination of the Historic Landmark Commission, the property will not be included in the list forwarded to the chief appraiser with the adopting ordinance and the property owner may resubmit for tax exemption consideration the following year in accordance with Section 38.22 of this Sub-Chapter.

#### § 38.25 ADOPTION OF ORDINANCE BY CITY COUNCIL.

The City Council shall adopt an ordinance granting exemptions under this Sub-chapter. The ordinance shall specify the exempt structures and shall provide that all land shall be assessed for taxation in the same equal and uniform manner as all other taxable properties in the City. The City shall cause a copy of the ordinance and certifications from the Historic Landmark Commission to be forwarded to the chief appraiser not later than April 30 of the subject year.

§ 38.26 RENDITION AND ASSESSMENT OF HISTORIC RESOURCES FOR AD VALOREM TAXATION.

The provisions of this Sub-chapter pertaining to partial exemption of historic resources do not change the provisions of any other ordinance provision of the City pertaining to taxation, and the applicant's structures shall be rendered and assessed in the same manner as any other property if the City Council elects to disapprove the application for exemption.

§ 38.27 DEFINITIONS.

***COMPATIBLE STRUCTURE.*** A structure within a Historic Landmark Overlay District that was substantially constructed after the district's period of significance, but fits within the existing character of the Historic Landmark Overlay District to reflect existing buildings in massing, height, scale, material, roof, color, architectural details, and general appearance, or is built in accordance with an approved Certificate of Approval.

***CONTRIBUTING STRUCTURE.*** A structure within a Historic Landmark Overlay District that was substantially constructed within the district's period of significance and retains a significant amount of its physical integrity and character defining features including location, setting, design, construction, workmanship, or association with historical persons or events.

***HISTORICALLY SIGNIFICANT SITE.*** For the purposes of this Sub-Chapter, structures within the H, Historic Landmark Overlay District, except for structures delineated by the Historic Landmark Commission as non-contributing or incompatible structures.

***HISTORIC RESOURCE.*** A structure, site, or landmark of historical, cultural, archeological, or architectural importance at the national, state, or local level, and that has received from the Mansfield City Council local historic landmark designation within the Historic Landmark Overlay District.

***HISTORIC LANDMARK OVERLAY DISTRICT.*** An area which includes one (1) or more structures, sites or properties, together with their accessory buildings, fences, and other appurtenances that are of historical, cultural, archaeological, or architectural importance, and that has received from the Mansfield City Council local historic landmark designation in accordance with Section 5400 of the Zoning Ordinance. A Historic Landmark Overlay District may have within its boundaries contributing, compatible, non-contributing, and incompatible structures.

***INCOMPATIBLE STRUCTURE.*** A structure within a Historic Landmark Overlay District that is built after the district's designation without an approved Certificate of Approval.

***NON-CONTRIBUTING STRUCTURE.*** A structure within a Historic Landmark Overlay District that was substantially constructed after the district's

period of significance and is not an integral part of the historic, archaeological and architectural fabric of the district or the City, or was substantially constructed within the district's period of significance and does not retain a significant portion of its architectural or design integrity.”

## **SECTION 2.**

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

## **SECTION 3.**

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

## **SECTION 4.**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

**David L. Cook, Mayor**

ATTEST:

---

**Susana Marin, City Secretary**

APPROVED AS TO FORM AND LEGALITY

---

**Allen Taylor, City Attorney**