



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, September 9, 2019

5:00 PM

Council Chambers

REGULAR MEETING

1. **5:00 P.M. - CALL MEETING TO ORDER**

2. **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 Legislative Updates

A3. Seek Advice of City Attorney Regarding View at The Reserve

A4. Seek Advice of City Attorney Regarding Possible Amendment to the Ground Lease and Operating Agreement with STORE Master Funding VII, LLC

A5. Seek Advice of City Attorney Regarding Informational Technologies and Security Related Thereto

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

B1. Right-of-Way Acquisition for Klein Tools Boulevard

C. Personnel Matters Pursuant to Section 551.074

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

D1. Staff Update and Council Discussion Regarding Request to Have Mayor Sign a Targeted Employment Area Designation Letter

3. **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

4. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

5. **INVOCATION**

6. **PLEDGE OF ALLEGIANCE**

7. **TEXAS PLEDGE**

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

8. **CITIZEN COMMENTS**

All citizens have the right to speak to the city council on any matter scheduled for discussion or consideration by the council. If an item is not scheduled for a required public hearing, under the provisions of state law, citizen comments on those matters will only be received during this portion of the city council meeting. Items scheduled for required public hearings will be open for citizen's comments at the time of the public hearing during the consideration of that individual agenda item. The citizen comment period is also an opportunity for citizens to address the council on matters that are not scheduled for discussion or consideration on the agenda. If a matter has not been scheduled as an agenda item for this meeting, the city council is not permitted to respond to the citizen's comments on that matter due to restrictions imposed by the Texas Open Meetings Act. If you wish to address the council and are uncertain when to speak, this is the portion of the meeting in which citizen comments will be taken. After the close of the citizen comments portion of the meeting, the only citizen input permitted will be that given during required public hearings as noted on the council agenda. All comments are limited to 5 minutes.

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.

9. **COUNCIL ANNOUNCEMENTS**

10. **SUB-COMMITTEE REPORTS**

[19-3273](#)

Minutes - Approval of the September 4, 2019 Sub-Committee Meeting for Hotel/Motel Occupancy Tax Allocation (vote will be only by members of the sub-committee)

Presenters: Shelly Lanners and Susana Marin

Attachments: [9-4-19 Sub-Committee DRAFT Meeting Minutes](#)

Hotel/Motel Occupancy Tax Funds Sub-Committee Update

11. 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

12. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

13. 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

[19-3225](#)

Ordinance -Third and Final 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 Revised](#)

[19-3229](#)

Ordinance - Third and Final 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, Lisa Sudbury and Art Wright

Attachments: [Ordinance](#)

[19-3246](#)

Resolution - A Resolution Awarding Contracts for the Construction of Turner Warnell Road Extension (Callender Road to Wayland Court) to McClendon Construction Company, Inc., to Brittain and Crawford, LLC, for Surveying and Authorizing Funding for an Amount Not to Exceed \$2,575,000.00 (Street Bond Fund and Utility Bond Fund)

Presenters: Bart VanAmburgh and Joe Smolinski

Attachments: [Resolution](#)
[Location Map](#)

[19-3268](#) Minutes - Approval of the August 20, 2019 Special City Council Meeting Minutes

Presenters: Shelly Lanners and Susana Marin

Attachments: [8-20-19 DRAFT Meeting Minutes](#)

[19-3258](#) Minutes - Approval of the August 26, 2019 Regular City Council Meeting Minutes

Presenters: Shelly Lanners and Susana Marin

Attachments: [8-26-19 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

14. PUBLIC HEARING AND FIRST READING

[19-3255](#) 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 0.62 Acres Being a Portion of Blocks 36 and 36A of the Original Town of Mansfield, Generally Located at 506-508 Kimball Street; Ben Hartman (ZC#19-011)

Presenters: Joe Smolinski and Lisa Sudbury

Attachments: [Ordinance](#)

[Maps and Supporting Information](#)

[Exhibit A](#)

[Exhibit B](#)

15. PUBLIC HEARING CONTINUATION AND SECOND READING

[19-3238](#) Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development for Professional Office Uses on Approximately 0.608 Acres Located at 1089 Matlock Road; Adam Rope on behalf of A. Rope Investments, LLC (ZC#19-010)

Presenters: Joe Smolinski and Lisa Sudbury

Attachments: [Ordinance](#)

[Maps and Supporting Information](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibits C-D](#)

16. NEW BUSINESS

- [19-3249](#) Ordinance - First Reading of an Ordinance Considering Approval of an Ordinance Adopting the Budget for the Fiscal Year Beginning on October 1, 2019, and Ending on September 30, 2020, and Making Appropriations for Each Fund and Department
Presenters: Clayton Chandler, Peter Phillis and Gary Cardinale
Attachments: [Ordinance](#)
- [19-3252](#) Ordinance - First Reading of an Ordinance Levying the Ad Valorem Taxes for Fiscal Year 2020 at a Rate of \$0.71000 per One Hundred Dollars (\$100) Assessed Valuation on all Taxable Property
Presenters: Clayton Chandler, Peter Phillis and Gary Cardinale
Attachments: [Ordinance](#)
- [19-3259](#) Board Appointments: Planning & Zoning Commission
Presenters: Shelly Lanners and Susana Marin
- [19-3260](#) Board Appointments: Zoning Board of Adjustment
Presenters: Shelly Lanners and Susana Marin
- [19-3261](#) Board Appointments: Mansfield Economic Development Corporation (MEDC)
Presenters: Shelly Lanners and Susana Marin
- [19-3262](#) Board Appointments: Mansfield Park Facilities Development Corporation (MPFDC)
Presenters: Shelly Lanners and Susana Marin
- [19-3263](#) Board Appointments: Library Advisory Board
Presenters: Shelly Lanners and Susana Marin
- [19-3264](#) Board Appointments: Historic Landmark Commission
Presenters: Shelly Lanners and Susana Marin
- [19-3265](#) Board Appointments: Keep Mansfield Beautiful
Presenters: Shelly Lanners and Susana Marin
- [19-3266](#) Board Appointments: Mansfield Commission for the Arts
Presenters: Shelly Lanners and Susana Marin
- [19-3267](#) Board Appointments: Construction Codes Board of Adjustment & Appeals
Presenters: Shelly Lanners and Susana Marin

17. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the September, 9, 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, September, 5, 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.



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STAFF REPORT

File Number: 19-3273

Agenda Date: 9/9/2019

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the September 4, 2019 Sub-Committee Meeting for Hotel/Motel Occupancy Tax Allocation (vote will be only by members of the sub-committee)

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 September 4, 2019 Sub-Committee Meeting for Hotel/Motel Occupancy Tax Allocation 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

Holly Owens, TRMC, Assistant City Secretary
817-276-4204



CITY OF MANSFIELD

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Meeting Minutes - Draft

City Council - Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee

Wednesday, September 4, 2019

2:00 PM

City Hall - Council Conference Room

CALL TO ORDER

Chairman Short called the meeting to order at 2:14 p.m.

CITIZEN COMMENTS

No Citizen Comments.

NEW BUSINESS

Review, Discussion and Possible Action Regarding Hotel/Motel Occupancy Tax Fund Applications Received

The sub-committee reviewed requests and discussed allocation recommendations.

Staff gave an update on the Hotel/Motel Occupancy Fund Reserve amount.

The sub-committee recommends the following allocations:

- 1) Mansfield Commission for the Arts - Music Alley Festival/Arts Weeks - \$40,000*
- 2) Mansfield Police Department Explores Post 1601 - Law Enforcement Explorer Competition - \$10,000*
- 3) City of Mansfield - Mansfield CVB - \$390,000*
- 4) Mansfield Historic Landmark Commission - Grant Program - \$10,000*
- 5) The Tommy King Foundation - 2nd Annual Mansfield International Film Festival - \$30,000 (\$15,000 must be used for on air talent)*
- 6) Pickled Mansfield Society - Pickle Parade & Palooza - \$36,000 (with the stipulation that allocation be used for billboards, barricades and shuttles until the end of the event)*
- 7) Mansfield Sister Cities Celebration - \$10,000*
- 8) The LOT Downtown - 2020 Community Event Series - \$75,000 (with the stipulation that the allocation be used for entertainment, equipment, rentals as stated in the application)*
- 9) Mansfield Invitational, Inc. - Barbeque Classic - \$20,000*
- 10) Mansfield Invitational, Inc. - Barbeque Invitational - \$20,000*
- 11) Mansfield Invitational, Inc. - 2020 MISD Methodist Medical Center Invitational Volleyball Tournament - \$15,000*
- 12) Man House Museum - Historical Preservation - \$50,000*
- 13) Friends of the Mansfield Public Library - Mansfield Reads! One City, One Book - \$5,000*

ADJOURNMENT

Chairman Short adjourned the meeting at 2:36 p.m.

ATTEST: Julie Short, Chair

Susana Marin, City Secretary



CITY OF MANSFIELD

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STAFF REPORT

File Number: 19-3225

Agenda Date: 9/9/2019

Version: 3

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance -Third and Final 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

First Reading

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.

Second Reading

The City Council held a public hearing and second reading on August 12, 2019, and voted 6-1 (Moore voting no) to approve with the condition that the applicant revise the planned development standards to increase the minimum residential floor area to 1,800 sq. ft. per unit. The applicant has submitted a revised development plan with the requested change.

Third Reading

The City Council held a public hearing and second reading on August 26, 2019 and voted 7 - 0 to approve. No further changes have been made to the plans.

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.

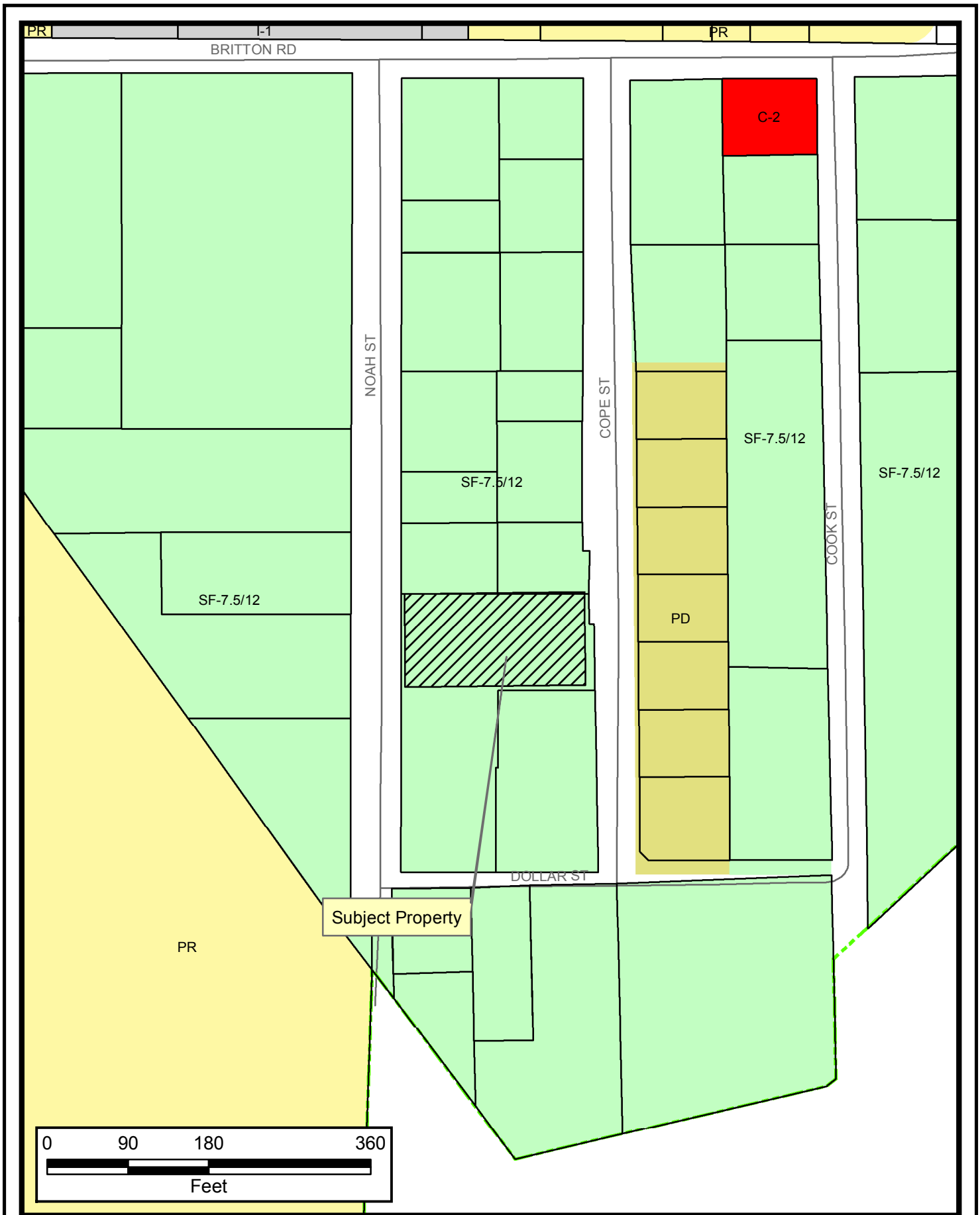
David L. Cook, Mayor

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:

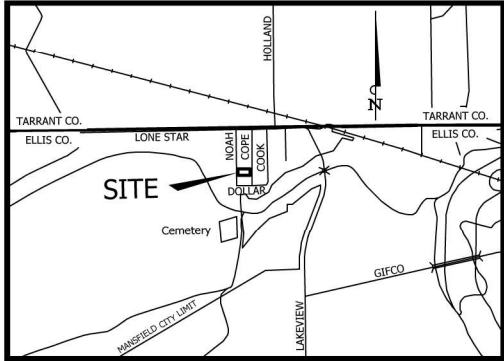
BEGINNING at a one-half inch iron rod found for the Northeast corner of herein described tract, same being the Southeast corner of that certain tract of land described in a Special Warranty Deed to D.W. Cope and Betty Cope (hereinafter referred to as Cope tract), as recorded in Volume 2388, Page 614, 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



VICINITY MAP
NOT TO SCALE
MANSFIELD, TEXAS

Tree Survey

Number	Common Name	Scientific Name	Caliper
1 thru 13	Pecan Tree	Carya Illinoensis	20"-30"
14	Crepe Myrtle	Lagerstroemia Indica	Multi trunk

*No Existing Trees are planned for removal

LEGEND	
D.R.E.C.T.	X FIRE WATER CONNECTION
DEED RECORDS	IRRI IRRIGATION CONTROL
ELLIS COUNTY, TEXAS	VALVE
▲ 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	# TITLE COMMITMENT ITEM
⊙ SANITARY SEWER	-GAS- GAS LINE
MANHOLE	-Ex._WL- WATER LINE
CLEAN-OUT	-Ex._SS- SEWER LINE
★ FIRE HYDRANT	-Ex._SD- STORM DRAIN LINE
⊞ WATER VALVE	-Ex._OH- OVERHEAD UTILITY
⊞ WATER METER	-Ex._TEL- UNDERGROUND
⊙ WATER MANHOLE	TELEPHONE
-GDRL- GUARD RAIL	
-CHLK- CHAIN LINK FENCE	
-WIRE- WIRE FENCE	
-WOOD- WOOD FENCE	
C- GUY WIRE	

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 of 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 of 200.00 feet to the PLACE OF BEGINNING and containing a calculated area of 0.475 acre (20,700 square feet) of land.

Zoning 7.5/12

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

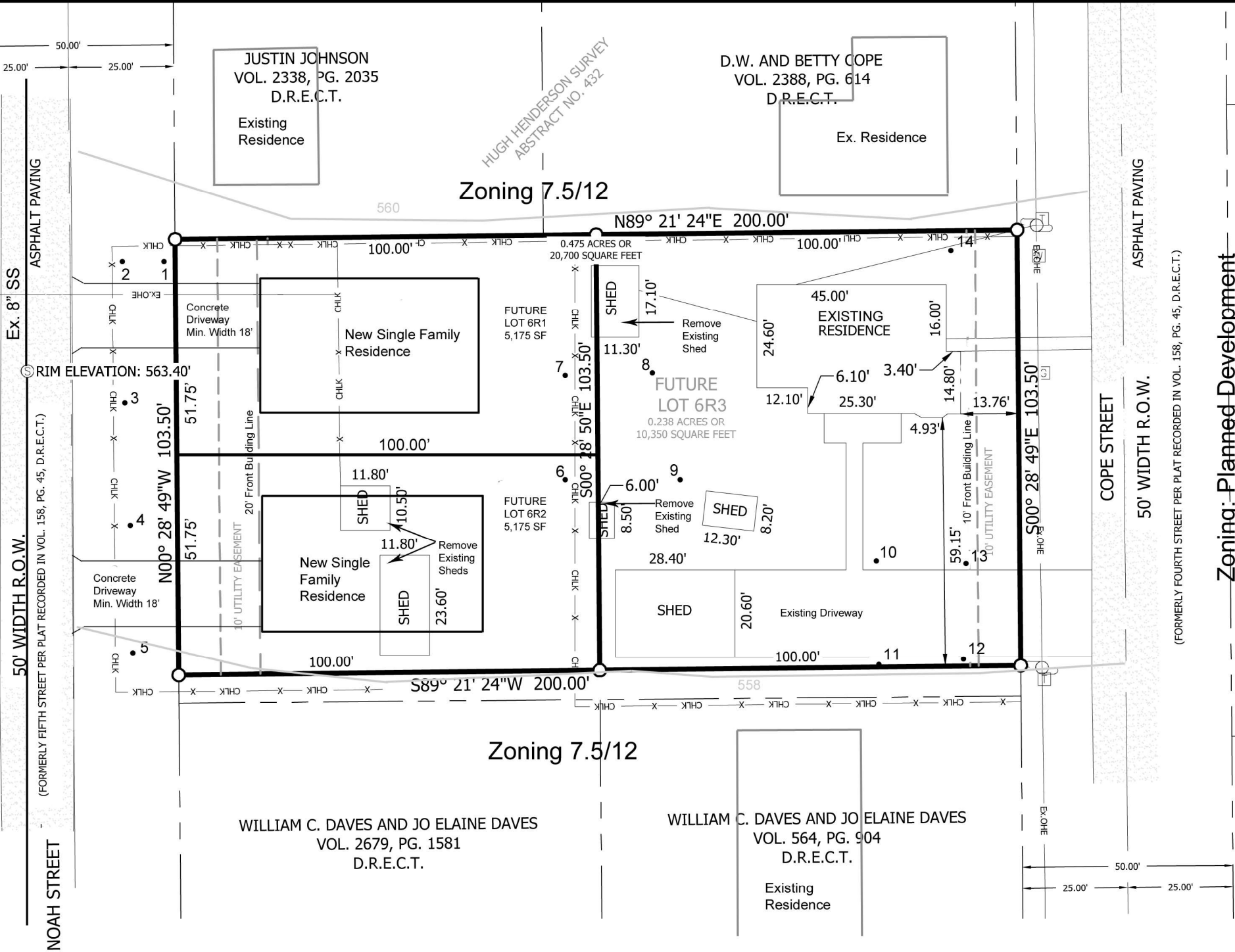
Notes:

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
8. Minimum Floor Area Per Unit - 1,800 square feet

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

PROJECT:	BTH ENGINEERING, LLC FIRM# 19847 500 ALVARADO ST. MANSFIELD TX 76063 817-996-8628 BENHARTMAN8628@GMAIL.COM
	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
SHEET NUMBER	SCALE: 1" = 30'
	8/13/2019
	1 OF 1



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 19-3229

Agenda Date: 9/9/2019

Version: 3

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Third and Final 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

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



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 19-3246

Agenda Date: 9/9/2019

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Awarding Contracts for the Construction of Turner Warnell Road Extension (Callender Road to Wayland Court) to McClendon Construction Company, Inc., to Brittain and Crawford, LLC, for Surveying and Authorizing Funding for an Amount Not to Exceed \$2,575,000.00 (Street Bond Fund and Utility Bond Fund)

Requested Action

Consider the Resolution awarding a contract for the construction of Turner Warnell Road Extension to McClendon Construction, LLC, to Brittain and Crawford LLC, for surveying and contracts for other miscellaneous services and authorizing funding for an amount not to exceed \$2,575,000.00.

Recommendation

The Engineering Staff recommends approval of the Resolution.

Description/History

This project includes constructing a new four lane divided roadway, drainage, water and sewer improvements. Currently there is no direct connection from FM 157 to US 287 at this location. This will connect the existing east end of Turner Warnell Rd. at Callender Rd. to the existing west end of Turner Warnell Rd. providing a more efficient direct access.

The Turner Warnell Rd. project was originally approved for design in 2015 by council for an amount not to exceed \$475,000.00. In 2017 Council issued bond funds for construction. Also in 2017, council approved the ROW purchase of the Hunter's property for \$350,000.00 to accommodate the roadway alignment.

The project was bid on August 15, 2019 and there were seven bidders for the project. The lowest qualified bidder was McClendon Construction Company, Inc. Bids ranged from a low bid of \$2,123,787.20 to a high bid of \$2,999,928.95. The contract time for this project is two hundred (200) working days or approximately 10 months.

The City of Arlington will construct a new traffic signal light at the intersection of Turner Warnell Rd. and Callender Rd. when construction of Turner Warnell Rd. is complete. The City of Mansfield will contribute to a cost share with the City of Arlington by purchasing all signal material. The City of Arlington will construct and operate the new traffic signal. \$130,000.00 of the budget is for the cost of traffic signal materials plus other miscellaneous services.

The requested funds are for a construction contract in the amount of \$2,123,787.20, a 5%

construction contingency, \$69,480.00 for survey services which includes a 20% contingency, \$130,000.00 for signal equipment and other miscellaneous services needed to complete the construction of the project within a budget not to exceed \$2,575,000.00.

Justification

Additional drainage improvements will be addressed on Callender Rd. The reconstruction of Callender Rd. in 2011 stopped short of solving drainage issues on both sides of Callender Rd. at Majestic Oaks Ct.

A Travel Demand Model performed for the 2015 Master Thoroughfare Plan indicates 2035 traffic volume on this stretch of roadway of 25,000+ vehicles per day. This high traffic volume indicates a need for an east/west connection to US 287. It is anticipated this connection will help alleviate traffic from the FM 157/US 287 intersection by providing a more direct route. In addition, this roadway connection will help to alleviate the current cut thru traffic that is experienced on Oak Run Lane between Turner Way and Turner Warnell Road that is due to Turner Warnell Road not being continuous between Callender Road and FM 157.

McClendon Construction Company, Inc. has completed capital work in the City of Mansfield in the past. The Engineering Department feels that McClendon Construction Company, Inc. has the necessary staff and equipment to complete a job of this size and scope within the allowed contract time.

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

Funding Source

The funding source will be from the Street Bond Fund and Utility Bond Fund.

Prepared By

Gus Chavarria, CIP Project Manager, Engineering Department, 817-276-4235

RESOLUTION NO. _____

A RESOLUTION AWARING CONTRACTS FOR THE CONSTRUCTION OF TURNER WARNELL ROAD EXTENSION (CALLENDER ROAD TO WAYLAND COURT) TO MCCLENDON CONSTRUCTION COMPANY, INC., TO BRITAIN AND CRAWFORD, LLC, APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS.

WHEREAS, the City of Mansfield has publicly advertised and requested competitive bids for the construction of Turner Warnell Road Extension (Callender Road to Wayland Court); and,

WHEREAS, all bids were received, opened and publicly read aloud on August 15, 2019; and,

WHEREAS, the expenditure of the funds stated herein will be secured from the Street Bond Fund and Utility 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 insure 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 McClendon Construction Company, Inc.

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

Section 1.

The City Manager or his Designee is hereby authorized and directed to execute contractual documents with McClendon Construction Company, Inc., for construction for an amount not to exceed Two Million Two Hundred Twenty Nine Thousand Nine Hundred Seventy Six and 56/100 Dollars \$2,229,976.56.

Section 2.

The City Manager or his Designee is hereby authorized and directed to execute contractual documents with Brittain and Crawford, LLC, for surveying for an amount not to exceed Sixty Nine Thousand Four Hundred Eighty and 00/100 Dollars \$69,480.00 and contracts for material testing and other miscellaneous services to complete the construction of the project.

Section 3.

Funding is hereby authorized in the amount of Two Million Five Hundred Seventy Five Thousand and 00/100 Dollars 2,575,000.00 to complete the construction of this project.

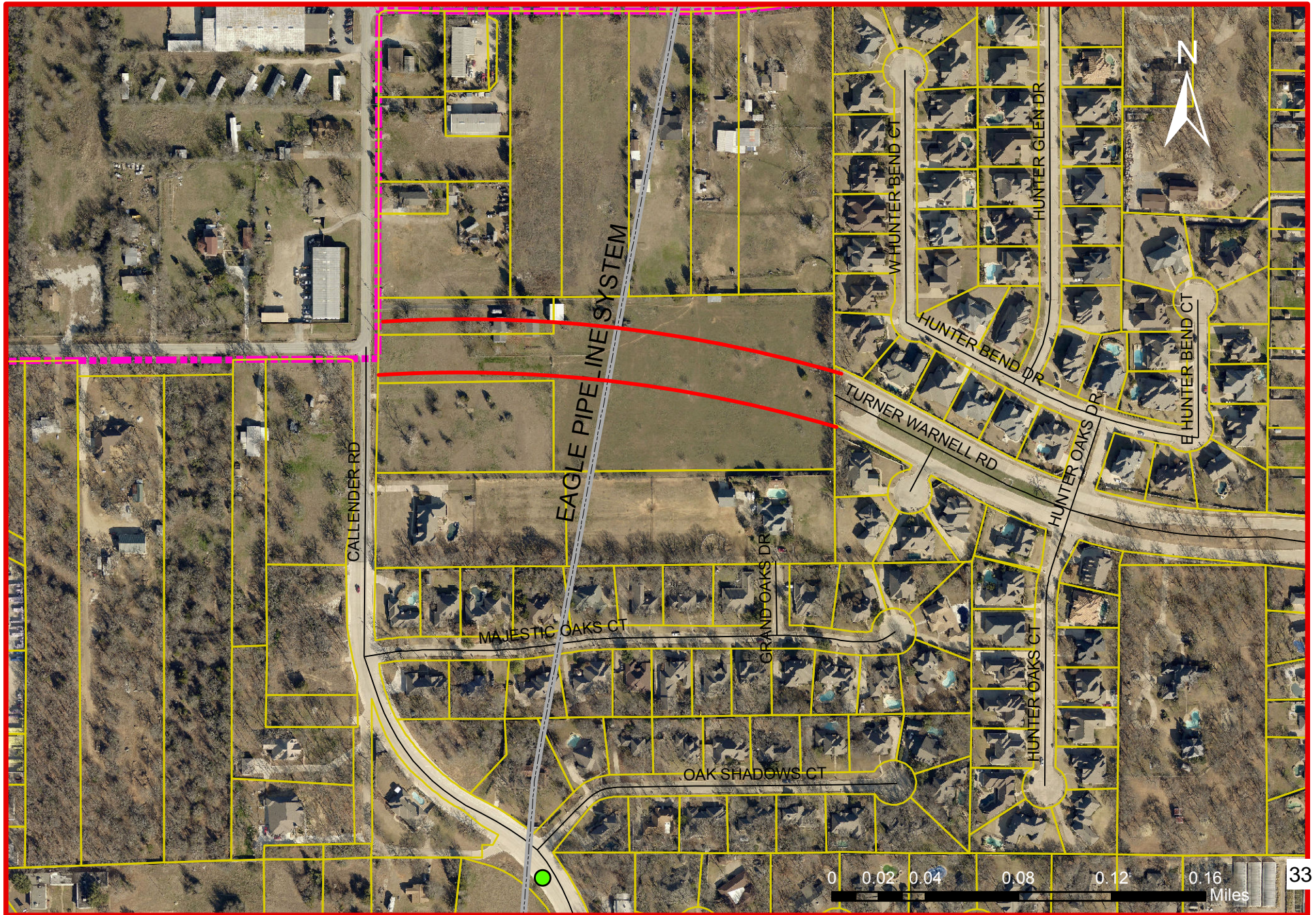
PASSED AND APPROVED THIS THE 9th day of September, 2019.

David L. Cook, Mayor

ATTEST:

Susanna Marin, City Secretary

Hunter/Turner Warnell





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 19-3268

Agenda Date: 9/9/2019

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the August 20, 2019 Special 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 August 20, 2019 Special 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

Tuesday, August 20, 2019

4:00 PM

Multi-Purpose Room

SPECIAL MEETING

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

Mayor Cook called the meeting to order at 4:07 p.m.

Absent 1 - Casey Lewis

Present 6 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short and Mike Leyman

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 4:09 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 4:10 p.m. Council Member Lewis arrived at 4:12 p.m. Mayor Cook adjourned executive session at 7:02 p.m.

Present 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Personnel Matters Pursuant to Section 551.074

A-1 Board Interviews

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

B1. Economic Development Project #19-02

RECONVENE INTO REGULAR BUSINESS SESSION

Mayor Cook reconvened into regular work session at 7:10 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

WORK SESSION TO BE HELD IN MULTI-PURPOSE ROOM**A. Proposed 5-Year Capital Improvement and Strategic Plan Follow-up**

City Manager Clayton Chandler gave a brief overview of the topics for discussion Council Members brought up at the previous meeting of August 5, 2019. Deputy City Manager's Joe Smolinski and Shelly Lanners discussed the changes made to the Capital Improvement Plan since the last meeting on August 5, 2019. Director of Public Works Bart VanAmburgh answered Council questions and explained staff's preference on certain street improvements on the Capital Improvement Program. Assistant Fire Chief of Administration Jeff Smith, Director of Budget and Purchasing, and Director of Library Services Yolanda Botello answered Council questions. Shelly Lanners discussed the Man House project. Interim Director of Planning Lisa Sudbury answered Council questions regarding the project. There was discussion amongst staff and the Council regarding health inspections and the impact it would have on city staff if that were to be an added duty. Deputy City Manager Peter Phillis discussed the debt service ratios and explained the debt service process.

B. Follow-up Discussion Regarding 2020 Service Program and Funding

Bart VanAmburgh and Assistant Director of Public Works David Boski explained the increased price of materials for street repairs as well as what services are done in house and those that are contracted out. Bart discussed the importance of various street projects around the city and answered Council questions. Peter answered questions discussed at the previous meeting regarding the commission charged by Frost for insurance consulting services. David Boski discussed the street fund and explained how many crews the Streets Department has and how many employees are on each crew. There was discussion regarding street sweeping services and mowing of right-of-ways.

Assistant Chief of Operations Joey Craddock, EMS Chief Kevin Sandifer and Jeff Smith discussed the Mansfield Fire Department staffing model and explained the National Fire Protection Association 1710 EMS response time requirements. They explained in detail how the department operates with few employees.

Gary Cardinale answered questions regarding new position and open positions. He explained that various positions have been open for a while and explained the difficulty in filling the positions. There was discussion regarding market adjustments and capital expenses.

Council expressed appreciation to Mr. Chandler and Peter for a good job done on reducing the debt percentage.

ADJOURN

Mayor Cook adjourned the meeting at 9:45 p.m.

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: 19-3258

Agenda Date: 9/9/2019

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the August 26, 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 August 26, 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, August 26, 2019

4:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 4:01 p.m.

Present 7 - David Cook; Larry Brose; Brent Newsom; 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 4:03 p.m. Mayor Cook called the executive session to order at 4:04 p.m. Mayor Cook recessed executive session at 6:25 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 Recent Legislative Enactment Relating to Public Meetings of the Governing Body

Seek Advice of the City Attorney Regarding the Assignment of a Development Agreement Between the City of Mansfield and BBCC Acquisitions, LLC

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

Personnel Matters Pursuant to Section 551.074

Board Interviews

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

Economic Development Project #19-02

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Skorburg Company Proposed Development

Mayor Cook opened the work session at 6:27 p.m. and turned it over to Skorburg Company representative John Arnold. Mr. Arnold gave a brief overview of their proposed development as well as all the Skorburg Company developments already in Mansfield. He discussed the current zoning of the property and what their zoning request is. He stated their company was looking for feedback from the Council. The Council discussed their likes and dislikes of the projects and provided feedback to the developer on how to change the proposed plan.

Update on Graphical Information System and Website Development Page

Director of Public Works Bart VanAmburgh gave a brief update on the Graphical Information System (GIS) and website development page. GIS Manager Kelly Klose showed an example of how the GIS system would work and how it would benefit Mansfield residents. He explained that the system would allow residents to view current projects being developed in the city. Deputy City Manager Joe Smolinski made brief comments and answered Council questions. Council provided feedback and were in agreement that this would be a great tool for residents.

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

Mayor Cook reconvened into regular business session at 7:24 p.m.

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Newsom 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.

PROCLAMATION

[19-3240](#)

Troy Dorsey Week

Mayor Cook proclaimed August 25-35, 2019 as Troy Dorsey week and presented a

proclamation to Troy Dorsey. Mr. Dorsey made brief comments.

CITIZEN COMMENTS

David Goodwin - 904 Dayton - Mr. Goodwin spoke in support of agenda item 19-3193.

Houston Mitchell - 605 St. Eric - Mr. Mitchell spoke in opposition of agenda item 19-3193.

Angie Thor - 1421 Danbury Drive - Ms. Thor spoke in opposition of agenda item 19-3193.

Mayor Cook recognized the following non-speakers in support of agenda item 19-3193:

Dan Quinto - 602 Norwood Trail, Southlake - Support

Mary A. Englert - 151 Russell Lane - Support

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

SUB-COMMITTEE REPORTS

Hotel/Motel Occupancy Tax Funds Sub-Committee Update

Hotel/Motel Occupancy Tax Fund Sub-Committee Chair Julie Short stated an update would be given at the next Council meeting.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Business Services Department Report

[19-3243](#)

Presentation of Monthly Financial Report for the Period Ending June 30, 2019

Deputy City Manager Peter Phillis answered Council questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[19-3211](#)

Ordinance - Third and Final 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

City Secretary Susana Marin read the caption into the record.

A motion was made by Mayor Pro Tem Short to approve the following ordinance:

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

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

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

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2143-19

[19-3229](#)

Ordinance - Second 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)

A motion was made by Mayor Pro Tem Short to approve the second reading of "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." Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

19-3239

Resolution - A Resolution Awarding a Contract for the Construction of 24" Water Line Improvements (Easy Drive & Hanks Drive) to Whitewater Construction, Inc., and Authorizing Funding for an Amount Not to Exceed \$730,000.00 (Utility Bond Fund)

A motion was made by Mayor Pro Tem Short to approve the following resolution:

A RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF 24" WATER LINE IMPROVEMENTS (EASY DRIVE & HANK DRIVE) TO WHITEWATER CONSTRUCTION, INC., APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONSTRUCTION DOCUMENTS

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

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

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3583-19

19-3241

Resolution - Authorization of Funding in an Amount Not to Exceed \$600,000.00 and Approval of Contracts, Including Design Services with Freese and Nichols, Inc. and Surveying Services with Brittain & Crawford, LLC, to Prepare Aerial Sanitary Sewer Repairs 2019 for Public Bidding and Construction (Utility Bond Fund)

A motion was made by Mayor Pro Tem Short to approve the following resolution:

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$600,000.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH FREESE AND NICHOLS, INC. AND SURVEYING SERVICES WITH BRITTAIN AND CRAWFORD, LLC TO PREPARE AERIAL SANITARY SEWER REPAIRS 2019 FOR PUBLIC BIDDING AND CONSTRUCTION (UTILITY BOND)

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

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

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3584-19

[19-3242](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Adopting the City of Mansfield, Texas Investment Policy; Approving Training of the City's Investment Officer; Approving Investment Pools; and Providing Qualified Broker Dealers and Investment Advisors for Engaging in Investment Transactions for the City

A motion was made by Mayor Pro Tem Short to approve the following resolution:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS
ADOPTING THE CITY'S INVESTMENT POLICY; APPROVING TRAINING FOR THE
CITY'S INVESTMENT OFFICER; APPROVING INVESTMENT POOLS; AND
APPROVING QUALIFIED BROKER DEALERS FOR ENGAGING IN INVESTMENT
TRANSACTIONS OF THE CITY**

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

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

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3585-19

[19-3235](#)

Request for Special Event Permit: St. Jude Annual Church Festival

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

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

[19-3236](#)

Minutes - Approval of the August 5, 2019 Special City Council Meeting Minutes

A motion was made by Mayor Pro Tem Short to approve the minutes of the August 5, 2019 Regular City Council Meeting as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

[19-3237](#)

Minutes - Approval of the August 12, 2019 Regular City Council Meeting

Minutes

A motion was made by Mayor Pro Tem Short to approve the minutes of the August 12, 2019 Regular City Council Meeting as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

END OF CONSENT AGENDA**OLD BUSINESS****[19-3193](#)**

Ordinance -Third and Final 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)

Susana Marin read the caption into the record. Realty Capital Management, LLC representative Tim Coltart made a presentation and answered Council questions. Roaring Brook Development Co. representative Dan Quinot and Greystar representative Andrew Ord answered Council questions. Planner Andrew Bogda answered Council questions. City Attorney Allen Taylor answered Council questions.

A motion was made by Council Member Lewis to approve the following ordinance with the following conditions:

Zone 1

Area north of the creek to become part of Zone 3.

Zone 1

Maximum 350 market rate units. Required 2 restaurants.

Remove the fried chicken language, delete 3.1(g)iii, and focus on what can request an SUP rather than exclusions. 3,000 sq. ft. of the 8,000 sq. ft minimum for commercial to be restaurant.

Market Rate unit size square footage: 1,000 sq. ft. average.

Commercial storefront appearance such as awnings on 50% of linear footage on all buildings along the spine road.

Zone 2

Minimum square footage for senior adult unit: 700 sq. ft.

Commercial storefront appearance such as awnings on 50% of linear footage on all buildings along the spine road.

Zone 3

HOA to maintain all common areas and lawn maintenance for 30ft, 35ft. lots

and townhome lots.

Allow for mixed material use on 30 ft. and 35 ft. product, such as craftsman style, hardiboard with masonry lower third, stucco, brick, etc.

Park built as part of Phase 1.

Minimum square footage mix. 20% of 45ft., 50ft. & 60ft. lots = 1,800 sq. ft.

minimum. 80% of 45ft., 50ft., & 60ft. lots = 2,200 sq. ft. minimum.

30 ft. lots = 20% minimum 1,800 sq. ft. 80% = minimum 2,000 sq. ft.

Townhome lots = 25% minimum 1,800 sq. ft., 75% minimum 2,000 sq. ft.

Lot Mix – minimum 15% of lots to be 30ft. or 35ft lots. Maximum combined townhome and 30ft. and 35ft. lots = 30% of total lots.

Minimum of 20% of lots to be 50ft or 60ft lots. Maximum of 50% of the lots to be 45ft. lots.

Townhome lots and 30ft. and 35 ft. lots to be located within 1,000 feet of Zone 1 with the exception of up to 3 models

Zone 4

Moved into Zone 3.

Require Phase 1 to include a detailed site plan for Zone 3 with 80 lot minimum prior to building permit approval for zone 1. Realty Capital must be an applicant on both Zone 1 and Zone 3 site plans.

The motion is to Include staff's recommendations.

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

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

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

Aye: 5 - David Cook; Larry Brose; Brent Newsom; Julie Short and Casey Lewis

Nay: 2 - Terry Moore and Mike Leyman

Abstain: 0

Enactment No: OR-2144-19

PUBLIC HEARING

19-3220

Public Hearing - Second 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

City Manager Clayton Chandler made a brief presentation and answered Council questions. Deputy City Manager Peter Phillis answered Council question. Mayor Cook opened the public hearing at 10:43 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:44 p.m.

[19-3221](#)

Public Hearing - Second 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

Mayor Cook opened the public hearing at 10:44 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:44 p.m.

[19-3222](#)

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

Mayor Cook opened the public hearing at 10:44 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:45 p.m.

PUBLIC HEARING AND FIRST READING

[19-3238](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development for Professional Office Uses on Approximately 0.608 Acres Located at 1089 Matlock Road; Adam Rope on behalf of A. Rope Investments, LLC (ZC#19-010)

Susana Marin read the caption into the record. Senior Planner Art Wright made a brief presentation and answered Council questions. Property owner Adam Rope made brief comments and answered Council questions. Mayor Cook opened the public hearing at 10:57 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:57 p.m.

A motion was made by Mayor Pro Tem Short to approve the first reading of "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 PD, PLANNED DEVELOPMENT DISTRICT FOR PROFESSIONAL OFFICE 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," to include that all fences on the property are removed. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Larry Brose; Brent Newsom; Julie Short; Mike Leyman and Casey Lewis

Nay: 1 - Terry Moore

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING[19-3225](#)

Ordinance - Public Hearing Continuation and Second 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)

Andrew Bogda made brief comments and answered Council questions. Property owner Ben Hartman made brief comments. Mayor Cook continued the public hearing through second reading at 11:00 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 11:00 p.m.

A motion was made by Council Member Lewis to approve the second reading of "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." Seconded by Council Member Moore. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 11:03 p.m. Mayor Cook called the executive session to order at 11:06 p.m. Mayor Cook recessed executive session at 11:25 p.m.

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

Seek Advice of the City Attorney Regarding the Assignment of a Development Agreement Between the City of Mansfield and BBCP Acquisitions, LLC

ADJOURN

Mayor Cook adjourned the meeting at 11:25 p.m.

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: 19-3255

Agenda Date: 9/9/2019

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

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 0.62 Acres Being a Portion of Blocks 36 and 36A of the Original Town of Mansfield, Generally Located at 506-508 Kimball Street; Ben Hartman (ZC#19-011)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning & Zoning Commission held a public hearing on August 19, 2019, and voted 3-3 (Bounds, Papp, and Weydeck voting no; Knight absent) to recommend approval with the condition that no residential living quarters be allowed in the accessory structures, resulting in a denial. Some of the commissioners had questions and concerns regarding the size, height, and planned uses of the accessory structures. The applicant stated that there were other two-story accessory structures in downtown and the two-story option would provide an option for someone who wanted to have a full "Craftsman experience" with a detached garage as well as an upstairs studio, game room, media room, etc. The applicant also stated that the accessory structures could be used as garages or other uses and that the boxes shown on the plans merely represented maximum building pad sizes, and that if the accessory structures were used as garages, the houses would be narrower to accommodate driveways to the accessory structures. There were questions and concerns about the distances to structures on adjacent properties and while the distances were only 2.1' and 4', the applicant stated that they are still providing 5' on their side and that the adjacent properties are ripe for redevelopment. One of the commissioners had questions about tree preservation and the applicant stated they would try to save trees wherever practical. There were also questions about masonry requirements in downtown, and staff responded that downtown is exempt since the plat for the Original Town of Mansfield predated the current architectural requirements. The applicant previously had a condition that no commercial or residential rental uses would be allowed in the accessory structure, but this was modified to "no commercial uses or residential living quarters" to prevent the owner of the property from using it as a living quarters regardless of whether it was rented or not.

Description/History

The subject property consists of 0.62 acres located on the north side of Kimball Street. The property is currently vacant, but was previously occupied by two single-family homes. 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 develop three single-family homes on the property, each of which will be allowed to have a two-story accessory building. The applicant plans to follow all the standards

for SF-7.5/12 zoned property, except for the following deviations:

Minimum Lot Depth: 115' (exceeds typical 110' requirement)

Minimum Lot Width: 59'

Minimum Lot Area: 7,000 sq. ft.

Minimum Front Yard: 20'

Minimum Side Yard: 5'

Minimum Living Area: 1,800 sq. ft. (exceeds typical 1,200 sq. ft. requirement)

No minimum masonry construction requirements

Front porches exceeding 90 sq. ft. may encroach front yard setback by up to 10'

The following standards have been established for the accessory buildings:

Maximum Height: 2 stories plus attic, or 28'

Maximum Square Footage of Foundation: 600 sq. ft.

Rear Yard Setback: 10' minimum

Side Yard Setback: 5' minimum

Allowable Uses: personal uses only, including but not limited to garage, workshop, studio, game room, media room. No commercial uses or residential living quarters allowed.

The landscaping will comply with Section 7300 of the Zoning Ordinance and the applicant has noted eight existing trees on the property. The residential parking requirements (which require two off-street parking spaces) will comply with Section 7200 of the Zoning Ordinance. The applicant notes that the three existing driveway approaches will be encouraged to be utilized, but if the custom home designs cannot make use of the existing drives, new concrete drive and approaches shall be installed and shall conform to all City standards.

5,385 sq. ft. of land in the rear of the property will be incorporated into the tract to the north when the property is replatted. The applicant also owns the property to the north.

The applicant notes that all three homes will be custom designed by individual architects and has therefore not included renderings. The footprints shown on the plan represent a conceptual location that adheres to the development setbacks.

Summary

The proposed development will provide for the development of three new homes in downtown Mansfield with development standards that mostly comply with or are roughly similar to the development standards for the surrounding zoning. While the accessory building standards exceed the City's typical standards for accessory buildings, it provides an opportunity for a segment of the market that desires larger accessory buildings in an area that is designed to support higher building densities and where larger accessory buildings are already more prevalent. In addition, the city's draft downtown design guidelines will allow for larger accessory buildings. In addition, the reduced front yard setback and allowance for porch encroachments are consistent with existing development in the area, as well as the draft design guidelines for downtown.

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.

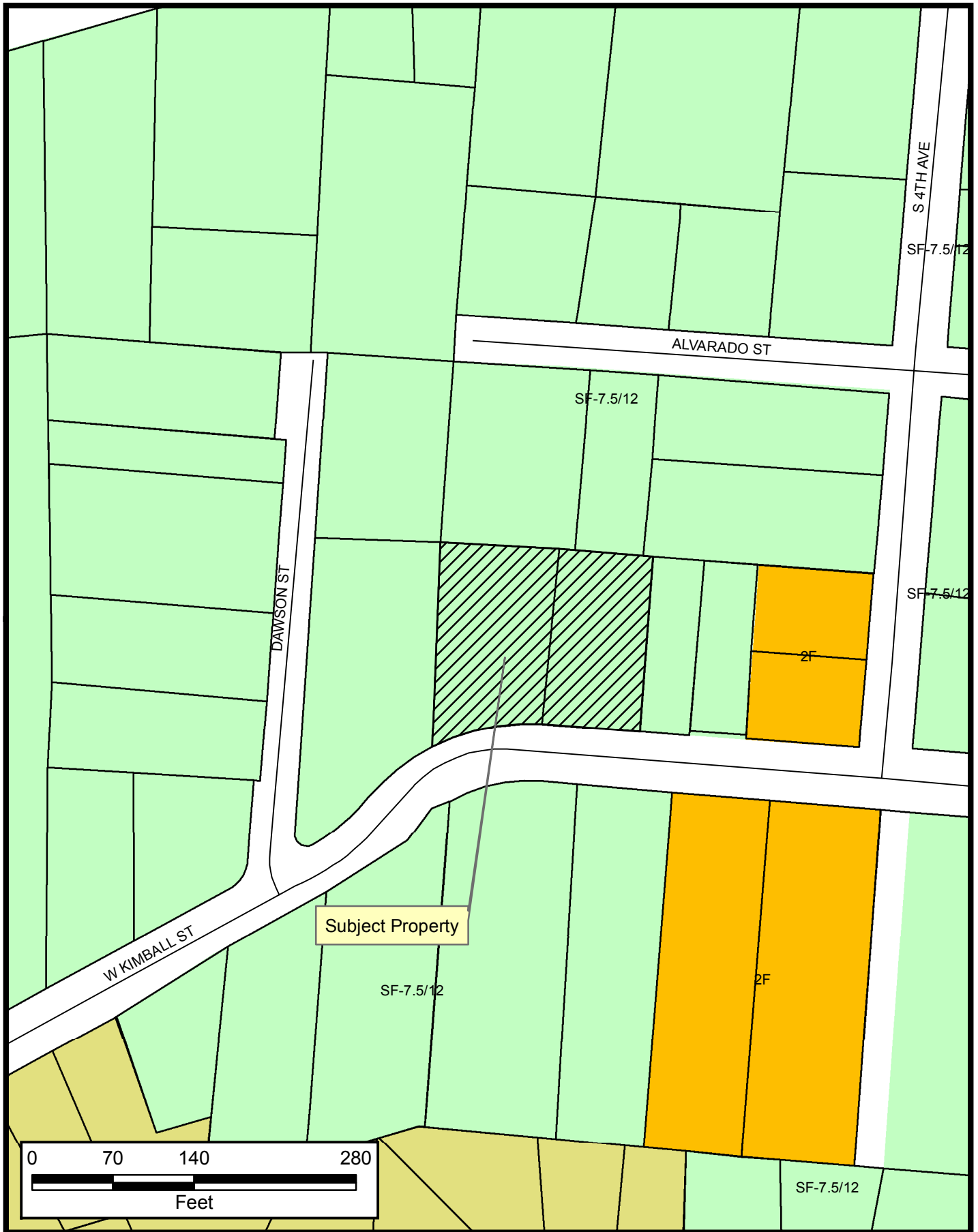
David L. Cook, Mayor

ATTEST: _____
Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney





Property Owner Notification for ZC#19-011

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
BASTIAN ADDITION	BLK 1	ROGERS, KEITH T & LINDSEY S	607 W KIMBALL ST	MANSFIELD, TX	76063
HANKS, THOMAS J SURVEY	A 644	MAXWELL, SALLIE GRAY	600 ALVARADO ST	MANSFIELD, TX	76063-1939
HANKS, THOMAS J SURVEY	A 644	MAXWELL, SALLIE GRAY	600 ALVARADO ST	MANSFIELD, TX	76063-1939
HANKS, THOMAS J SURVEY	A 644	MAXWELL, SALLIE GRAY	600 ALVARADO ST	MANSFIELD, TX	76063-1939
HANKS, THOMAS J SURVEY	A 644	GUPTON, DAVID & MELVA	606 W KIMBALL ST	MANSFIELD, TX	76063-1962
HANKS, THOMAS J SURVEY	A 644	RUSSELL, ELIZABETH ANN	212 DAWSON ST	MANSFIELD, TX	76063-1944
HANKS, THOMAS J SURVEY	A 644	DOWNS, ROBERT T & SHANNON R	214 DAWSON ST	MANSFIELD, TX	76063-1944
HANKS, THOMAS J SURVEY	A 644	CARTER, LAWRENCE Z & PEGGY	PO BOX 433	MANSFIELD, TX	76063
HANKS, THOMAS J SURVEY	A 644	JEMENEZ, JOSE ARMANDO	609 W KIMBALL ST	MANSFIELD, TX	76063-1961
HANKS, THOMAS J SURVEY	A 644	CARTER, LAWRENCE ZA	202 DAWSON ST	MANSFIELD, TX	76063-1944
MANSFIELD, CITY OF	BLK 35	HARTMAN, BENJAMIN	500 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 35A	GARCIA, PABLO EST	504 ALVARADO ST	MANSFIELD, TX	76063-1976
MANSFIELD, CITY OF	BLK 35A	GARCIA, DORA ALICIA	504 ALVARADO ST	MANSFIELD, TX	76063-1976
MANSFIELD, CITY OF	BLK 36	HARTMAN, BEN	500 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	WOOD, CURTIS D	504 W KIMBALL ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	VERA, FRANCISCO G & ELETICIA	155 SOUTHWOOD DR	BURLESON, TX	76028-2831
MANSFIELD, CITY OF	BLK 36	ZWICK, BRIAN K	117 WESTFORK DR	FORT WORTH, TX	76114-4330
MANSFIELD, CITY OF	BLK 36	CIRCLE W HOME INVESTMENTS LLC	841 GREEN VALLEY CIR W	BURLESON, TX	76028-1365
MANSFIELD, CITY OF	BLK 36	NALL, JEFFREY	818 YELLOWSTONE DR	MANSFIELD, TX	76063

Property Owner Notification for ZC#19-011

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 36	NALL, JEFFREY	818 YELLOWSTONE DR	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36A	HARTMAN, BEN	500 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36A	HARTMAN, BEN	500 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36A	HARTMAN, BEN	500 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 37	MITCHELL, ROBERT D & C	203 HART CIRCLE	WAXAHACHIE, TX	75165
MANSFIELD, CITY OF	BLK 37	TAYLOR, CHARLES K	501 W KIMBALL ST APT A	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 37	TAYLOR, CHARLES K	501 W KIMBALL ST APT A	MANSFIELD, TX	76063-1996
MANSFIELD, CITY OF	BLK 37	TAYLOR, CHARLES K	501 W KIMBALL ST APT A	MANSFIELD, TX	76063-1996
MANSFIELD, CITY OF	BLK 37A	AVANTE PROCUREMENT LLC	3792 JOE WILSON RD	MIDLOTHIAN, TX	76065
RUSSELL, ROY ADDITION	BLK 1	RUSSELL, ROY D & STEPHANIE	206 DAWSON ST	MANSFIELD, TX	76063-1944
ZANE ADDITION	BLK 1	CARTER, LAWRENCE ZA	202 DAWSON ST	MANSFIELD, TX	76063-1944

EXHIBIT "A"
ZC# 19-011
LEGAL DESCRIPTION

TRACT I:
Lot 2 Block 36A
508 W. Kimball St

Being a tract of land out of the T.J. Hanks Survey, Abstract No. 644, Tarrant County, Texas, same being that tract of land conveyed to Dortha Andrews and husband, Earl F. Andrews, by deed recorded in Volume 5422, Page 150, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for corner, said corner being the Northwest corner of that tract of land conveyed to Ben Hartman, by deed recorded in Volume 12754, Page 68, Deed Records, Tarrant County, Texas, the Northeast corner of that tract of land conveyed to Sallie Gray Maxwell, by deed recorded in Volume 15079, Page 371, Deed Records, Tarrant County, Texas, said corner being in the South line of Alvarado Street (variable width right-of-way);

THENCE South 05 degrees 46 minutes 11 seconds West, along the West line of said Hartman tract, a distance of 150.00 feet to a point for corner at the POINT OF BEGINNING, said corner being the Southwest corner of said Hartman tract, the Southeast corner of said Maxwell tract, and the Northeast corner of that tract of land conveyed to David Gupton and wife, Melva Gupton, by deed recorded in Volume 11632, Page 257, Deed Records, Tarrant County, Texas, from which a 3/8 iron rod found for witness bears North 06 degrees 11 minutes 34 seconds East, a distance of 0.36 feet;

THENCE South 85 degrees 00 minutes 00 seconds East, along the South line of said Hartman tract, a distance of 119.50 feet to a 1/2 inch iron set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being on the South line of said Hartman tract, and the Northwest corner of Tract II, of said Andrews tract;

THENCE South 05 degrees 46 minutes 11 seconds West, along the West line of said Tract II, a distance of 149.87 feet to a 1/2 inch iron set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the Southwest corner of said Tract II, and in the North line of W. Kimball Street (public right-of-way);

THENCE North 85 degrees 03 minutes 43 seconds West, along the North line of said W. Kimball Street, a distance of 119.50 feet to a 1/2 inch iron set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being in the Northerly line of said W. Kimball Street, and on the East line of said Gupton tract;

THENCE North 05 degrees 46 minutes 11 seconds East, along the East line of said Gupton tract, a distance of 150.00 feet to the POINT OF BEGINNING, and containing 17,915 square feet or 0.41 acres of land.

TRACT II:
Lot A Block 36
506 W. Kimball St

Being a tract of land out of the T.J. Hanks Survey, Abstract No. 644, Tarrant County, Texas, same being that tract of land conveyed to Dortha Andrews and husband, Earl F. Andrews, by deed recorded in Volume 5422, Page 150, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for corner, said corner being the Northwest corner of that tract of land conveyed to Ben Hartman, by deed recorded in Volume 12754, Page 68, Deed Records, Tarrant County, Texas, the Northeast corner of that tract of land conveyed to Sallie Gray Maxwell, by deed recorded in Volume 15079, Page 371, Deed Records, Tarrant County, Texas, said corner being in the South line of Alvarado Street (variable width right-of-way);

THENCE South 05 degrees 46 minutes 11 seconds West, along the West line of said Hartman tract, a distance of 150.00 feet to a point for corner, said corner being the Southwest corner of said Hartman tract, the Southeast corner of said Maxwell tract, and the Northeast corner of that tract of land conveyed to David Gupton and wife, Melva Gupton, by deed recorded in Volume 11632, Page 257, Deed Records, Tarrant County, Texas, from which a 3/8 iron rod found for witness bears North 06 degrees 11 minutes 34 seconds East, a distance of 0.36 feet;

THENCE South 85 degrees 00 minutes 00 seconds East, along the South line of said Hartman tract, a distance of 119.50 feet to a 1/2 inch iron set with plastic yellow cap stamped "CBG Surveying" at the POINT OF BEGINNING, said corner being on the South line of said Hartman tract, and the Northeast corner of Tract I, of said Andrews tract;

THENCE South 85 degrees 00 minutes 00 seconds East, along the South line of said Hartman tract, a distance of 60.00 feet to a 1/2 inch iron set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the Southeast corner of said Hartman tract, the Southwest corner of that tract of land conveyed to Jeffery C. Nall, by deed recorded in Instrument No. D209259258, Deed Records, Tarrant County, Texas, and the Northwest corner of that tract of land conveyed to Curtis D. Wood, by deed recorded in Volume 13129, Page 333, Deed Records, Tarrant County, Texas, from which a 1/2 inch iron rod found for witness bears North 12 degrees 23 minutes 25 seconds East, a distance of 2.38 feet;

THENCE South 05 degrees 46 minutes 11 seconds West, along the West line of said Wood tract, a distance of 149.81 feet to a 1/2 inch iron set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being the Southwest corner of said Wood tract, and in the North line of W. Kimball Street (public right-of-way);

THENCE North 85 degrees 03 minutes 43 seconds West, along the North line of said W. Kimball Street, a distance of 60.00 feet to a 1/2 inch iron set with plastic yellow cap stamped "CBG Surveying" for corner, said corner being in the North line of said W. Kimball Street, and the Southeast corner of said Tract I;

THENCE North 05 degrees 46 minutes 11 seconds East, along the East line of said Tract I, a distance of 149.87 feet to the POINT OF BEGINNING, and containing 8,990 square feet or 0.21 acres of land.

LEGEND

○ 1/2" ROD FOUND

⊗ 1/2" ROD SET

○ 3/8" ROD FOUND

⊗ "X" FOUND/SET

● POINT FOR CORNER

T TRANSFORMER PAD

■ COLUMN

▲ UNDERGROUND ELECTRIC

—OHP— OVERHEAD ELECTRIC POWER

—OES— OVERHEAD ELECTRIC SERVICE

—○— CHAIN LINK

— — — WOOD FENCE 0.5' WIDE TYPICAL

□ FENCE POST FOR CORNER

CM CONTROLLING MONUMENT

AC AIR CONDITIONER

PE POOL EQUIPMENT

● POWER POLE

△ OVERHEAD ELECTRIC

—|— IRON FENCE

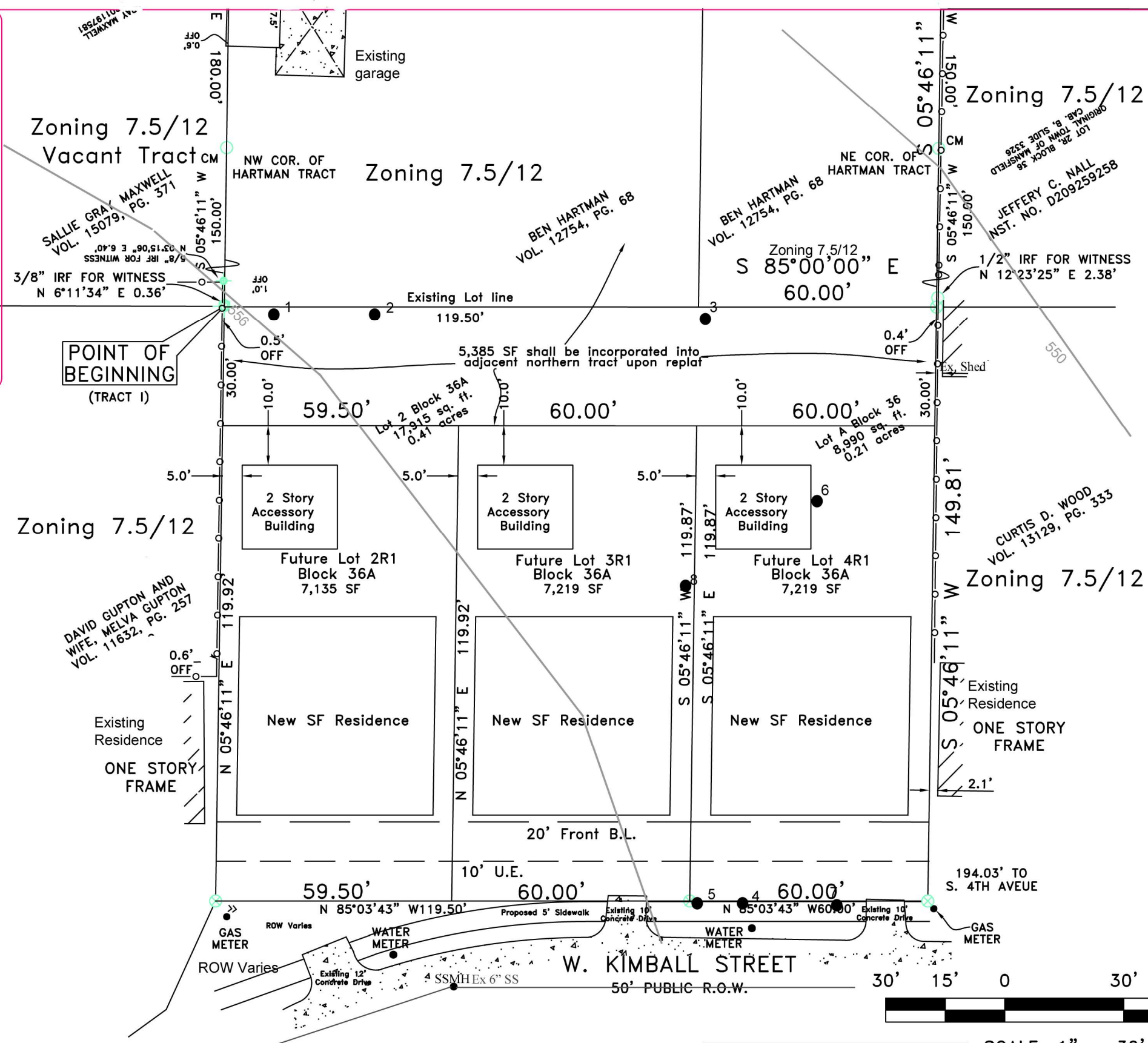
—X— BARBED WIRE

—||— EDGE OF ASPHALT

—||— EDGE OF GRAVEL

CONCRETE

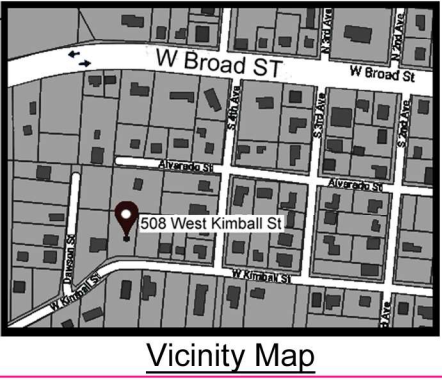
COVERED AREA



Plot Plan and Driveway Notes:

1. All three homes will be customized designed by individual architects. The foot prints of the residences shown here represent a conceptual location within the lot that adheres to the building setbacks.

2. Existing drive approaches are encouraged to be utilized. If custom home design cannot make use of the existing drive a new concrete drive and approach shall be installed that adheres to all City standards



SCALE: 1" = 30'



506 and 508 W. Kimball Street PLANNED DEVELOPMENT ZONING

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 – 115'
2. Minimum Lot width – 59'
3. Minimum Lot Area – 7,000 SF
4. Minimum Front Yard – 20'
5. Minimum Side yard – 5'
6. Minimum Living area – 1800 SF
7. No minimum masonry construction requirements
8. Front porches exceeding 90 sf may encroach front yard setback by up to 10'

Accessory Buildings

1. Maximum Height – 2 story plus attic or 28'
2. Maximum Square footage of foundation – 600 SF
3. Rear yard setback – 10' minimum
4. Side yard setback – 5' minimum
5. Allowable uses – personal uses only, including but not limited to garage, workshop, studio, game room, media room. No commercial or residential rental uses allowed.

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

Tree Survey

Number	Common Name	Scientific Name	Caliper
1 thru 4	Hackberry	Celtis occidentalis	12"-18"
5 and 6	Mulberry	Morus nigra	16"-30"
7	Mountain Cedar	Juniperus ashei	24"
8	American Elm	Ulmus Americana	36"

Development Plan

BTH ENGINEERING, LLC

500 Alvarado St
Mansfield Tx 76063
P 817.996.8628
benhartman8628@gmail.com
Firm No. 19487

Owner:
Ben Hartman, 817.996.8628
500 Alvarado St
Mansfield Tx, 76063
benhartman8628@gmail.com

58

Lot 2 Block 36A, Lot A Block 36
Original Town of Mansfield
Mansfield, Texas
Tarrant County
Three Single Family Residential Lots 0.495 Acres

Drawn By: BTH
Scale: 1" = 30'
Date: 7/29/19
Owner: BEN HARTMAN
Exhibit "B"
ZC #19-011



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 19-3238

Agenda Date: 9/9/2019

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development for Professional Office Uses on Approximately 0.608 Acres Located at 1089 Matlock Road; Adam Rope on behalf of A. Rope Investments, LLC (ZC#19-010)

Requested Action

To consider the subject zoning change request

Recommendation

The Planning and Zoning Commission held a public hearing on August 5, 2019 and voted 6-0 (Smithee was absent) to recommend approval with the condition that the applicant removes the existing fences along the south side of the property and adds landscaping around the proposed directory sign,

Description/History

First Reading

The applicant is requesting a zoning change from PR to PD for professional office uses. The existing house will serve as an insurance office and will not be used as a residence. No expansion of the existing structure is proposed. The property is a 0.608 acre tract located on the west side of Matlock Road.

Development Plan and Regulations

- The base zoning for this PD is OP, Office Park District.
- The existing structure will remain on the property to be used as an office.
- Six parking spaces will be provided. The proposed parking will have 4 head-in parking spaces and 2 parallel parking spaces as shown on Exhibit B. The applicant is proposing a new ADA ramp from the parking lot to the office.
- The proposed driveway has been aligned with the existing median opening on Matlock Rd.
- The applicant is adding new landscaping to the front of the property around the parking lot and office. Because no changes are being proposed in the rear yard, additional landscaping was not required. The applicant will be saving a number of existing trees in the rear yard as shown on Exhibit D.
- The proposed freestanding sign complies with the minimum width, height, and area for a Directory Sign as required by Section 7100 of the Zoning Ordinance. The applicant may also have one Name Plate Sign on the building.
- The applicant plans to use curbside trash collection and will not have a dumpster. A portable trash container will be located behind the building and screened.

Deviations

The applicant is requesting the follow deviations as part of this PD:

- Masonry: Commercial buildings are typically constructed of 70% masonry materials. The existing house was constructed with siding as shown on Exhibit C and was not

designed to support masonry cladding.

- Side Landscape Buffer: The minimum side buffer yard for a commercial development is 10 feet. The applicant has provided a 9' buffer yard along the north property line due to the alignment of the driveway with the median opening on Matlock Road.
- Front Landscape Setback: A minimum 20' Landscape Setback is required. A 15' Landscape Setback has been provided due to a permanent slope along the front of the property.

Land Use Considerations

This area is part of Sub-Area 5 which is generally built out. The Land Use Plan recommends some limited neighborhood retail and service uses and low intensity uses that minimize traffic on Matlock Road.

Surrounding Land Uses and Zoning:

North - Office Park, PD
South - Vacant, PR
East - Single-Family, PR
West - Golf Course, PR & Single-Family, SF-
8.4/18

Thoroughfare Plan Specification:

Matlock Road, 6-lane divided principal arterial

Summary

The proposed office represents a low intensity use that is compatible with the recommendation of the Land Use Plan. The current residential use is isolated on this section of Matlock Road. It is surrounded by non-residential uses including the Creekside Plaza offices and the golf course. As a professional office that generates limited traffic, the proposed use is more compatible with its surroundings.

Second Reading

The applicant has revised Exhibit to reflect that all existing fences will be removed from the property. The revised Exhibit has been provided in the Council's packet.

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 PD, PLANNED DEVELOPMENT DISTRICT FOR PROFESSIONAL OFFICE 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 District for professional office uses; 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" through "D", 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

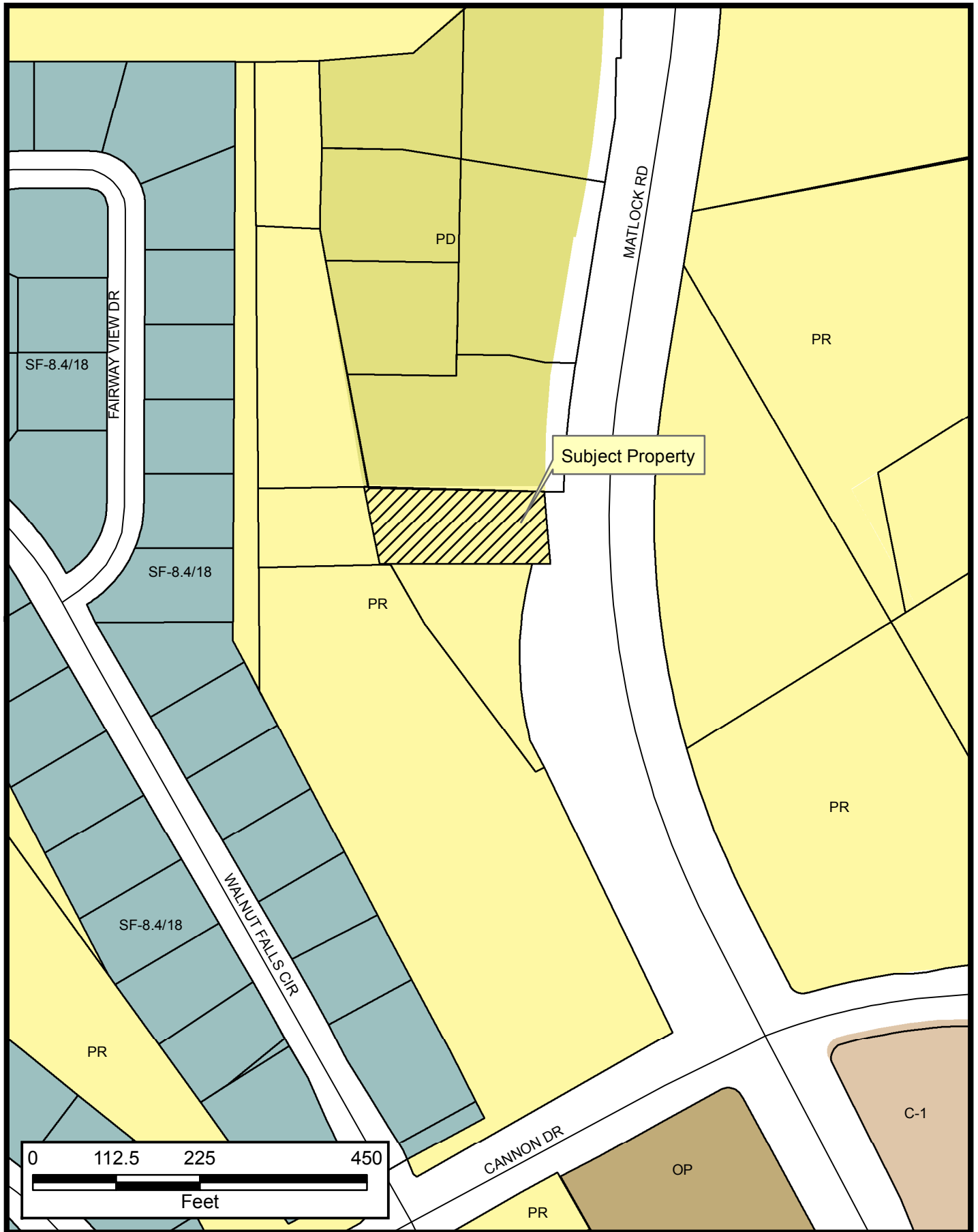
ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney





Property Owner Notification for ZC#19-010

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
BRATTON, WILLIAM SURVEY	A 161	WALNUT CREEK MANAGEMENT CORP	3030 L B J FWY STE 600	DALLAS, TX	75234-7744
BRATTON, WILLIAM SURVEY	A 161	WILLIAMS, BONNIE	814 GLEN ABBEY DR	MANSFIELD, TX	76063-3704
BRATTON, WILLIAM SURVEY	A 161	LMS DEVELOPMENT LLC	6617 OAK HILL CT	FORT WORTH, TX	76132-4580
BRATTON, WILLIAM SURVEY	A 161	WALNUT CREEK MANAGEMENT CORP	3030 L B J FWY STE 600	DALLAS, TX	75234-7744
BRATTON, WILLIAM SURVEY	A 161	WALNUT CREEK MANAGEMENT CORP	3030 L B J FWY STE 600	DALLAS, TX	75234-7744
BRATTON, WILLIAM SURVEY	A 161	WALNUT CREEK MANAGEMENT CORP	3030 L B J FWY STE 600	DALLAS, TX	75234-7744
BRATTON, WILLIAM SURVEY	A 161	VESS, CHARLES M	3047 RIDGEVIEW DR	GRAPEVINE, TX	76051
CREEKSIDE PLAZA (MANSFIELD)	BLK 1	J&A FRITH PROPERTIES MATLOCK L	PO BOX 373	TIOGA, TX	76271
CREEKSIDE PLAZA (MANSFIELD)	BLK 1	TNA REALTY LP	1000 W CANNON ST	FORT WORTH, TX	76104
CREEKSIDE PLAZA (MANSFIELD)	BLK 1	OAK #9 PARTNERS LP	PO BOX 1324	ARLINGTON, TX	76004
FAIRWAYS OF WALNUT CREEK, THE	BLK 3	KOENNECKE, MICHAEL	920 FAIRWAY VIEW DR	MANSFIELD, TX	76063-3469
FAIRWAYS OF WALNUT CREEK, THE	BLK 3	BALDWIN, ALICE	918 FAIRWAY VIEW DR	MANSFIELD, TX	76063-3469
FAIRWAYS OF WALNUT CREEK, THE	BLK 3	WELCH, BRIAN C	916 FAIRWAY VIEW DR	MANSFIELD, TX	76063-3469

EXHIBIT A

1089 MATLOCK ROAD

FIELD NOTES

PROPERTY DESCRIPTION

BEING all that certain 0.608 acre tract of land situated in the WILLIAM BRATTON SURVEY, Abstract No. 161, City of Mansfield, Tarrant County, Texas, as conveyed to Jason D. Sear Properties, L.P. by deed recorded in Volume 15389, Page 358, Deed Records, Tarrant County, Texas and also being a portion of a tract of land conveyed to Lynda Cannon Haynes by deed recorded in Volume 7820, Page 830, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a found 1/2 inch capped Iron rod for the northwest corner of said 0.608 acre tract, same being the southwest corner of a tract of land conveyed to John Davault and Sally Davault by deed recorded in Volume 13717, Page 364, Deed Records, Tarrant County, Texas;

THENCE South 88 degrees 03 minutes 49 seconds East, along the common line between the Sear and Davault tracts, a distance of 282.76 feet to a point for corner in the new Matlock Road;

THENCE South 09 degrees 49 minutes 07 seconds West, a distance of 100.85 feet to a point for corner in a concrete sidewalk;

THENCE North 88 degrees 03 minutes 49 seconds West, a distance of 247.88 feet (247.70 feet by deed) to a found 1/2 inch capped Iron rod for corner, same being the southwest corner of said 0.608 acre tract;

THENCE North 09 degrees 57 minutes 53 seconds West, a distance of 102.09 feet to the POINT OF BEGINNING and containing 0.608 acres of land. SAVE AND EXCEPT a portion of said 0.608 acre tract as conveyed to the City of Mansfield by deed recorded in Volume 14175, Page 428, Deed Records, Tarrant County, Texas.

According to FIRM Map 48439C 0580 H 8-2-95 This property is located in Zone X which IS NOT in the 100 year special flood hazard area.

THE ABOVE FLOOD STATEMENT IS BASED ON THE MAP PANEL SHOWN, AND WHILE THIS SURVEY MAY NOT SHOW THE PROPERTY TO BE IN THE 100 YEAR SPECIAL FLOOD HAZARD AREA, ALL FLOOD ZONES ARE SUBJECT TO SOME DEGREE OF FLOODING, FOR MORE INFORMATION CONTACT THE LOCAL FLOODPLAIN ADMINISTRATOR OR FEMA.

NOTE: This survey plat is copyrighted. Any reproduction of this plat without the surveyor's written consent is a violation of Federal copyright law. This survey was performed exclusively for the Title Company and Purchaser shown and is licensed for one single use. This survey remains the property of the Surveyor. Do not make unauthorized copies or facsimiles of this document.

SURVEYORS CERTIFICATION

I, DAVID J. ROSE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE BOUNDARY LINE, AND DIMENSIONS OF THE LAND INDICATED THEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, SAID PROPERTY BEING SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS AND RESTRICTIONS THAT MAY BE OF RECORD, AND THAT ONLY THE EASEMENTS SHOWN ON THE REFERENCED PLAT OF RECORD AND THOSE OF WHICH THE SURVEYOR HAS BEEN GIVEN WRITTEN NOTICE FROM TITLE COMPANY ARE SHOWN ON THIS PLAT. SURVEYOR DID NOT ABSTRACT THIS PROPERTY AND RELIES SOLELY ON THE TITLE WORK PROVIDED TO HIM FOR NOTICE OF ANY EASEMENTS WHICH MAY AFFECT THIS PROPERTY.

PRO LINE SURVEYING, LTD.

P.O. Box 924
Arlington, Texas 76004
(817)278-1148
FAX(817)278-1147

DRAWN BY: TB

DATE: 11-22-05



SURVEY ONLY VALID WITH ORIGINAL SIGNATURE



EXISTING FRONT ELEVATION



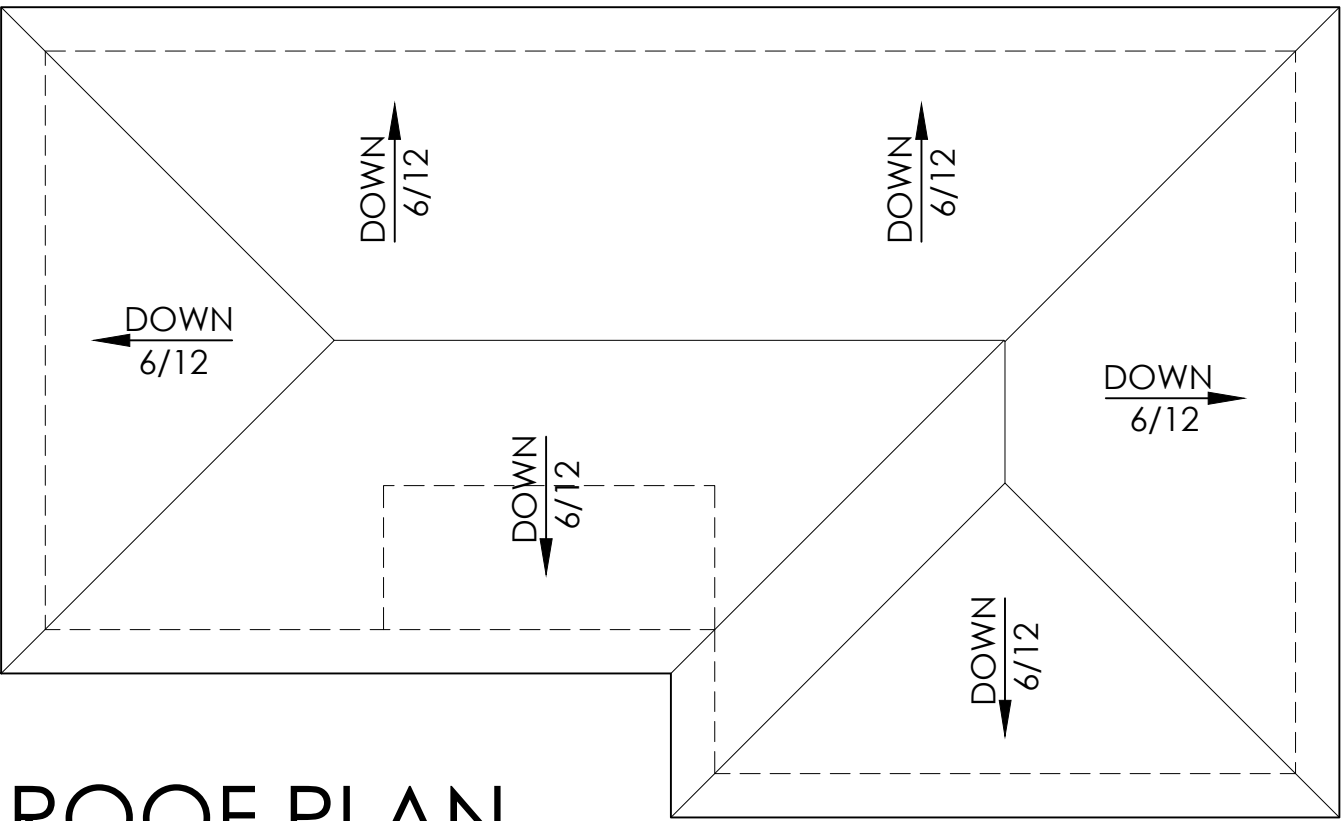
EXISTING REAR ELEVATION



EXISTING RIGHT ELEVATION

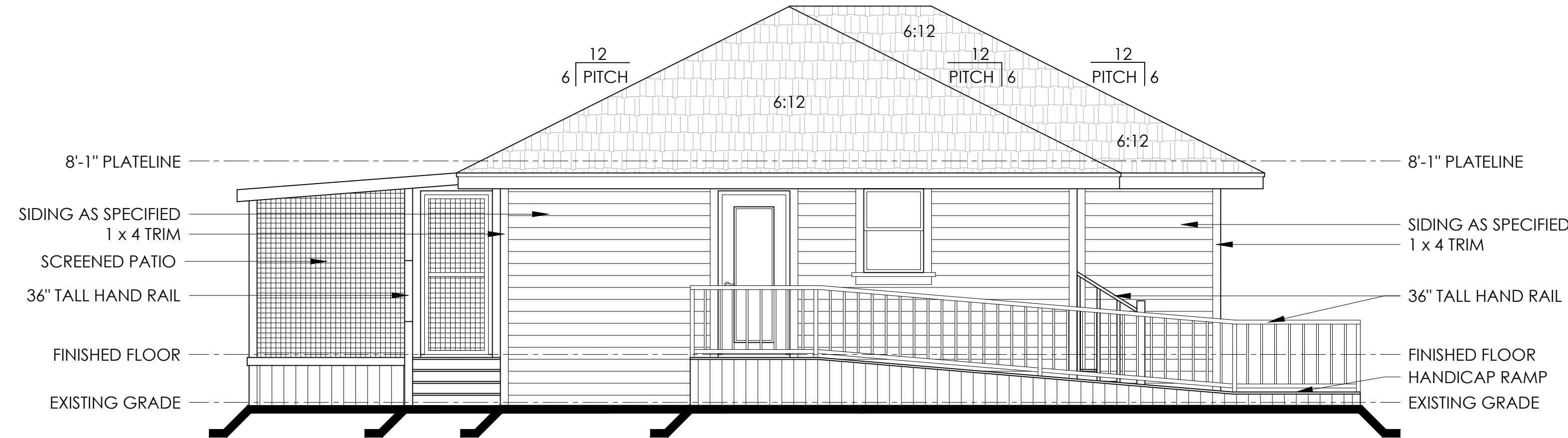


EXISTING LEFT ELEVATION



ROOF PLAN

1/8" = 1'-0"



LEFT ELEVATION

1/4" = 1'-0"

** ROOF MATERIALS ARE TO BE LAMINATED, THREE-DIMENSIONAL APPEARANCE COMPOSITION ARCHITECTURAL SHINGLES **

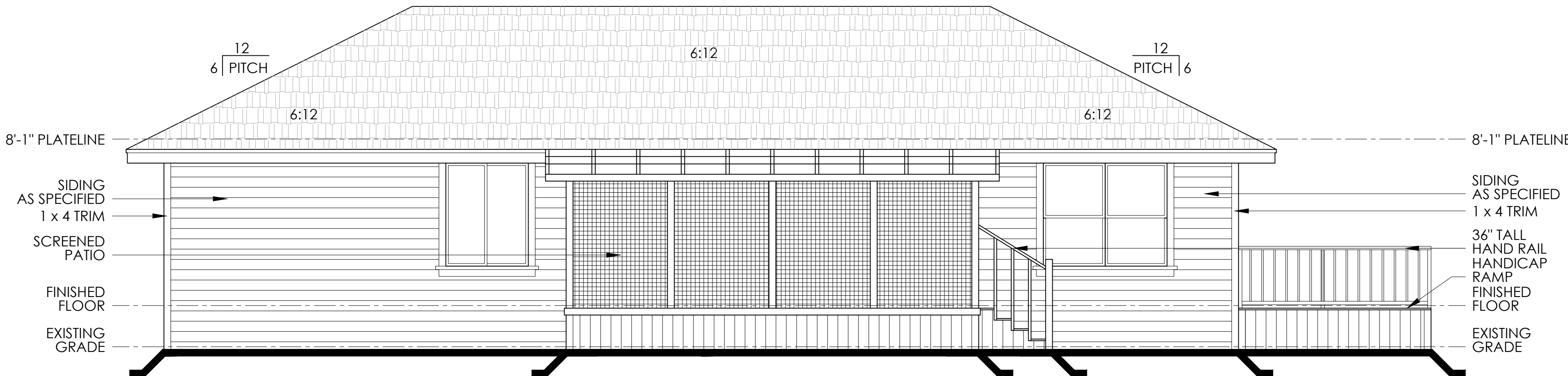
EXHIBIT C



FRONT ELEVATION

1/4" = 1'-0"

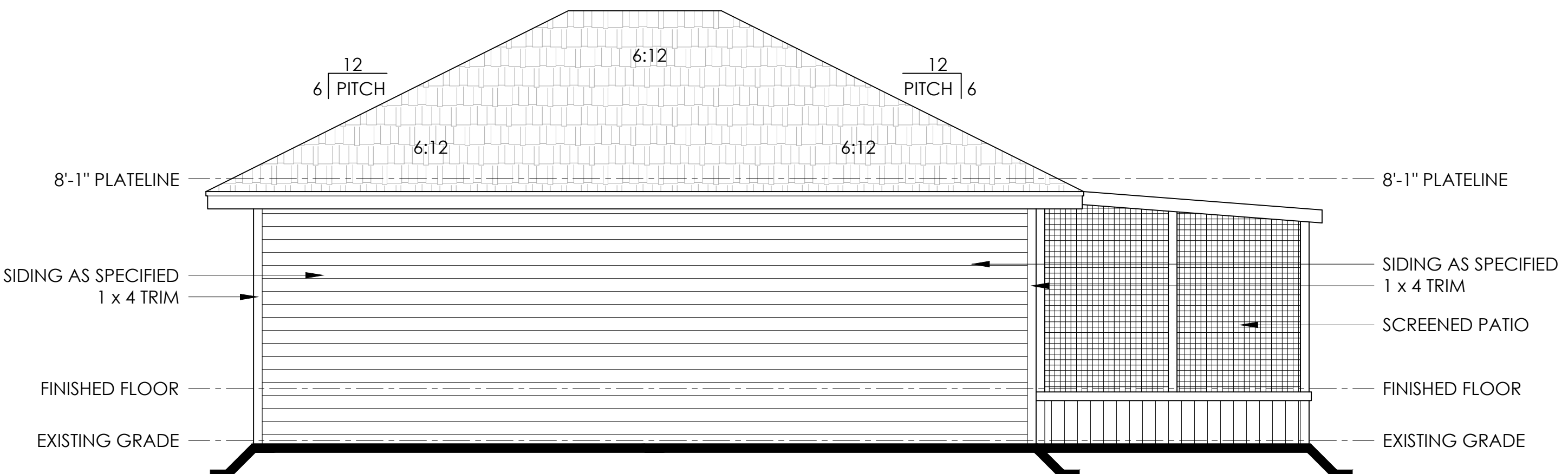
** ROOF MATERIALS ARE TO BE LAMINATED, THREE-DIMENSIONAL APPEARANCE COMPOSITION ARCHITECTURAL SHINGLES **



REAR ELEVATION

1/4" = 1'-0"

** ROOF MATERIALS ARE TO BE LAMINATED, THREE-DIMENSIONAL APPEARANCE COMPOSITION ARCHITECTURAL SHINGLES **



RIGHT ELEVATION

1/4" = 1'-0"

** ROOF MATERIALS ARE TO BE LAMINATED, THREE-DIMENSIONAL APPEARANCE COMPOSITION ARCHITECTURAL SHINGLES **

DEVELOPMENT PLAN

1089 MATLOCK ROAD
0.608 ACRES out of the William Bratton Survey, Abstract No. 161
City of Mansfield, Tarrant County, Texas
1 Lot
08-14-2019

ZC#19-010

MATERIAL CALCULATIONS			
	FIRST & SECOND FLOOR		
	BRICK	STONE	SIDING
FRONT	0 S.F.	0 S.F.	432 S.F.
LEFT	0 S.F.	0 S.F.	265 S.F.
RIGHT	0 S.F.	0 S.F.	290 S.F.
REAR	0 S.F.	0 S.F.	370 S.F.
TOTAL	0 S.F.	0 S.F.	1,357 S.F.
TOTAL BRICK:		0 S.F.	
TOTAL STONE:		0 S.F.	
TOTAL SIDING:		1,357 S.F.	
PERCENTAGE BRICK:		0 %	
PERCENTAGE STONE:		0 %	
PERCENTAGE SIDING:		100 %	

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PREPARED BY:
TM TRADEMARK
architecture group
300 SILVER CROSSING, SUITE B
MIDLOTHIAN, TX 76065
PHONE: 214 - 817 - 8148
EMAIL: tyler@trademarkarch.com

OWNER:
A. ROPE INVESTMENTS, L.L.C.
3451 PLANTER ROAD
MIDLOTHIAN, TX 76066
ADAM ROPE
PHONE: 214 - 929 - 3272
EMAIL: adam@ropeinvestments.com

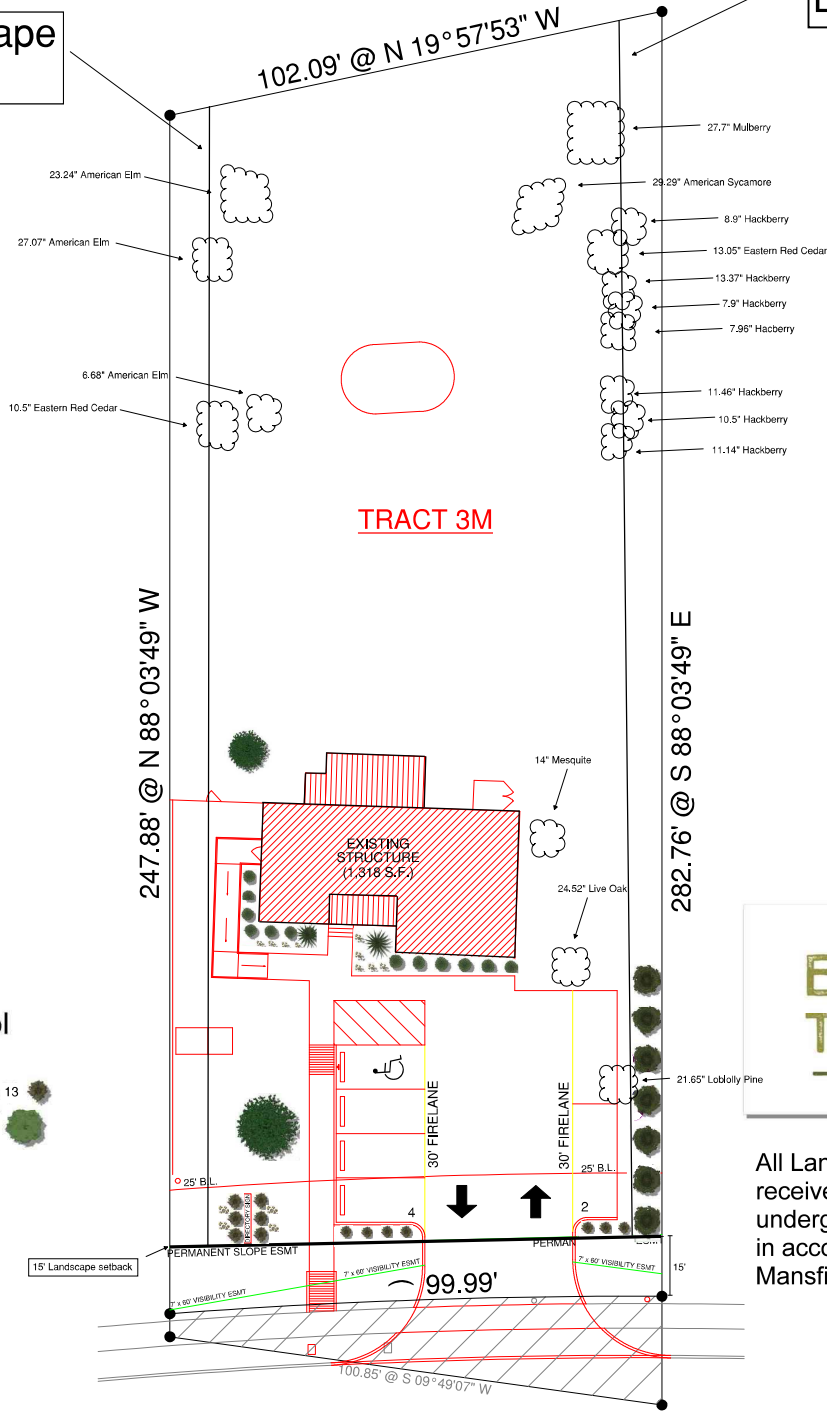
REVISIONS

PROJECT ADDRESS:
ADAM ROPE - STATE FARM
1089 MATLOCK ROAD
MANSFIELD, TEXAS 76063

SHEET
EXH-C

10' Landscape Buffer

9' Landscape Buffer



Type - Qty Symbol

- 3" Live Oak - 2
- 5g Dwarf Burford Holly - 13
- 15g Arizona Cypress - 7
- 3g Texas Sage - 12
- 1g Lantana - 13
- 15g Red Yucca - 2



All Landscape Areas to receive permanent underground irrigation in accordance with Mansfield City Requirements.

MATLOCK ROAD

120' R.O.W.

ZC#19-010

Exhibit 'D'

"Landscaping Maintenance: The property owner, tenant or agent, shall be responsible for the maintenance of all required landscaping in a healthy, neat, orderly and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such materials not a part of the landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size."



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 19-3249

Agenda Date: 9/9/2019

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - First Reading of an Ordinance Considering Approval of an Ordinance Adopting the Budget for the Fiscal Year Beginning on October 1, 2019, and Ending on September 30, 2020, and Making Appropriations for Each Fund and Department

Requested Action

Adopt the FY2020 Budget Ordinance.

Recommendation

Approve the attached ordinance that directs the expenditure of funds for general services, park development, economic development and capital development with the City of Mansfield, Texas.

Description/History

Staff presents the FY2020 Budget for the City of Mansfield, Texas.

Justification

To provide services for the citizens of Mansfield, Texas.

Funding Source

Citizens of Mansfield, Texas

Prepared By

Peter K. Phillis, CPA, Deputy City Manager
817-276-4261

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MANSFIELD, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Mansfield, of Tarrant, Ellis and Johnson Counties, has submitted to the City Council a proposed budget of the revenues of said City and the expenditures of conducting the affairs thereof and providing a complete financial plan for 2019-2020, and which said proposed budget has been compiled from detailed information obtained from the divisions, departments, and offices of the City; and,

WHEREAS, the City Council has conducted the necessary public hearings as required by all state and local statutes and complied with the Texas Open Meetings Act.

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

SECTION 1. That the proposed budget of the revenues of the City of Mansfield and the expenditures of conducting the affairs thereof, providing a complete financial plan for the ensuing fiscal year beginning October 1, 2019 and ending September 30, 2020, as submitted to the City Council by the City Manager of said City, be, and the same is in all things adopted and approved as the budget of all current expenditures as well as fixed charges against said City for the fiscal year beginning October 1, 2019 and ending September 30, 2020.

SECTION 2. That the sum of \$68,247,371 is hereby appropriated out of the General Fund for the payment of operating expenses and capital outlay of the City Government as established in the budget document.

SECTION 3. That the sum of \$15,416,960 is hereby appropriated out of the General Obligation Debt Service Fund paying principal and interest due on general obligation debt as it matures and creating a sinking fund thereof.

SECTION 4. That the sum of \$14,789,965 is hereby appropriated out of the Street Construction Fund for the purpose of constructing permanent street improvements and other related costs thereto.

SECTION 5. That the sum of \$12,051,025 is hereby appropriated out of the Building Construction Fund for the purpose of constructing building improvements and other related costs thereto.

SECTION 6. That a sum to be \$3,147,135 is hereby appropriated out of the Equipment Replacement Fund for the purpose of purchasing new equipment and replacement equipment.

SECTION 7. That the sum of \$29,497,889 is hereby appropriated out of the Water and Sewer revenues for the purpose of paying operating expenses, transfers, and capital outlay for the Water and Sewer system thereof.

SECTION 8. That the sum of \$4,734,834 is hereby appropriated out of the Water and Sewer Revenue Debt Fund for the purpose of paying interest and principal requirements on water and sewer revenue bonds.

SECTION 9. That the sum of \$21,070,008 is hereby appropriated out of the Utility Construction Fund for the purpose of making permanent improvements to the utility system and other related costs.

SECTION 10. That the sum of \$1,493,494 is hereby appropriated out of the Drainage Utility Fund for the purpose paying operating expenses and improving the City's drainage system.

SECTION 11. That the sum of \$527,070 is hereby appropriated out of the Drainage Debt Service Fund for the purpose of paying interest and principal requirements on its revenue bonds.

SECTION 12. That the sum of \$640,453 is hereby appropriated out of the Drainage Construction Fund for the purpose of constructing drainage improvements for the City's drainage system.

SECTION 13. That the sum of \$5,959,383 is hereby appropriated out of the Mansfield Parks Facilities Development Corporation for the purpose of constructing and operating recreational and cultural facilities with related costs thereto, and amending, approving, and adjusting various park fees as approved by the Mansfield Parks Facilities Development Corporation.

SECTION 14. That the sum of \$3,159,861 is hereby appropriated out of the Mansfield Parks Facilities Development Corporation for the purpose of paying interest and principal requirements on its revenue bonds.

SECTION 15. That the sum of \$4,200,000 is hereby appropriated out of the Mansfield Parks Facilities Development Corporation Construction Fund for the purpose of paying for developing and constructing recreational facilities and related costs thereto

SECTION 16. That the sum of \$1,276,394 is hereby appropriated out of the Economic Development Fund for the purpose of Economic Development and other related costs thereto.

SECTION 17. That the sum of \$2,651,125 is hereby appropriated out of the MEDC Debt Service Fund for the purpose of paying interest and principal requirements on its revenue bonds.

SECTION 18. That the sum of \$2,573,373 is hereby appropriated out of the MEDC Development Fund for the purpose of paying for approved economic development projects.

SECTION 19. That the sum of \$3,000,000 is hereby appropriated out of the MEDC Construction Fund for the purpose of paying for infrastructure improvements and related costs thereto.

SECTION 20. That the sum of \$8,899,325 is hereby appropriated out of the Jail Operations Fund for the purpose of paying operating expenses and capital outlay of the Law Enforcement Center.

SECTION 21. That the sum of \$791,563 is hereby appropriated out of the Hotel/Motel Funds for the purpose of promoting the arts, history and tourism.

SECTION 22. That the State of Texas did authorize a vote of the people on an amendment to the Texas Constitution permitting an exemption of the assessed valuation of resident homesteads of persons sixty-five years of age or older, and such amendment was voted on by the electorate of the State of Texas and was duly adopted by the residents of the State of Texas. That resident homesteads of persons Sixty-Five (65) years of age or older shall be entitled to receive a Fifty Thousand and 00/100 Dollars (\$50,000) exemption of the assessed valuation of said resident homestead. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Mansfield and it is accordingly so ordained.

SECTION 23. At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency. Transfers between departments or funds require council approval.

SECTION 24. That Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 25. That this Ordinance shall be and remain in full force and effect from and after its final passage and publication as herein provided.

SECTION 26. That the City Manager shall file or cause to be filed a true and correct copy of said approved budget, along with this Ordinance, with the City Secretary, of the City of Mansfield, Texas.

PASSED AND ADOPTED on the first reading this 9th day of September 2019.

PASSED AND ADOPTED on the second reading this 10th day of September 2019.

PASSED AND ADOPTED on the third and final reading this 11th day of September 2019.

David Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

E. Allen Taylor, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 19-3252

Agenda Date: 9/9/2019

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - First Reading of an Ordinance Levying the Ad Valorem Taxes for Fiscal Year 2020 at a Rate of \$0.71000 per One Hundred Dollars (\$100) Assessed Valuation on all Taxable Property

Requested Action

Attached is the 2019-2020 Ordinance setting the tax rate at \$0.71000. The City of Mansfield has conducted two public hearings and published a proposed tax rate of \$0.71000.

Recommendation

Adopt the Ordinance setting the tax rate at \$0.71 for fiscal year 2020.

Description/History

Historically, the tax rate has been adopted to provide general city services as follows:

FY2019	\$0.71
FY2018	\$0.71
FY2017	\$0.71
FY2016	\$0.71
FY2015	\$0.71
FY2014	\$0.71
FY2013	\$0.71
FY2012	\$0.71
FY2011	\$0.71
FY2010	\$0.71
FY2009	\$0.71

Justification

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

Funding Source

Citizens of Mansfield

Prepared By

Peter K. Phillis, CPA, Deputy City Manager
817-276-4261

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE FISCAL YEAR 2020 AT A RATE OF \$0.71000 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; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mansfield hereby finds that the tax rate for the fiscal year beginning October 1, 2019, and ending September 30, 2020, hereinafter levied for current expenses of the City and the general improvements of the City and its property, must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the City Council has approved by a separate Ordinance adopting the budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020; and

WHEREAS, all statutory, constitutional, and charter requirements concerning the levying and assessing of ad valorem taxes have been complied with.

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

SECTION 1. That there be and is hereby levied for the fiscal year 2020 on all taxable property, real, personal, and mixed, situated within the limits of the City of Mansfield, Texas, and not exempt by the Constitution of the State and valid State laws, a tax of \$0.71000 on each One Hundred Dollars (\$100.00) assessed value of taxable property, and shall be apportioned and distributed as follows:

(a) For the purpose of defraying the current expenditures of the municipal government of the City, a tax of \$0.477803 on each One Hundred Dollars (\$100.00) assessed value on all taxable property.

(b) For the purpose of creating a sinking fund to pay the interest and principal on all outstanding bonds of the City, not otherwise provided for, a tax of \$0.232197 on each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City which shall be applied to the payment of such interest and maturities of all outstanding bonds.

SECTION 2. That all ad valorem taxes shall become due and payable on October 1, 2019, and all ad valorem tax for the year shall become delinquent after January 31, 2020. There shall be no discount for payment of taxes prior to January 31, 2020. A delinquent tax shall incur all penalty and interest authorized by law (33.01 Texas Tax Code), to wit: a penalty of six percent of the amount of the tax for the first calendar month it is delinquent plus one percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent.

Provided, however, a tax delinquent on July 1 incurs a total penalty of twelve percent of the amount of the delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax shall also accrue interest at a rate of one percent for each month or portion of a month the tax remains unpaid. Taxes that remain delinquent on July 1, 2020, incur an additional penalty of twenty percent of the amount of taxes, penalty, and interest due; such additional penalty is to defray costs of collection due to contract with the City's Tax Collection Attorney pursuant to Section 33.07 of the Texas Tax Code.

Pursuant to the authority granted by Section 33.08 of the Texas Tax Code, the City further provides that all 2019 taxes and taxes for all subsequent years that become delinquent on or after June 1 of the year in which they become delinquent shall, in order to defray the costs of collection, incur an additional 20% of the delinquent tax, penalty and interest.

SECTION 3. Taxes are payable at 100 E. Weatherford, Room 102C, Fort Worth, Texas 76196-0301 at the office of the Tarrant County Tax Assessor-Collector. The County shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

SECTION 4. That the tax rolls, as presented to the City Council, together with any supplement thereto, be, and the same are hereby approved.

SECTION 5. The fact that it is necessary that this ordinance be enacted in order to authorize the collection of ad valorem taxes for the tax year 2019, this ordinance shall take effect from and after its passage as the law in such cases provides.

PASSED AND ADOPTED on the first reading this 9th day of September, 2019.

PASSED AND ADOPTED on the second reading this 10th day of September, 2019.

PASSED AND ADOPTED on the third and final reading this 11th day of September, 2019.

David 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: 19-3259

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Planning & Zoning Commission

Requested Action

Appoint/Reappoint Commission Members

Recommendation

Description/History

Appointees to the Planning & Zoning Commission serve two year terms. The following individuals have terms expiring September 30, 2019:

Bob Klenzendorf

Andrew Papp

Wayne Wilshire

Justification

N/A

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

STAFF REPORT

File Number: 19-3260

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Zoning Board of Adjustment

Requested Action

Appoint/Reappoint Board Members

Recommendation

Description/History

Appointees to the Zoning Board of Adjustment serve two year terms. The following individuals have terms expiring September 30, 2019:

Robyn Accipiter
Michael Aguillard
Giancarlo Arevalo (Alternate)
Joe Glover
Kelly Jones

Justification

N/A

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

STAFF REPORT

File Number: 19-3261

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Mansfield Economic Development Corporation (MEDC)

Requested Action

Appoint/Reappoint Board Members

Recommendation

Description/History

Appointees to the MEDC serve two year terms. The following individuals have terms expiring September 30, 2019:

Brian Fuller
Randy Hamilton
Larry Klos
Robert Putman
Vacant position (Anne Weydeck appointed to P&Z)

Justification

N/A

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

STAFF REPORT

File Number: 19-3262

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Mansfield Park Facilities Development Corporation (MPFDC)

Requested Action

Apoin/Reappoint Commission Members

Recommendation

Description/History

Appointees to the MPFDC serve two-year terms. The following individuals have terms expiring September 30, 2019:

Lindsey Cadenhead
Wendy Collini
Dee Davey
Bob Kowalski

Justification

N/A

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

STAFF REPORT

File Number: 19-3263

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Library Advisory Board

Requested Action

Appoint/reappoint Board Members

Recommendation

Description/History

Appointees to the Library Board serve two-year terms. The following individuals have terms expiring September 30, 2019:

Richard Ajenikoko
Debra Collins
Cynthia Gray
Bobby Quinten

Justification

N/A

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

STAFF REPORT

File Number: 19-3264

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Historic Landmark Commission

Requested Action

Appoint/Reappoint Board Members

Recommendation

Description/History

Appointees to the Historic Landmark Commission serve two-year terms. The following individuals have terms expiring September 30, 2019:

Ginny Graygor (Alternate)
Lynda Pressley
Arnaldo Rivera
Robert Smith

Justification

N/A

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

STAFF REPORT

File Number: 19-3265

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Keep Mansfield Beautiful

Requested Action

Appoint/Reappoint Board Members

Recommendation

Description/History

Appointees to Keep Mansfield Beautiful serve two-year terms. The following individuals have terms expiring September 30, 2019:

David Crumpton
Gordon McMinn
Leon Williams
Sarah Zink

Justification

N/A

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

STAFF REPORT

File Number: 19-3266

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Mansfield Commission for the Arts

Requested Action

Apoin/Reappoint Commission Members

Recommendation

Description/History

Appointees to the Mansfield Commission for the Arts serve two-year terms. The following individuals have terms expiring September 30, 2019:

Christopher Bryant
Claude Cunningham
Sheri Wolf

Justification

N/A

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

STAFF REPORT

File Number: 19-3267

Agenda Date: 9/9/2019

Version: 1

Status: New Business

In Control: City Council

File Type: Appointment

Agenda Number:

Title

Board Appointments: Construction Codes Board of Adjustment & Appeals

Requested Action

Appoint/Reappoint Board Members

Recommendation

Description/History

Appointees to the Construction Codes Board of Adjustment & Appeals serve two-year terms. The following individuals have terms expiring September 30, 2019:

Richard Beard
Todd Cleveland
Justin Gilmore
Wayne Lee
Derrick Mason
Nathan Stroder
Bobby Tutor

Justification

N/A

Funding Source

N/A

Prepared By

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