



**NOTICE AND AGENDA OF REGULAR CALLED MEETING
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TX 75032
TUESDAY, FEBRUARY 27, 2024 at 6:30 PM**

1. Call to Order – Regular Meeting, Invocation and Pledge of Allegiance

2. Public Comment

This is an opportunity for the public to address the Council on any matter, except public hearings included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Public comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. To address the Council, please sign in prior to the start of the Council Meeting. Each speaker shall approach the podium and state his/her name and street address before speaking. Speakers shall address the governing body with civility that is conducive to appropriate public discussion. Speakers can address only the governing body and not individual city officials or employees. The public cannot speak from the gallery but only from the podium. The Council is not permitted to take action on or discuss any item not listed on the agenda. The Council may: (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose the item be placed on a future agenda. (Tex. Govt Code §551.042).

3. Consent Agenda

These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

3.a Action Regarding the Minutes of the February 13, 2024 Regular Meeting.

4. Items for Individual Consideration

4.a Conduct a public hearing and act on Ordinance No. 240227B extending the moratorium previously adopted by Ordinance No. 231114A on the acceptance, authorization, and approvals necessary for residential and commercial property development, consisting of the subdivision, replatting, construction, reconstruction, or other alteration or improvement of residential and commercial buildings, for all properties currently receiving City of Heath water service and all properties located within the City of Heath's certificate of convenience and necessity and adopting findings, in accordance with Chapter 212, Subchapter E of the Texas Local Government Code. *(City Attorney)*

4.b Discussion Regarding an update on the Alternate Water Source Study from Freeman-Millican, Inc. *(R. Dormier)*

4.c Case No. FV-2024-01: Consider and act on a Resolution granting a Fence Variance to the Heath Code of Ordinances, § 157.02 (J) limiting front gates for fences on estate lots to a maximum height of ten feet to allow an existing 13 feet tall front gate on property addressed 522 Hubbard Drive and further described as all of Lot 1 and part of Lots 2 and 3, Block A, Welch Addition, containing 5.0 acres in the (A) Agricultural District and (SF-43) Single-Family Residential District. *(Rockwall CAD No. 29878) (A. Adel)*

- 4.d Case No. FP-2024-01:** Consider and act on a Final Plat of Prentiss Hills, an addition to the City of Heath's Extraterritorial Jurisdiction, Kaufman County, Texas, located generally at 17155 Adams Trail on the southwest side of Adams Trail northwest of the intersection with Stevens Road, containing 5.20 acres, and further described as Ransom Norton Survey, Abstract 360. (Kaufman CAD No. 10547) (A. Adel)
- 4.e** Discussion Regarding a request from Highlands of Heath HOA to add stop signs and speed humps in their subdivision. The requested locations are as follows: the intersections of Normandy Lane and Dunsford Drive, Dunsford Drive and Stanford Court and Normandy Lane and Stanford Court and speed hump at 111/112 Dunsford Drive. (R. Dormier)
- 4.f** Discussion and Action on Ordinance No. 240227A Amending the Fee Schedule, originally adopted for the current fiscal year starting October 1, 2023 and ending September 30, 2024; And repealing all other fee schedules and fees approved under other City Ordinances or Resolutions in conflict with this Ordinance; Establishing New Categories of Fees and Charges; Revise Existing Rates; Reconfirm Existing Rates; Providing for a Severability Clause; and Providing an Effective. (J. Ayers)

5. Council/City Manager Comments

Regarding Items of Community Interest – Pursuant To Texas Government Code Section 551.0415 The Mayor, Council And City Manager May Report On The Following Items: (1) Expression Of Thanks, Congratulations Or Condolences; (2) Information Regarding Holiday Schedules; (3) Recognition Of Individuals; (4) Reminders About Upcoming City Council Events; (5) Information Regarding Community Events; (6) Announcements Involving Imminent Threat To Public Health And Safety.

6. Executive Session

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will recess in Executive Session (closed meeting) to discuss the following:

6.a Section 551.071: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding: (i) zoning and platting standards, Local Government Code shot clock, and Trilogy final plat; (ii) Trilogy development in McLendon-Chisholm city limits and extraterritorial jurisdiction; (iii) extension of the moratorium on property development under Chapter 212, Subchapter E of the Texas Local Government Code; and (iv) legality of Senate Bill 2038 of the 88th Regular Legislative Session.

6.b Section 551.071: Consultation with Attorney regarding pending or contemplated litigation or settlement offer regarding: (i) MC Trilogy Texas, LLC v. City of Heath, et al., Cause No. 3:22-cv-02154-D and (ii) City of Grand Prairie vs. State of Texas, Case No. D-1-GN-23-007785.

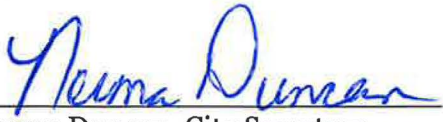
7. Reconvene into Open Session

In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

8. Adjourn

NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Agenda Posted this 22nd day of February, 2024 at 5:00 p.m.


Norma Duncan, City Secretary

MINUTES
REGULAR CALLED MEETING
HEATH CITY COUNCIL
TUESDAY, FEBRUARY 13, 2024 at 6:30 PM

ATTENDING: KELSON ELAM, MAYOR
PAUL RUFFO, MAYOR PRO TEM
SHARON CALDWELL
JIM CHESTER
RICH KRAUSE
DONNA ROLATER
BRENT WEAVER

Mayor Kelson Elam called to order the Regular meeting at 6:30 p.m. Councilman Krause delivered the Invocation and led the Pledge of Allegiance.

2. Public Comment

- Mike Rask, 14 Kenton Court – spoke regarding the Cain Middle School Site Plan request that was presented at the January 4th and February 6th P&Z meeting. The Commission tabled the request at the January meeting primarily because of traffic concerns. A meeting was held with P&Z Chair James Tunnell, Commissioner Mike Rask, RISD Executive Director of Operations Will Salee and RISD Mr. Clark and the Site Plan was revised to include 2000 feet of stacking space vs 1450 feet currently. Rask on behalf of the Planning and Zoning Commission, recommended approval.

3. Consent Agenda

- 3.a Action Regarding the Minutes of the January 23, 2024 Regular Meeting.
- 3.b Action Regarding a Resolution Calling a General Election to be Held Jointly with the Rockwall Independent School District and Administered by the Rockwall County Elections Administrator on Saturday, May 4, 2024 for the Purpose of Electing a Mayor and Two (2) Council Members, for Places (3 and 5). Two (2) Year Terms each: Designating the Entire City as One Election Precinct; Designating the Polling Places; Designating Filing Deadlines; Ordering Notices of Election to be Posted and Published as Prescribed by Law in Connection with such Election; and Providing an Effective Date.
- 3.c Action Regarding a Resolution Authorizing the Mayor to Execute a Contract with the Rockwall County Elections Administrator for Services Related to the May 4, 2024 General Election.

MOTION: APPROVE CONSENT AGENDA, ITEMS 3.a REGARDING MINUTES, 3b REGARDING RESOLUTION NO. 240213A CALLING MAY 4, 2024 GENERAL ELECTION; AND 3c REGARDING RESOLUTION NO. 240213B ELECTION CONTRACT.

MOTION MADE: WEAVER
SECONDED: ROLATER
APPROVED: PASSED UNANIMOUSLY

- 4.a Case No. SP-2023-05: Consider and Act on a Site Plan for Rockwall Independent School District's Cain Middle School on property described as Tract 14, Abstract 207, E. Teal Survey, containing 52.451 acres, and zoned as (A) Agricultural District. The Site Plan proposes an additional 43,348 square feet of building space and associated site improvements. (Rockwall CAD ID. 12653).

City Manager Kevin Lasher stated that Rockwall ISD is restructuring the grade levels housed at elementary and middle school campuses. Sixth grade classes are moving from elementary to middle school. To accomplish this change, the district is building a new middle school and renovating existing middle school campuses to increase student capacity. The existing Cain Middle School building is 148,082 SF and will be expanded by 43,348 SF or 29.2% SF. The property measures

52.45 acres and is accessible from FM3097/Horizon Rd. and FM 549. The campus has two modular classrooms enclosed by a fence with a Fence Variance granted last year. These portable classrooms and the fence will be removed when the renovation of the building is complete. The Architectural Review Board considered the site plan on December 18, 2023, and recommended approval as presented with a unanimous vote. The Planning and Zoning Commission considered this site plan on January 4, 2024, and tabled the item to the February 6 P & Z meeting to allow the applicant time to revisit the site's traffic access and on-site circulation and queuing and provide more on-site stacking during drop-off and pick-up times. In January, P&Z Commission Chairman Tunnell and Commissioner Rask met with representatives from RISD and city staff regarding the district's access and on-site circulation/queuing plans. The result of this meeting is a revised Access Plan that retains two student drop-off/pick-up locations and retains the current dedicated bus drop-off/pick-up location. The Access Plan expands the on-site queuing/stacking areas to maximize the number of cars that can stack on-site to serve the anticipated enrollment following the remodeling of the building and alleviate the number of cars stacking on FM 549 and Horizon Road. The site plan complies with all requirements of the (A) Agricultural District and other site plan requirements listed in 159.40(C) and the site plan conforms to the Comprehensive Plan's Future Land Use Map. At their regular meeting held on February 6, 2024, the P&Z Commission voted 7 to 0 to recommend approval of this site plan request as presented. Will Salle, RISD Director of Operations, 1814 Sapphire Road, Rockwall was present and provided a presentation with the revisions to the Site Plan.

MOTION: APPROVE SITE PLAN FOR ROCKWALL ISD CAIN MIDDLE SCHOOL.

MOTION MADE: KRAUSE
SECONDED: CHESTER
APPROVED: PASSED UNANIMOUSLY

4.b Update on Fire Flow/Fire Hydrants.

Interim Director of Public Works Mike Shook stated that when we purchased the water systems from RCH Water Supply Corporation and Forney Lake Water Supply Corporation, these systems met the requirements of the WSC's service requirements but did not include fire flows sufficient to meet the current Heath requirements. Heath has adopted the 2018 International Fire Code with required residential average fire flows of 1,000 Gallons Per Minute (GPM) or 1,500 GPM. The probable cost of the Capital Improvements Plan (CIP) to address the areas of deficient fire flow is estimated to be approximately \$12,000,000. The CIP will bring fire flow deficient areas into compliance with the 2018 International Fire Code. City Council has approved a 10-year CIP plan to fund and replace deficient water lines and fire hydrants to comply with the fire flow requirements. The deficient areas were ranked in order of repair with No. 1 as Darr Estates and No. 2 as Candlelite Park. The Finance Department is working on the funding for the Design and Engineering on Darr Estates this fiscal year. The next fiscal year would include construction of Darr Estates and Engineering Design of Candlelite Park. The 2025 budget will include Phase II for Candlelite. Shook stated that Darr Estates had a water main break two-weeks ago and we were able to see the real conditions of where the water lines are. The current map shows 4-inch lines but they are actually 3-inch lines. Mayor Elam provided some history and stated that when the City purchased Forney Lake Water Supply Corp, we did not know the condition of the pipes, since, we have prioritized the repairs. Chief Seery confirmed that we can service all of these areas with the assistance of our mutual aid. Mayor reiterated that we are going from a long-time paper-based system to a new GIS computerized system and with this new system, staff will have access to the data in real time and can monitor it.

5. Council/City Manager Comments

City Manager Kevin Lasher announced two events, The Rockwall Chamber of Commerce Annual Meeting and Awards Banquet on Feb 29th and the Children's Advocacy Center Go Blue for Kids Gala on April 27th. Councilman Krause proposed a future agenda item regarding an update on the Pump Maintenance and Spare contract by Freeman & Millican. Also, "Wings over Heath" will open by the end of month.

6. Executive Session

At 7:07 p.m., Mayor Elam recessed the meeting to Executive Session (closed meeting) stating that in accordance with Texas Government Code Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) to discuss the following: Section 551.071: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding: (i) zoning and platting standards, Local Government Code shot clock, and Trilogy final plat; (ii) extension of the moratorium on property development under Chapter 212, Subchapter E of the Texas Local Government Code; and (iii) Trilogy development in McLendon-Chisholm city limits and extraterritorial jurisdiction; and Section 551.071: Consultation with Attorney regarding pending or contemplated litigation or settlement offer regarding: (i) City of Heath v. McLendon-Chisholm, Cause No. 1-22-1204; (ii) MC Trilogy Texas, LLC v. City of Heath, et al., Cause No. 3:22-cv-02154-D; and (iii) Laurie Mays v. City of Heath, Cause No. 1-24-0148.

At 8:15 p.m, Mayor Elam closed Executive Session and reconvened the meeting into open session stating that no action was taken in the Executive Session.

Mayor Elam adjourned the meeting at 8:16 p.m.

APPROVED:

ATTEST:

KELSON ELAM
MAYOR

NORMA DUNCAN
CITY SECRETARY



CITY of HEATH

City Council

Agenda Brief

MEETING DATE: 02/27/2024

AGENDA ITEM: 4.a

Item:

Conduct a public hearing and act on Ordinance No. 240227B extending the moratorium previously adopted by Ordinance No. 231114A on the acceptance, authorization, and approvals necessary for residential and commercial property development, consisting of the subdivision, replatting, construction, reconstruction, or other alteration or improvement of residential and commercial buildings, for all properties currently receiving City of Heath water service and all properties located within the City of Heath's certificate of convenience and necessity and adopting findings, in accordance with Chapter 212, Subchapter E of the Texas Local Government Code. *(City Attorney)*

Financial Impact:

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Legal Impact:

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Comprehensive Plan Impact:

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CITY of HEATH

City Council

Agenda Brief

MEETING DATE: 02/27/2024

AGENDA ITEM: 4.b

Item:

Discussion Regarding an update on the Alternate Water Source Study from Freeman-Millican, Inc. (R. Dormier)

Background:

The City has applied to NTMWD to become a direct customer of the NTMWD preferably in Rockwall or if not feasible along Hwy 80 near FM 460 in Forney. This request was made as a result of meetings with the City of Dallas, City of Rockwall, and NTMWD as well as other customers of NTMWD to discuss the options and availability of water for the city of Heath.

Financial Impact:

The ultimate result will create a new water CIP which will need to be funded by issuance of debt.

Legal Impact:

NA.

Comprehensive Plan Impact:

In order to continue to grow according to the Comprehensive Plan, the City will need to acquire an additional water source.

Staff Comments:

Once a response is received from NTMWD, the water study will be completed and presented to the City Council for their consideration. We anticipate hearing back from NTMWD regarding the connection point in the next few weeks.

Staff Recommendation:

No recommendation on the water study at this time.



CITY of HEATH

City Council

Agenda Brief

MEETING DATE: 02/27/2024

AGENDA ITEM: 4.c

Item:

Case No. FV-2024-01: Conduct a Public Hearing and act on a Resolution granting a Variance to the Heath Code of Ordinances, § 157.02(J), that limits the height of front gates to seven feet (7') to permit an existing front gate with a height of approximately thirteen feet (13') on property at 522 Hubbard Drive and further described as Lot 1 and Parts of Lot 2 and 3, Block A, Welch Subdivision. (Rockwall CAD No. 29878)

Applicant:

Mohammad Aldaghlis

Owners:

Mohammad Aldaghlis

Background:

The property is located at 522 Hubbard Avenue adjacent to western boundary of The Dominion at Heath.

See the attached application describing the requested Fence Variance to Section 157.02 (J). This section limits the height of a front gate to ten feet (10') on an estate lot with an area of five (5) acres or greater. The Variance would permit an existing front gate with a height of approximately thirteen feet (13').

Construction of the gate occurred without an approved permit from the City of Heath.

Public Notification:

Notice of Public Hearing was mailed to the owners of property within 500' of the subject property by February 16, 2024. Three (3) responses have been returned in favor of the fence variance. There have been no responses in opposition.

Financial Impact:

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Legal Impact:

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Comprehensive Plan Impact:

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Compliance Summary:

The front gate does not comply with § 157.02 (J) that limits front gates on estate lots to a maximum height of ten feet.

According to § 157.08 (A) of the City of Heath Code of Ordinances, the City Council may allow a fence variance after a public hearing if it determines that the enforcement of a provision in Chapter 157 "Fences" meets one of the following four conditions:

1. Enforcing the provision is not in the best interest of the public;
2. Enforcing the provision constitutes waste or inefficient use of land or other resources;
3. Enforcing the provision creates an undue hardship on the applicant for a permit; OR
4. Enforcing the provision does not serve it's intended purpose, is not effective or necessary.

Attachments:

[FV-2024-01 522 Hubbard Dr Picture.pdf](#)

[FV-2024-01 522 Hubbard Dr Vicinity Map and Responses.pdf](#)

[FV-2024-01 522 Hubbard Dr Neighbor Responses.pdf](#)

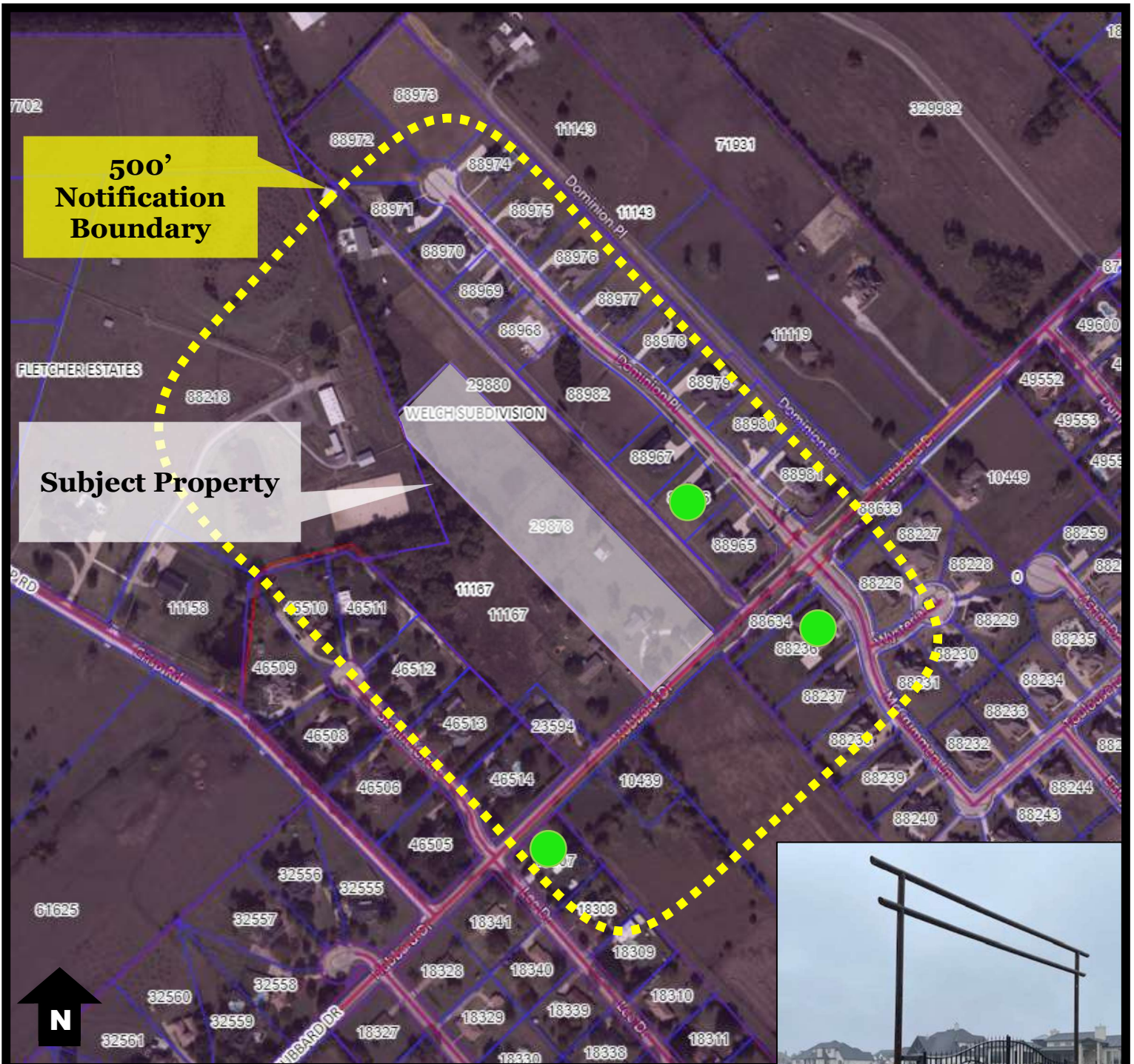
[FV-2024-01 522 Hubbard Dr Application.pdf](#)

[FV-2024-01 522 Hubbard Dr Application Attachments.pdf](#)

[FV-2024-01 522 Hubbard Dr Resolution Draft.docx](#)

FV-2024-01 522 Hubbard Drive





VICINITY MAP

(Not to scale)



In Favor: ● **Not in Favor:** ●

Case No. FV-2024-01:

Conduct a Public Hearing and act on an Ordinance granting a Variance to the Heath Code of Ordinances, § 157.02(J), that limits the height of front gates to seven feet (7') to permit an existing front gate with a height of approximately thirteen feet (13') on property at 522 Hubbard Drive and further described as Lot 1 and Parts of Lot 2 and 3, Block A, Welch Subdivision.

(Rockwall CAD No. 29878)

CITY OF HEATH, TEXAS
Notice of Public Hearing Before the City Council



Notice is hereby given that the City Council of the City of Heath, Texas, will hold a public hearing at a meeting that begins at 6:30 p.m. on **Tuesday, February 27, 2024**, at Heath City Hall, 200 Laurence Dr., Heath, Texas.

At such time, the City Council will conduct a Public Hearing and act on an Ordinance granting a Variance to the Heath Code of Ordinances, § 157.02(J), that limits the height of front gates to seven feet (7') to permit an existing front gate with a height of approximately thirteen feet (13') on property at **522 Hubbard Drive** and further described as Lot 1 and Parts of Lot 2 and 3, Block A, Welch Subdivision. (Case No. FV-2024-01)

PROPERTY DESCRIPTION: Approximately 5.0 acres of land addressed 522 Hubbard Drive and further described as Lot 1 and Parts of Lot 2 and 3, Block A, Welch Subdivision, City of Heath, Rockwall County, Texas. A map of the property is attached. (Rockwall CAD No. 29878)

This notice may be downloaded from the City of Heath website at <http://www.heathtx.com/government/public-notices/>. Interested citizens are invited to attend the public hearing and participate in the same.

REQUEST FOR PUBLIC INPUT

We value your input as a neighbor of the subject property! To express your opinion about the proposed action, please fill out the following information and return it to the City of Heath as directed below. Thank you!

Check one: ☒ I am in favor of the variance request.

☐ I am opposed to the variance request.

Reasons: (Attach a separate sheet as needed.)

Gates are attractive and does not harm the appearance of the property. It in fact makes the property more appealing

Signature: _____

Name (printed): _____

Address: _____

Phone/Email Address (optional): _____

Please return this form to:

City of Heath
 ATTN: Aaron Adel
 200 Laurence Drive
 Heath, Texas 75032

Or scan and email to:
aadel@heathtx.com

Thank you!
 City of Heath, Texas

STACY & REBECCA L STEWART
 305 DOMINION PL
 HEATH, TX 75032

CITY OF HEATH, TEXAS
Notice of Public Hearing Before the City Council



Notice is hereby given that the City Council of the City of Heath, Texas, will hold a public hearing at a meeting that begins at 6:30 p.m. on **Tuesday, February 27, 2024**, at Heath City Hall, 200 Laurence Dr., Heath, Texas.

At such time, the City Council will conduct a Public Hearing and act on an Ordinance granting a Variance to the Heath Code of Ordinances, § 157.02(J), that limits the height of front gates to seven feet (7') to permit an existing front gate with a height of approximately thirteen feet (13') on property at **522 Hubbard Drive** and further described as Lot 1 and Parts of Lot 2 and 3, Block A, Welch Subdivision. **(Case No. FV-2024-01)**

PROPERTY DESCRIPTION: Approximately 5.0 acres of land addressed 522 Hubbard Drive and further described as Lot 1 and Parts of Lot 2 and 3, Block A, Welch Subdivision, City of Heath, Rockwall County, Texas. A map of the property is attached. (Rockwall CAD No. 29878)

This notice may be downloaded from the City of Heath website at <http://www.heathtx.com/government/public-notices/>. Interested citizens are invited to attend the public hearing and participate in the same.

REQUEST FOR PUBLIC INPUT

We value your input as a neighbor of the subject property! To express your opinion about the proposed action, please fill out the following information and return it to the City of Heath as directed below. Thank you!

Check one: ☒ I am in favor of the variance request. ☐ I am opposed to the variance request.

Reasons: (Attach a separate sheet as needed.)

Current structure is not intrusive.

Signature: *Connie Greiner*

Name (printed): Connie Greiner

Address: 200 McCrummen Lane

Phone/Email Address (optional): conniesueg@gmail.com

Please return this form to:

City of Heath
 ATTN: Aaron Adel
 200 Laurence Drive
 Heath, Texas 75032

Or scan and email to:
aadel@heathtx.com

Thank you!
 City of Heath, Texas

ROBERT & CONNIE SUE GREINER REVOCABLE TRUST
 200 MCCRUMMEN LN
 HEATH, TX 75032

CITY OF HEATH, TEXAS
Notice of Public Hearing Before the City Council



Notice is hereby given that the City Council of the City of Heath, Texas, will hold a public hearing at a meeting that begins at 6:30 p.m. on **Tuesday, February 27, 2024**, at Heath City Hall, 200 Laurence Dr., Heath, Texas.

At such time, the City Council will conduct a Public Hearing and act on an Ordinance granting a Variance to the Heath Code of Ordinances, § 157.02(J), that limits the height of front gates to seven feet (7') to permit an existing front gate with a height of approximately thirteen feet (13') on property at **522 Hubbard Drive** and further described as Lot 1 and Parts of Lot 2 and 3, Block A, Welch Subdivision, **(Case No. FV-2024-01)**

PROPERTY DESCRIPTION: Approximately 5.0 acres of land addressed 522 Hubbard Drive and further described as Lot 1 and Parts of Lot 2 and 3, Block A, Welch Subdivision, City of Heath, Rockwall County, Texas. A map of the property is attached. (Rockwall CAD No. 29878)

This notice may be downloaded from the City of Heath website at <http://www.heathtx.com/government/public-notices/>. Interested citizens are invited to attend the public hearing and participate in the same.

REQUEST FOR PUBLIC INPUT

We value your input as a neighbor of the subject property! To express your opinion about the proposed action, please fill out the following information and return it to the City of Heath as directed below. Thank you!

Check one: ☒ I am in favor of the variance request.

☐ I am opposed to the variance request.

Reasons: (Attach a separate sheet as needed.)

Signature: Dagmar Schiwietz

Name (printed): Dagmar Schiwietz

Address: 537 Hubbard

Phone/Email Address (optional): _____

Please return this form to:

City of Heath
 ATTN: Aaron Adel
 200 Laurence Drive
 Heath, Texas 75032

Or scan and email to:
aadel@heathtx.com

Thank you!
 City of Heath, Texas

DAGMAR SCHIWIEZ
537 HUBBARD DR
HEATH, TX 75032



City of Heath
200 Laurence Dr.
Heath, TX 75032
972-961-4883



FENCE VARIANCE APPLICATION

APPLICANT:

OWNER (IF DIFFERENT):

Name (printed): Mohammad Aldaghlis Same
Property Address: 522 HUBBARD DR Heath TX 75032
Email Address: MohammadALDAGHLIS@gmail.com
Telephone Number: 214-757-6263

The following information pertains to the location for which the variance is being requested:

Street Address: 522 HUBBARD DR Heath TX 75032

Legal Description (attach if necessary): _____

I hereby certify that this application is complete per the requirements of Chapter 157 "Fences" of the Heath Code of Ordinances. I further understand this variance will be considered by the Heath City Council following a public hearing. It is necessary to have a representative present at the City Council meeting who is authorized to discuss this request. A Notice of Public Hearing will be mailed to all property owners within 500' of the subject property.

Applicant's Signature [Signature] Date: 12-11-2023

The following checklist is a summary of requirements for fence variance requests. The applicant should refer to Chapter 157 "Fences" of the Heath Code of Ordinances, other ordinances, maps, and codes available at City Hall and on the website at www.heathtx.com that may pertain to this fence variance request. If the subject fence is a required swimming pool barrier, the fence must also meet the requirements of §150.40 and §150.41. In addition to paper submittals, electronic copies attached to an email addressed to AFerrell@heathtx.com will be accepted. Graphics should be in a .pdf format.

- ☒ Completed Fence Variance Application and fee
- ☒ Completed Demonstration on page 2
- ☒ Site plan showing the location of the fence variance request and any other fences that conform to or are exempt from the fence ordinance. The site plans shall also indicate the building, landscaped areas, parking and approaches, and adjoining street right-of-way.
- ☒ If the fence is located within an area overseen by a homeowners or property owners association (or similar body) please provide a letter from the association including their support for the fence variance application.

City Office Use Only:	
Application Date:	
Application Fee: <u>\$400.00</u>	Check # _____ CC _____ Cash ☒
City Council Meeting Date:	
Notice Published (10 days prior to Public Hearing)	
Neighborhood Notices Mailed (10 days prior to Public Hearing)	

According to §157.08 (A) of the Heath Code of Ordinances, the City Council may allow a variance to the provisions of fence regulations, after a public hearing, if it determines that the enforcement of a provision in a particular instance:

1. Is not in the best interests of the public;
2. Constitutes waste or inefficient use of land or other resources;
3. Creates an undue hardship on the applicant for a permit; OR
4. Does not serve its intended purpose, is not effective or necessary.

DEMONSTRATION:

Please demonstrate that at least one of the following conditions are applicable to the requested fence variance:

1. Describe how this variance is in the best interests of the public.

I think it looks cool for us and the ~~over~~ neighbor
it was done professionally

2. Describe how this variance creates an efficient use of land or other resources.

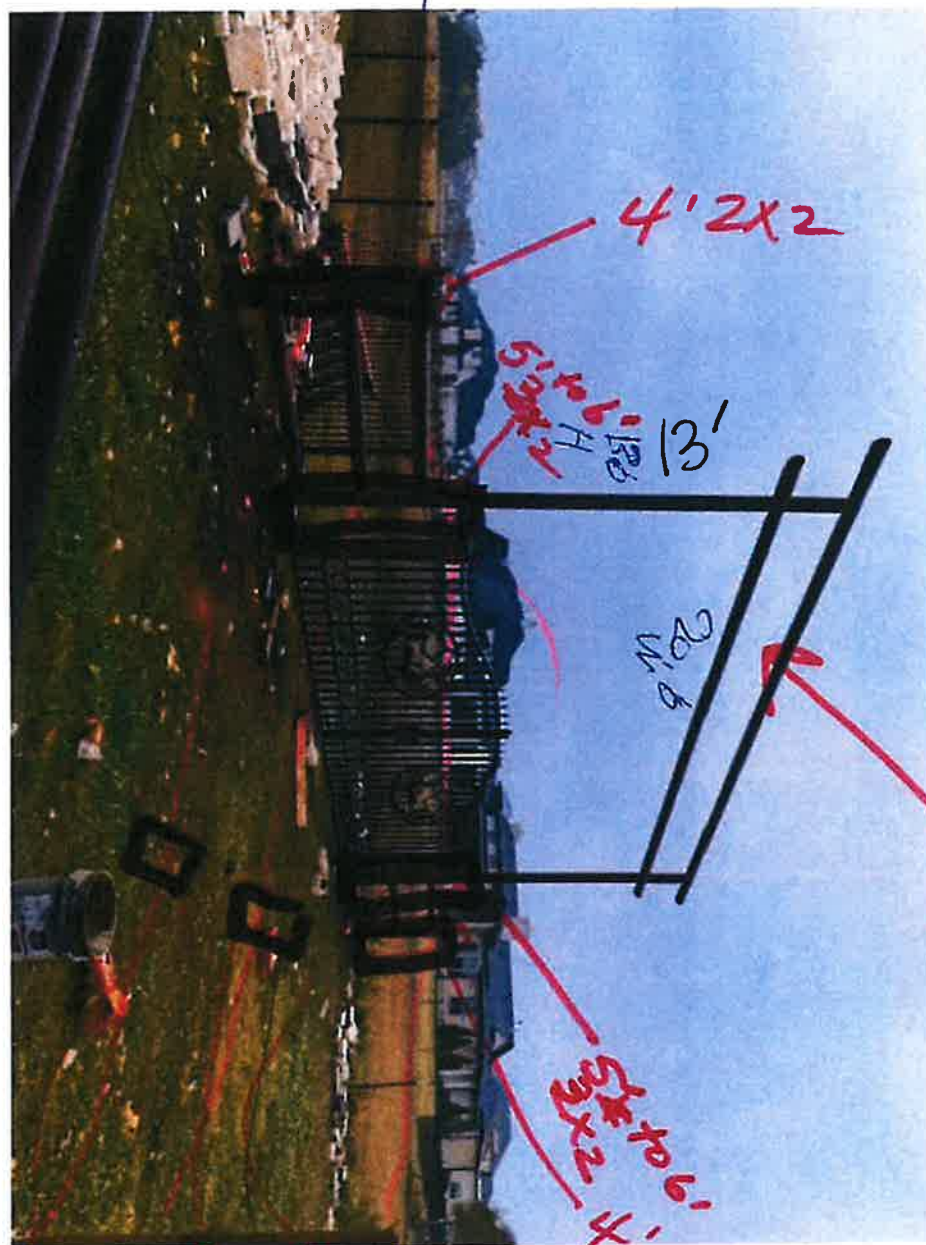
I need it for the trucks to go in
for service + SEPTIC TANK

3. Describe how DENYING this variance would create an undue hardship on the applicant.

MY FIDS AND I WILL BE VERY SAD HOPE WE CAN KEEP IT

4. Describe how the specific regulation being violated does not serve its intended purpose, is not effective or necessary.

- (1) 4' Store Columns 2'x2'
- (2) 5'6" Spine Columns 3'x2' for gate



Variance being applied

REVISED
11-30-23

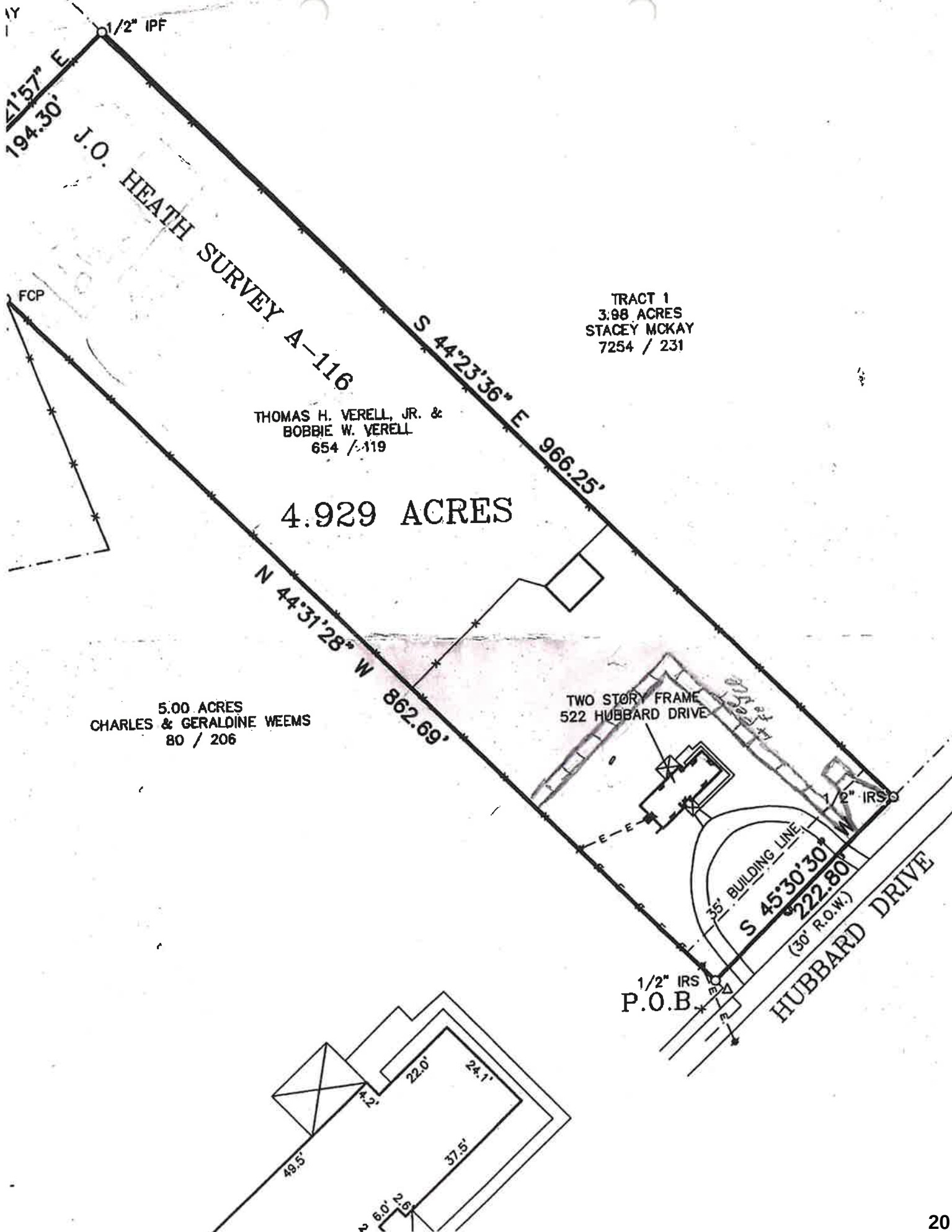
4' 2x2
4' 2x2
5'6" 2x2
4' 2x2

Approx 20'
from Road edge

not in triangle

160' w double manual gate
4x4 12g posts
3.5' - 5' H





THOMAS H. VERELL, JR. &
BOBBIE W. VERELL
654 / 119

4.929 ACRES

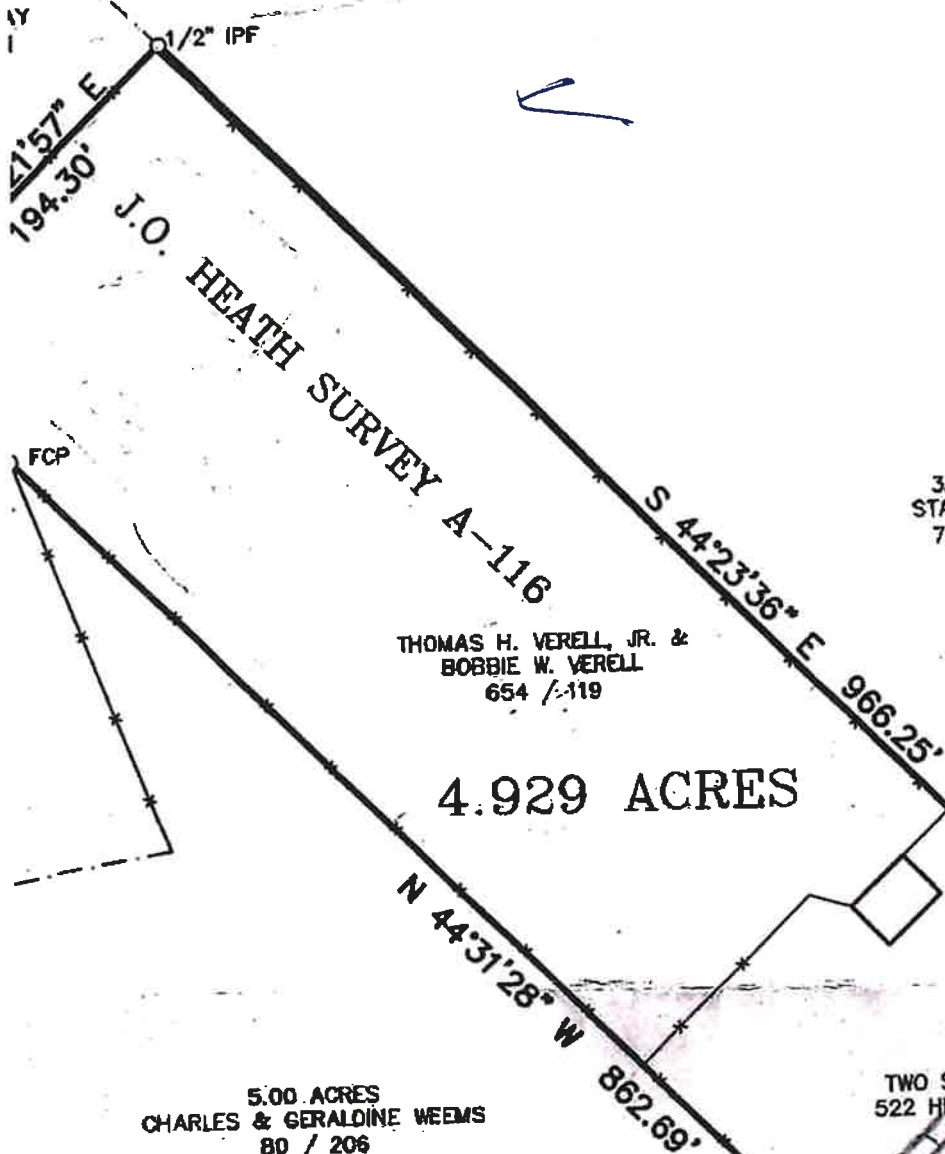
5.00 ACRES
CHARLES & GERALDINE WEEMS
80 / 206

TRACT 1
3.98 ACRES
STACEY MCKAY
7254 / 231

TWO STORY FRAME
522 HUBBARD DRIVE

$1/2"$ IRS
P.O.B.

HUBBARD DRIVE



THOMAS H. VERELL, JR. &
BOBBIE W. VERELL
654 / -119

5.00 ACRES
CHARLES & GERALDINE WEEMS
80 / 206

TRACT 1
3.98 ACRES
STACEY MCKAY
7254 / 231

TWO STORY FRAME
522 HUBBARD DRIVE

1/2" IRS
P.O.B.

REVISED
11-30-23

12-11-23

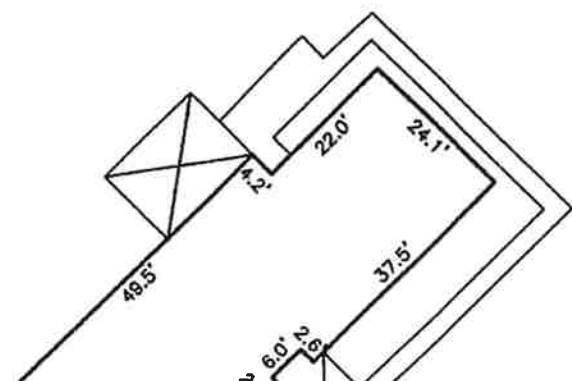
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HUBBARD DRIVE



CITY OF HEATH, TEXAS
RESOLUTION NO. 240227A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, GRANTING A VARIANCE FROM CHAPTER 157, "FENCES," OF THE CITY OF HEATH CODE OF ORDINANCES FOR LOT 1 AND PART OF LOTS 2 AND 3, BLOCK A, WELCH ADDITION, MORE COMMONLY KNOWN AS 588 HUBBARD DRIVE, CITY OF HEATH, ROCKWALL COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of Lot 1 and part of Lots 2 and 3, Block A, Welch Addition, located at 522 Hubbard Drive, City of Heath, Rockwall County, Texas (the "Property"), has requested a variance from the requirements in Chapter 157 of the Heath Code of Ordinances to construct a thirteen-foot tall front gate, as shown the plan attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the proper notices having been given, a public hearing having been held on February 27, 2024, where interested parties were given the opportunity to provide comment, and all requirements of the laws of the State of Texas having been met, the City Council considered the application for the requested variance; and

WHEREAS, the City Council finds that enforcement of Chapter 157 as it relates to the Property: (a) is not in the best interests of the public; (b) constitutes waste or inefficient use of land or other resources; (c) creates an undue hardship on the applicant for a permit; or (d) does not serve its intended purpose, is not effective or necessary.

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

Section 1. That the above and foregoing premises are true and correct and are incorporated herein and made part hereof for all purposes.

Section 2. That the City Council hereby grants a variance from Section 157.02, "Fences" of the Heath Code of Ordinances for the Property to construct a thirteen-foot-tall front gate, as shown on Exhibit A, with the condition that: insert any conditions.

Section 3. That this Resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED this 27th day of February 2024, at a regular meeting of the City Council of the City of Heath, Texas.

Kelson Elam, Mayor

ATTEST:

Norma Duncan, City Secretary

EXHIBIT "A"





CITY of HEATH

City Council

Agenda Brief

MEETING DATE: 02/27/2024

AGENDA ITEM: 4.d

Item:

Case No. FP-2024-01: Consider and act on a Final Plat of Prentiss Hills, an addition to the City of Heath's Extraterritorial Jurisdiction, Kaufman County, Texas, located generally at 17155 Adams Trail on the southwest side of Adams Trail northwest of the intersection with Stevens Road, containing 5.20 acres, and further described as Ransom Norton Survey, Abstract 360. (Kaufman CAD No. 10547)(A. Adel)

Applicant:

Donald Prentiss

Owners:

Donald Prentiss

Current Zoning:

The property is located in the City of Heath's Extraterritorial Jurisdiction (ETJ) south of the southern city limits. As such, it is not assigned to a zoning district. However, the property is subject to the attached Development Agreement.

Section One of the Development Agreement states the City will not involuntarily annex the property if certain conditions explained in the agreement are met. Section Two states one of the conditions is the property may not be subdivided into parts smaller than three (3) developable acres. This condition is met by the final plat. The developable land area in the single lot is 4.61 acres when the pond area is subtracted.

Section One of the Development Agreement also states if the property is annexed in the future, it may at that time be developed at a density of one unit per developable acre. This density is compatible with the SF-43 District. Therefore, the plat is reviewed for compliance with the SF-43 area regulations.

Background:

The applicant requests the plat to facilitate construction of a single-family residence and guest house.

ACCESS: Access to the property comes from Adams Trail.

TREES: A Treescape Plan will be reviewed with the building permit application.

SEWER: The property will be served by OSSF.

WATER: Water is provided to the site by High Point SUD. High Point provided the attached letter confirming sufficient fire flow.

DRAINAGE: Grading and drainage plans will be reviewed with the building permit application.

Board/Commission Comments:

The Planning and Zoning Commission considered this plat on February 6 and unanimously recommended approval with the following condition:

- In accordance with Subdivision Regulations, §158.11, the plat shall be provided with water in sufficient volume and pressure for domestic use and fire protection. The adequacy of fire protection shall be determined by the Fire Marshall before a building permit is issued.
 - This condition was included because High Point SUD hadn't completed the necessary flow test to determine the availability of sufficient fire protection. Following the P & Z meeting, the flow test was conducted and demonstrated sufficient fire flow. High Point provided a letter confirming they can meet the City of Heath's requirements.

Financial Impact:

Properties in the ETJ do not contribute property tax revenue to the City of Heath. The city does not collect park fees or impact fees for development in the ETJ.

Legal Impact:

A Moratorium Exemption Request is approved. The project will have no impact on the city's water system. The water provider is High Point SUD.

Comprehensive Plan Impact:

The plat conforms to the Comprehensive Plan's Future Land Use Plan that shows Rural Estates uses planned in the ETJ.

Compliance Summary:

The plat conforms to the Comprehensive Plan's Future Land Use Plan that shows Rural Estates uses planned in the ETJ.

The plat conforms to the attached development agreement.

See the attached Ordinance Compliance Matrix for a comparison of the subject final plat to city requirements. The plat conforms to these requirements.

Per state law, plat review is a ministerial function. The Council's motion must be either to: Approve, Approve with Conditions citing specific statutes or ordinance sections, or deny with reasons citing specific statutes or ordinance sections.

When the recorded copy of the filed plat is returned to city hall, the applicant can begin the building permit process.

Per § 158.07 (G), the approved final plat expires 365 days after approval if it is not filed with the County. Extensions are provided for in the ordinance.

Attachments:

[FP-2024-01 Prentiss Hills Final Plat-2nd submittal.pdf](#)

[FP-2024-01 Prentiss Hills Ordinance Compliance Matrix for CC Packet.pdf](#)

[FP-2024-01 Prentiss Hills Development Agreement.pdf](#)

[FP-2024-01 Prentiss Hills High Point Notice of Intent to Servedf](#)

[Heath-Future-Land-Use-Map-2018-11-21.pdf](#)

[FP-2024-01 Prentiss Hills Applicaton.pdf](#)

FP-2024-01 Final Plat of Prentiss Hills

ORDINANCE COMPLIANCE MATRIX: Final Plat in (SF-43) Single-Family Residential District		
Deficiencies in RED shall be referenced in the motion to "Approve with Condition" or "Deny with Reasons".		
Ordinance Requirement	§ 159.21 (SF-43) Regulations	Final Plat COMPLIANCE
1. Minimum Lot Area	1.0 acre, NOTE: The Development Agreement requires a minimum lot size of 3.0 acres.	5.20 acres, 4.61 developable acres
2. Max # Main Dwellings	one	one
3. Minimum SF/Dwelling	3,200 SF	<i>Reviewed with Building Permit</i>
4. Minimum Lot width	100 feet	337.74 feet
5. Minimum Lot Depth	175 feet	487.51 feet
6. Min Front Setback	50 feet	50 feet
	a. No front entry garages shall be permitted at the 50-foot front building line.	<i>Reviewed with Building Permit</i>
	b. Garages built at the 50-foot building line shall be oriented in a traditional swing (j-swing) or be side entry.	<i>Reviewed with Building Permit</i>
	c. All front-facing garages shall be setback 75 feet from the front property line.	<i>Reviewed with Building Permit</i>
	d. All front-facing garages shall be set back from the front building envelope of the primary structure by at least 20-feet.	<i>Reviewed with Building Permit</i>
7. Minimum Rear Setback	25 feet for the main building and ten feet for accessory building or other structure	<i>Reviewed with Building Permit</i>
8. Minimum Side Setback	a. Internal Lot: 15 feet	<i>Reviewed with Building Permit</i>
	b. Abutting street: 30 feet	NA
9. Min Driveway Length	50 feet	<i>Reviewed with Building Permit</i>
10. Max Building Coverage	35%	<i>Reviewed with Building Permit</i>
11. Max Building Height	35' main dwelling. Other structures: Table (B)(14)	<i>Reviewed with Building Permit</i>
12. Minimum # Off-Street Paved Parking Spaces	a. Main single-family dwelling unit: two (not including garage)	<i>Reviewed with Building Permit</i>
	b. All other uses: see §§ 159.60 - 159.68.	NA
Accessory Buildings and Dwellings	§ 159.21 Table (B)(14)	NA

FP-2024-01 Final Plat of Prentiss Hills

§ 158.07 Final Plat Regulations		Final Plat COMPLIANCE
(A)(1)	Names of the owner and/or subdivider and of the licensed state and land surveyor responsible for the plat	Complies
(A)(2)	Name of the subdivision and adjacent subdivisions and name of streets	Complies
(A)(3)	Accurate boundary survey and description of the property. Street, alley and lot lines in adjacent subdivisions shall be shown in dashed lines. North point, scale and date.	Complies
(A)(4)	Proposed lots, streets, public highways, alleys, parks and other features, with accurate dimensions, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Boundaries and acreage of the protected floodplain. All lots or building sites shall conform to the standards prescribed by the zoning ordinance for the district or districts in which the subdivision is located. All streets, alleys, drainage and public utilities shall conform to the specifications of the city. For specifications, see: Engineering Standards of Design	Complies
(A)(5)	Locations of building lines on front and side streets & utility easements;	Complies
(A)(6-9)	Owners Dedication	Complies
(A)(10)	Certification by a licensed state land surveyor	Complies
(A)(11-12)	Certifications for the P&Z Commission Chairman and Mayor.	Complies
(A)(13)	CIVIL CONSTRUCTION PLANS: Final plats shall be accompanied by plan-profile sheets, 24 inches by 36 inches, and platted to a scale of 40 feet to one inch horizontal and five or six feet to one inch vertical, for each proposed street in the subdivision. These plan-profiles shall show the existing ground and the proposed grade at four points of cross section; that is, the back-of-curb lines, and the property lines. The plan portion shall show the size and location of all drainage of flow of all storm water. Plans shall show all public utilities needed to service the subdivision and should accompany the final plat and be approved by the City Engineer and be in compliance with the city standards. For city standards, see: Engineering Standards of Design	NA
(A)(14)	CIVIL CONSTRUCTION PLANS: Typical cross sections shall be shown of the type and width of paving proposed for the streets. Curbs and gutters, pavement types and drainage structure design standards of the city, in effect at the time of submission of the plat, shall be used, subject to the approval of the city's engineer and/or Planning and Zoning Commission. For design standards, see: Engineering Standards of Design	NA
(A)(15)	Subdividers Certificate	Complies

FP-2024-01 Final Plat of Prentiss Hills

§ 158.09 Miscellaneous Requirements.		Final Plat COMPLIANCE
(B) Approach Water Main	(1) In a proposed subdivision where city water is not available but is accessible, the subdivider shall provide at his or her expense an approach water main of size sufficient to serve his or her subdivision or of a size shown in the water distribution plan, whichever is larger.	The City of Heath is not the water provider. Water is provided by High Point SUD.
	(2) The plans, specifications and all constructions shall be subject to the approval of the city's engineer, and the entire distribution system shall be adequate for service when the city water supply is available.	The City of Heath is not the water provider. Water is provided by High Point SUD.
(C) Approach Sewer Line	(1) In a proposed subdivision where public sanitary sewers are not available but are accessible, the subdivider shall provide at his or her expense an approach sewer line of sufficient size to serve his or her subdivision including any necessary lift stations, or of the size shown in the sewer collection plan or required by the city engineer for future expansion, whichever is larger.	The lot is in the ETJ and will be served by OSSF.
	(2) If public sanitary sewers are not accessible, the subdivider may be required to install the complete sanitary sewer system to conform with future plans for connection with the public sanitary sewer in which case he or she shall install the necessary sewage treatment facilities for use until such time when the connection is made in the city sanitary sewer system.	The lot is in the ETJ and will be served by OSSF.
	(3) Where the installation of sanitary sewers is not required the size of the subdivided lots shall be a minimum of one acre in size for individual disposal facilities, including the necessary lateral lines and builder shall install individual disposal devices for each lot at the same time improvements are erected thereon.	Complies
	(4) Any such individual sewage disposal system shall be constructed in accordance with the state health department specifications and subject to the approval of the City Engineer and the City Council.	<i>Reviewed with Building Permit</i>
Final Plat Application Requirements		Final Plat COMPLIANCE
§ 158.55 Parkland dedication recommendation from the Park Board.		NA
§ 158.11 Private water supply company letter stating the company has reviewed the water plans, sufficient water pressure and volume for domestic use will be provided, and sufficient water pressure and volume for fire protection will be provided.		Complies
Copy of previously approved Preliminary Plat and approved Concept Plan		NA

Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2019-0007078

Billable Pages: 7
Number of Pages: 8

FILED AND RECORDED - REAL RECORDS	CLERKS COMMENTS
On: 04/02/2019 at 08:53 AM Document Number: <u>2019-0007078</u> Receipt No: <u>19-6622</u> Amount: \$ <u>50.00</u> Vol/Pg: <u>V:5971 P:551</u>	MAILBACK



STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Kylie Doss, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Record and Return To:

KAIRA CABRANES
MESSER, ROCKEFELLER & FORT PLLC
6371 PRESTON ROAD, SUITE 200
FRISCO, TX 75034



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**CHAPTER 43 AND CHAPTER 212 TEXAS LOCAL GOVERNMENT CODE
DEVELOPMENT AGREEMENT**

This Agreement is entered into pursuant to Sections 43.016 and 212.172 of the Texas Local Government Code by and between the City of Heath, Texas (the "City") and the Carol J. Salls Revocable Living Trust (the "Owner"). The term "Owner" includes all owners of the Property.

WHEREAS, the Owner owns a parcel of real property (the "Property") in Kaufman County, Texas, that is located in the City of Heath's extraterritorial jurisdiction ("ETJ") having an agricultural tax exemption, identified as Kaufman CAD ID 10547, generally located west of Adams Trail, north of Valley View Road and east of FM 740; and being an approximate 9.6 acre tract of land situated in the R. Norton Survey, Abstract No. 360, Kaufman County, Texas and being more particularly described in Exhibit A and depicted in Exhibit B attached hereto; and

WHEREAS, the City began the process to institute annexation proceedings on all or portions of Owner's Property and as part of that process offered this Agreement to the Owner; and

WHEREAS, the Owner does not desire to be annexed into the City, in consideration for which the Owner agrees to enter into this Agreement and the City agrees not to annex the Property during the Term (defined below), except as allowed under this Agreement; and

WHEREAS, this Agreement is entered into pursuant to Sections 43.016 and Section 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

WHEREAS, the parties agree the Property may be annexed by the City at a future date; and

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the Term; and

WHEREAS, this Development Agreement is to be recorded in the Real Property Records of Kaufman County.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section 1. The City guarantees the continuation of the ETJ status of the Owner's Property, its immunity from annexation by the City, and that the Property will not be subject to City property taxes, for the Term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement or after the

Term, then, upon annexation, the City shall provide services to the Property pursuant Texas Local Government Code Chapter 43, as amended, required to serve full development of the Property at a density of one single-family residential unit per developable acre. After annexation, the Property may be developed with single-family residential uses at a density of one unit per developable acre. For purposes of this Agreement, the term "developable" means land not included in any floodplain, land that does not include rivers, lakes, ponds, and streams, and/or land not located in any rights-of-way, including roadway or alley easements.

Section 2. For the Term, the Owner covenants and agrees: (a) not to use the Property for (i) sexually oriented business uses, (ii) new manufactured housing uses, (iii) new multifamily housing, or (iv) new non-agricultural related industrial uses; and (b) to use the Property exclusively for: (i) preexisting uses, including those that are seasonal or occurring on a periodic basis, (ii) agricultural, wildlife, timber, residential and home occupation uses, and (iii) uses accessory to or a natural expansion of those uses described in Section 2(b)(i) and 2(b)(ii). For the Term, the Owner covenants and agrees not to perform or take acts to file or seek a subdivision plat, permit for development or related development document, whether actually filed or would be required to be filed, for the Property with the City, the County, or the State (a "Development Document") that would cause the Property to be subdivided into parts less than three developable acres or which seeks to create any special district (including but not limited to a Municipal Utility District, Fresh Water Supply District, Water Control and Improvement District, Municipal Management District, Public Improvement District, or any similar special district) within any part of the Property, including by seeking to file, or filing, any legislation or any application with the Texas Commission on Environmental Quality ("TCEQ") to create any such special district. Owner represents and agrees that no Development Document has been filed between October 31, 2018 and the effective date of this Agreement.

To assure safe and quality development and pursuant to Section 43.016(b) of the Texas Local Government Code, Owner agrees that the City is authorized to enforce all of the City's building codes (excluding those provisions related to design, architectural features or building materials), including building permit and inspections, and subdivision regulations applicable in its City limits, to new (not existing) improvements constructed on the Property for human occupancy and regulations governing registered sex offenders in the same manner the regulations are enforced within the City's boundaries.

The regulations authorized in this Section and the City's ordinances and regulations that generally apply in the ETJ are the exclusive regulations applicable to the Property during the Term of this Agreement. Nothing in this Agreement waives Owner's vested rights (a) existing on the effective date of this Agreement; and (b) in this Agreement.

Section 3. The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and **the Owner who signs this Agreement covenants and agrees, jointly and severally, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement,** arising in any way from the City's reliance on this Agreement.

Section 4. The Owner acknowledges and stipulates that if the Owner violates Section 2 or any Development Document is filed in violation of this Agreement, or if the Owner commences construction on or development of the Property in violation of this Agreement, then, after written notice from the City to the Owner and the Owner's failure to cure any such violation within fourteen (14) days, in addition to other remedies available to the City under the law, such act will constitute an irrevocable petition and consent that satisfies all requirements of Texas Local Government Code Chapter 43, as amended, or other applicable law, for voluntary annexation by the Owner, and the Property will be subject to annexation at

the discretion of the City Council. The Owner agrees and stipulates that such annexation shall be voluntary, without an election, and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner to the City provided the City acknowledges in any such annexation that the Property may be developed for single-family residential uses at a density of one unit per developable acre. The City agrees that a Development Document filed by Owner will be processed by the City under the ordinances and regulations of the City, regardless of the City Council's decision to annex, so long as no lot is created that is smaller than one developable acre. The City and Owner also agree that if the Owner commences or completes construction without a City issued permit on the Property for a permitted use under Section 2(b) in violation of this Agreement, then the remedies available to the City to stop or repair construction in violation of Section 2 are the same as if the Property had been annexed and the Property was in the City's corporate limits.

Section 5. The term of this Agreement (the "Term") is forty-five years (45) years from the date that the Interim City Manager's signature to this Agreement is acknowledged by a public notary. Following the expiration of the Term, the Property will be subject to annexation at the discretion of the City Council and the Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property consistent with the terms of this Agreement to be completed on or after the end of the Term. The Owner agrees and stipulates that such annexation shall be voluntary, without an election, and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner to the City provided the City acknowledges in any such annexation that the Property may be developed for single-family residential uses at a density of one unit per developable acre. In connection with annexation pursuant to this section, the Owner hereby waives any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any Development Document or construction any of the Owners may initiate during the six month period between the expiration of this Agreement and the institution of annexation proceedings by the City and continuing for the period required under the then applicable state law for the City to complete annexation.

Section 6. The Owner and the Owner's heirs, successor, and assigns shall give the City written notice within 14 days of any development (described in the second sentence of Section 2) which notice may take the form of a plat or permit filing with the City. A copy of such notice required by this section shall be forwarded to the City at the following address:

City of Heath
Attn: City Manager
200 Laurence Drive
Heath, Texas 75032

Section 7. A certified copy of this Agreement shall be recorded by the City in the real property records of the county in which the property is located.

Section 8. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, then the remainder of this Agreement shall remain in full force and effect in a manner that the benefit of the bargain can still be achieved by both parties. In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal or unconstitutional, the balance of this Agreement shall be enforceable and shall be enforced as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

Section 9. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 10. Each signatory on behalf of a party to this Agreement represents and warrants that he or she is a duly authorized representative of that party, with full power and authority to agree to this Agreement and all the terms herein on behalf of that party, which party shall be bound by such signature. In addition, Owner represents that it is in fact the owner of the Property.

Section 11. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall only be in Rockwall County, Texas.

Section 12. This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written, previous and contemporary agreements between the parties and relating to the matters in this Agreement and, except as otherwise provided herein, cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.

Section 13. The determinations recited and declared in the preambles to this Agreement are hereby incorporated herein as part of this Agreement.

Section 14. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 15. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

Section 16. City represents, certifies and warrants that execution of this Agreement by the City has been duly authorized. Owner represents, certifies and warrants that the persons executing of this Agreement are authorized to enter into and bind Owner to this Agreement.

Section 17. This Agreement shall survive its termination for a period of six months to the extent necessary for the implementation of the provisions of Sections 1, 3, 4, 5 and 6 herein and continuing for the period required under the then applicable state law for the City to complete annexation.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of the effective date of February 12, 2019.

[The remainder of this page is left blank intentionally]

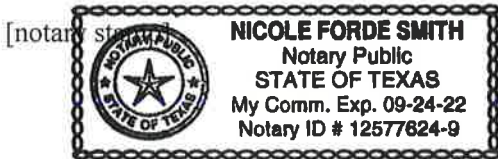
OWNER

BY: Carol J Salls
NAME: CAROL J SALLS
TITLE: Trustee

OWNER'S ACKNOWLEDGMENTS

STATE OF TEXAS §
COUNTY OF Denton §

This instrument was acknowledged before me on the 19th day of February, 2019, by Carol Jean Salls, an Owner.



Nicole Forde-Smith
Notary Public in and for the State of Texas

CITY OF HEATH, TEXAS:

BY: Bill Shipp
Bill Shipp, Interim City Manager

CITY'S ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF ROCKWALL §

This instrument was acknowledged before me on the 12th day of March, 2019, by Bill Shipp, Interim City Manager of the City of Heath, Texas, on behalf of the City of Heath, Texas.



Kristi Smith
Notary Public in and for the State of Texas

EXHIBIT "A"

All that certain lot, tract or parcel of land, part of the R. Norton Survey, Abstract No. 360, Kaufman County, Texas, part of that certain called 40.0 acre tract conveyed to Paul R. Rottman, et us by Max Scheid on March 2, 1978 and recorded in Vol. 638, Page 164 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

Beginning at an iron rod for corner in the Southwest line of the above mentioned 40.0 acre tract, in the Southwest line of the R. Norton Survey and being N 44 deg. 54 min. 58 sec. W 437.47 ft. from the South corner of said 40.0 acre tract;

Thence N 44 deg. 54 min. 58 sec. W, with said Southwest line, a distance of 430.68 ft. to an iron rod for corner;

Thence N 44 deg. 37 min. 43 sec. E, a distance of 1027.32 ft. to a point for corner in the Northerly Northeast line of said 40.0 acre tract, in the Northerly Northeast line of the R. Norton Survey and being in the centerline of County Road No. 232, from which an Iron rod bears S 44 deg. 37 min. 43 sec. W -25.64 ft.;

Thence S 44 deg. 38 min. 42 sec. E, with said Northeast line and with said centerline, a distance of 430.70 ft. to the point for corner, from which an Iron rod bears S 44 deg. 37 min. 43 sec. W 23.64 ft.;

Thence S 44 deg. 37 min. 43 sec. W, a distance of 1025.28 ft. to the place of beginning, containing 10.147 acres of land, of which 0.244 of an acre is within the above mentioned County Road No. 232.

LESS AND ACCEPT:

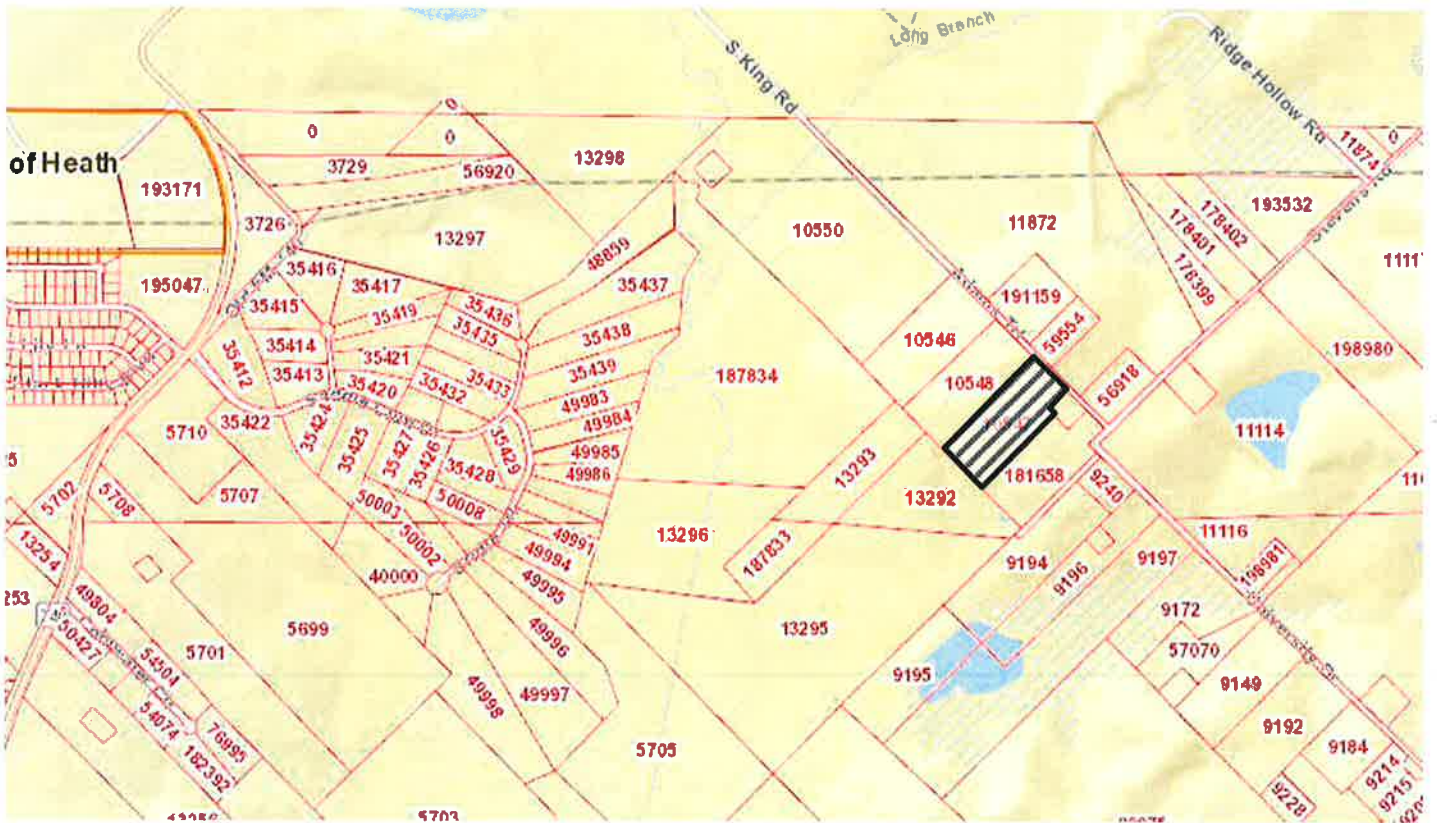
ALL that certain lot, tract or parcel of land, part of the R. Norton Survey, Abstract No. 360, Kaufman county, Texas, part of that certain called 10.147 acre tract conveyed to Richard S. Ribinski, et ux, by Paul R. Rottman, et ux, on February 1, 1991, recorded in volume 1013, Page 92, of the deed Records of Kaufman County, Texas, and being more completely described as follows, to-wit:

BEGINNING at a point at the East corner of the above mentioned 10.147 acre tract, at the North corner of that certain called 10.00 acre tract conveyed to Kevin Michael Rose, et ux, by Paul R. Rottman, et ux, on December 20, 1990, recorded in Volume 1009, Page 617, of the Deed Records, Kaufman County, Texas, in the Northeast line of the R. Norton Survey, and being in the centerline of the County Road No. 232, from which a 3/8" iron rod set in the Southwest line of said county bears South 44° 37' 43" West, with the Southeast line of said 10.147 acre tract and with the Northwest line of the above mentioned 10.0 acre tract, a distance of 230.00 feet to a 3/8" iron rod set for corner,
THENCE, North 44° 38' 42" West, a distance of 63.28 feet to a 3/8" iron rod set for corner,

THENCE, North 44° 37' 43" East, a distance of 230.00 feet to a point in the Northeast line of said 10.147 acre tract, in the Northeast line of the R. Norton Survey and in the centerline of the County Road No. 232, from which a 3/8" iron rod set in the Southwest line of said county road bears South 44° 37' 43" West, 23.94 feet,

THENCE South 44° 38' 42" East, with the Northeast line of said 10.147 acre tract, with the Northeast line of the R. Norton Survey and the centerline of the County Road No. 232, a distance of 63.28 feet to the PLACE OF BEGINNING, and containing 0.334 of an acre of land, or which 0.034 of an acre is within the above mentioned County Road No. 232, more or less.

EXHIBIT "B"



INST # 2019-0007078
Filed for record in Kaufman County
On: 4/2/19 at 8:53 AM

MRF Ch. 43 & 212 Development Agreement (KCAD 10547)

February 8, 2024

SENT VIA EMAIL TO

donald.prentiss@gmail.com

Donald Prentiss

17155 Adams Trail

Forney, Texas 75126



**Re: Notice of intent to serve 5.2± acre property situated in the A0360 – RANSOM NORTON
Subdivision, Kaufman County, Texas**

To Whom It May Concern:

The above-described Development owned by Donald Prentiss or its successor in interest lies within High Point Special Utility District's ("High Point") retail water service area as defined by the Certificate of Convenience and Necessity ("CCN") No. 10841. Pursuant to Texas Water Code § 13.250, any retail public water utility that possesses a CCN must provide continuous and adequate service to every consumer within its certificated service area. This letter serves as notice that High Point intends to provide water service to the property in accordance with its duly adopted Rate Order and state law and in a manner consistent with the level and quality of service that High Point provides to existing customers. Confirmation of recent testing shows that High Point SUD can provide fire flow to the property that meets the City of Heath's requirements of 1,000 gpm for 1 hour.

Please let me know if you have any questions or concerns.

Regards,

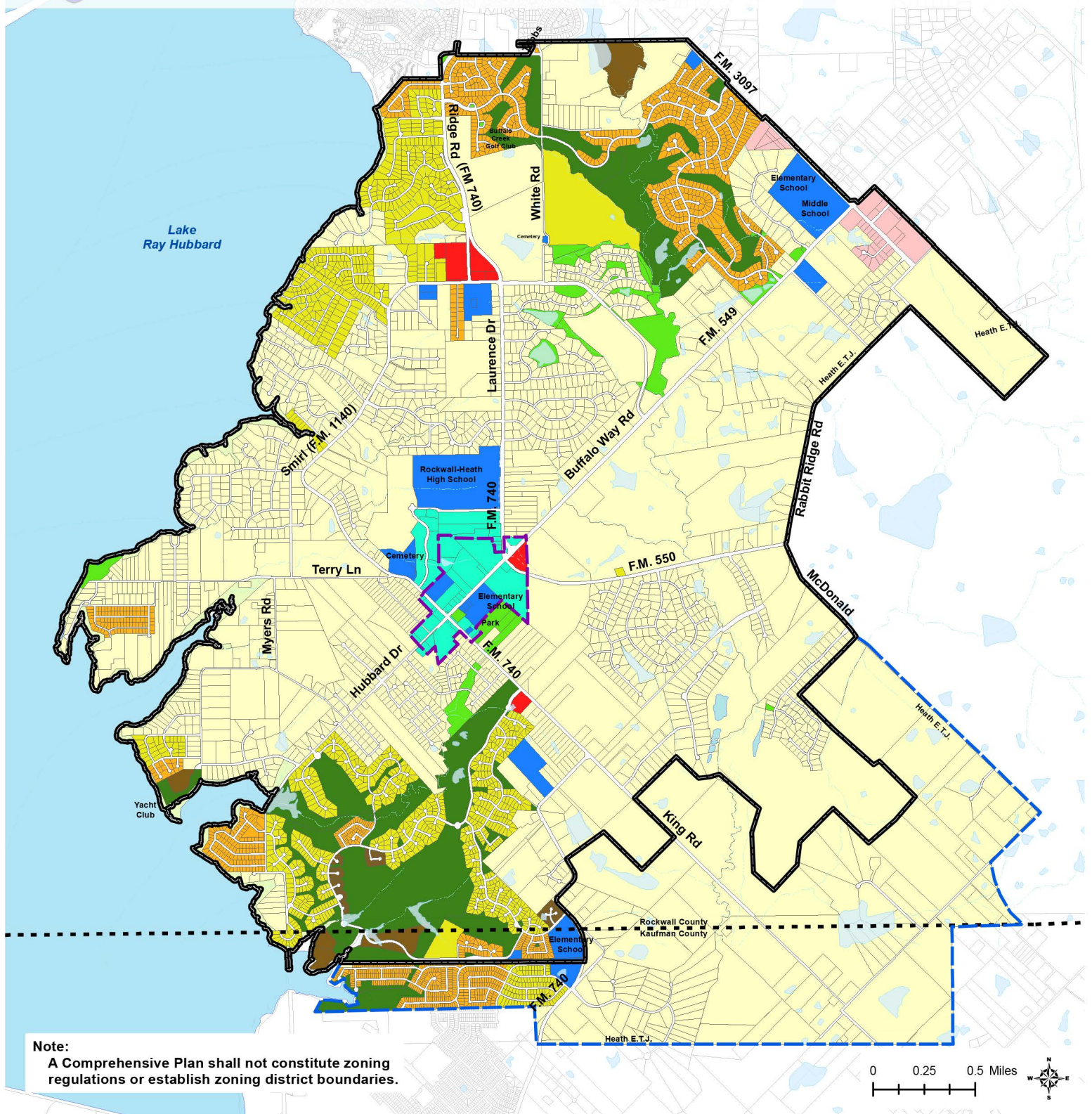
Mindi Letchworth

System Development

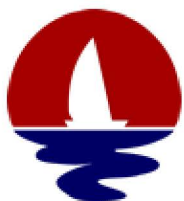
and Operations

mindy@highpointsud.com

Figure 1. Future Land Use Map



Note:
A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries.





FINAL PLAT APPLICATION

Procedures required by Texas Local Government Code, Chapter 212 and the City of Heath Code of Ordinances, Chapter 158, Subdivision Regulations

- ☐ Single-Family Residential Plat ☒ Multi-Family Residential Plat ☐ Non-Residential Plat
☐ Mixed-Use Plat ☒ Final Plat (Short Form; 5 acres or less, residential)
☐ Development Plat ☐ Amended Plat ☐ Replat
- ☒ **INITIAL SUBMITTAL** must include:
- ☒ Complete application including all checklist items
 - ☒ Application Fees, make checks payable to: City of Heath, call office to pay with credit card
 - ☐ Current Tax Certificate issued by appropriate County Appraisal District
- ☐ **RESUBMITTAL** must include:
- ☐ Complete application including all checklist items **and responses to all City comments**
 - ☐ Application Fees, make checks payable to: City of Heath, call office to pay with credit card

<u>APPLICANT:</u>		<u>OWNER (IF DIFFERENT):</u>
Name (printed):	DONALD PRENTISS	
Mailing Address:	3033 MEREDITH LANE HEATH, TX 75126	
Telephone Number:	972-743-7016	
Email Address:	donald.prentiss@gmail.com	

SUBDIVISION NAME: LOT 1, BLOCK 1, PRENTISS HILLS

LEGAL DESCRIPTION (Lot, Block, Subdivision, or CAD Tract No, Survey, Abstract, Address):

MAP ID: B1-B-2 PROPERTY ID: 10547 RANSOM NORTON SURVEY, A-360
17155 ADAMS TRAIL, KAUFMAN COUNTY, TX

CURRENT ZONING OF THE PROPERTY:

Note: If a request to change the zoning for the land to be platted to allow the development proposed in the plat is pending, the zoning application shall be decided before a determination is made whether the plat application is complete.

CONCEPT PLAN TITLE: _____ **APPROVED (date):** _____

CITY OFFICE USE ONLY:

Fees paid \$ _____ Check # _____ CC _____ Cash _____
 DRC comments to applicant: _____
 Comments addressed by applicant: _____
 Publication/notification (if needed): _____
 Planning & Zoning action: _____
 City Council action: _____

APPLICANT STATEMENT:

Select ONLY ONE of the following options.

I understand that the Final/Replat/Amended Plat for _____ may be considered a short form residential subdivision per § 158.08 as it contains five acres or less and meets the criteria established in this section. After a determination of completeness, a short form subdivision may be approved administratively within 30 days. Approval by the Planning and Zoning Commission and City Council is not required for short form subdivisions.

_____ (Initial here)

OR

I understand that the Final/Replat/Amended Plat for _____ will not be scheduled for consideration by the Planning & Zoning Commission until such time as all staff comments have been addressed. I hereby waive the requirement that the plat be acted on by the Planning and Zoning Commission and/or the City Council within 30 days under the provisions of the Texas Local Government Code, Chapter 212, and understand and agree that the plat will be considered when it is administratively complete which may be longer than 30 days after the plat is filed.

_____ (Initial here)

OR

I hereby request that the Final/Replat/Amended Plat for LOT 1, BLOCK 1, PRENTISS HILLS be scheduled for consideration at the next Planning and Zoning Commission meeting, regardless of the review process and staff determination that the application is administratively complete. I understand that a staff recommendation for approval of an application is generally forthcoming only for submissions deemed administratively complete and for which all staff comments have been addressed. I further understand that if my application is not approved, new application fees will be required for reconsideration.

Rly (Initial here)

I certify I am the owner or agent authorized to make the above statements and representations herein on behalf of the owner.

Signature Ricky L. Gentry Date: 1/5/2024
Printed Name RICKY L. GENTRY
Company: BARROW LAND SURVEYING
Title: RPLS

SUBDIVISION NAME: LOT 1, BLOCK 1, PRENTISS HILLS

REQUIRED ITEMS CHECKLIST:

- ☐ Complete application form
- ☐ Application fee from the current fee schedule
- ☐ Plat drawings; Provide 8 copies on 11x17 paper and one .PDF file
- ☐ Parkland dedication recommendation from the Park Board
- ☐ Private water supply company letter stating the company has reviewed the water plans, sufficient water pressure and volume for domestic use will be provided, and sufficient water pressure and volume for fire protection will be provided.
- ☐ Provide a copy of the Preliminary Plat previously approved and any approved Concept Plan
- ☐ For short form divisions (less than 5 acres), development plats, replats, or amended plats, provide:
 - ☐ Outline of wooded areas or location of important individual trees
 - ☐ Contours shown at 2-foot intervals
 - ☐ Boundary and acreage of the floodplain
 - ☐ Designation of all proposed land uses AND zoning districts within subdivision including acreage
 - ☐ Treescape Plan as required by § 158.38-158.39 to include:
 - ☐ Location of all existing and/or proposed structures as shown on the grading plan
 - ☐ All improvements properly dimensioned and referenced to property lines;
 - ☐ Setback and yard requirements;
 - ☐ Existing and proposed site elevations and grades;
 - ☐ Location of existing or proposed utilities and easements;
 - ☐ Title block with subdivision name, date, name, address, and phone number of person preparing the plan;
 - ☐ Exact location, trunk diameter, height, and species of all protected trees to be removed, in map and table form
 - ☐ Exact location, trunk diameter, height, and species of all replacement trees to be planted, in map & table form
- ☐ Construction plans for all public improvements:
 - ☐ Water and sewer plans
 - ☐ Plan and profile sheets for each proposed street: 24-inch x 36-inch drawings having a scale of 40 feet to horizontal inch and five or six feet to a vertical inch. See code for specific and additional requirement for plan profiles.
 - ☐ Typical cross sections of the type and width of paving for streets

All Final Plat drawings must contain the following:

- ☒ Name of owner and/or subdivider
- ☒ Name of the licensed state land surveyor responsible for the plat
- ☒ Name of the subdivision
- ☒ Names of adjacent subdivisions and/or property owners
- ☒ Names of streets
- ☒ Accurate boundary survey and legal description of the property
- ☒ Lines of adjacent lands and adjacent street and alleys with widths and names
- ☒ North point, scale, and date
- ☒ Location of proposed lots, streets, public highways, alley, parks
- ☒ Appropriate rights-of-way to be dedicated
- ☒ Accurate dimensions of lots, streets, etc. in feet and decimal fractions of feet
- ☒ Length of radii and/or arcs of all curves, angles, with other engineering information
- ☒ Dimensions shall be shown from all angle points
- ☒ Locations of all building lines on the front and side streets and utility easements
- ☒ Acreage of all lots. NOTE: Developable area excludes land that is in the regulatory floodplain; rivers, lakes, and streams; and rights-of-way (ROW)
- ☒ Owner's certificate and dedication (see attached template)
- ☒ Surveyor's certificate (see attached template)
- ☒ Certificates of approval / City of Heath signatures (see attached template)
- ☒ All deed restrictions to be filed with the plat shall be shown or filed separately



CITY of HEATH City Council Agenda Brief

MEETING DATE: 02/27/2024

AGENDA ITEM: 4.e

Item:

Discussion Regarding a request from Highlands of Heath HOA to add stop signs and speed humps in their subdivision. The requested locations are as follows: at the intersections of Normandy Lane and Dunsford Drive, Dunsford Drive and Stanford Court and Normandy Lane and Stanford Court and speed hump at 111/112 Dunsford Drive. *(R. Dormier)*

Background:

In March of 2020 the Heath City Council adopted a speed hump policy to be followed when evaluating local city streets for issues related to speeding traffic. In October of 2023, the Highlands of Heath requested the City prepare a study to determine if the streets within the subdivision qualified for installation of speed humps or other traffic calming devices such as increased stop signs.

Financial Impact:

As a result of the speed study, the City will bear the expense of all speed humps and stop signs installed along Dunsford Dr and Stanford Ct.

Legal Impact:

The request follows the guidelines of the adopted speed hump policy.

Comprehensive Plan Impact:

NA

Staff Comments:

The results of the speed study show during the time when data was taken for a week in December 2023, the high speed recorded on Dunsford Dr was 52 mph in a posted 25 mph area. On Normandy Ln, the maximum speed recorded was 42 mph in a posted 25 mph area.

Compliance Summary:

The recommendations are consistent with the speed hump study and consistent with similar solutions implemented in other areas of the City.

Staff Recommendation:

Staff recommends approval of a speed hump at the address of 111/112 Dunsford Dr and added stop signs at the intersections of Normandy Ln and Dunsford Dr; Dunsford Dr and Stanford Ct; and Normandy Ln and Stanford Ct.

Attachments:

[Speed Hump and Stop Sign Locations Highlands of Heath.png](#)





CITY of HEATH

City Council

Agenda Brief

MEETING DATE: 02/27/2024

AGENDA ITEM: 4.f

Item:

Discussion and Action Regarding an Ordinance No. 240227A Amending the Fee Schedule, originally adopted for the current fiscal year starting October 1, 2023 and ending September 30, 2024; And repealing all other fee schedules and fees approved under other City Ordinances or Resolutions in conflict with this Ordinance; Establishing New Categories of Fees and Charges; Revise Existing Rates; Reconfirm Existing Rates; Providing for a Severability Clause; and Providing an Effective Date. *(J. Ayers)*

Background:

The Fee Schedule for Fiscal Year 2023-2024 was adopted on September 26, 2023, with the City Council's adoption and approval of Ordinance No. 230926A. Passage and adoption of this ordinance will amend the fee schedule to reflect changes highlighted in blue as shown in Exhibit A under the Proposed 2024 Fee Schedule. These will become the amended fee schedule for FY2024.

Financial Impact:

N/A

Legal Impact:

N/A

Comprehensive Plan Impact:

.N/A

Staff Recommendation:

Staff recommends approval and adoption of Ordinance No. 240227A reflecting the proposed fee schedule changes in Exhibit A.

Attachments:

[Amended Fee Schedule FY2024 Ordinance No. 240227A.docx](#)
[2024_Proposed_Amended_Fee_Schedule.pdf](#)

CITY OF HEATH, TEXAS
ORDINANCE NO. 240227A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING THE FEE SCHEDULE, ORIGINALLY ADOPTED FOR THE CURRENT FISCAL YEAR STARTING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; AND REPEALING ALL OTHER FEE SCHEDULES AND FEES APPROVED UNDER OTHER CITY ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING NEW CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has authority to establish fees relating to City applications, permits and services; and

WHEREAS, the City Council finds it necessary to make changes to the fee schedule in order to better reflect the cost of certain services provided by the City; and

WHEREAS, such list is intended to repeal and replace all existing fees in conflict with the fee schedule listed on “Exhibit A” attached and incorporated as part of this Ordinance.

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

SECTION 1. That the Fee Schedule for fiscal year October 1, 2023 through September 30, 2024 be amended, as shown in Exhibit A. Proposed changes to the fee schedule are highlighted in blue under column “Proposed 2024 Fee Schedule” as shown in Exhibit A.

SECTION 2. This ordinance shall be in full force and effect upon its adoption by the City Council and signed by the Mayor and City Secretary.

SECTION 3. The above and foregoing recitals are hereby found to be true and correct are incorporated herein as findings of fact. The City Council further finds and determines the rules, regulations, terms, conditions, provisions and requirements of this ordinance or reasonable and necessary to protect the public health, safety, and quality of life in the City.

SECTION 4. The City Council hereby repeals and replaces all fees levied by the City of Heath in conflict with the fee schedule attached and incorporated as “Exhibit A”. Said repeal and replacement shall be effective as of the Effective Date under Section 2.

SECTION 5. It is the express intent of the City Council that the sections, paragraphs, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section should be declared invalid by the final judgment or decree of any

court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentence, paragraphs and sections of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provision of this ordinance are hereby declared to be severable.

DULY PASSED AND APPROVED by the City Council of the City of Heath, Texas, on the 27th day of February 2024.

APPROVED:

ATTEST:

Kelson Elam, Mayor

Norma Duncan, City Secretary

Exhibit A

FISCAL YEAR 2023 -2024	PROPOSED 2024 FEE SCHEDULE	ADOPTED 2024 FEE SCHEDULE	NOTES
COMMUNITY ROOM			
Entire Room	\$50/per hour reserved	\$50/per hour reserved	
Entire Room	\$50/per hour reserved	\$50/per hour reserved	
Note: HOA's - 4 times/year for 1/2 rate	\$25/per hour reserved	\$25/per hour reserved	
Lost Key Charge	\$60.00	\$60.00	
Deposit - (Refundable based on Room Condition)	\$500.00	\$500.00	
ADMINISTRATIVE - COPIES/FILING			
Copies (50 pages or less)	\$0.10 per page	\$0.10 per page	
Copies (for oversized copies)	\$0.50 per page	\$0.50 per page	
Copies (50 pages or more)	\$15.00 per hour for labor	\$15.00 per hour for labor	
County Filing	Actual Cost plus 20% admin	Actual Cost plus 20% admin	
Lien Filing Fee	Actual Cost plus 20% admin	Actual Cost plus 20% admin	
PUBLIC SAFETY			
Accident Report	\$6.00	\$6.00	
Solicitation Permit Application Fee (Per Applicant/Non-Refundable)	\$65.00	\$65.00	Ordinance 150526F
SECURITY SYSTEM/ALARMS			Ordinance 080916E
Annual Registration - Residential	\$35.00	\$35.00	
Annual Registration - Commercial	\$50.00	\$50.00	
Non-registration Penalty	\$200.00	\$200.00	
False Alarm Penalty / Year - POLICE			
First - Third False Alarms	No Charge	No Charge	
Fourth and Fifth False Alarms	\$50.00	\$50.00	
Sixth and Each Subsequent False Alarm	\$75.00	\$75.00	
Residential False Alarm Penalty / Year - FIRE			
First - Third False Alarms	No Charge	No Charge	
Fourth False Alarm	\$100.00	\$100.00	
Fifth False Alarm	\$250.00	\$250.00	
Sixth and Each Subsequent False Alarm	\$500.00	\$500.00	
Commercial False Alarm Penalty / Year - FIRE			
First - Third False Alarms	No Charge	No Charge	
Fourth False Alarm	\$250.00	\$250.00	
Fifth False Alarm	\$500.00	\$500.00	
Sixth and Each Subsequent False Alarm	\$750.00	\$750.00	
LAND USE APPLICATIONS			
Rough Proportionality Study Fee	Actual cost passed through w/o mark up	Actual cost passed through w/o mark up	
Comprehensive Plan Amendment	\$500.00	\$500.00	
Request For Zoning Change	\$1,200.00	\$1,200.00	
Conditional Use Permit	\$1,200.00	\$1,200.00	
Board of Adjustment Appeal/Variance/Special Exception	\$850.00	\$850.00	
Concept Plan	\$500.00	\$500.00	
Notice Publication Fee for 2nd and subsequent notices	\$350.00	\$350.00	
Neighborhood Notices for 2nd and subsequent notices	\$375.00	\$375.00	
Development Review Committee Pre-Application Meeting	First meeting is free. Each subsequent meeting is \$300	First meeting is free. Each subsequent meeting is \$300	
Photometric Plan Review by 3rd Party	Actual cost pass through w/o markup	Actual cost pass through w/o markup	
Flood Plain Study Review	\$175.00/hour	\$175.00/hour	
Extraordinary Review/Expert Consultation	Cost of Consultation	Cost of Consultation	
Extraordinary Review/City Engineer	\$175.00/hour	\$175.00/hour	
Site Plan Review	\$1,200.00	\$1,200.00	
Street Name Change Request	\$150 + assoc. costs pass through	\$150 + assoc. costs pass through	
Request to Abandon Right-of-Way or Easement	\$300 + assoc. costs pass through	\$300 + assoc. costs pass through	
Encroachment Agreement	\$200.00	\$200.00	
Beer and Wine Permit Application (Off-premise Only) <i>Non-refundable, initial application fee</i>	\$100.00	\$100.00	Ordinance 120605
Beer and Wine Variance Request	\$100.00	\$100.00	
Beer and Wine Retailers (Off-Premise), <i>Permit valid for two years</i>	\$60.00	\$60.00	
Preliminary Plat	\$1,500.00 + \$25.00/acre	\$1,500.00 + \$25.00/acre	
Short-Form Plat (less than 5 acres)	\$750.00+\$25.00/lot	\$750.00+\$25.00/lot	
Final Plat	\$1,500.00 + \$25.00/acre	\$1,500.00 + \$25.00/acre	
Replat or Amending Plat	\$750.00+\$25.00/acre	\$750.00+\$25.00/acre	
Vacating Plat if Not Filed with a Repat	\$750.00 + \$25.00/acre	\$750.00 + \$25.00/acre	
Official Filing Fees - plat and required documents	Fees set per County	Fees set per County	
Public Improvements Plan Review and Inspections	A deposit of 4% of the improvement value or a minimum of \$4,500 is due with the civil plan application. The actual staff cost of \$185.00 per hour will be charged against the deposit with a refund of the unused deposit issued upon city Acceptance of Improvements. If actual staff costs exceed the deposit, an invoice will be issued for the excess expense due before Acceptance of Improvements.	The deposit is 4% of the improvement value or a minimum of \$4,500 and is due with the civil plan application. Actual Costs of staff hourly rates plus benefits and overtime rate will be charged against the deposit with a refund of the unused deposit issued upon City Acceptance of Improvements. If actual costs of staff exceed the deposit, an invoice will be issued for the excess expense which is due before Acceptance of Improvements.	

<i>FISCAL YEAR 2023 -2024</i>	PROPOSED 2024 FEE SCHEDULE	ADOPTED 2024 FEE SCHEDULE	NOTES
VARIANCE REQUESTS			
Variance (Fence, Parking, Lighting, Subdivision Regulations, Other)	\$400.00	\$400.00	
TAKE AREA			
Annual Sublease Fee - First Year	\$600.00	\$600.00	
Annual Sublease Fee - Subsequent Years	\$350.00	\$350.00	
Application for Appeal - Appeals Panel	\$100.00	\$100.00	
Application for Appeal - City Council	\$100.00	\$100.00	
Annual Sublease Ownership Transfer	\$200.00	\$200.00	
ANIMAL CONTROL			
Annual Dog Registration - Neutered	\$5.00	\$5.00	
Annual Dog Registration - Non-Neutered	\$10.00	\$10.00	
Impoundment - Initial Fee	\$30.00	\$30.00	
Impoundment - 2nd incident	\$50.00	\$50.00	
Impoundment - 3rd incident	\$75.00	\$75.00	
Impoundment - 4th incident or more	\$100.00	\$100.00	
Impoundment-Daily fee subsequent to Initial day	\$10.00	\$10.00	
Permits (Non-transferable)			
Show or Exhibition	\$10.00/occurrence, valid 30 days	\$10.00/occurrence, valid 30 days	
Grooming	\$10.00/annually	\$10.00/annually	
Dealer (retail and/or wholesale distributor)	\$25.00/annually	\$25.00/annually	
Commercial (not covered by "dealer")	\$25.00/annually	\$25.00/annually	
INSPECTIONS - OSSF			
After Hours/Weekends Inspections two hour minimum	\$80.00/hour	\$80.00/hour	
Extraordinary Inspections of Systems or Components applicable after 3rd inspection has failed	\$100/inspection	\$100/inspection	
OSSF New or Replace. Sys. (payable at application)	\$750.00	\$750.00	
OSSF - Existing System Modifications	\$400.00	\$400.00	
INSPECTIONS - FOOD SERVICE			
Restaurant/Club (New or Renewal)	\$250.00	\$250.00	
Convenience Store (New or Renewal)	\$250.00	\$250.00	
Mobile Food Vendor/Commissary (New or Renewal)	\$250.00	\$250.00	
Grocer per Department	\$150.00	\$150.00	
Day Care Facility	\$150.00	\$150.00	
Special Event Food Trucks - Annual Permit	\$250.00	\$250.00	
Special Event/Food Trucks - Each Event	\$100.00	\$100.00	
No Inspection	\$0.00	\$0.00	
Additional Inspection	\$100.00	\$100.00	
RISD	Exempt	Exempt	
CODE ENFORCEMENT			
Administrative Fee	\$200.00	\$200.00	
REPLACE PERMIT			
Replace Permit Pack	\$25.00	\$25.00	
BUILDING PERMITS			
New Single-family Dwelling fee per square foot (entire square feet of building, including non-heated/cooled areas)			
1,501 - 2,000	\$1,050.00	\$1,050.00	
2,001 - 2,250	\$1,050.00	\$1,050.00	
2,251 - 2,500	\$1,050.00	\$1,050.00	
2,501 - 3,000	\$1,050.00	\$1,050.00	
3,001 - 3,500	\$1,150.00	\$1,150.00	
3,501 - 4,000	\$1,250.00	\$1,250.00	
4,001 - 4,500	\$1,500.00	\$1,500.00	
4,501 - 5,000	\$2,500.00	\$2,500.00	
5,001 - 5,500	\$3,500.00	\$3,500.00	
5,501 - 6,000	\$4,500.00	\$4,500.00	
6,001 - 7,500	\$6,000.00	\$6,000.00	
7,501 and over	\$7,500.00	\$7,500.00	
Residential Permit Fees			
Approach/Flatwork	\$100.00	\$100.00	
Demo	\$100.00	\$100.00	
Electrical	\$100.00	\$100.00	
Mechanical	\$100.00	\$100.00	
Plumbing	\$100.00	\$100.00	
Addition/Remodel (interior/exterior)			
400 sq ft or less	\$250.00	\$250.00	
401 sq ft to 800 sq ft	\$350.00	\$350.00	
801 sq ft to 1,500 sq ft	\$450.00	\$450.00	
1,501 sq ft to 3,000 sq ft	\$550.00	\$550.00	
3,001 sq ft to 4,500 sq ft	\$650.00	\$650.00	
4,501 sq ft or larger	\$1,000.00	\$1,000.00	
Auxiliary Building (Pool Houses, Cabanas, Out Buildings, etc.....)			
400 sq ft or less	\$250.00	\$250.00	
401 sq ft to 800 sq ft	\$350.00	\$350.00	
801 sq ft to 1,500 sq ft	\$450.00	\$450.00	
1,501 sq ft to 3,000 sq ft	\$550.00	\$550.00	
3,001 sq ft to 4,500 sq ft	\$650.00	\$650.00	

FISCAL YEAR 2023 -2024	PROPOSED 2024 FEE SCHEDULE	ADOPTED 2024 FEE SCHEDULE	NOTES
4,501 sq ft or larger	\$1,000.00	\$1,000.00	
Retaining Walls	\$200.00	\$200.00	
Roofs	\$100.00	\$100.00	
Windows	\$100.00	\$100.00	
Grading	\$200.00	\$200.00	
Foundation	\$100.00	\$100.00	
Lake Structure	\$350.00	\$350.00	
Pool	\$400.00	\$400.00	
Commercial Minimum Fee	\$100.00	\$100.00	
Commercial Permit Fee (minimum \$100)	1/2 of 1% of value	1/2 of 1% of value	
Temporary Sales/Construction Trailer Permit	\$100.00	\$100.00	
Certificate of Occupancy	\$100.00	\$100.00	
Re-inspection Fee for Buildings	\$100.00	\$100.00	
Plan Check/Inspection Fees for Outside Consultants & Inspections	Actual cost passed through w/o mark up	Actual cost passed through w/o mark up	
After Hours/Weekends Construction Inspections four hour minimum	\$100.00/hour	\$100.00/hour	
Sprinkler/Irrigation Permit	\$100.00	\$100.00	
Fence Permit	\$100.00	\$100.00	
Underground Fire Line Permit	\$150.00	\$150.00	
Underground Gas and Diesel Storage Tank Permit	\$150.00	\$150.00	
Residential/Commercial Fire Sprinkler Permit	\$150.00	\$150.00	
Fire Alarm Permit	\$150.00	\$150.00	
Residential/Commercial Generator Permit	\$150.00	\$150.00	
Above Ground Fuel Storage Tank Permit	\$150.00	\$150.00	
Type I Commercial Cooking Hoods Permit	\$150.00	\$150.00	
Contractor Registration - Initial	\$100.00	\$100.00	
Contractor registration - Renewal	\$75.00	\$75.00	
Penalty for Working without Registration	\$500.00/occurrence	\$600.00/occurrence	
Penalty for Working without Permit	\$500.00/occurrence	\$600.00/occurrence	
Note: per state law, plumbers and electricians do not pay registration fee; however, they will be subject to a penalty for failure to register prior to work.			
Temporary Utility Deposit	\$500.00	\$500.00	
SIGN PERMITS			
	\$100.00	\$100.00	
Temporary Banner Permit	\$50.00	\$50.00	
IMPACT FEES			Ordinance 200310A
	Cost of Meter, plus 20% markup, plus cost of meter can replacement if required	Cost of Meter, plus 20% markup, plus cost of meter can replacement if required	
Meter Pass Through Fee			
Water - 3/4" meter	\$2,087.00	\$2,087.00	Rate set by Impact Fee Study
Water - 1" meter	\$3,478.00	\$3,478.00	Rate set by Impact Fee Study
Sewer - (3/4" water meter)	\$3,940.00	\$3,940.00	Rate set by Impact Fee Study
Sewer - (1" water meter)	\$6,567.00	\$6,567.00	Rate set by Impact Fee Study
Water and Sewer for meter sizes not listed - per Impact Fee Study			
Roadway per residential unit	\$2,419.07	\$2,419.07	Rate set by Impact Fee Study
Roadway non-residential - per Impact Fee Study			
STORMWATER MANAGEMENT			
Stormwater Violation Fee Not to Exceed	\$500.00 per offense		
Stormwater Reinspection Fee	\$100.00		
Administration Fee	\$200.00		
PARK DEVELOPMENT FEES			
Fee-In-Lieu of Land Dedication per Dwelling Unit	\$2,246.94	\$2,246.94	Ordinance 180327B
Park Development Fees per Dwelling Unit	\$1,293.19	\$1,293.19	Ordinance 180327B
Tree Mitigation Fee per Diameter Inch	\$160.00	\$160.00	Ordinance 200825A
PARKS RENTALS			
Field Rental - Towne Center Park			
Practice Fields at City Hall - Resident	\$15.00 / hour	\$15.00 / hour	
Practice Fields at City Hall - Non-Resident	\$50.00 / hour	\$50.00 / hour	
Youth Teams May Reserve 1/2 Field - Resident	\$15.00 / hour	\$15.00 / hour	
Youth Teams May Reserve 1/2 Field - Non-Resident	\$50.00 / hour	\$50.00 / hour	
Adult Teams Must Reserve the Full Field - Resident	\$30.00 / hour	\$30.00 / hour	
Adult Teams Must Reserve the Full Field - Non-Resident	\$100.00 / hour	\$100.00 / hour	
Add lights to any of the above - Resident	\$15.00 / hour	\$15.00 / hour	
Add lights to any of the above - Non-Resident	\$50.00 / hour	\$50.00 / hour	
Picnic Pavilions			
Towne Center Park - Resident	\$50.00 / 3-hr period	\$50.00 / 3-hr period	
Towne Center Park - Non-Resident	\$150.00 / 3-hr period	\$150.00 / 3-hr period	
Terry Park -- Heath or Dallas residents	\$100.00 / 3-hr period	\$100.00 / 3-hr period	
Terry Park -- Non-Heath or Non-Dallas residents	\$200.00 / 3-hr period	\$200.00 / 3-hr period	
GARBAGE COLLECTION			
Residential Curbside w/ Recycling	\$24.45	\$23.39	4.56% CPI Increase
Premium Service w/ Recycling (Residential Carry Out)	\$42.92	\$41.05	4.56% CPI Increase
Commercial Collection	\$28.70	\$27.45	4.56% CPI Increase
Commercial 2-Cart	\$41.03	\$39.24	4.56% CPI Increase
Commercial Polycart Recycling	\$11.37	\$10.87	4.56% CPI Increase
Additional Polycart	\$12.05	\$11.52	4.56% CPI Increase
Brush exceeding three cubic yards	\$12.26/cubic yard	\$11.73/cubic yard	4.56% CPI Increase
Billed by Progressive Waste			

FISCAL YEAR 2023 -2024	PROPOSED 2024 FEE SCHEDULE	ADOPTED 2024 FEE SCHEDULE	NOTES
Commercial - 3 cubic yard container 1 x Week	\$110.01	\$105.21	4.56% CPI Increase
Commercial - 4 cubic yard container 1 x Week	\$129.23	\$123.59	4.56% CPI Increase
Commercial - 6 cubic yard container 1 x Week	\$159.01	\$152.08	4.56% CPI Increase
Commercial - 8 cubic yard container 1 x Week	\$206.06	\$197.07	4.56% CPI Increase
A complete list of services billed by Progressive Waste Solutions of Texas, Inc. will be provided upon request.			
Hazardous Waste Charge	\$1.13	\$0.70	Resolution 240109A
SANITARY SEWER SERVICE			
Residential Winter Averaging Base Rate	\$56.16	\$56.16	Willdan Rate Study
Volume Rate/1,000 Gallons - Winter Averaging	\$5.97	\$5.97	Willdan Rate Study
Non-Residential Rate/1,000 Gallons	\$10.14	\$10.14	Willdan Rate Study
Residential New Winter Averaging Base Rate - Less than 12 Months	\$56.16	\$56.16	Willdan Rate Study
Residential New Volume Rate/1,000 Gallons Winter Averaging - Less than 12 Months Average of 7,000 Gallons	\$5.97	\$5.97	Willdan Rate Study
WATER SERVICE			
Base Rates (includes 2,000 gallons)			
5/8" & 3/4" Meters	\$32.97	\$32.97	Willdan Rate Study
1" Meters	\$50.94	\$50.94	Willdan Rate Study
1 1/2" Meters	\$80.87	\$80.87	Willdan Rate Study
2" Meters	\$116.80	\$116.80	Willdan Rate Study
3" Meters	\$230.57	\$230.57	Willdan Rate Study
4" Meters	\$380.25	\$380.25	Willdan Rate Study
6" Meters			
Fire Protection Meter	Check detector is exempt	Check detector is exempt	
Usage Rates	per 1,000 gallons	per 1,000 gallons	
2,001 - 10,000 gallons	\$6.03	\$6.03	Willdan Rate Study
10,001 - 20,000 gallons	\$6.17	\$6.17	Willdan Rate Study
20,001-30,000 gallons	\$7.62	\$7.62	Willdan Rate Study
30,001-50,000 gallons	\$9.08	\$9.08	Willdan Rate Study
50,001-100,000 gallons	\$10.81	\$10.81	Willdan Rate Study
Greater than 100,000 gallons	\$12.89	\$12.89	Willdan Rate Study
Hydrant Rate (\$150.00 minimum)	\$15.00	\$15.00	
General			
Late Penalty on Delinquent Balance	10%	10%	
Administration Fee	\$200.00	\$200.00	
During business hours M-F, 8 am-5 pm	\$50.00	\$50.00	
After business hours and weekends until 10 pm	\$100.00	\$100.00	
(No reconections after 10 pm)			
Water Meter Re-read (except initial request)	\$25.00	\$25.00	
Water Meter Inaccessible Re-Read Fee	\$60.00	\$60.00	
Water Meter Leak Check (except initial request)			
(fee waived if leak detected on subsequent checks)	\$25.00	\$25.00	
Water Meter Consumption Report (except initial request)	\$25.00	\$25.00	
Water Meter Testing	\$150.00	\$150.00	
Unauthorized Use of Water/Jump Service/Removal of Meter Lock	\$500.00	\$500.00	
Fire Hydrant Meter Refundable Deposit	\$2,750.00	\$2,750.00	
Fire Hydrant Meter Installation Administration Fee	\$50.00	\$50.00	
Late Penalty for Fire Hydrant Meter	\$15.00	\$15.00	
Installation & Accessory Fee for 3/4" meter	Actual cost plus 20% admin and stocking	Actual cost plus 20% admin and stocking	
Installation & Accessory Fee for 1" meter	Actual cost plus 20% admin and stocking	Actual cost plus 20% admin and stocking	
Utility Deposits / Refunded per Ordinance			Ordinance 090120
Water/Sewer/Garbage	\$325.00	\$325.00	
Water/Garbage	\$250.00	\$250.00	
Sewer/Garbage	\$125.00	\$125.00	
Garbage Only	N/A	N/A	
NSF Payment Fee	\$35.00	\$35.00	
Addresses from Utility System - electronic	\$25.00	\$25.00	
Online Payment Credit Card Fee - Court Payments	\$1.50	\$1.50	
Online Payment Credit Card Fee - Utility Payments	\$1.25	\$1.25	
Credit Card Processing Fee (not applied to utility bill drafts)	3% Convenience Fee	3% Convenience Fee	
Automated Phone Payment Fee	\$1.75	\$1.75	