



**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, APRIL 18, 2019
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
6:30 PM**

Page

1. CALL TO ORDER

2. ITEMS FOR CONSIDERATION

3 - 5

- 2.1. Discussion and action regarding approval of February 28, 2019 Planning & Zoning Commission Meeting Minutes.
[McLendon Chisholm P&Z Draft Minutes Feb 2019](#)

- 2.2. The Commission will hold a Public Hearing to consider the application of Jake Abbott requesting an amendment to an existing Specific Use Permit for Providence Academy to allow an enrollment of 200 children (Applicant now requesting to allow 300 children) for use by Kindergarten (Applicant now requesting Pre-K) through twelfth grade students and staff using the existing facilities at Chisholm Baptist Church, located at 1388 South State Highway 205, McLendon-Chisholm, also described as Lot 1, Block 1 of Chisholm Baptist Church Addition currently zoned General Business.

6 - 29

- 2.3. Discussion and action to consider an application from Jake Abbott requesting an amendment to an existing Specific Use Permit for Providence Academy to allow an enrollment of 200 children (Applicant now requesting to allow 300 children) for use by Kindergarten (Applicant now requesting Pre-K) though twelfth grade students and staff using the existing facilities at Chisholm Baptist Church, located at 1388 South State Highway 205, McLendon-Chisholm, also described as Lot 1, Block 1, Chisholm Baptist Church Additional currently zoned General Business.
[SUP Amendment Application](#)
[Staff Report SUP Amendment](#)

3. ADJOURN

I, Lisa Palomba, do hereby certify that the above Notice of Meeting of the Planning & Zoning Commission of McLendon-Chisholm, Texas was posted on or before 2:00 p.m., April 15, 2019 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



PLANNING & ZONING COMMISSION
City of McLendon-Chisholm, Texas
Regular Meeting and Workshop Meeting Minutes
February 28, 2019

The Planning and Zoning Commission of the City of McLendon-Chisholm convened in Regular Session on Thursday, February 28, 2019, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

Robert Rohde	Chairman
Lesley Schwalje	Vice Chairperson
Scott Weaver	Commission Member
Sheri Klutts	Commission Member
Jason Linscott	Alternate (Voting)

Staff Present:	Lisa Palomba	City Administrator/City Secretary
	Mike Coker	City Planner

1. Chairman Rohde called the meeting to order at 6:30 p.m.
2. Chairman Rohde provided the Invocation and led the Pledge of Allegiance.
3. **Vice Chairperson Schwalje, seconded by Commissioner Weaver, moved to approve the December 20, 2018 Planning & Zoning Commission Minutes as presented. A vote was cast and the motion carried with 5 in favor, 0 opposed.**
4. Items for Individual Consideration
 - 4.1 **Chairman Rohde opened the Public Hearing at 6:32 p.m. to receive input regarding proposed revisions to Chapter 10, Subdivision Regulations of the McLendon-Chisholm Code of Ordinances. No one spoke. Chairman Rohde closed the public hearing at 6:33 p.m.**
 - 4.2 Discussion was held regarding recommendations for proposed revisions to Chapter 10, Subdivision Regulations of the McLendon-Chisholm Code of Ordinances. City Planner Mike Coker informed the Commission that proposed revisions simplified the Code and made it easier to read, removed redundancies and all changes are compliant with state law. **Schwalje, seconded by Weaver, moved to recommend to City Council approval of the proposed changes. A vote was cast and the motion carried with 5 in favor, 0 opposed.**
 - 4.3 **Chairman Rohde opened the public hearing at 6:36 p.m. to receive input regarding proposed revisions to Chapter 14, Zoning Regulations of the McLendon-Chisholm Code of Ordinances. No one spoke. Commissioner Rohde closed the public hearing at 6:37 p.m.**

4.4 Discussion was held regarding recommendations for proposed revisions to Chapter 14, Zoning Regulations of the McLendon-Chisholm Code of Ordinances. City Planner Mike Coker emphasized once again that changes simplified the Code and made it easier to read, removed redundancies and all changes are compliant with state law. **Schwalje, seconded by Weaver, moved to recommend to City Council approval of the proposed changes. A vote was cast and the motion carried with 5 in favor, 0 opposed.**

4.5 Commissioner Rohde opened the public hearing at 6:38 p.m. to receive input regarding proposed revisions to the Official City of McLendon-Chisholm Zoning Map. Proposed revisions are updates to the map of previously approved zoning changes. No one spoke. Commissioner Rhode closed the public hearing at 6:40 p.m.

4.6 Discussion was held regarding recommendations for proposed revisions to the Official McLendon-Chisholm Zoning Map. Proposed revisions are updates to the map of previously approved zoning changes. Coker emphasized that the map is just being updated and that all changes have been previously approved. **Schwalje, seconded by Weaver, moved to recommend to City Council approval of the proposed Zoning Map.**

4.7 Commissioner Rohde opened the public hearing at 6:42 p.m. to receive input regarding proposed revisions to the Official City Limit/Extraterritorial Jurisdiction (ETJ) Map. Proposed revisions include previously approved changes to the City Limits and Extraterritorial (ETJ). The following persons spoke:

Steve Allen, 779 Stevens Road, Rockwall, mentioned the City of Heath is annexation several properties and wanted to inquire if any map changes reflected annexations. City Planner Mike Coker assured Mr. Allen that no new areas are being annexed and that all changes reflected on the proposed map have already been approved by previous action. The City is just merely updating the Official Map.

There being no more speakers, Chairperson Rhode closed the public hearing at 6:44 p.m.

4.8 Discussion was held regarding a recommendation for proposed revisions to the Official City Limit/Extraterritorial Jurisdiction (ETJ) Map. Proposed revisions include previously approved changes to the City Limits and Extraterritorial Jurisdiction (ETJ). **Chairperson Schwalje, seconded by Linscott, move to recommend approval of the City Limit/ETJ map. A vote was cast and the motion carried with 5 in favor, 0 opposed.**

5. Adjourn Meeting.

There being no further business, Vice Chairperson Schwalje moved to adjourn the meeting, seconded by Commissioner Linscott. Chairman Rhode adjourned the meeting at 6:47 p.m.

ATTEST:

Lisa Palomba, City Secretary

APPROVED:

Robert Rohde, Chairman

DRAFT



Dear Mr. Coker,

This letter is to request a change for the SUP for Chisholm Baptist Church for a Private School. Providence Academy is a Classical University Model school that meets on Monday, Wednesday, and Friday at Chisholm Baptist. We currently have 77 children enrolled and we hope to be at Chisholm Baptist for years. We are requesting to have the SUP changed to allow 200 children at the school and to allow the school to have grades Kindergarten through 12th grade. Attached you will find a site plan with a planned drop off and pick up lane. Please call or mail me if you have any questions.

Jake Abbott
Chairman, Board of Directors
Providence Academy



City of McLendon-Chisholm
1371 West FM 550 - McLendon-Chisholm, Texas 75032
TEL: (972)524-2077 FAX: (972)524-9128

SPECIFIC USE PERMIT APPLICATION

Date of Application: 1/31/19

Receipt # _____

Fee: \$400 + ALL consultant Costs. Consultant costs includes City Planner, City Engineer, Legal Fees and any other outside consultant costs incurred by the City.

Address and/or Location of Request:

1388 S. SH 205
Rockwall, TX 75082

Property Legal Description:

Chisholm Baptist Church Add'n, Block 1, Lot 1

County Parcel ID: 58542

Existing Zoning: General Business Requested Zoning: NA

Applicant's Name: Jake Abbott

Phone No. (972) 408-5821 Email: jakeabbottmcl@aol.com

Status of Applicant: Owner ☐ or Authorized Agent ☒

Applicant's Address: 3901 Ridge Rd, PO, Box 422, Rockwall, TX 75082

Owner's Address: 1388 South SH 205 Rockwall, TX 75082

I certify that I am the owner of the property described in this petition/application and Jake Abbott is the authorized agent to file this application on my behalf.

Signature of Owner:

[Signature] Date 2/6/19

Signature of Applicant:

[Signature] Date 2/6/19

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10/09/2017 Zoning Change Application and Checklist

Development Fees

The City recognizes that professional guidance is necessary when undertaking any land use project including platting, zoning or Board of Adjustment applications. Therefore, the City will provide a one-hour or 2 one-half hour complimentary professional consultation with the City Planner and/or City Engineer. These complimentary consultation(s) will be arranged by City Staff. Limit of one complimentary consultation per property.

The applicant must pay the actual fee (very small & simple projects) or deposit the estimated fee with the City prior to the consultants beginning work on their application. Should the actual consultant cost exceed the estimate, the applicant will be required to deposit additional monies with the City before work on their application continues. Unused deposit monies will be refunded to applicant within 60 days of project conclusion.

ALL Consulting Costs - Includes City Planning, City Engineer, Legal Fees and any other outside Consultant costs incurred by the City. All outstanding fees must be paid by the applicant prior to their application being placed on the agenda of the Planning & Zoning Commission, City Council or BOA, nor will building permits be issued with fees outstanding.

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purpose of this application. All information submitted herein is true and correct and the application fee of \$ 400.00 to cover the cost of this application, has been paid to the City of McLendon-Chisholm on this 11th day of March, 2017. *Plus \$400 consulting fees*

Further, I hereby certify that I understand and agree to the development and consulting fees and costs as stated above and agree to pay all outstanding fees and costs to the City prior to the application being placed on the agenda for consideration by the Planning & Zoning Commission and/or City Council.

Signature of Applicant (Owner/Authorized Agent): _____

City Secretary: _____

(Seal)



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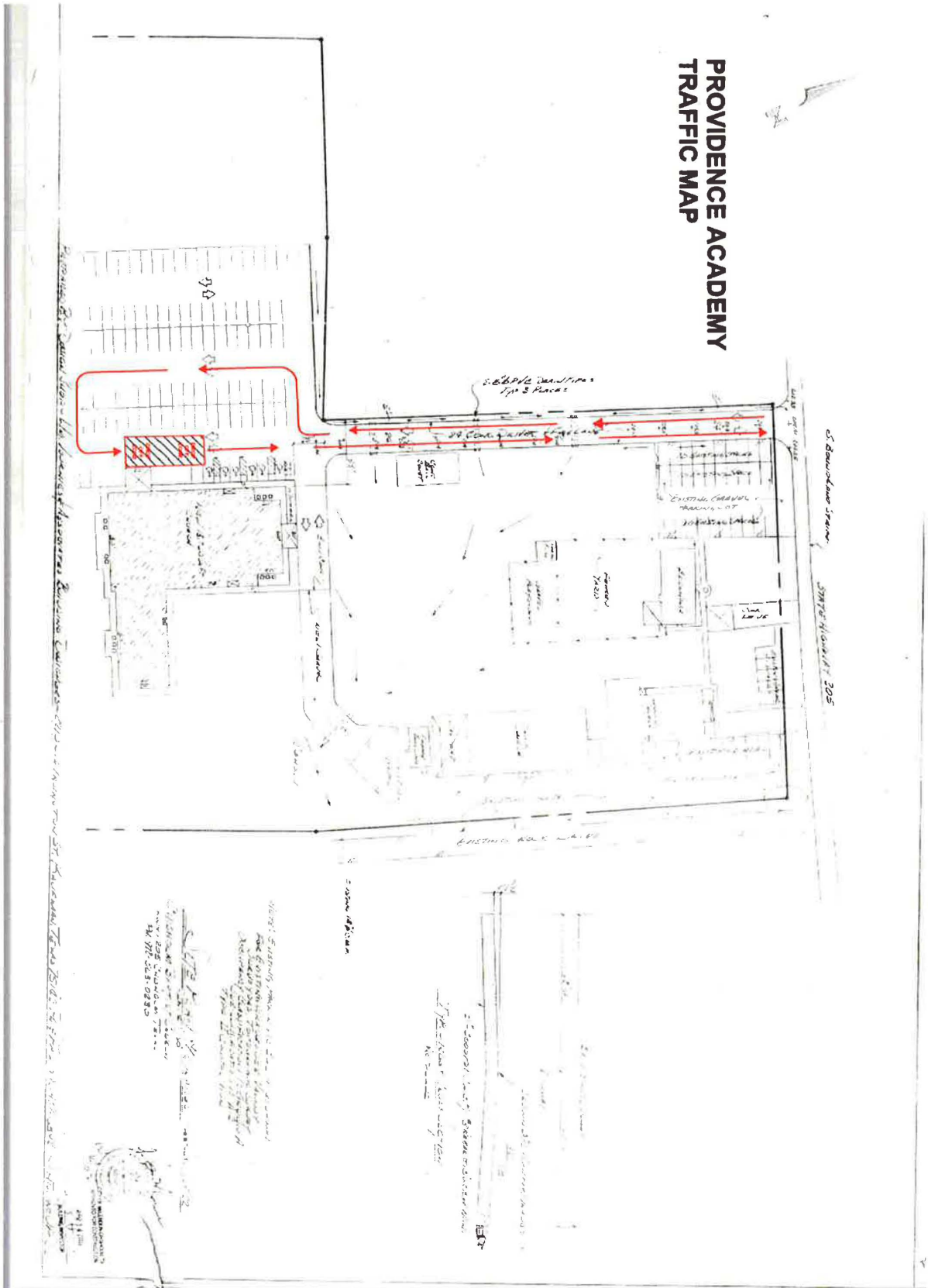
10/09/2017 Zoning Change Application and Checklist

CHECKLIST FOR SPECIAL USE PERMIT APPLICANT

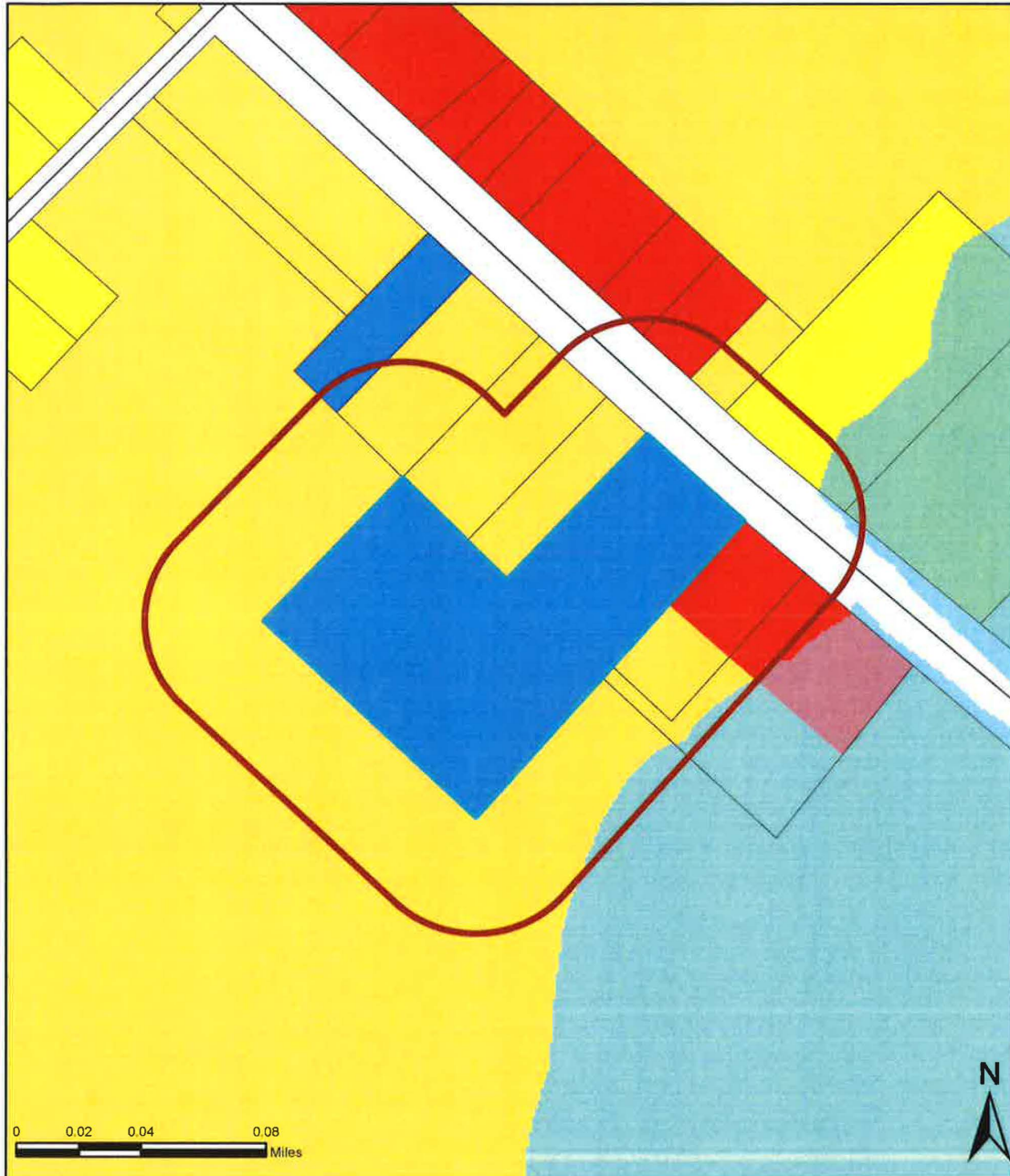
The following items must be submitted along with the completed application before processing and scheduling.

1. Completed Application
2. Legal Description and plat of the subject site. Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper) and the subdivision name with lot and block number.
3. A location map clearly showing the site in relation to adjacent streets and distance to nearest thoroughfare.
4. Filing Fee of \$400.00 for the requested change of property + ALL consultant costs.
5. Names and Addresses of Legal Property Owners within 200 feet of property. (The City will need to send out notices of the Public Hearing)
6. If not the owner of the property, have a letter from the owner stating that the applicant is authorized to file the application.

PROVIDENCE ACADEMY TRAFFIC MAP



**1388 Highway 205
McLendon-Chisholm, Texas
200' Notice Area**



This map was created using Rockwall and Kaufman County GIS data and FEMA GIS data. This map does not represent an on the ground survey.

Properties Within 200' of Chisholm Baptist Church
1388 S. State Highway 205, Rockwall, TX 75032-6960

Applicant Jake Abbot
P.O. Box A22
Rockwall, TX 75032

Property ID 58542
Chisholm Baptist Church
1388 S. State Highway 205
Rockwall, TX 75032-6960

Property ID 11392
1338 Hwy 205
Ashley Lynn Slocum
202 Cedar Tree Lane
Heath, TX 75032

Property ID 11409
Tract 33, Acres 1.299 (Part of 2.129 Acre Tract)
Hwy 205
Jane Latham
3028 County Road 249
Terrell, TX 75160

Property ID 11437
1300 S. S. Hwy 205
Jane Latham
3028 County Road 249
Terrell, TX 75160

Property ID 11423
1400 Hwy 205
Russell Ransom Maclelland
10670 County Road 2450
Terrell, TX 75160

Property ID 63570
1406 Hwy 205
Gary and Lori Ann Moody
P.O. Box 1954
Rockwall, TX 75087-2054

Property ID 19558
1411 Hwy 205
G W Lovell
1411 S. State Highway 205
Rockwall, TX 75032-6963

Property ID 11415
1401 Hwy 205
Vettex Properties LLC
P.O. Box 92
Rockwall, TX 75087

Property ID 11458
1351 Hwy 205
Rita Klutts
550 Klutts Rd
Rockwall, TX 75032

Property ID 11389
1341 Hwy 205
Rita Klutts
550 Klutts Rd
Rockwall, TX 75032

Property ID 11391
1321 Hwy 205
Fabrizio Zichittella
1321 S. State Highway 205
Rockwall, TX 75032-6961

Property ID 58234
241 Klutts Dr.
McLendon-Chisholm Ranch LP and KWA Ventures
LP and Chiefton 2X LTD and Hoyl Ventures LTD
and Promiseland Ventures LP
1730 Hwy 205 South
Rockwall, TX 75032

Property ID 11386
Theodore & Cathy Bedsloe
2151 English Rd
Rockwall, TX 75032-8297



**CITY OF MCLENDON-CHISHOLM, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE
PLANNING AND ZONING COMMISSION
AND THE CITY COUNCIL**

CITY OF MCLENDON-CHISHOLM – PUBLIC HEARINGS

Notice is hereby given that the Planning and Zoning Commission of the City of McLendon-Chisholm will meet and hold a public hearing at 6:30 p.m. on Thursday, April 18, 2019 at McLendon-Chisholm City Hall, 1371 West FM 550, McLendon-Chisholm, Texas 75032. Further, the City Council of the City of McLendon-Chisholm will hold a public hearing on Tuesday, April 23, 2019 at McLendon-Chisholm City Hall, 1371 West FM 550, McLendon-Chisholm, Texas 75032. At such times and place, the Commission and Council will consider the application of Jake Abbott, requesting an amendment to a Specific Use Permit to allow Providence Academy, a classical, Christian, University Model School, to allow an enrollment of 200 children for use by Kindergarten – 12th grade students and staff and use the existing facilities at Chisholm Baptist Church, located at 1388 South State Highway 205, McLendon-Chisholm, also described as, Lot 1, Block 1 of Chisholm Baptist Church Addition currently zoned General Business. Citizens are invited to attend and participate in the public hearings.

PROPERTY DESCRIPTION: Lot 1, Block 1 of Chisholm Baptist Church Addition, also described as 1388 South State Highway 205, McLendon, Chisholm, TX

Interested citizens are invited to attend this public hearing and participate in the same.

The following may be filled out and returned to McLendon-Chisholm City Hall before the hearing date.

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

Reasons: (attach a separate sheet as needed)

Signature: _____

Name (printed): _____

Address: _____

Phone/Email Address (optional): _____

Please return this form to: **City of McLendon-Chisholm**
1371 W. FM 550
McLendon-Chisholm, Texas 75032

Thank you,
City of McLendon-Chisholm, Texas
Phone 972-524-2077; fax 972-524-9128; email lisa@McLendon-Chisholm.com

**CITY OF MCLENDON-CHISHOLM - PUBLIC
HEARINGS**

SPECIFIC USE PERMIT

Notice of Public Hearings before the McLendon-Chisholm Planning and Zoning Commission and City Council: Notice is hereby given that the Planning and Zoning Commission of the City of McLendon-Chisholm will meet and hold a public hearing at 6:30 p.m. on Thursday, April 18, 2019 at McLendon-Chisholm City Hall, 1371 West FM 550, McLendon-Chisholm, Texas 75032.

Further, the City Council of the City of McLendon-Chisholm will hold a public hearing on Tuesday, April 23, 2019 at McLendon-Chisholm City Hall, 1371 West FM 550, McLendon-Chisholm, Texas 75032. At such times and place, the Commission and Council will consider the application of Jake Abbott, requesting an amendment to a Specific Use Permit to allow Providence Academy, a classical, Christian, University Model School, to allow an enrollment of 200 children for use by Kindergarten - 12th grade students and staff using the existing facilities at Chisholm Baptist Church, located at 1388 South State Highway 205, McLendon-Chisholm, also described as, Lot 1, Block 1 of Chisholm Baptist Church Addition currently zoned General Business. Citizens are invited to attend and participate in the public hearings.

/s/ Lisa Palomba, City Administrator/City Secretary.

HONORABLE PLANNING AND ZONING COMMISSION**CITY OF MCLENDON-CHISHOLM, TEXAS**

REPORT PREPARED BY MICHAEL COKER

DATE PREPARED: April 12, 2019

APPLICANT: Dr. Jake Abbott
3021 Ridge Road
Rockwall, Texas 75032

DATE FILED: March 11, 2019

LOCATION: 1388 South State Highway 205, Southwest side of SH 205, southeast of Klutts Road.

SIZE OF REQUEST: 7.739 acres**REQUEST: AN AMENDMENT TO THE SPECIFIC USE PERMIT FOR A PRIVATE SCHOOL TO ALLOW AN INCREASE IN STUDENT POPULATION, ALLOW AN INCREASE IN TEACHER AND ADMINISTRATIVE POPULATION, AND THE ADDITION OF PRE-KINDERGARTEN AND GRADES 9-12.**PROPERTY OWNER: Chisholm Baptist Church
REPRESENTATIVE: Dr. Jake Abbott

PLANNING AND ZONING COMMISSION HEARING DATE: April 18, 2019**STAFF RECOMMENDATION:**

City staff recommends that the Planning and Zoning Commission recommend approval of the application for an amendment to the specific use permit for the operation of a private school that is located at 1388 State Highway 205 at the existing Chisholm Baptist Church facility subject to the conditions listed in this report. The proposed use continues to be consistent with the intent of the zoning ordinance and is compatible with the existing uses and surrounding uses. The proposed use is compatible with the character of the surrounding neighborhood. A copy of the Ordinance approving the SUP is attached to this report for your use.

The requested amendments are to:

1. Grades allowed: Pre-Kindergarten through twelfth grade.
2. Maximum student enrollment: 300, although the original request was amended from 200 to 300.
3. Maximum administrators and teachers: 48

Amendment specifics:

1. Add grades: pre-kindergarten and 9 through 12 to the existing kindergarten through 8th grades.
2. Increase the allowable student population from 125 to 300, an increase in student population of 175 children or 240 percent.
3. Increase the administrator and teacher maximum population from 20 to 48.

The staff recommendation for the original specific use permit anticipated that the school would have an increasing enrollment demand following the 2018/2019 school year. The school has been a success and is an asset to the City. The existing church facility has sufficient classroom, office and meeting space and outside play area as well as sufficient parking to accommodate all anticipated students, administrative and educational personnel, parents and guests as requested by these amendments.

Staff has requested that a site plan be submitted that shows the parking and locations for automobile stacking off SH 205 and drop off and pick up locations and existing parking areas.

The Church continues to host the Providence Academy private school at the Church's existing physical facilities at 1388 S. SH 205 and is in agreement with the changes requested by the applicant.

BACKGROUND INFORMATION:

The Zoning Ordinance provides the following guidance regarding the consideration of any request for or amendment of a specific use permit.

"6-2 Specific use permits

A. Purpose. Certain land uses, because of their nature and location, are not appropriate for categorizing into installations, such as colleges and universities, private schools, institutions, community facilities, zoos, cemeteries, country clubs, show grounds, drive-in theaters and other unusual land uses not specifically provided for in this chapter. To provide for the proper handling and location of such specific uses, provision is made for amending this chapter to grant a permit for a specific use in a specific location. This procedure for approval of a specific use permit includes a public hearing. The amending ordinance may provide for certain restrictions and standards for operation. The indication that it is possible to grant a specific use permit as noted elsewhere in this ordinance does not constitute a grant of privilege for such use, nor is there any obligation to approve a specific use permit unless it is the finding of the planning and zoning commission and city council that such a special use is compatible with adjacent property use and consistent with the character of the neighborhood."

City staff believes that this application is consistent with the requirements of this part of the Zoning Ordinance and that it is in compliance with the Ordinance that approved the original SUP.

STAFF RECOMMENDED CONDITIONS:

That Section 2 of the Specific Use Permit Ordinance be amended as follows:

Subsections:

1. Grades allowed: Pre-Kindergarten through twelfth grade.
2. Maximum student enrollment: 300
3. Maximum administrators and teachers: 48
4. Student drop off and pick up to be conducted upon the property, designed not to interfere with traffic operations on SH 205 and shall be in compliance with the attached site plan.
5. All school related parking shall be provided in accordance with the parking lots as shown on the attached site plan.



The following conditions from the Zoning Ordinance are the guidance required for the Planning and Zoning Commission to recommend approval of amendments to this specific use permit application:

"G. Conditions of permit approval. A specific use permit shall not be recommended for approval by the planning and zoning commission unless the commission finds that all of the following conditions have been found to exist:

1. The proposed use complies with all the requirements of the zoning district in which the property is located.
2. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the city.
3. The benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical

features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use.

4. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided.

5. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.

6. The issuance of the specific use permit does not impede the normal and orderly development and improvement of neighboring vacant property.

7. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.

8. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity.

9. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.

10. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely effect neighboring properties.

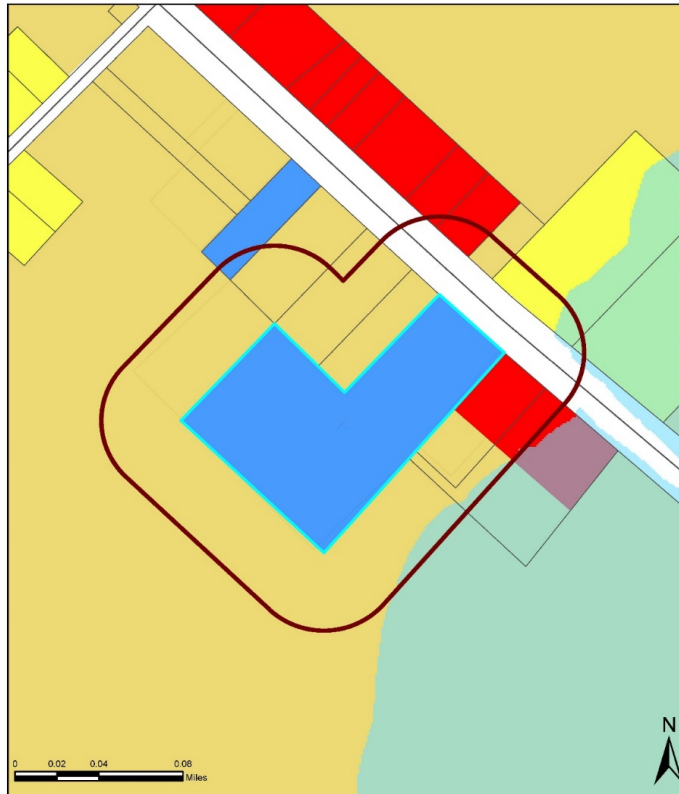
11. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.

12. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.

13. The proposed use is in accordance with the City of McLendon-Chisholm Comprehensive Land Use Plan."

This application positively responded to all of the requirements to considered by the Planning and Zoning Commission in choosing to recommend approval.

**1388 Highway 205
McLendon-Chisholm, Texas
200' Notice Area**



This map was created using Rockwall and Kaufman County GIS data and FEMA GIS data. This map does not represent an on the ground survey.

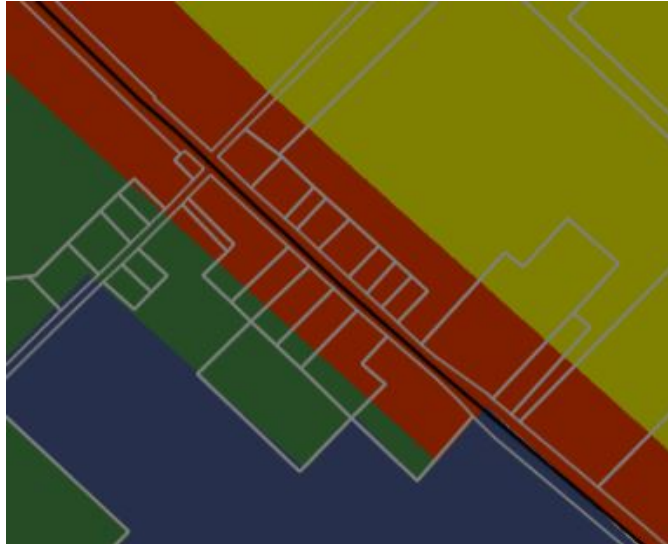
Notices were sent to all property owners located with the 200 feet of the area of request. One notice was returned in support of the request and no notices were returned in opposition to the request.

Thoroughfares/streets:

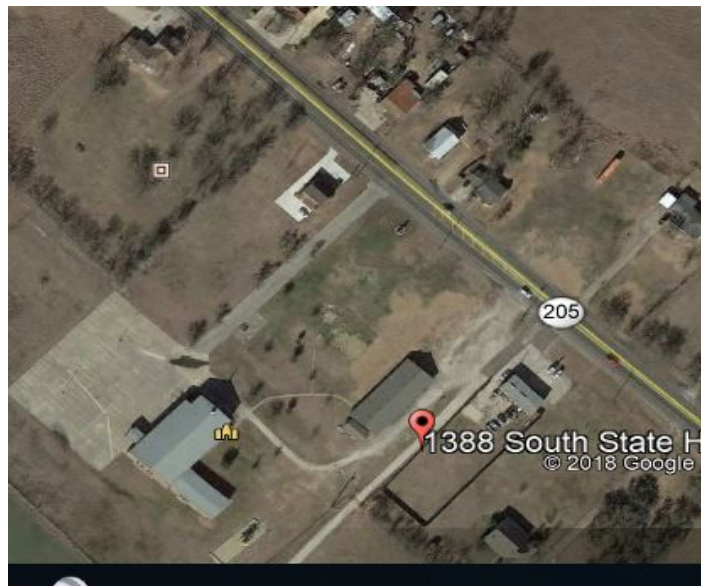
SH 205 is currently a two-lane undivided roadway with a speed limit of 55 miles per hour at this location. The Thoroughfare Plan shows that SH 205 is to be expanded to 150 feet of right of way with six-lanes of divided traffic. Platting is not requested and no request for additional right of way has been made.

Zoning:

The zoning on the subject property is a combination of GB General Business on the front of the property and AG Agriculture on the back portion.



Aerial photo of Church property.



ORDINANCE NO. 2018-06

AN ORDINANCE OF THE CITY OF McLENDON-CHISHOLM, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF McLENDON-CHISHOLM, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO USE THE STRUCTURES SITUATED ON LOT 1, BLOCK 1, IN THE K. LATHAM SURVEY A-133, BEING A 7.739 ACRE TRACT MORE PARTICULARLY DESCRIBED IN EXHIBIT 1 ATTACHED HERETO, BEING KNOWN AS 1388 SOUTH STATE HWY 205, McLENDON-CHISHOLM, TEXAS, AS A PRIVATE SCHOOL; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a Specific Use Permit to use existing structures situated on Lot 1, Block 1, in the K. Latham Survey A-133, being a 7.739 acre tract more particularly described in Exhibit 1 hereto and being known as 1388 South State Highway 205, McLendon-Chisholm, Texas, as a private school has been requested by Dr. Jake Abbott, Chairman of the Board of Providence Academy, with authorization from the owner of the property, and such use is allowed on the property with a Specific Use Permit; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of McLendon-Chisholm, in compliance with the laws of the State of Texas and the ordinances of the City of McLendon-Chisholm, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, in accordance with the City's Zoning Ordinance, the Planning and Zoning Commission made the following findings with respect to the Application and the property described in Exhibit 1:

1. The proposed use complies with all the requirements of the zoning district in which the property is located;
2. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the City;
3. The benefits that the City gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use;
4. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided;

5. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
6. The issuance of the Specific Use Permit does not impede the normal and orderly development and improvement of neighboring vacant property;
7. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood;
8. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity;
9. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight;
10. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely affect neighboring properties;
11. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties;
12. The proposed operation is consistent with the Applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs; and
13. The proposed use is in accordance with the City of McLendon-Chisholm Comprehensive Land Use Plan.

WHEREAS, the Planning and Zoning Commission of the City of McLendon-Chisholm recommended approval of the Specific Use Permit to the City Council subject to the following conditions:

1. Grades allowed: Kindergarten through eighth grade;
2. Maximum student enrollment: 125;
3. Maximum administrators and teachers: 20;
4. Student drop off and pick up to be conducted upon the property and designed not to interfere with traffic operations on State Highway 205;
5. All school related parking shall be provided on the parking lots now existing on the property;

6. Private School normal operation dates and times are limited to Monday through Friday, from 7 a.m. to 6.p.m.; parent-teacher conferences and other meeting activities are allowed after normal operating hours;
7. Student enrollment and/or the number of administrators and teachers may not exceed the maximum numbers provided herein without this Specific Use Permit being amended. If an amendment to this Specific Use Permit is sought, such request shall be submitted and processed as though an original application.
8. New construction, if any, required to support the private school shall, in addition to any other applicable ordinances, require submittal of a site plan for staff review and consideration by the Planning and Zoning Commission and the City Council.

WHEREAS, the City Council of the City of McLendon-Chisholm, after due deliberations and consideration, and in the exercise of its legislative discretion, concurs with the findings of the Planning and Zoning Commission and has concluded that the Specific Use Permit should be granted with conditions stated herein, and the Zoning Code of the City of McLendon-Chisholm amended as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS:

SECTION 1. The recitals set forth in the WHEREAS clauses of this Ordinance are true and correct, constitute findings and determinations by the City Council acting in its legislative capacity and are incorporated herein.

SECTION 2. The Zoning Ordinance of the City of McLendon-Chisholm, Texas, as heretofore amended, be amended and the same is hereby amended so as to grant a Specific Use Permit to use the existing structures situated on Lot 1, Block 1, in the K. Latham Survey A-133, being a 7.739 acre tract more particularly described in Exhibit 1 hereto and being known as 1388 South State Highway 205, McLendon-Chisholm, Texas, as a private school, subject to all of the terms and conditions set forth herein, the terms and conditions of the City's Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations and standards, as well as the following special conditions:

1. Grades allowed: Kindergarten through eighth grade;
2. Maximum student enrollment: 125;
3. Maximum administrators and teachers: 20;
4. Student drop off and pick up to be conducted upon the property and designed not to interfere with traffic operations on State Highway 205;
5. All school related parking shall be provided on the parking lots now existing on the property;

6. Private School normal operation dates and times are limited to Monday through Friday, from 7 a.m. to 6.p.m.; parent-teacher conferences and other meeting activities are allowed after normal operating hours;

7. Student enrollment and/or the number of administrators and teachers may not exceed the maximum numbers provided herein without this Specific Use Permit being amended. If an amendment to this Specific Use Permit is sought, such request shall be submitted and processed as though an original application.

8. New construction, if any, required to support the private school shall, in addition to any other applicable ordinances, require submittal of a site plan for staff review and consideration by the Planning and Zoning Commission and the City Council.

9. Should the Private School use allowed by this Specific Use Permit cease, excepting usual and customary school breaks and vacations, then this Specific Use Permit shall automatically terminate thirty (30) days after said use ceases.

SECTION 3. The above described property shall only be used in the manner and for the purposes provided for in the Zoning Ordinance of the City of McLendon-Chisholm as heretofore amended and by the granting of this Specific Use Permit and as may be amended in the future. The official zoning map of the City is hereby amended to reflect this Specific Use Permit.

SECTION 4. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand (\$2,000.00) Dollars and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City's Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance all ordinances of the City of McLendon-Chisholm in conflict with the provisions of this Ordinance be, and the same are hereby, repealed to the extent of that conflict.

SECTION 7. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 8. This Ordinance shall take effect immediately from and after its adoption and the publication of the caption, as the law in such cases provides.

*Ordinance No. 2018-06
Approved 07/24/2018*

DULY PASSED AND APPROVED by the City Council of the City of McLendon-Chisholm, Texas, this the 24th day of July 2018.

APPROVED:



Keith Short, Mayor

ATTEST:



Lisa Palomba, City Secretary

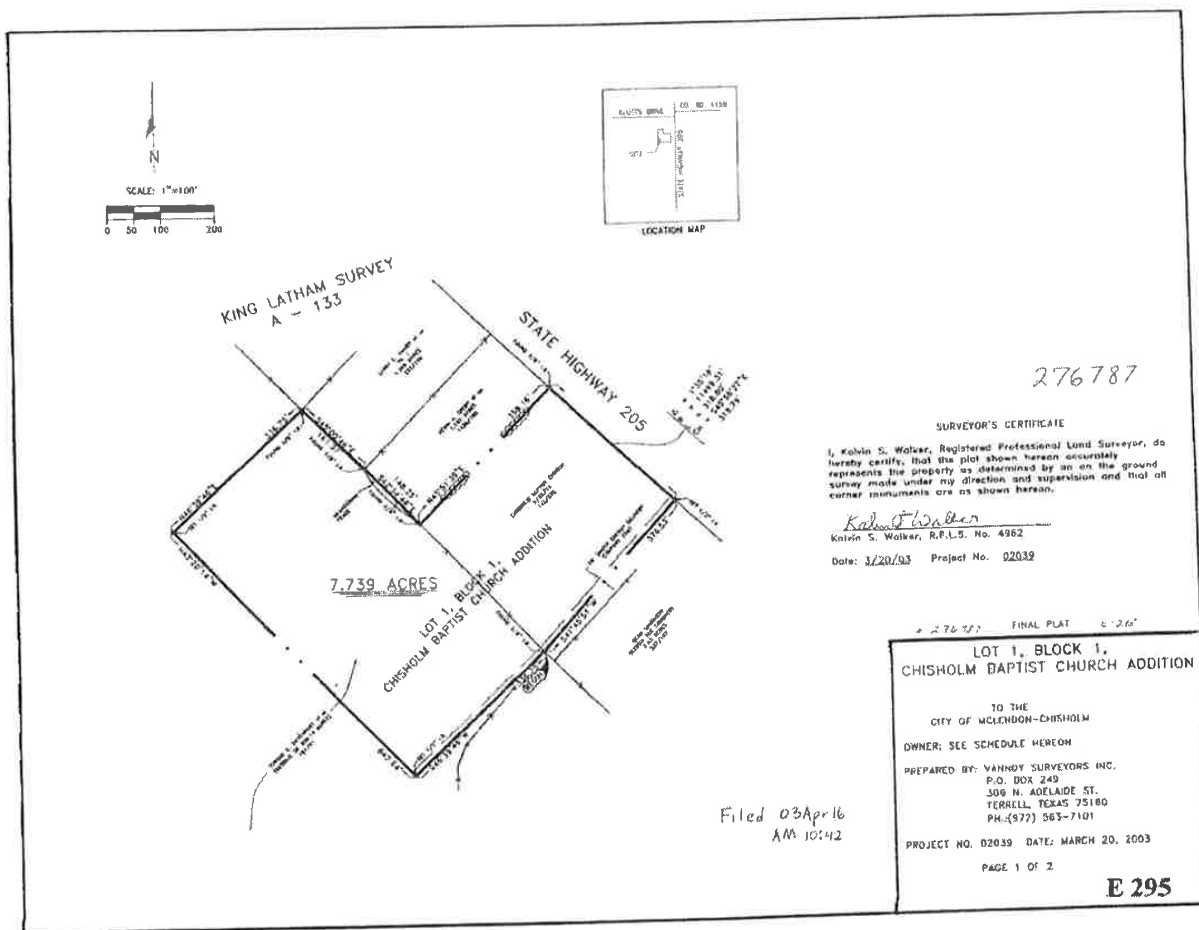


CITY OF MCLENDON-CHISHOLM

ORDINANCE NO. 2018-06

APPROVED 07/24/2018

EXHIBIT 1



STATE OF TEXAS
COUNTY OF ROCKWALL

The owners of land shown on this plat and who's names are subscribed hereto, and in person or through a duly authorized agent, dedicated to the use of the public forever all streets, parks, watercourses, drains, easements and public places shown for the purpose and consideration therein expressed.

Trustees for Chisholm Baptist Church:

Kenneth McKnight Marc Griffin C.A. Austin
Kenneth McKnight Marc Griffin C.A. Austin

STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared Kenneth McKnight, Marc Griffin and C.A. Austin, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 10 day of April, 2003.

[Signature]
Notary Public in and for Rockwall County, Texas.

My Commission expires _____

Approved:

[Signature] 4/10/03
Mayor, City of McLendon-Chisholm, Texas Date

Acknowledged:

This approval shall be invalid unless the approved final plat for such Addition is recorded in the office of the County Clerk of Rockwall County, Texas within ninety (90) days from said date of approval.

Witness my hand this 10 day of April, 2003.

[Signature]
City Secretary, City of McLendon-Chisholm, Texas

Trustees for Chisholm Baptist Church:

Kenneth McKnight Marc Griffin C.A. Austin
1781 Hwy. 205 12310 F.M. 2728 618 Azalea Circle
Rockwall, Tx. 75082 Terrell, Tx. 75161 Forney, Tx. 75126
Ph.: (972)771-0892 Ph.: (972)565-2596 Ph.: (972)564-4390

LEGAL DESCRIPTION

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING all that certain tract or parcel of land in the King Lotham Survey, A-133, Rockwall County, Texas, and being a part of that called 850.14 acre tract as conveyed from J.M. Stabuniewicz, Trustee, to Tyrone E. Davenport et al. as recorded in Volume 181, Page 61, of the Real Property Records of Rockwall County, Texas, and being a part of that called 0.43 acre tract and a part of that called 0.6 acre tract as conveyed to First Baptist Church of McLendon-Chisholm, Texas, on the 23rd day of September, 1974, and being a part of that called 2 acre tract as conveyed from Billy R. Blunt to Chisholm Baptist Church as recorded in Volume 142, Page 278, of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found for corner in a northeast line of said 850.14 acre tract, said point being at the west corner of a 3.45 acre tract conveyed to Dean Laughery and Glenda Sue Laughery, as recorded in Volume 227, Page 167, and also being at the south corner of said 2 acre tract as recorded in Volume 142, Page 278;

THENCE S46°35'46"W, a distance of 336.75 feet to a 1/2" iron rod set for corner;

THENCE N43°20'14"W, a distance of 642.64 feet to a 1/2" iron rod set for corner;

THENCE N46°39'46"E, a distance of 336.75 feet to a 5/8" iron rod found for corner at the west corner of that called Tract 1, of 1.239 acres as conveyed to Larry E. Hamby et al. as recorded in Volume 253, Page 106;

THENCE S45°00'46"E, a distance of 161.37 feet to a 5/8" iron rod found for corner;

THENCE S42°24'48"E, a distance of 148.23 feet to a 3/8" iron rod found for corner at the west corner of said Chisholm Baptist Church 2 acre tract;

THENCE N43°51'59"E, a distance of 358.16 feet to a 3/8" iron rod found for corner in the southwest R.O.W. of State Highway 205, said point being in a non-tangent curve to the left, having a central angle of 1°55'18", a radius of 11499.31 feet and a chord bearing and distance of S45°58'27"E, 318.79 feet;

THENCE with said curve and R.O.W., an arc length of 318.80 feet to a 1/2" iron rod set for corner;

THENCE S41°45'51"W, a distance of 376.53 feet to the POINT OF BEGINNING and containing 7.738 acres of land.

C:\J02039

FINAL PLAT E-296

LOT 1, BLOCK 1,
CHISHOLM BAPTIST CHURCH ADDITION

TO THE
CITY OF MCLENDON-CHISHOLM
OWNERS SEE SCHEDULE HEREON

PREPARED BY: VANHOY SURVEYORS INC.
P.O. BOX 249
506 N. ADELAIDE ST.
TERRELL, TEXAS 75160
PH. (972) 563-7101

PROJECT NO. 02039 DATE: MARCH 20, 2003

PAGE 2 OF 2

E 296

STATE OF TEXAS
COUNTY OF ROCKWALL

LEGAL DESCRIPTION

BEING all that certain tract or parcel of land in the King Latham Survey, A-133, Rockwall County, Texas, and being a part of that called 850.14 acre tract as conveyed from J.M. Szabuniewicz, Trustee, to Tyrone E. Davenport et al, as recorded in Volume 191, Page 61, of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found for corner in a northeast line of said 850.14 acre tract, said point being at the west corner of a 3.43 acre tract conveyed to Dean Laughery and Glenda Sue Laughery, as recorded in Volume 227, Page 187, and also being at the south corner of a 2 acre tract conveyed from Billy R. Blunt to Chisholm Baptist Church, as recorded in Volume 142, Page 278;

THENCE 546°39'46"W, a distance of 336.75 feet to a 1/2" iron rod set for corner;

THENCE N43°20'15"W, a distance of 642.64 feet to a 1/2" iron rod set for corner;

THENCE N46°39'46"E, a distance of 336.75 feet to a 5/8" iron rod found for corner at the west corner of that called Tract I, of 1.299 acres as conveyed to Larry E. Hamby et ux, as recorded in Volume 233, Page 106;

THENCE 545°00'46"E, a distance of 161.37 feet to a 5/8" iron rod found for corner;

THENCE 542°34'48"E, a distance of 148.25 feet to a 3/8" iron rod found for corner at the west corner of said Chisholm Baptist Church 2 acre tract;

THENCE 542°51'46"E, a distance of 333.11 feet to the POINT OF BEGINNING and containing 5.000 acres of land.

Surveyor's Certificate

Surveyor's Certificate

I, Calvin S. Walker, Registered Professional Land Surveyor, do hereby certify, that the plat shown hereon accurately represents the property as determined by an on the ground survey made under my direction and supervision and that all corners are as shown hereon.

There are no visible encroachments, conflicts or protrusions apparent on the ground, except as shown.

LJ)cil&Th
Calvin S. Walker R.P.L.S. No. 4962
Date 4/4/02 Project No. 02039



30U WARY				SURVEY	
5.000 ACRES IN THE KING LATHAM SURVEY, A-133					
VANNOY		SURVEY		1/1	
FERRELL		SI SUITE 101		PH 972-581-7101	
P.O. BOX 1178 SAGT TEXAS 75080					
ROCKWALL COUNTY, TEXAS					
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE
KSW	VG	4/4/02	1"=100'		02039
					NO.
					1/1