

PLANNING DEPARTMENT
City of Carrollton
Date: 05/03/16

PLANNED DEVELOPMENT NO. 179

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY REPEALING PLANNED DEVELOPMENT NUMBER (PD) 170 AS ESTABLISHED IN ITS ENTIRETY; AMENDING PLANNED DEVELOPMENT NUMBER 179 BY EXPANDING PD 179 TO THE AREA PREVIOUSLY IDENTIFIED UNDER PD 170; PROVIDING FOR THE (SF-5/12) AND (SF-PH) SINGLE FAMILY DISTRICTS WITH MODIFIED DEVELOPMENT STANDARDS IN PD 179; PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the Third day of March, 2016, the Planning and Zoning Commission considered and made recommendations on a certain request for a Planned Development District (Case No. 02-16Z1);

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended;

WHEREAS, this change of zoning will distinguish development standards specially applicable to the unique nature of the approximately fifteen (15) acre tract; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

SECTION 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

Planned Development Number 170 is hereby repealed in its entirety for a certain approximately 4.86 acre tract of land located near the southeast corner of Parker Road (F.M. 544) and Dozier Road, and more specifically described on the attached Exhibit A and depicted on Exhibit B.

SECTION 3.

Planned Development Number 179 is hereby amended in its entirety to expand PD 179 to the area previously identified as PD 170 so that PD 179 comprises a certain approximately fifteen (15) acre tract of land located at the southeast corner of Parker Road (F.M. 544) and Dozier Road, more specifically described on the attached Exhibit C, and depicted on Exhibit D.

SECTION 4.

Planned Development Number 179 is hereby amended to provide for the following:

I. Permitted Uses

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-5/12) and (SF-PH) Single Family Residential Districts, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-5/12 and (SF-PH) Single Family Residential Districts and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in Section II below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-5/12) and (SF-PH) Single Family Residential Districts, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions and regulations:

General

1. Development shall be in accordance with the Conceptual Site Plan and Conceptual Landscaping Plan attached hereto and incorporated herein as Exhibits E and F.
2. Alleys shall not be required.
3. At the time of subdivision, the subdivision plat shall identify which lots are to be developed in accordance with the (SF-5/12) Single Family Residential District and which are to be developed in accordance with the (SF-PH) Single Family Patio Home District.
4. At the time of the subdivision's final plat, the plat shall include annexed property to the north and south, as shown on Exhibit E, to allow for open space and additional right-of-way, respectively. If the annexation does not occur, the development shall be adjusted accordingly to provide the required ingress and egress to the development, and to comply

with all applicable laws, codes and regulations.

Streets

1. Streets shall be designed with a forty one (41) foot street right-of-way, a thirty one (31) foot “back-to-back” pavement cross section and a six (6) foot easement on either side of the street containing sidewalks and utilities.
2. Along Parker Road a minimum four-foot-wide sidewalk shall be constructed.

Lots

5. Minimum lot width for single-family detached lots shall be forty five (45) feet except for lots on cul-de-sacs and around “eyebrows,” which may be a minimum of thirty five (35) feet.
6. Minimum lot depth for single-family detached lots shall generally be ninety (90) feet, with lots on “eyebrows” and cul-de-sacs having a minimum lot depth of eighty (80) feet.
7. Minimum lot area for single-family detached lots shall be four thousand one hundred feet (4,100) square feet.
8. Minimum front yard setback shall be eleven (11) feet, provided however that garage doors shall be set no less than twenty (20) feet from the property line.
9. Minimum side yard setbacks not abutting a street shall be set to maintain a total distance between homes of at least 10 (ten) feet. This may be accomplished by abutting lots having side setbacks of “zero and ten,” “five and five” or “three and seven.”
10. Minimum side yards abutting streets shall in all cases be 11 (eleven) feet.
11. On corner lots, the “corner clips” shall not be considered when measuring setbacks.

Landscaping

12. Perimeter screening/fencing around the subdivision shall consist of a combination of solid masonry along Dozier Road, and solid masonry with periodic ornamental steel fence sections along Parker Road. Perimeter screening/fencing along Culpepper Road may consist of an opaque wooden fence with masonry columns.
13. A minimum fifteen (15) foot wide landscaping buffer will be provided along Parker Road and Dozier Road. Landscaping along **Parker Road** will consist of two shade trees for each one hundred (100) linear feet or fraction thereof, two ornamental trees for each one hundred (100) linear feet or fraction thereof, and sixty-five (65) shrubs or ornamental grasses for each one hundred (100) linear feet or fraction thereof. Additionally, groundcover or decomposed granite and ornamental boulders will be provided in the landscaping buffer.
14. Landscaping along Dozier Road and Culpepper Road will consist of one shade tree for each forty (40) linear feet or fraction thereof.
15. One ornamental steel fence section will also be placed along Dozier Road, at the end of a

cul-de-sac.

16. Parkland dedication “fees-in-lieu-of” shall be three hundred dollars (\$300) per lot.
17. The main entry monument sign fronting Parker Road just east of “Street A” as shown on the Conceptual Landscaping Plan shall be allowed to extend to the Parker Road right-of-way line.
18. Along the Burlington Northern & Santa Fe Railroad, a common area lot shall be created to contain a minimum six-foot-tall wooden fence. Within said common area lot, a minimum six-foot-tall wooden privacy fence maintained by the homeowners association shall be installed.

Homes

19. All garage doors shall be a decorative wood or “faux wood” paneled door.
20. On driveways, the radius or flair point at the street of any single family driveway shall be allowed to extend beyond the property line.
21. At the time of home construction, home builders may plant one street tree in the front yard in order to satisfy tree mitigation requirements for the overall development. A minimum of one street tree must be planted for every two lots. Root barriers must be installed as required by the City of Carrollton General Design Standards based on location of the tree relative to the back of curb.
22. Maximum Building Coverage shall be sixty percent (60%).
23. Minimum masonry content for all front facades shall be ninety percent (90%). Minimum masonry content for facades abutting Parker Road, Dozier Road or Culpepper Road shall be ninety percent (90%).

SECTION 5

The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

SECTION 6.

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

SECTION 7.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 8.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 9.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

SECTION 10.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Third day of May, 2016

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Laurie Garber
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Michael McCauley
Senior Planner

EXHIBIT A
Legal Description

BEING a tract of land situated in the Samuel H. Brown Survey Abstract No. 111 Denton County, Texas, and being a part of a certain 45.0 acre tract of land conveyed by J. H. Morgan to F. O. Lord December 20, 1916 by deed recorded in Volume 150 Page 131 Deed Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a ½ inch rod found in Culpepper Road at the southeast corner of said 45.0 acre tract on the westerly line of a Burlington Northern Railroad 100 foot wide Right of Way;

THENCE South 89 degrees 46 minutes West, along Culpepper Road and with the called south line of said Brown Survey, a distance of 457.92 feet (458.00 feet per deed) to a ½ iron rod found in the easterly line of Dozier Road (State Highway Farm to Market Road No. 544) (80 foot wide);

THENCE Northwesterly along Dozier Road and with a curve to the left having a central angle of 10 degrees 28 minutes 04 seconds, a radius of 600.0 feet, and a long chord which bears North 24 degrees 50 minutes 02 seconds West. 109.47 feet, an arc length of 109.62 feet (116.6 feet per deed) to a ½ inch iron rod found at the end of said curve, from which a wooden right of way marker bears North 66 degrees 33 minutes 50 seconds West 0.96 feet;

THENCE North 30 degrees 04 minutes West, continuing along Dozier Road, a distance of 305.06 feet (299.9 feet per deed) to a ½ inch iron rod found in gravel driveway;

THENCE North 89 degrees 46 minutes East, passing at a distance of 710.46 feet a 5/8 inch iron rod found and continuing in all a distance of 711.83 feet to a ½ inch iron rod found in the westerly line of said railroad;

THEN Southerly along said Railroad and with a curve to the right, having a central angle of 02 degrees 53 minutes 11 seconds, a radius of 7.316 60 feet and a long chord which bears South 08 degrees 35 minutes 52 seconds West. 368.53 feet, an arc length of 368.57 feet to the PLACE OF BEGINNING and containing 4.8636 acres of land more or less.

EXHIBIT B
Location Of Repealed PD 170

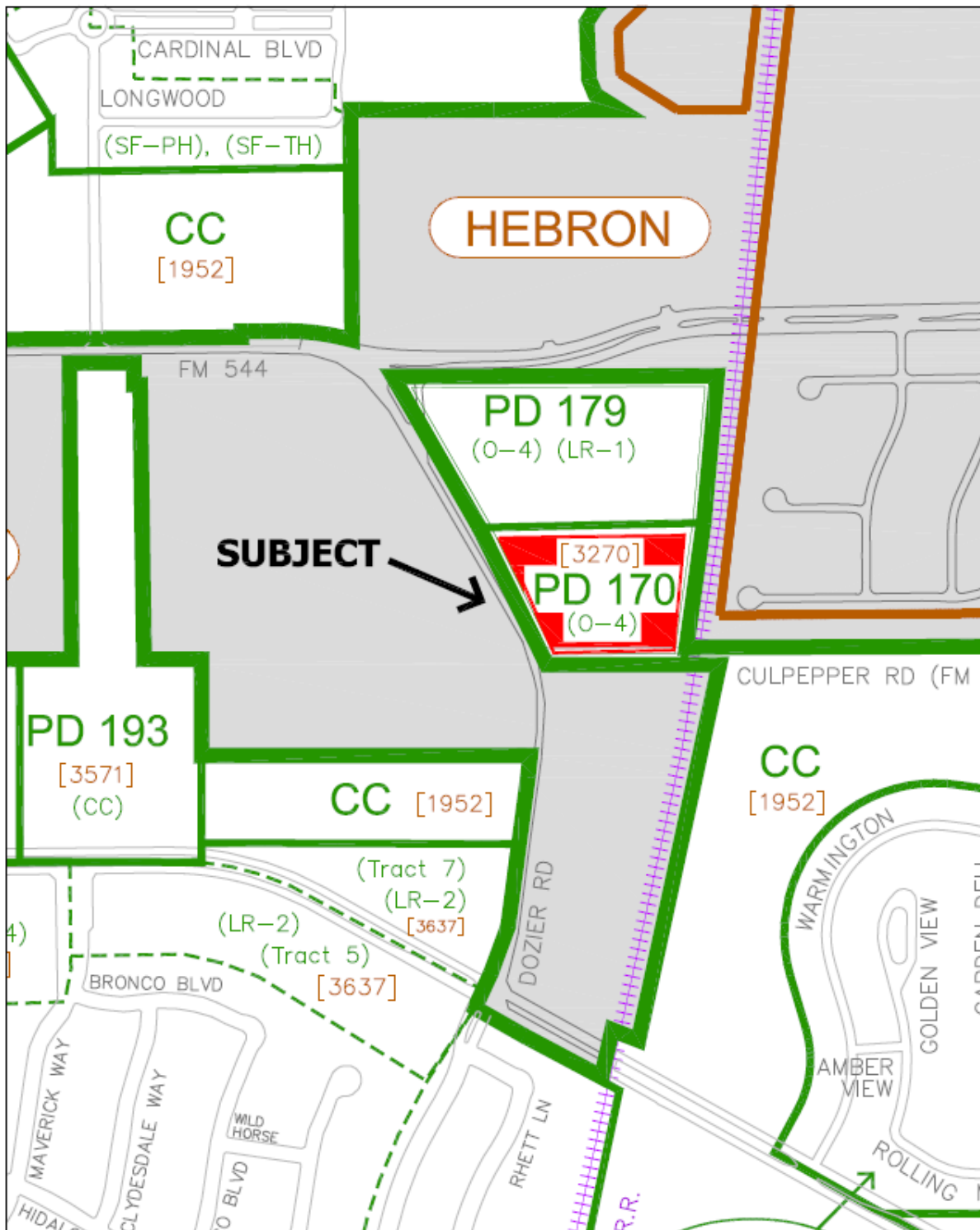


EXHIBIT C
Legal Description

BEING a 14.596 acre tract of land situated in the Samuel H. Brown Survey, Abstract No. 111, Denton County, Texas, and being all of a called 4.8636 acre tract of land conveyed by a Special Warranty Deed to WJ Family, LP, a Texas Limited Partnership, recorded as Document No. 2010-3352, of the Deed Records of Denton County, Texas (DRDCT), and being all of called 9.725 acre tract ("Tract 1") of land conveyed by a Special Warranty Deed With Vendor's Lien to Kelspar, LLC, recorded as Document No. 2013-77373 (DRDCT), and being more particularly described as follows (Bearings are based on State Plane Coordinates using City of Carrollton Monuments COC-8 and COC-12):

BEGINNING at a 5/8" iron rod with a cap stamped, "SURVCON" found for corner in the northeast line of Dozier Road (80' right-of-way) at the northwest corner of said 9.725 acre tract, and being the southwest corner of a called 0.851 acre tract ("Tract 2") conveyed in said Document No. 2013-77373;

THENCE North 89°16'11" East along the common line of said 9.725 acre and 0.821 acre tracts, at 952.16 feet passing a 5/8" iron rod with a cap stamped, "SURVCON" found for the southeast corner of said 0.851 acre tract and being the most southerly southwest corner of a right-of-way dedication for Parker Road, as described in a Affidavit recorded in Volume 4927, Page 1469 (DRDCT), and continuing along the south line of said right-of-way dedication, for a total distance of 1,043.64 feet to a point for corner in water, said point also being in the west line of Burlington Northern & Santa Fe (BNSF) Railway Company (100' right-of-way);

THENCE South 06°03'07" West along the west line of said BNSF right-of-way, a distance of 436.26 feet to a 1/2" capped iron rod found for corner at the beginning of a tangent curve to the right, having a radius of 5,679.58 feet and a chord which bears South 08°11'23" West, a distance of 421.90 feet;

THENCE southerly along said curve to the right, through a central angle of 04°15'26", an arc distance of 422.00 feet to a 1/2" iron rod found for the southeast corner of said 4.8636 acre tract and being near the center of Culpepper Road (unimproved at this point);

THENCE South 89°36'13" West along the south line of said 4.8636 acre tract and near the center of said road (a partially asphalted surface), a distance of 457.92 feet to a 1/2" iron rod found for corner in asphalt at the southwest corner thereof, said corner being in the northeast right-of-way line of said Dozier Road, said point also being in a non-tangent curve to the left, having a radius of 613.00 feet and a chord which bears North 25°03'14" West, a distance of 106.59 feet;

THENCE Northwesterly along the northeast right-of-way line of said Dozier and along said curve to the left, through a central angle of 09°58'31", an arc distance of 106.73 feet to a 5/8" iron rod with a yellow cap stamped, "RPLS 3963", set for the end of said curve;

THENCE North 30°02'30" West continuing along the northeast line of said Dozier Road, at 609.19 feet passing a 1/2" capped iron rod found, and continuing for a total distance of 810.10 feet to a 5/8" iron rod with a yellow cap stamped, "RPLS 3963", set for the beginning of a tangent curve to the left, having a radius of 421.97 feet, and a chord which bears North 33°35'05" West, a distance of 52.16 feet;

THENCE in a northwesterly direction along said curve to the left, through a central angle of 07°05'14", an arc distance of 52.19 feet to the PLACE OF BEGINNING and containing 635,795 square feet or 14.596

EXHIBIT D
Location Of Amended PD 179

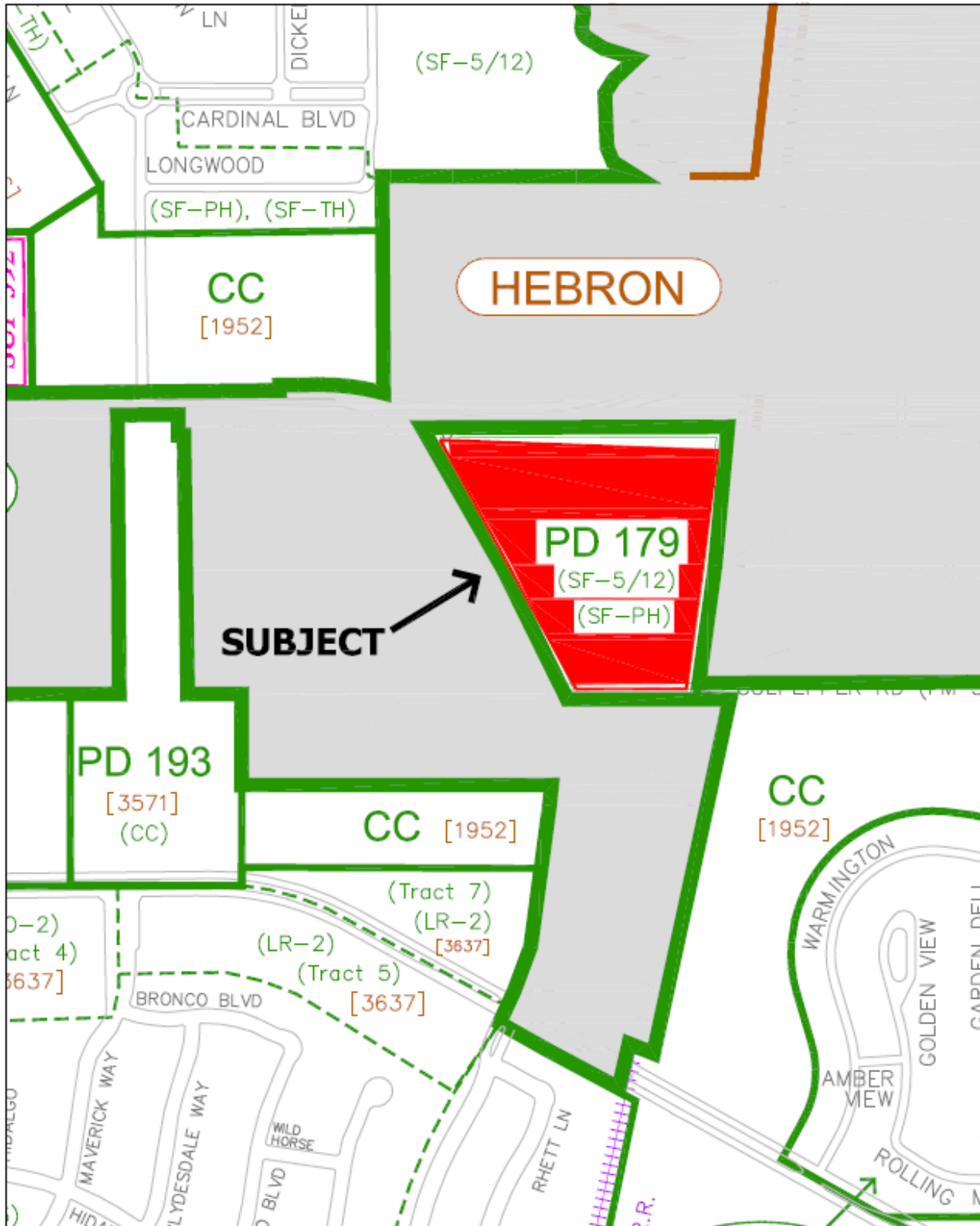


EXHIBIT E

Conceptual Site & Landscape Plan

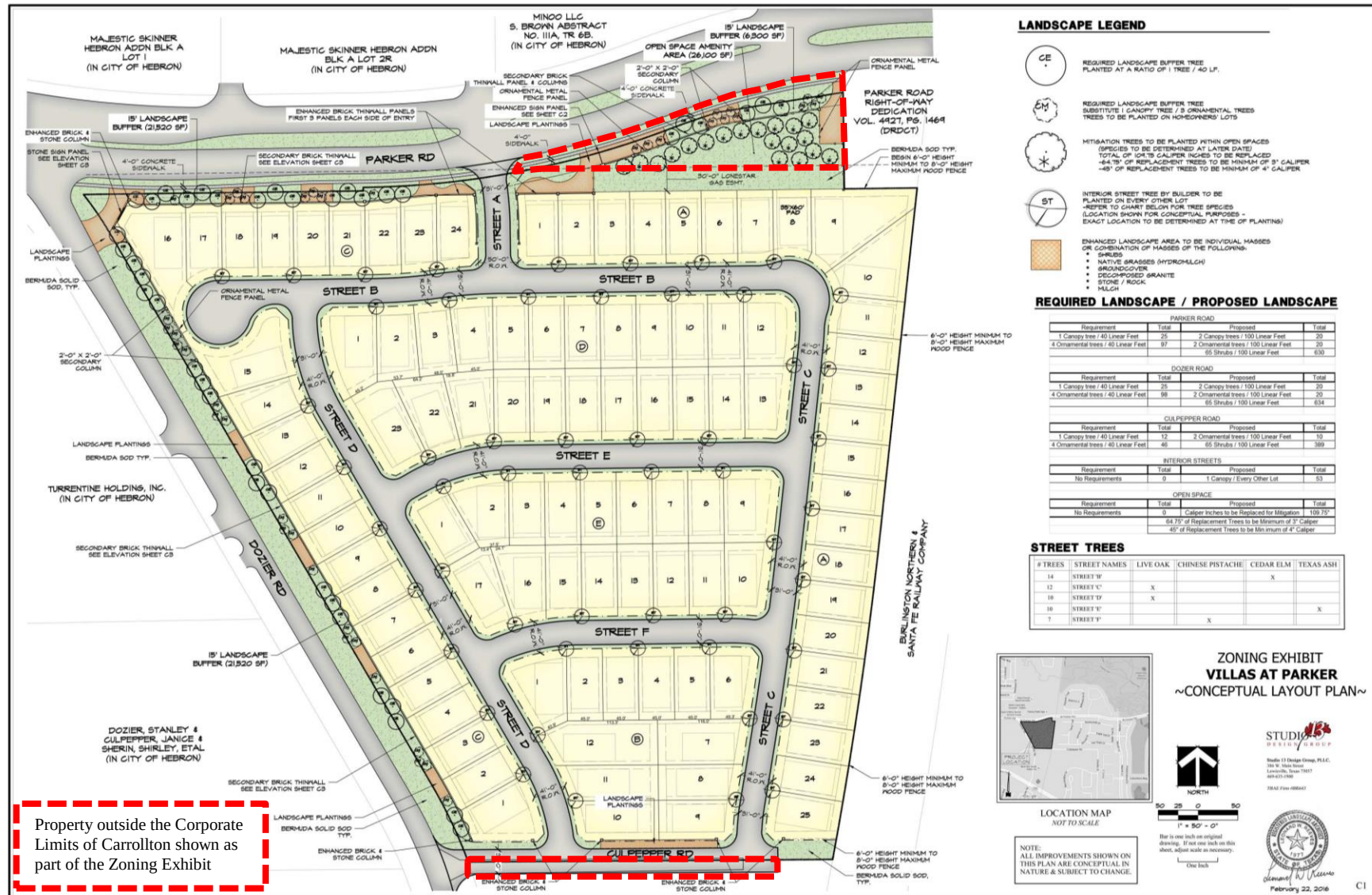


EXHIBIT F
Conceptual Landscaping & Screening (1 of 3)

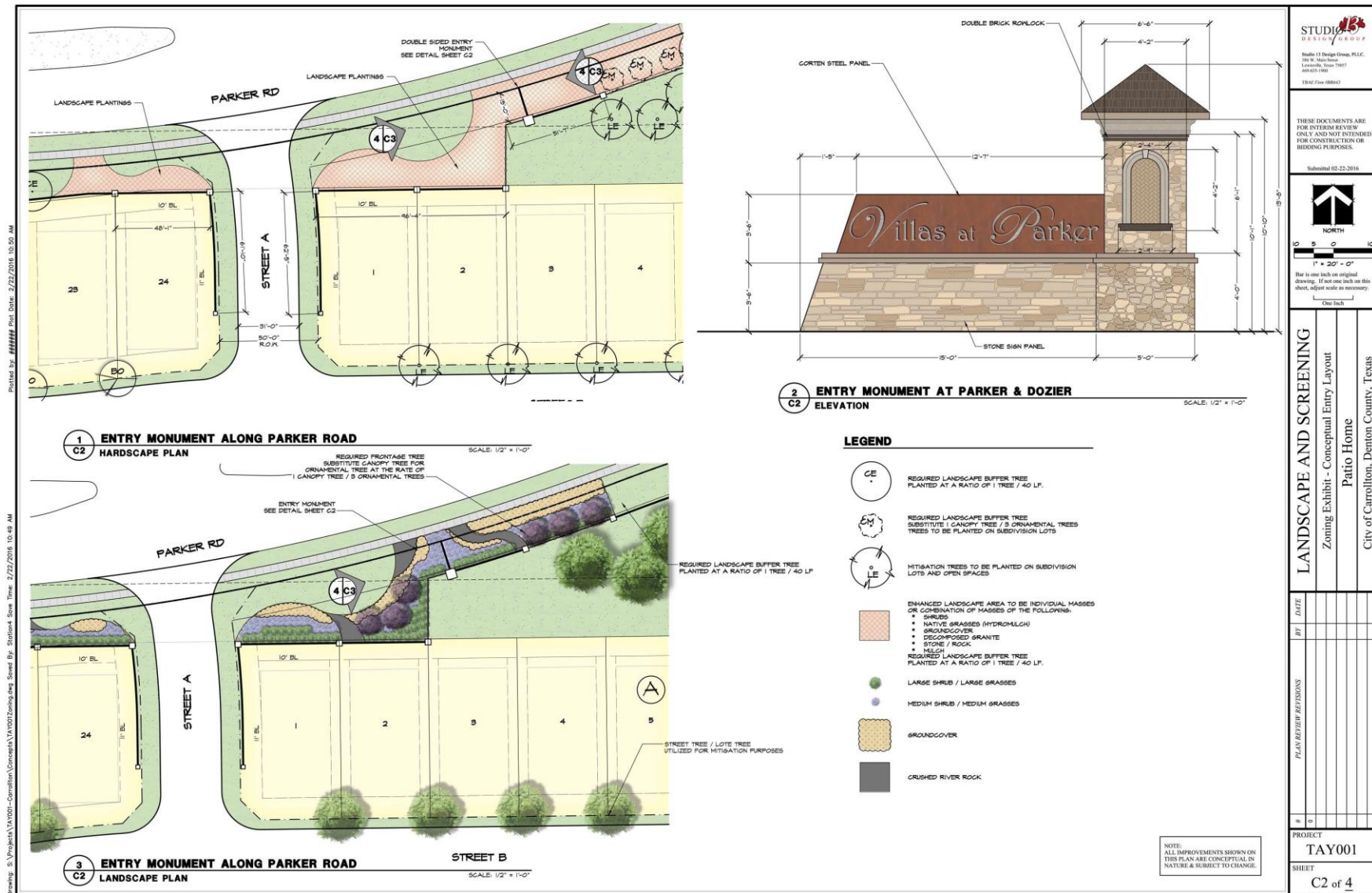


EXHIBIT F
Conceptual Landscaping & Screening (2 of 3)

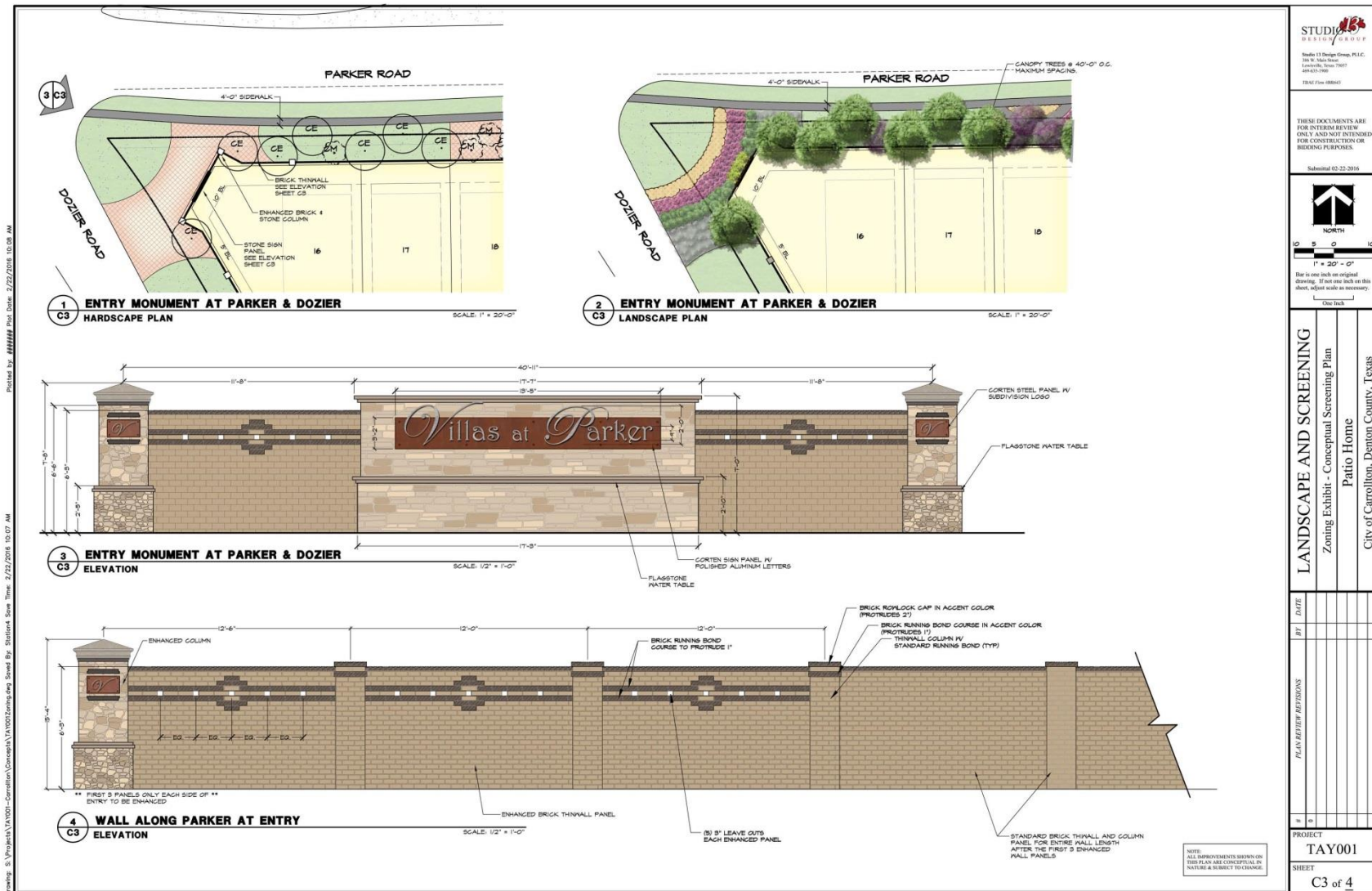


EXHIBIT F
Conceptual Landscaping & Screening (3 of 3)

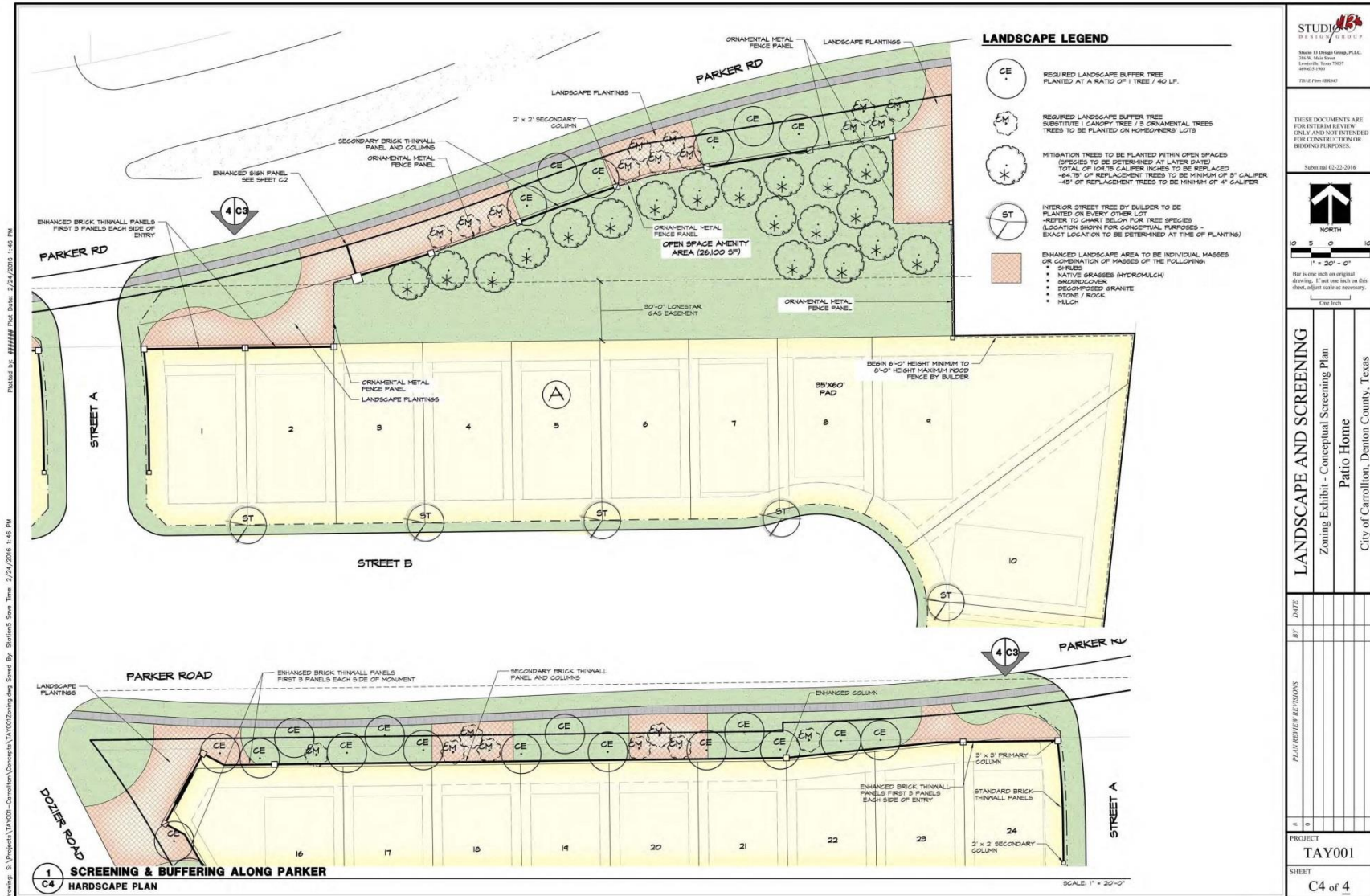


EXHIBIT G

Artist's Concepts – Showing How Perimeter Screening Would Look Next To Parker Road

Image 1 of 3



EXHIBIT G

Artist's Concepts – Showing How Perimeter Screening Would Look Next To Parker Road

Image 2 of 3



EXHIBIT G

Artist's Concepts – Showing How Perimeter Screening Would Look Next To Parker Road

Image 3 of 3



EXHIBIT H
Example of Landscaping (Image 1 of 2)



EXHIBIT H
Example of Landscaping (Image 2 of 2)



EXHIBIT I
Typical Street Section

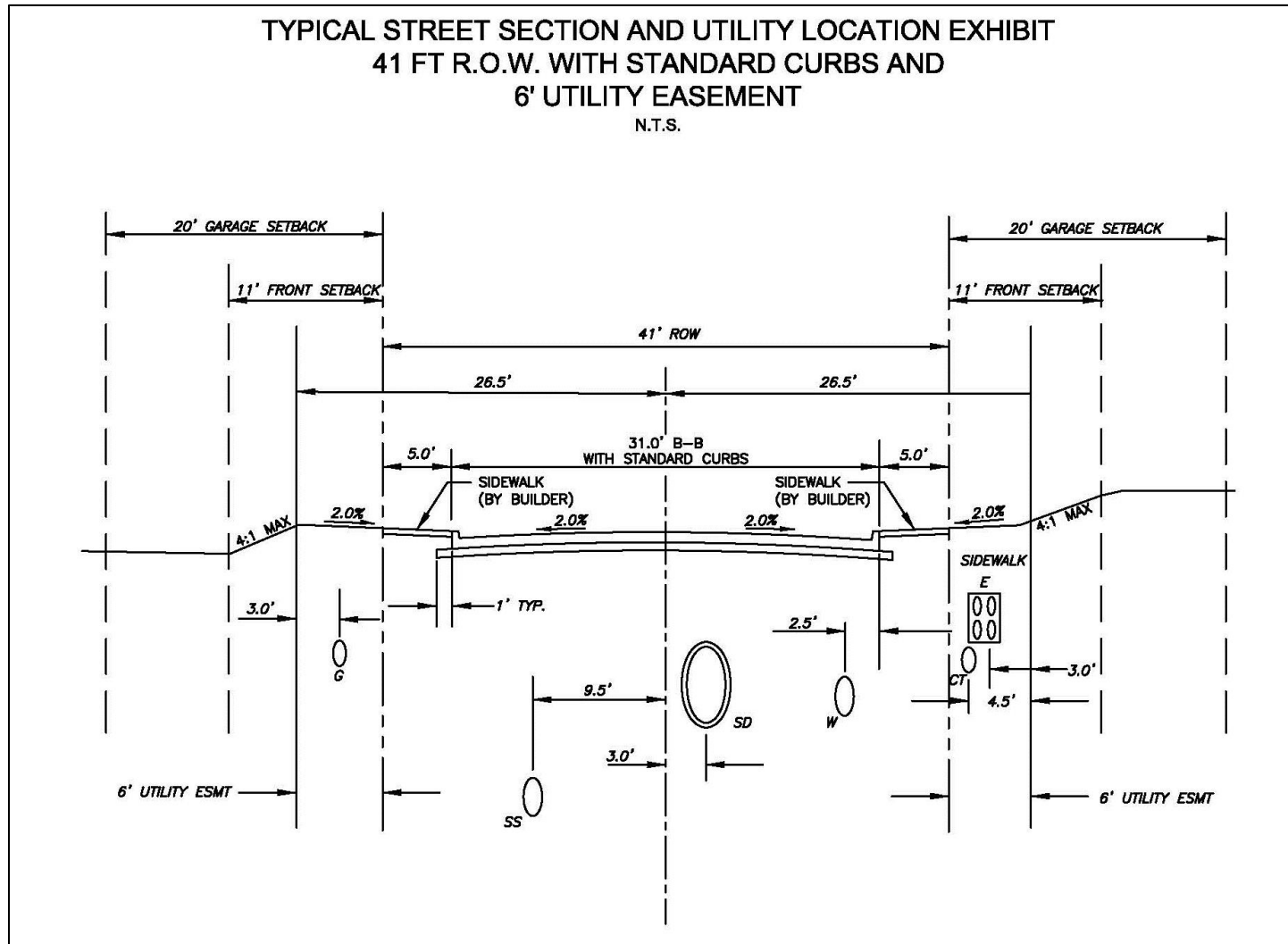


EXHIBIT J
Applicant's Conceptual Home Elevations (Sheet 1 of 2)



EXHIBIT J
Applicant's Conceptual Home Elevations (Sheet 2 of 2)

