

PLANNING DEPARTMENT
City of Carrollton
Date: 04/07/15

PLANNED DEVELOPMENT NO. _____
DEVELOPMENT NAME: The Collection

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING PLANNED DEVELOPMENT NO. _____ PROVIDING FOR THE (MF-18) MULTI-FAMILY RESIDENTIAL, (O-2) OFFICE AND (LR-2) LOCAL RETAIL DISTRICTS WITH MODIFIED DEVELOPMENT STANDARDS; AMENDING ORDINANCES NUMBER 1797, 2498 AND 3198 TO REMOVE FROM PLANNED DEVELOPMENT 124 A CERTAIN 36.2 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF HEBRON PARKWAY BETWEEN STATE HIGHWAY 121 AND HUFFINES BOULEVARD; 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 5th day of March, 2015, the Planning and Zoning Commission considered and made recommendations on a certain request for a Planned Development District (Case No. 03-15Z2);

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 36.2 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.

Ordinance Number 1797 creating Planned Development Number 124 is hereby amended to remove the property described in the attached Exhibit A from Planned Development 124 and the provisions thereof, and to amend the boundaries of Planned Development 124 accordingly.

Section 3.

Ordinance Number 2498 amending Planned Development Number 124 is hereby amended to remove the property described in the attached Exhibit A from Planned Development 124 and the provisions thereof, and to amend the boundaries of Planned Development 124 accordingly.

Section 4.

Ordinance Number 3198 amending Planned Development Number 124 is hereby amended to remove the property described in the attached Exhibit A from Planned Development 124 and the provisions thereof, and to amend the boundaries of Planned Development 124 accordingly.

Section 5.

Planned Development Number ____ is hereby established for a certain 36.1-acre tract of land located on the south side of Hebron Parkway, between S.H. 121 and Huffines Boulevard, situated in the El Paso Irrigation Company Survey, Abstract No. 408, Denton County, Texas, and more specifically described on the attached Exhibit A.

“I. Permitted Uses

The following uses will be permitted:

A. Tract 1 Multi-Family

Permitted uses shall be all principal and accessory uses which are allowed by right in the (MF-18) Multi-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (MF-18) Multi-Family District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (MF-18) Multi-Family District, 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.

B. Tract 2 Office

Permitted uses shall be all principal and accessory uses which are allowed by right in the (O-2) Office District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (O-2) Office District, in and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (O-2) Office District, in, 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.

C. Tract 3 Local Retail

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LR-2) Local Retail District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (LR-2) Local Retail District, in and the Comprehensive Zoning Ordinance, as amended, except as provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (LR-2) Local Retail District, in, 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:

A. Tract 1 Multi-Family

- a. Maximum density shall be 23 units per acre.
- b. Minimum front yard setback: 20'
- c. Minimum floor area of any dwelling unit: 600 square feet
- d. Maximum building height: 3 stories, provided however that any building within 100 feet of the southwesterly property line shall be limited to 2 stories.
- e. Maximum impervious coverage: 90%
- f. Minimum brick or stone content per elevation: 25%. The remaining portion of each elevation shall be any combination of stucco and cementitious fiber board.
- g. Minimum distance from face of garage door to fire lane: 2 feet
- h. No fences may be placed between any building and any mutual access easement or driveway.
- i. No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
- j. An enclosed storage area of not less than thirty-two (32) square feet of total floor area shall be provided for 50% of all dwelling units. Such enclosed storage area shall be attached to, and made an integral part of, the main building where the dwelling unit to be served is located.
- k. A minimum 6-foot tall, black decorative iron fence with masonry columns shall be provided for the entire length of the southern property line of Tract 1. Additionally, a minimum 5-foot tall evergreen shrubs planted 5-foot on center shall be provided for the entire length of the southern property line of Tract 1. The shrubs shall be from the approved plant list and planted and maintained in accordance with the Landscape Ordinance.
- l. Parking shall be calculated at 1.75 spaces per unit.
- m. Multi-family units within 100 feet of the southerly property line (abutting the Elm Wood Trail subdivision) shall be designed with the appearance of "townhouses" or "row houses" and shall not exceed two stories in height.

B. Tract 2 Office

- 1. Maximum building height shall be 37 feet.
- 2. All buildings shall have a minimum of 40% of the square footage of the ground floor façade comprised of window area along Hebron Parkway and Huffines Boulevard, provided however that "faux windows" may be permitted for up to one-half this requirement provided it can be demonstrated that said faux windows will have a glass window

appearance. The bottom windows shall not be higher than 24" above the adjacent grade. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.

3. No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
4. Off-street loading docks for non-residential uses may not be located adjacent to or across a street or alley from buildings containing residential uses.
5. Each building shall provide a canopy or awning which extends at least four (4') feet past the building façade. A canopy or awning shall be provided over all door openings and a minimum of seventy-five percent (75%) of all window openings.
6. Each building along the street edge shall have a functioning primary entry from the sidewalk.
7. Building facades fronting Huffines Boulevard shall have a maximum setback of 30 feet from the right-of-way, or 30 feet to an easement line if the set back from the right of way is greater than 30 feet. Building facades fronting Huffines Boulevard may be increased to a maximum setback of 100' if a drive-aisle with double-loading parking is installed along Hebron Parkway.

C. Tract 3 Local Retail

1. Maximum height of all buildings shall be 3 stories, not to exceed 50 feet. Minimum building height shall be 20 feet.
2. All buildings shall have a minimum of 40% of the square footage of the ground floor façade comprised of window area along Hebron Parkway and Huffines Boulevard, provided however that "faux windows" may be permitted for up to one-half this requirement provided it can be demonstrated that said faux windows will have a glass window appearance. The bottom windows shall not be higher than 24" above the adjacent grade. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.

3. No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
4. Off-street loading docks for non-residential uses may not be located adjacent to or across a street or alley from buildings containing residential uses.
5. Each building shall provide a canopy or awning which extends at least four (4') feet past the building façade. A canopy or awning shall be provided over all door openings and a minimum of seventy-five percent (75%) of all window openings.
6. Each building along the street edge shall have a functioning primary entry from the sidewalk.
7. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.
8. Building facades fronting S.H. 121 shall have a minimum setback of 30 feet and a maximum setback of 100 feet.

D. Special Provisions Affecting all Tracts

1. The site shall be generally developed in accordance with the attached site plan and façade elevations attached hereto as Exhibits B, C, D and E. *Said exhibits are intended to be only a general, conceptual indication of the layout and designs of buildings, driveways and parking lots to achieve the vision of a connected, walkable, mixed-use "village." Said exhibits are not intended to finalize particular building designs or orientation.*
2. Enhanced paving will be provided to define significant vehicular drive intersections and pedestrian ways as shown on the concept plan.
3. All sanitary sewer lines in this development will be owned and maintained by the owner(s) of this development.
4. Some driveways shall have mutual access with adjacent properties (driveway splitting two separate properties, etc). Mutual access shall be obtained by plat or separate instrument.
5. Screening walls between tracts are prohibited so as to maintain the mixed-use concept.
6. Pedestrian ways shall be integrated into the design to connect the retail within Tract 3 and the office within Tract 2 with the residential within

Tract 1. These pedestrian connections should promote foot traffic from the residential development in Tract 1.

Section 6.

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

Section 7.

Any person, firm or corporation 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 8.

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

Section 9.

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 10.

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 11.

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

PASSED AND APPROVED this the Seventh day of April, 2015

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Christopher Barton, AICP
Chief Planner

EXHIBIT A
Legal Description

FIELD NOTES to that certain tract situated in the El Paso Irrigation Company Survey, Abstract Number 408, City of Carrollton, Denton County, Texas, the subject tract being all of the tract described in the deed to RCC Indian Creek, Ltd. recorded under Document Number 2007- 117186 of the Real Property Records of Denton County, Texas; the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch rebar found at the southeast corner of the said tract described in the deed to RCC Indian Creek, Ltd. recorded under Document Number 2007- 117186 of the Real Property Records of Denton County, Texas (hereinafter referred to as the RCC Indian Creek, Ltd. tract) and at the southwest corner of Huffines Boulevard according to the plat recorded in Volume 0, Page 178 & 179 of the Plat Records of Denton County, Texas;

THENCE NORTH 61 DEGREES 54 MINUTES 20 SECONDS WEST, with the south line of the RCC Indian Creek, Ltd. tract, a distance of 111.94 feet to a 1/2 inch capped rebar stamped "VOTEX" found at an angle point in the said south line of the RCC Indian Creek, Ltd. tract;

THENCE NORTH 60 DEGREES 11MINUTES16 SECONDS WEST (BEARING BASIS), continuing with the south line of the RCC Indian Creek, Ltd. tract, a distance of 650.40 feet to a 1/2 inch capped rebar stamped "VOTEX" found at an angle point in the said south line of the RCC Indian Creek, Ltd. tract;

THENCE NORTH 57 DEGREES 21 MINUTES 50 SECONDS WEST, continuing with the south line of the RCC Indian Creek, Ltd. tract a distance of 668.78 feet to a 1/2 inch capped rebar stamped "HALFF & ASSOC." found at a corner of the RCC Indian Creek, Ltd. tract, said found rebar being in a curve concave to the southwest having a radius of 135.00 feet;

THENCE In a northwesterly direction, continuing with the south line of the RCC Indian Creek, Ltd. tract and along the arc of the said curve an arc length of 54.33 feet (a chord bearing of NORTH 39 DEGREES 19 MINUTES 24 SECONDS WEST a chord distance of 53.96 feet) to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the end of the said curve;

- THENCE NORTH 50 DEGREES 51 MINUTES 08 SECONDS WEST, continuing with the south line of the RCC Indian Creek, Ltd. tract a distance of 44.76 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the most westerly southwest corner of the RCC Indian Creek, Ltd. tract and in the east line of the tract described in the deed to the State of Texas recorded in Volume 3451, Page 1 of the Real Property Records of Denton County, Texas (said State of Texas tract being State Highway 121);
- THENCE NORTH 37 DEGREES 27 MINUTES 44 SECONDS EAST, with the east line of the said State of Texas tract a distance of 742.65 feet to a 5/8 inch rebar with an aluminum cap stamped "TEXAS DEPARTMENT OF TRANSPORTATION" found;
- THENCE NORTH 30 DEGREES 50 MINUTES 34 SECONDS EAST, continuing with the east line of the State of Texas tract a distance of 52.88 feet to a 1/2 inch capped rebar stamped "VOTEX" found at the southwest corner of Indian Creek Crossing Addition according to the plat recorded in Cabinet P, Page 125 of the said Plat Records and being the most westerly northwest corner of the RCC Indian Creek, Ltd. tract;
- THENCE SOUTH 59 DEGREES 09 MINUTES 26 SECONDS EAST, with the south line of the said Indian Creek Crossing Addition and the south line of Lot 1, Block A of Senior Bueno Addition according to the plat recorded in Cabinet Q, Page 330 of the said Plat Records, a distance of 400.12 feet to an "+" cut found at the southern corner of the said Senior Bueno Addition;
- THENCE NORTH 30 DEGREES 50 MINUTES 19 SECONDS EAST, with the southeast line of Senior Bueno Addition, passing at a distance of 208.98 feet a corner clip in the said southeast line of Senior Bueno Addition, and continuing on the said course, with an interior northwest line of the RCC Indian Creek, Ltd. tract (being a prolongation of the southeast line of the Senior Bueno Addition), in all, a total distance of 238.78 feet to an "+" cut found in concrete in the south line of West Hebron Parkway (width varies and on dedicating document found for reference) and at a salient corner of the RCC Indian Creek, Ltd. tract;
- THENCE SOUTH 59 DEGREES 09 MINUTES 41 SECONDS EAST, with the northeast line of the RCC Indian Creek, Ltd. tract, a distance of 344.53 feet to a 1/2 capped rebar stamped "VOTEX" found at the beginning of a tangent curve being concave to northeast having a radius of 1,120.00 feet;

THENCE In a southeasterly direction, continuing with the northeast line of the RCC Indian Creek, Ltd. tract and along the arc of the said curve through a central angle of 29 DEGREES 20 MINUTES 04 SECONDS (arc length of 573.42 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the end of the said curve;

THENCE SOUTH 88 DEGREES 29 MINUTES 45 SECONDS EAST, continuing with the northeast line of the RCC Indian Creek, Ltd. tract a distance of 128.32 feet to a 1/2 inch capped rebar stamped "VOTEX" found at the northwest corner of Huffines Boulevard according to the plat recorded in Cabinet 0, Page 178 & 179 of the Plat Records of Denton County, Texas;

THENCE with the east line of the RCC Indian Creek, Ltd. tract and the west line of Huffines Boulevard the following eight calls:

1. SOUTH 43 DEGREES 29 MINUTES 54 SECONDS EAST, a distance of 35.36 feet to a Yz capped rebar stamped "VOTEX" found at an angle point.
2. SOUTH 01 DEGREE 30 MINUTES 06 SECONDS WEST a distance of 82.25 feet to a 1/2 inch capped rebar stamped "VOTEX" found at the beginning of a tangent curve being concave to the west having a radius of 560.00 feet;
3. in a southwesterly direction along the arc of the curve, through a central angle of 04 DEGREES 05 MINUTES 07 SECONDS (an arc length of 39.93 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the beginning of a compound curve being concave to the west having a radius of 562.50 feet;
4. in a southwesterly direction along the arc of the curve, an arc length of 140.80 feet (chord bearing of SOUTH 10 DEGREES 47 MINUTES 47 SECONDS WEST, a chord distance of 140.43 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the beginning of a compound curve being concave to the northwest having a radius of 565.00 feet;
5. in a southwesterly direction along the arc of the curve, an arc length of 269.39 feet (a chord bearing of SOUTH 33 DEGREES 38 MINUTES 13 SECONDS WEST, a chord distance of 266.84 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the end of the said second compound curve;

6. SOUTH 47 DEGREES 17 MINUTES 45 SECONDS WEST a distance of 298.10 feet to a 1/2 inch capped rebar stamped "VOTEX" found at the beginning of a tangent curve being concave to the southeast having a radius of 835.00 feet;
7. in a Southwesterly direction, along the arc of the curve an arc length of 371.95 feet (a chord bearing of SOUTH 34 DEGREES 32 MINUTES 05 SECONDS WEST, a chord distance of 368.88 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the end of the said curve;
8. SOUTH 21 DEGREES 46 MINUTES 24 SECONDS WEST, a distance of 96.57 feet returning to the PLACE OF BEGINNING and enclosing 36.168 acres.

EXHIBIT B
Tract Map

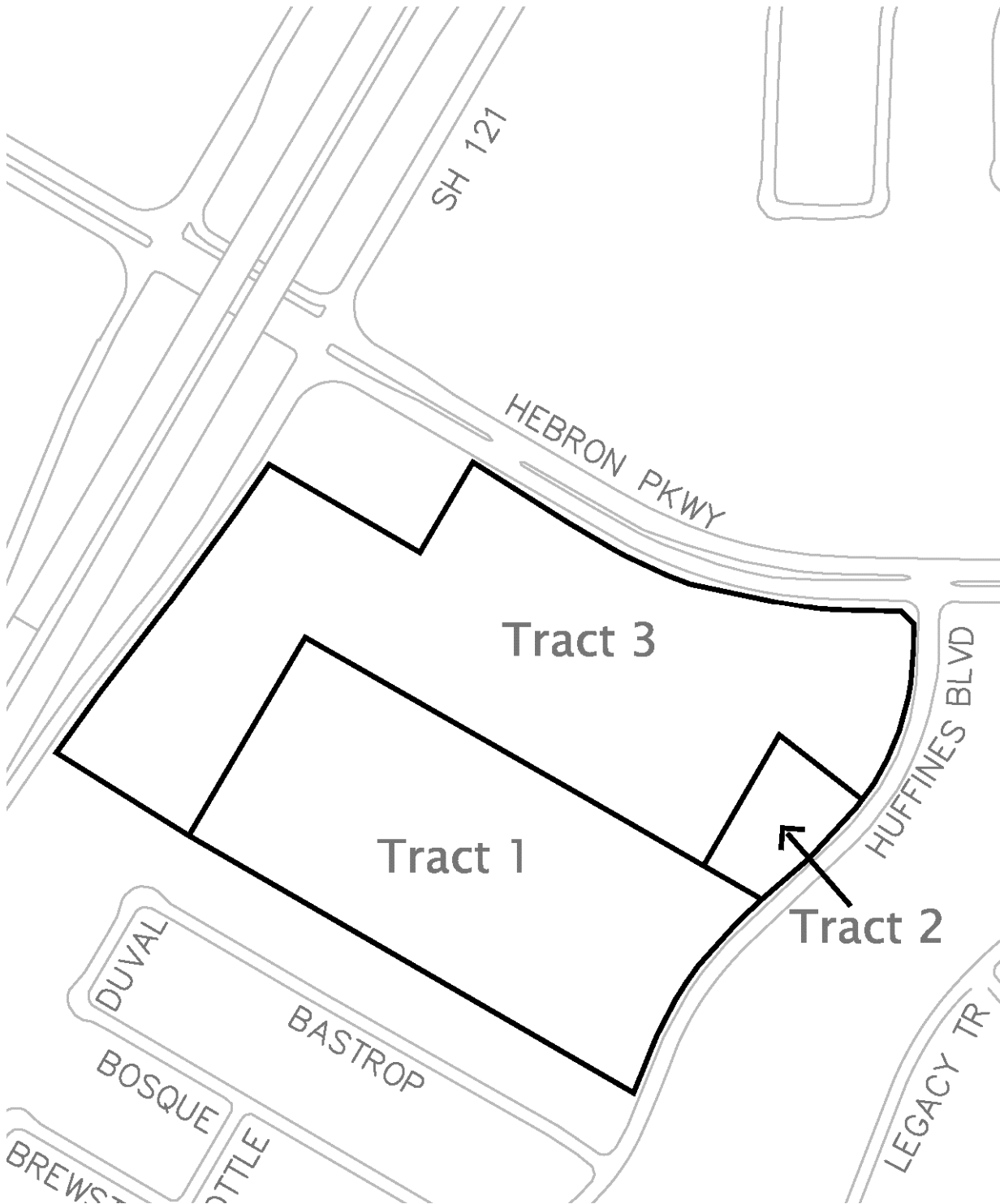


EXHIBIT C
Concept Plan



EXHIBIT C
Concept Plan
aerial view, looking towards the southwest



EXHIBIT D
Multi-Family Residential Elevation Concept
“flat” design



EXHIBIT D
Multi-Family Residential Elevation Concept
“row house” design



EXHIBIT E
Commercial Buildings
Architectural Design Concept

