

PLANNING DEPARTMENT
City of Carrollton
Date: 01/08/2019

PLANNED DEVELOPMENT NO. 91
DEVELOPMENT NAME: High Country Business Park

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON, TEXAS AMENDING ITS COMPREHENSIVE ZONING ORDINANCE TO AMEND TRACT 2 OF PLANNED DEVELOPMENT NUMBER 91 (PD 91), A CERTAIN 76.3 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF HEBRON PARKWAY AT MARSH RIDGE ROAD, TO ALLOW INDOOR VETERINARIAN SERVICES BY RESTATING AND AMENDING IN ITS ENTIRETY PD 91 AND THEREFORE SUPERSEDING CITY OF CARROLLTON ORDINANCES 3710, 3687, 3197, 3141, 2601 AND 1869; 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 Sixth day of December, 2018, the Planning and Zoning Commission considered and made recommendations on a certain request for a Planned Development District (Case No. 12-18Z1);

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

WHEREAS, the City Council conducted a public hearing on the Eighth day of January, 2019, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council, has determined the following amendment to the zoning laws to allow the requested use is not detrimental to the surrounding property, and is consistent with the purpose of the zoning district in which the above described property is located; 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 91 is hereby restated, replaced and amended in its entirety for a certain 76.3 acre tract of land located on the north side of Hebron Parkway at Marsh Ridge Road, and more specifically described on the attached Exhibit A and depicted on the attached Exhibit B, providing for the following:

I. Permitted Uses

A. TRACT 1

Permitted uses shall be all principal and accessory uses which are allowed by right in the (O-1) 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-1) Office District 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 (O-1) Office 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

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LR-1) 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-1) Local Retail District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in Section 3 below.

The following additional uses shall be permitted in Tract 2 and developed in accordance with all applicable regulations of the (LR-1) Local Retail District:

1. Indoor Veterinarian Services

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (LR-1) Local Retail District, in accordance with Article V of the Comprehensive 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

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LC) Light Commercial 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 (LC) Light Commercial District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in Section II below.

The following additional uses shall be permitted in Tract 3 and developed in accordance with all applicable regulations of the (LC) Light Commercial District:

1. Fence Contractor
2. Electrical Service
3. Retail and Wholesale Automobile Sales (New and Used)
4. Retail and Wholesale Plant Nursery, Farm and Garden Supplies

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (LC) Light Commercial 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.

D. TRACT 4

Permitted uses shall be all principal and accessory uses which are allowed by right in the (C/W) Commercial/Warehouse 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 (C/W) Commercial/Warehouse District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in Section II below.

The following additional uses shall be permitted in Tract 4 and developed in accordance with all applicable regulations of the (C/W) Commercial/Warehouse District:

1. Plumbing, Heating or Air Conditioning Service
2. Retail and Wholesale Plant Nursery, Farm and Garden Supplies

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (C/W) Commercial/Warehouse 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.

E. TRACT 5

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LC) Light Commercial 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 (LC) Light Commercial District 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 (LC) Light Commercial 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.

F. TRACT 6

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LR-1) Local Retail District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and as listed below, and shall be developed in accordance with all applicable regulations of the (LR-1) Local Retail District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in Section II below.

The following additional uses shall be permitted in Tract 6 and developed in accordance with all applicable regulations of the (C/W) Commercial/Warehouse District:

1. Veterinary Services with Indoor Boarding

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (LR-1) Local Retail 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.

II.
Special Development Standards

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

A. TRACT 1

1. Minimum driveway spacing along Hebron Parkway shall be 400 feet.

B. TRACT 2

1. Minimum driveway spacing along Hebron Parkway shall be 400 feet.
2. Minimum lot area shall be 10,000 square feet.
3. Maximum height of structures shall be two (2) stories, not to exceed 36 feet.

C. TRACTS 1 and 2

1. The minimum brick or stone content shall be 75%. All main buildings shall have a percentage not less than specified herein of the total exterior walls which face any arterial or collector thoroughfare, as identified on the Thoroughfare Plan, excluding doors, windows, and window walls constructed of brick, stone, masonry, unless otherwise approved by the City Council.
2. For Tract 2, the requirements of Article 24, Section C, Item 2b of the Carrollton Comprehensive Zoning Ordinance requiring six (6) “stacking” spaces in addition to the service space where there are one or two service lanes shall be reduced to four (4) “stacking” spaces in addition to the service space where there are one or two service lanes for credit union uses (NAICS Code 522130).

D. TRACT 4

1. Railroad spur access shall be prohibited.
2. Maximum Floor Area Ratio (FAR) shall be 0.4:1.
3. Wheel stops shall not be required.
4. The minimum lot width shall be 60 feet.
5. For the purpose of any outdoor storage or display, the south property line of the any tract south of Pecan Street (or its projected extension) shall be treated as if it were adjacent to a public street.

6. Galvanized metal panel fencing shall be permitted consistent with the attached Exhibit D.

E. TRACT 6

1. Minimum driveway spacing along Hebron Parkway shall be 400 feet.
2. Minimum lot area shall be 10,000 square feet.
3. Maximum height of structures shall be two stories, not to exceed 36 feet.
4. All uses shall be conducted indoors.
5. The dog walking area as shown on the plan, attached herein as Exhibit C, shall be completely enclosed on all sides by a fence constructed of masonry, wrought iron, cedar board or any combination of said materials. The fence shall not be chain-link.

SECTION 3.

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

SECTION 4.

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 5.

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

SECTION 6.

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 7.

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 8.

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

PASSED AND APPROVED this the 8th day of January, 2019

CITY OF CARROLLTON

By: _____
Kevin W. Falconer, Mayor

ATTEST:

Laurie Garber
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Molly J. Coryell
Planner

EXHIBIT A
Legal Description

BEGINNING at the intersection of the centerline of Hebron Parkway and the centerline of the Burlington Northern Railroad;

THENCE in a northeasterly direction along the centerline of the Burlington Northern Railroad approximately 2,349 feet to a point for corner, said corner being the intersection with the eastern right-of-way line of the Atchison, Topeka and Santa Fe Railroad;

THENCE in a southeasterly direction along the eastern right-of-way line of the Atchison, Topeka and Santa Fe Railroad approximately 2,395 feet to a point for corner, said corner being the intersection with the 1992 Carrollton city limit line;

THENCE in a westerly direction along the 1992 Carrollton city limit line approximately 831 feet to a point for corner, said corner being the intersection with the 1992 Carrollton city limit line;

THENCE in a southerly direction along the 1992 Carrollton city limit line approximately 221 feet to a point for corner, said corner being the intersection with the southern right-of-way line of Pecan Street;

THENCE in a easterly direction along the southern right-of-way line of Pecan Street approximately 918 feet to a point for corner, said corner being the intersection with the eastern right-of-way line of the Atchison, Topeka and Santa Fe Railroad;

THENCE in a southeasterly direction along the eastern right-of-way line of the Atchison, Topeka and Santa Fe Railroad approximately 335 feet to a point for corner, said corner being the intersection with the Centerline of Hebron Parkway;

THENCE in a westerly direction along the centerline of Hebron Parkway approximately 2,411 feet to the Point of Beginning, containing approximately 70.16 acres, more or less.

LEGAL DESCRIPTION
3.568 ACRES

Situated in the J.M Robinson Survey, Abstract No. 1120, in the Town of Hebron, Denton County, Texas and being part of Pecan Street (50.0' right-of-way), part of Block 18, part of abandoned Fourth Street, part of abandoned Fifth Street, as recorded on the plat of the Old Town of Shepton recorded in Volume 80, Page 464 of the deed records of Denton County, Texas, all of the Jean Jobe Property, and part of the Granberry Property and being more particularly described as follows;

BEGINNING at a point at the intersection of the south line of said Pecan Street and the southwest line of an Atchison, Topeka, and Santa Fe Railroad right-of-way (150' right-of-way) and being South 32°42'00" East, 75.79 feet from the southeast corner of a tract of land described

in a deed to Stanley Dozier in Denton County Clerk's file no. 93-R0033984, said point being in the common line of the Town of Hebron and the City of Carrollton;

THENCE, North 73°58'29" West, a distance of 883.95 feet along the south line of said Pecan Street and the common line of the Town of Hebron and the City of Carrollton to a point for corner therein;

THENCE, North 15°55'41" East, a distance of 200.00 feet, to a point for corner in the centerline of abandoned Fourth Street;

THENCE, South 73°58'29" East, a distance of 375.00 feet, along the common line of the Town of Hebron and the City of Carrollton and the north line of said Block 18, on the center of an abandoned alley, to a point for corner therein, said point being in the west line of said Jobe Tract and the east line of abandoned Fifth Street;

THENCE, North 15°55'41" East, a distance of 5.00 feet, along the common line of the Town of Hebron and the City of Carrollton and the west line of said Jobe Tract to a point for corner at the northwest corner thereof;

THENCE, South 73°58'29" East, a distance of 275.75 feet, along the common line of the Town of Hebron and the City of Carrollton to a point for corner in the southwest line of said Atchison, Topeka, and Santa Fe Railroad right-of-way;

THENCE South 32°42'00" East, a distance of 310.76 feet, along said southwest right-of-way line to the **POINT OF BEGINNING** and containing 3.568 gross acres of land, more or less;
SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

BEGINNING at the southeast corner of said Dozier Tract, said point being the intersection of the north line of said Pecan Street and the said Atchison, Topeka, Santa Fe Railroad right-of-way;

THENCE, North 73°58'29" West, a distance of 187.45 feet, along the north line of said Pecan Street, to the southwest corner of a tower site;

THENCE, North 16°01'31" East, a distance of 32.66 feet to a point for corner;

THENCE, South 73°58'29" East, a distance of 60.00 feet to a point for corner;

THENCE, South 16°01'31" West, a distance of 22.66 feet to a point for corner;

THENCE, South 73°58'29" East, a distance of 116.05 feet to a point for corner in the southwest right-of-way line of said Atchison, Topeka, Santa Fe railroad;

THENCE, South 32°42'00" East, a distance of 15.16 feet, along said southwest right-of-way line to the **POINT OF BEGINNING** and containing 0.073 acres of land, more or less.

EXHIBIT B
Tract Map

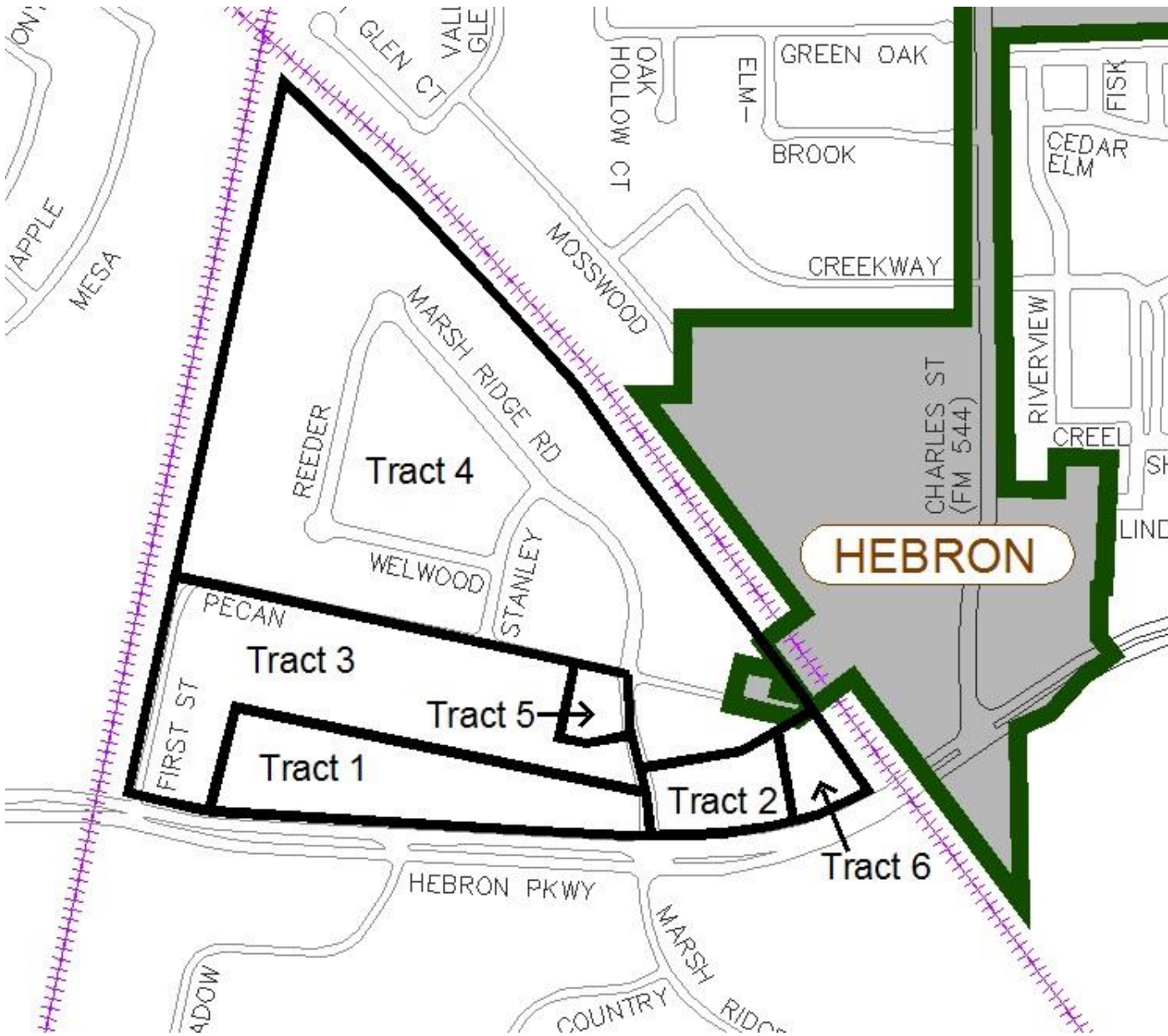


EXHIBIT C

 SCALE: 1" = 50'

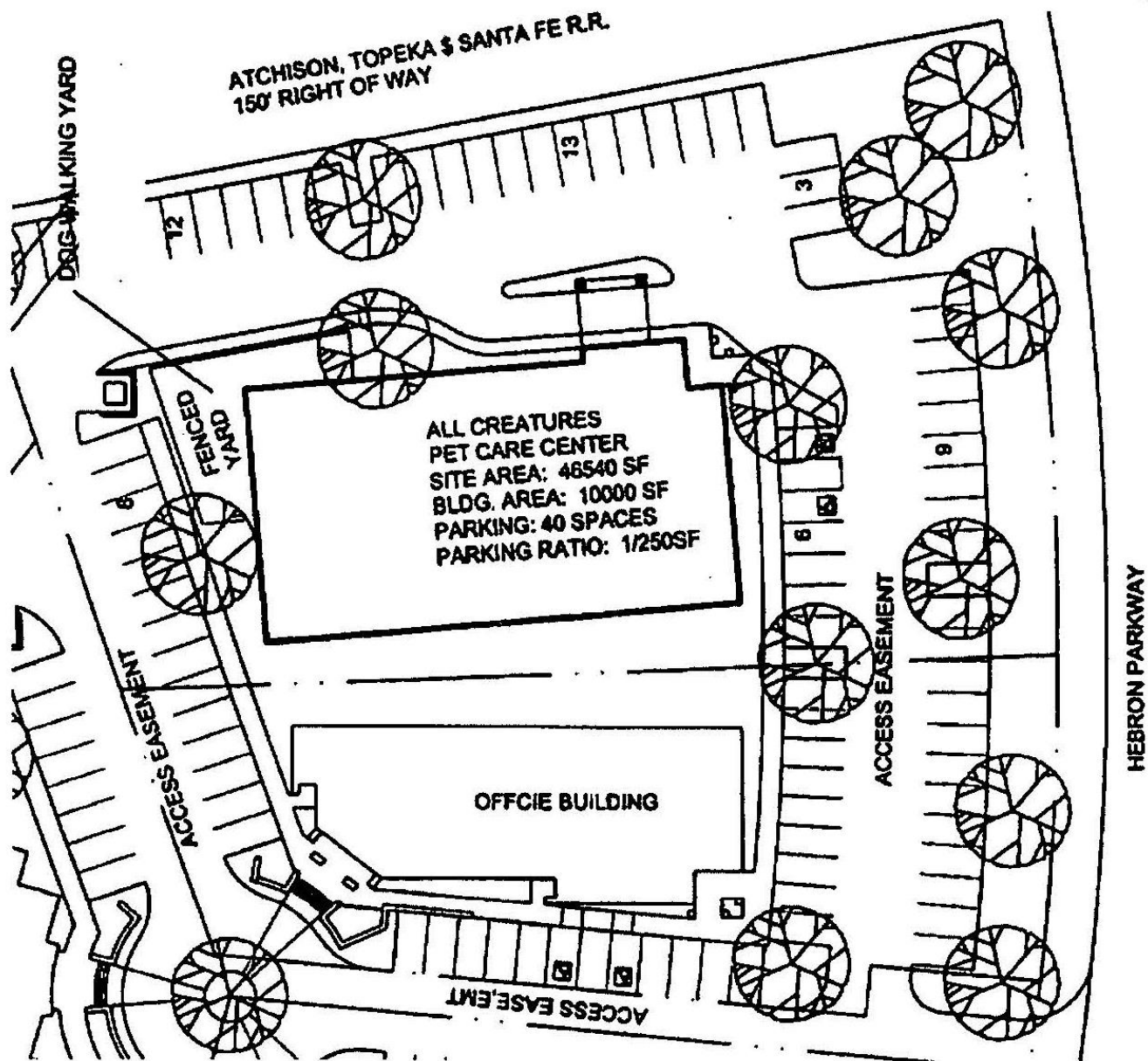


EXHIBIT D

