

PLANNING DEPARTMENT
CITY OF CARROLLTON

PLANNED DEVELOPMENT NO. 128
DEVELOPMENT NAME: Marsh Lane Townhomes

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING PLANNED DEVELOPMENT NUMBER 128 PROVIDING FOR THE (SF-TH) SINGLE-FAMILY TOWNHOUSE RESIDENTIAL AND (O-2) OFFICE DISTRICTS, ADDITIONAL USES AND MODIFIED DEVELOPMENT STANDARDS ON A CERTAIN APPROXIMATELY 13.1-ACRE TRACT ON THE EAST SIDE OF MARSH LANE APPROXIMATELY 1,350 FEET NORTH OF KELLER SPRINGS ROAD; AMENDING THE OFFICIAL ZONING MAP; AND PROVIDING FOR A PENALTY OF \$2,000 PER DAY, SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Seventh day of September, 2017, the Planning & Zoning Commission considered and failed to recommend approval on a certain request for a Planned Development District (Case No. 07-17Z1);

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

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 128 is hereby amended in its entirety for a certain approximately 13.1-acre site described on the attached Exhibit A and located on the east side of Marsh Lane approximately 1,350 feet north of Keller Springs Road, and illustrated on the attached Exhibit B, providing for the following uses:

TRACT 1

I. Permitted Uses

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-TH) Single-Family Townhouse Residential 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 chosen zoning district (SF-TH) Single-Family Townhouse Residential District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-TH) Single-Family Townhouse Residential 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

- A. Development shall be in accordance with the Conceptual Building Elevations, Conceptual Landscape and Site Plans as depicted on Exhibits C, D and E, respectively, except as provided below:
1. The developer shall dedicate a 60 foot right-of-way (proposed Kellway Road) along the property's southern border when the property is platted, as described on the City's Thoroughfare Plan.
 2. The developer shall be responsible for improving the right-of-way (Kellway Road) as depicted on the applicant's exhibits.
 3. The proposed right-of-way (Kellway Road) shall meet the required minimum radius.

TRACT 2

I. Permitted Uses

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 and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided.

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

II. Additional Permitted Uses

- A. Wholesale trade, as defined in the Comprehensive Zoning Ordinance, as amended, except the following, which are specifically prohibited:
1. Auction sales with outside auction activity or outside display or storage;
 2. Bulk storage terminal;
 3. Wholesale cement, sand, gravel, and brick sales and storage;
 4. Wholesale livestock sales;
 5. Wholesale metals and minerals sales;
 6. Wholesale scrap and waste material sales.

- B. Warehouse and distribution, as defined in the Comprehensive Zoning Ordinance, as amended.

Where any building is used for a wholesale, warehousing or distribution use, not less than fifty (50) percent of the floor area of such building which is located within 250 feet from Marsh Lane, measured from the east right-of-way line, shall be devoted to office uses, as defined by the Comprehensive Zoning Ordinance, as amended.

Section 3.

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

Section 4.

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 5.

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

Section 6.

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 7.

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

Section 8.

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

PASSED AND APPROVED this the Tenth day of October, 2017.

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

Michael McCauley
Senior Planner

EXHIBIT A

Legal Description

TRACT 1

BEING a 8.553 acre tract out of the M. Ward Survey, Abstract No. 1603, in the City of Carrollton, Dallas County, Texas, and being a portion of that certain tract of land described by deed to Estate of Flemma Gray, as recorded in Volume 87112, Page 2565, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being all of that certain tract of land described by deed to ICD Founders, LLC, as recorded in Volume 99139, Page 6474, D.R.D.C.T., and being all of that certain tract of land described by deed to Pignataro Intl., LTD., a Texas limited partnership, as recorded in Instrument No. 200900195968, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a ½ inch capped iron rod stamped "ARTHUR SURVEYING COMPANY" set (I.R.S.), for the southwest corner of the herein described tract, same being the southwest corner of said ICD Founders and Pignataro Intl., LTD. tracts, same being the northwest corner of Lot 1, Block 1 of Marsh Lane Golf Center, an addition to the City of Carrollton, Dallas County, Texas, according to the Plat thereof recorded in Volume 93032, Page 2570, of the Map Records of Dallas County, Texas, and being in the east line of Marsh Lane (a 100 foot wide right-of-way);

THENCE North 00 degrees 16 minutes 23 seconds West, with the east line of said Marsh Lane, a distance of 303.18 feet to a I.R.S. for corner, same being the southwest corner of that certain tract of land described by deed to Dallas Power & Light Company, a recorded in Volume 4716, Page 527, O.P.R.D.C.T., same from which a 5/8 inch capped iron rod stamped "DUNAWAY" found bears South 83 degrees 39 minutes 16 seconds East, a distance of 6.07 feet;

THENCE North 89 degrees 50 minutes 02 seconds East, with the south line of said Dallas Power & Light Company tract, a distance of 1233.60 feet to a I.R.S. for corner, same being the northwest corner of that certain tract of land described by deed to the City of Carrollton for right-of-way expansion purposes for Tarpley Road, as recorded in Instrument No. 20080225905, O.P.R.D.C.T., same from which a 5/8 inch capped iron rod found bears South 40 degrees 18 minutes 39 seconds West, a distance of 1.31 feet;

THENCE South 00 degrees 34 minutes 48 seconds West, with the west line of said Tarpley Road, a distance of 301.95 feet to a 5/8 inch capped iron rod found for corner, same being in the north line of a 60 foot wide right-of-way dedication for Kellway Drive as shown on said Plat of Marsh Lane Golf Center;

THENCE South 89 degrees 46 minutes 31 seconds West, with the north line of said Kellway Drive, passing en route the northeast corner of said Lot 1, continuing on said course for a total distance of 1229.10 feet to the **POINT OF BEGINNING** and containing a total of 8.553 acres of land, more or less, and being subject to any and all easements that may affect.

TRACT 2

LOT 1, BLOCK 1

MARSH LANE GOLF CENTER SUBDIVISION

EXHIBIT B
Location & Tracts

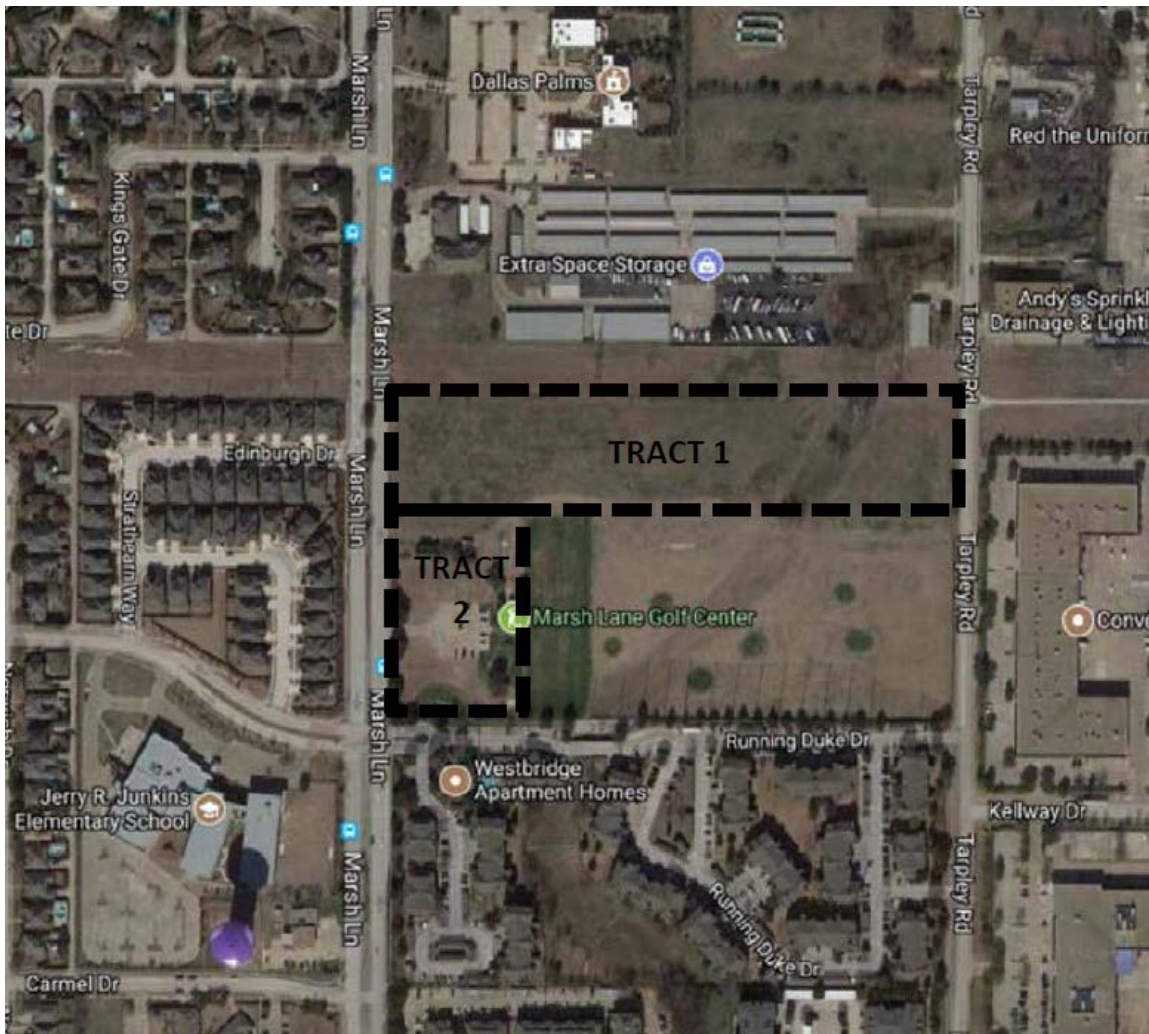


EXHIBIT C

Conceptual Building Elevations 1 of 4



EXHIBIT C

Conceptual Building Elevations 2 of 4



EXHIBIT C **Conceptual Building Elevations 3 of 4**

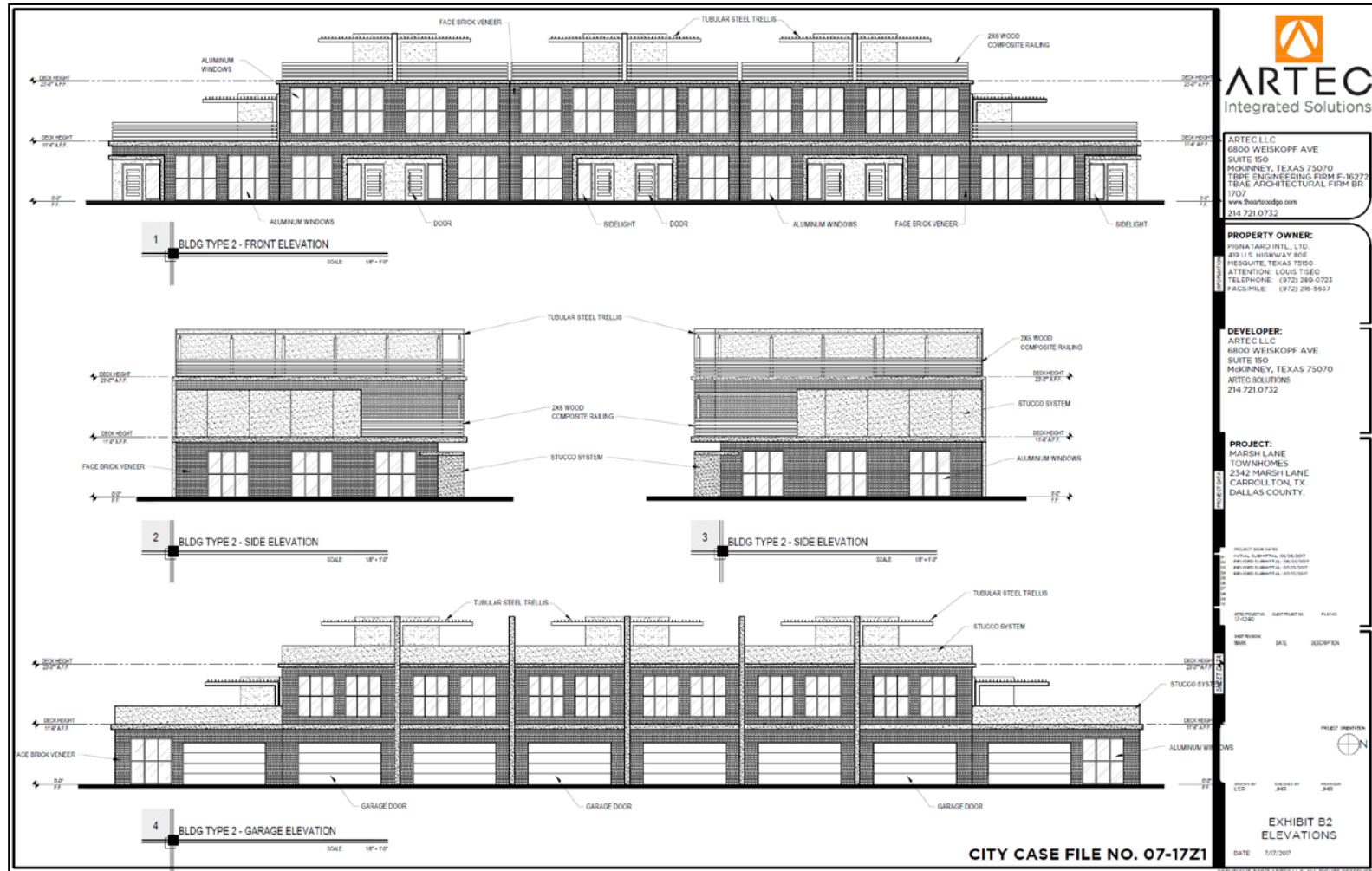


EXHIBIT C

Conceptual Building Elevations 4 of 4 Amenity Center



CORNER



BACK



FRONT



SIDE



ARTEC
Integrated Solutions

ARTEC LLC
6800 WEISKOPF AVE
SUITE 150
MCKINNEY, TEXAS 75070
TYPE ENGINEERING FIRM F-16272
TBAE ARCHITECTURAL FIRM BR
1707
www.theartecedge.com
214.721.0732

PROPERTY OWNER:
POMATADO INTL. LTD.
419 U.S. HIGHWAY 80E
WESKATE, TEXAS 75080
ATTENTION: LOUIS TISEO
TELEPHONE: (972) 289-0723
FACSIMILE: (972) 286-5037

DEVELOPER:
ARTEC LLC
6800 WEISKOPF AVE
SUITE 150
MCKINNEY, TEXAS 75070
ARTEC SOLUTIONS
214.721.0732

PROJECT:
MARSH LANE
TOWNHOMES
2342 MARSH LANE
CARROLLTON, TX,
DALLAS COUNTY.

PROJECT DATE DATED:
ORIGINAL SUBMITTAL: 06/10/2017
REVISED SUBMITTAL: 06/10/2017

USE OF PROJECT/PROPERTY: PROJECT NO.
17-0303

NO.	REVISION	DATE	DESCRIPTION

PROJECT ORIENTATION
N

EXHIBIT G

DATE: 7/15/2017

FOR OFFICIAL USE ONLY: THE CITY OF CARROLLTON, TEXAS

CITY CASE FILE NO. 07-17Z1

EXHIBIT D **Conceptual Landscape Plan 1 of 4**

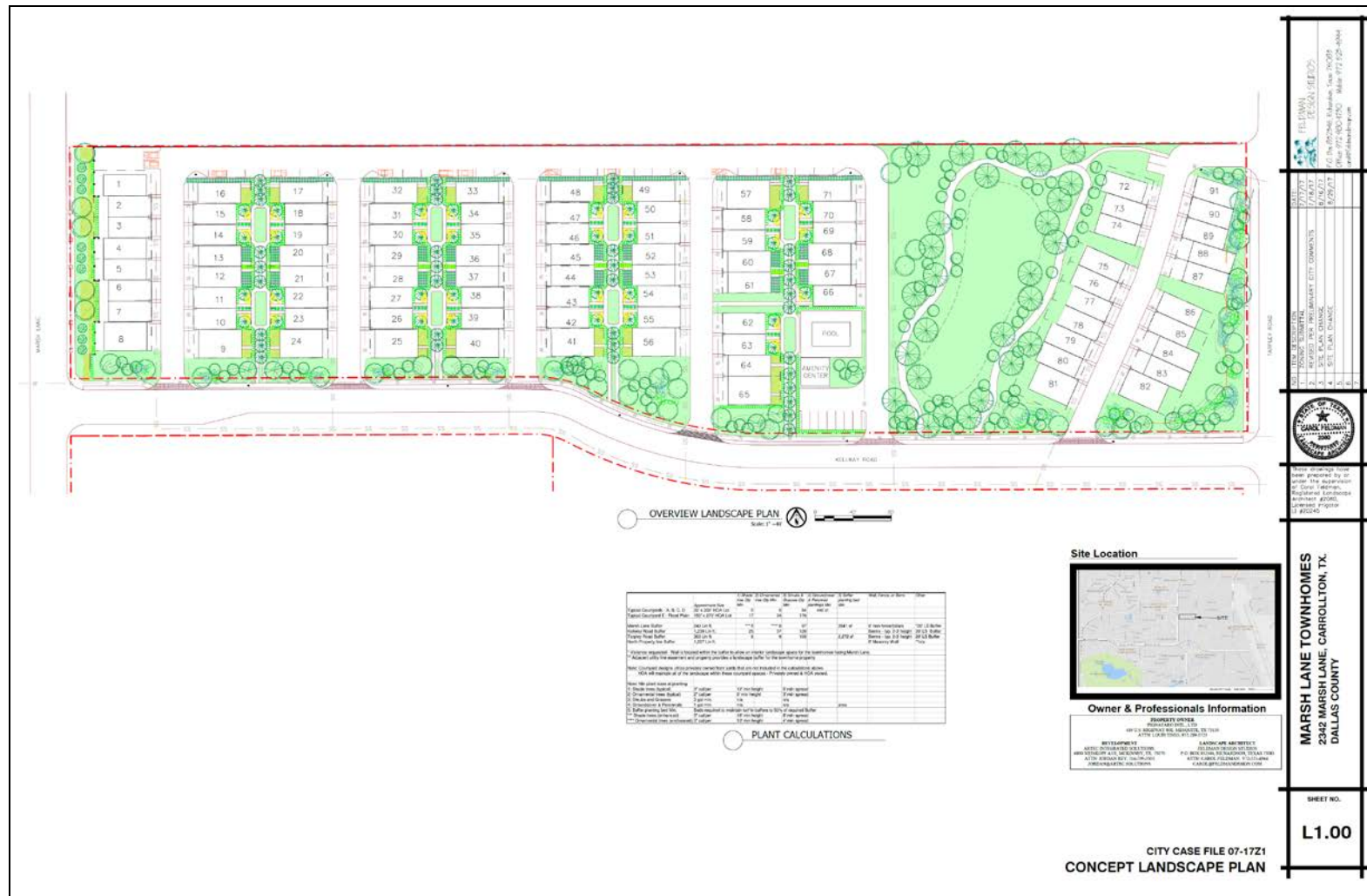


EXHIBIT D
Conceptual Landscape Plan 2 of 4

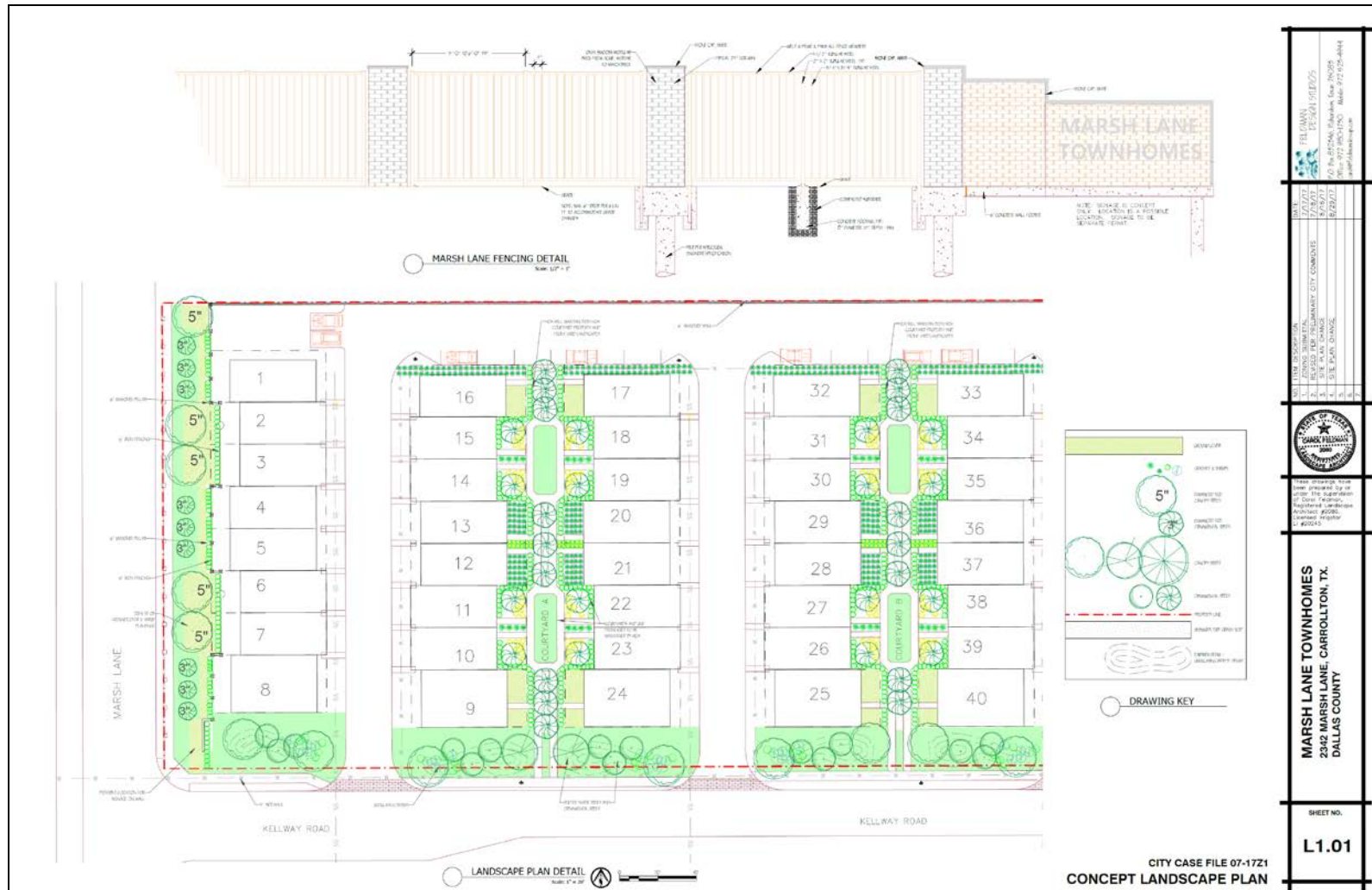


EXHIBIT D **Conceptual Landscape Plan 3 of 4**



EXHIBIT D **Conceptual Landscape Plan 4 of 4**

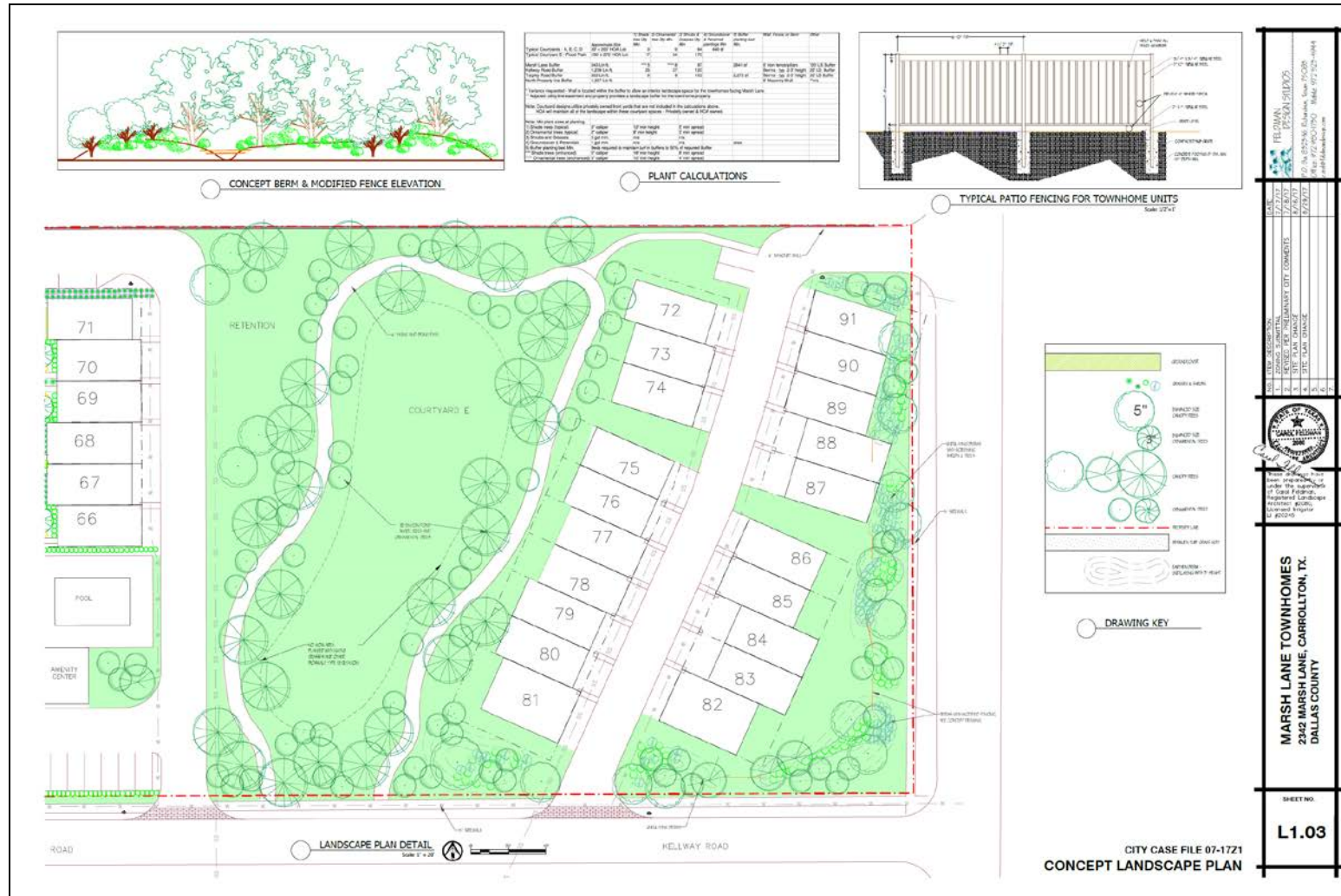


EXHIBIT E

Conceptual Site Plan

