

**AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED; TO GRANT A CHANGE OF ZONING FROM INDUSTRIAL-1 (I-1) TO PLANNED DEVELOPMENT NO. 22 (PD-22) ON APPROXIMATELY 12.04 ACRES OF LAND; TO GRANT A CHANGE IN ZONING FROM INDUSTRIAL-1 (I-1) AND AGRICULTURE (AG) TO COMMERCIAL-2 (C-2) ON APPROXIMATELY 25.89 ACRES OF LAND; BOTH LOCATED GENERALLY ON THE NORTH SIDE OF PLEASANT VALLEY ROAD, ON THE EAST AND WEST SIDES OF MILES ROAD, CITY OF SACHSE, DALLAS COUNTY, TEXAS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive zoning ordinance should be amended as provided herein;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby further amended to grant a change in zoning from Agricultural (“AG”) and Industrial 1 (“I-1”) to Commercial-2 (“C-2”) for Tract 1B, Tract 3A, Tract 3B, and Tract 4 on approximately 25.89 acres located on the north side of Pleasant Valley Road, on the east and west sides of Miles Road, City of Sachse, Dallas County, Texas, being more particularly described by metes and bounds in Exhibit “A”, attached hereto and incorporated herein by reference.

**SECTION 2.** That the Comprehensive Zoning Ordinance and Map of the city of Sachse, Texas, are hereby amended in part by designation approximately 12.04 acres as Planned Development No. 22 (“PD-22”) with a base zoning of Commercial-2 (“C-2”) located on the north side of Pleasant Valley Road, on the east and west sides of Miles Road, City of Sachse, Dallas County, Texas, being more particularly described by metes and bounds in Exhibit “A”, attached hereto and incorporated herein by reference; providing for the approval of the detailed Site Plan attached as Exhibit “B” and made a part hereof for all purposes.

**SECTION 3.** That the above property contained within PD-22 shall be developed and used only in accordance with the following development conditions:

A. *Base zoning district.* Except as otherwise provided herein, the property shall be used and developed in accordance with C-2 regulations of the Comprehensive Zoning Ordinance.

B. *Tract 1-A.*

(1) *Uses permitted.*

(a) Property and buildings shall be used for those uses provided for in the C-2 General Commercial District in Schedule I, "Permitted Uses". The following uses shall also be allowed as identified below.

- (1) Landscape Nursery; Allowed by right.
- (2) Landscape Nursery, Wholesale; Allowed by right.
- (3) Office-Showroom/Warehouse; Allowed by right.
- (4) Equipment Leasing, Indoor; Allowed by right.
- (5) Lawn Equipment Sales and Repair; Allowed by right.
- (6) Office Equipment Sales, Repair and Maintenance; Allowed by right.
- (7) Self Storage Units; Allowed by right.
- (8) Automobile Repair, Major; Allowed with an SUP.
- (9) Automobile Repair, Minor; Allowed by right.
- (10) Tire Dealer, No Outside Storage; Allowed by right.
- (11) Antenna, Type 1; Allowed by right

(2) *Outdoor storage area screening.*

Where outdoor storage areas abut the President George Bush Turnpike, screening of the storage area from the Turnpike and from neighboring properties shall be constructed of a combination of chain link fence and landscaping, including evergreen shrubs and trees used in combination to achieve a minimum screening height of eight (8) feet. Shrubs used for screening shall be a minimum of three feet in height when measured immediately after planting. If berms are used, they shall have a minimum average height of three (3) feet and shall have a maximum side slope of 3:1.

Screening of the storage area from any street other than the President George Bush Turnpike shall comply with the screening requirements established in the Turnpike Overlay District.

C. *Tract 2.*

- (1) *Uses permitted.*
- (a) Property and buildings shall be used for those uses provided for in the C-2 General Commercial District in Schedule I, "Permitted Uses." The following uses shall also be allowed as identified below.
  - (1) Landscape Nursery; Allowed by right.
  - (2) Landscape Nursery, Wholesale; Allowed by right.
  - (3) Office-Showroom/Warehouse; Allowed by right.
  - (4) Equipment Leasing, Indoor; Allowed by right.
  - (5) Lawn Equipment Sales and Repair; Allowed by right.
  - (6) Office Equipment Sales, Repair and Maintenance; Allowed by right.
  - (7) Automobile Repair, Major; Allowed with an SUP.
  - (8) Automobile Repair, Minor; Allowed by right.
  - (9) Tire Dealer, No Outside Storage; Allowed by right.
  - (10) Antenna, Type 1; Allowed by right.

2. *Outdoor Storage Area Screening.*

Where outdoor storage areas abut the President George Bush Turnpike, screening of the storage area from the Turnpike and from neighboring properties shall be constructed of a combination of chain link fence and landscaping, including evergreen shrubs and trees used in combination to achieve a minimum screening height of eight (8) feet. Shrubs used for screening shall be a minimum of three feet in height when measured immediately after planting. If berms are used, they shall have a minimum average height of three (3) feet and shall have a maximum side slope of 3:1.

Screening of the storage area from any street other than the President George Bush Turnpike shall comply with the screening requirements established in the Turnpike Overlay District.

3. *Orientation of Service Bay Doors.*

If an automobile related use is developed, the building shall be oriented in such a manner where service bay doors, if provided, shall not face Miles Road.

**SECTION 3.** That any provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

**SECTION 4.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances as amended, in effect when

the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in Code of Ordinances of the City of Sachse, as heretofore amended, and upon conviction shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

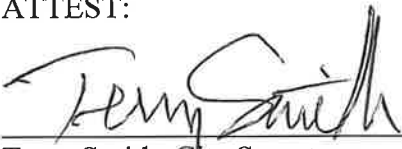
**SECTION 7.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

**DULY PASSED** by the City Council of the City of Sachse, Texas, on the 3<sup>rd</sup> day of May, 2010.

APPROVED:

  
\_\_\_\_\_  
Mike Felix, Mayor

ATTEST:

  
\_\_\_\_\_  
Terry Smith, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(43284)

**EXHIBIT "A"**

The property is described as:

TRACT 1A

BEING a parcel of land located in the City of Sachse, Dallas County, Texas, a part of the Daniel Crist Survey, Abstract No. 226, a part of the Robert McCullough Survey, Abstract No. 928, and being a part of a called 51.724 acre tract of land described in a deed to the Trull Foundation as recorded in Volume 94077, Page 2599, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found at the north corner of said 51.724 acre tract of land, said point being in the southeast right-of-way line of Old Miles Road, said point being the northwest corner of a called 6.0667 acre tract of land described as Tract Three in a deed to the Trull Foundation as recorded in Volume 96158, Page 6025, Dallas County Deed Records, said point also being the southwest corner of a called 6.6051 acre tract of land described in a deed to the Trull Foundation as recorded in Volume 2001009, Page 575, Dallas County Deed Records;

THENCE South 12 degrees 12 minutes 23 seconds East, 490.95 feet to a point for corner in the proposed north right-of-way line of President George Bush Turnpike;

THENCE along the proposed north right-of-way line of President George Bush Turnpike as follows:

South 86 degrees 25 minutes 50 seconds West, 255.00 feet to an aluminum monument found for corner;

South 79 degrees 46 minutes 33 seconds West, 462.86 feet to an aluminum monument found for corner in the southeast right-of-way line of Old Miles Road;

THENCE along the southeast right-of-way line of Old Miles Road as follows:

North 41 degrees 58 minutes 11 seconds East, 279.56 feet to a one-half inch iron rod found for corner;

Northeasterly, 206.42 feet along a curve to the right which has a central angle of 08 degrees 05 minutes 22 seconds, a radius of 1462.00 feet, a tangent of 103.38 feet, and whose chord bears North 46 degrees 00 minutes 52 seconds East, 206.24 feet to a one-half inch iron rod found for corner;

North 50 degrees 03 minutes 33 seconds East, 353.28 feet to the POINT OF BEGINNING and containing 180,654 square feet or 4.147 acres of land.

TRACT 1B

BEING a parcel of land located in the City of Sachse, Dallas County, Texas, a part of the Daniel Crist Survey, Abstract No. 226, a part of the Robert McCullough Survey, Abstract No. 928, and being a part of a called 51.724 acre tract of land described in a deed to the Trull Foundation as recorded in Volume 94077, Page 2599, Dallas County Deed Records, and being a part of that called 6.0667 acre tract of land described as Tract Three in a deed to the Trull Foundation as recorded in Volume 96158, Page 6025, Dallas County Deed Records, and being all of that called 6.6051 acre tract of land described in a deed to the Trull Foundation as recorded in Volume 2001009, Page 575, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found at the north corner of said 51.724 acre tract of land, said point being the northwest corner of said 6.0667 acre tract of land, said point being the southwest corner of said 6.6051 acre tract of land, said point being in the southeast right-of-way line of Old Miles Road;

THENCE along the southeast right-of-way line of Old Miles Road as follows:

North 48 degrees 44 minutes 38 seconds East, 275.92 feet to a one-half inch iron rod found for corner;

North 38 degrees 47 minutes 50 seconds East, 445.24 feet to a one-half inch iron rod found at the north corner of said 6.6051 acre tract of land;

THENCE South 38 degrees 50 minutes 48 seconds East, 618.90 feet to a one-half inch iron rod found at the east corner of said 6.6051 acre tract of land, said point being in the northwesterly right-of-way line of Miles Road;

THENCE Southwesterly, 503.61 feet along a curve to the right which has a central angle of 19 degrees 53 minutes 59 seconds, a radius of 1450.00 feet, a tangent of 254.37 feet, and whose chord bears South 13 degrees 58 minutes 20 seconds West, 501.08 feet to a one-half inch iron rod found for corner in the proposed north right-of-way line of President George Bush Turnpike;

THENCE South 86 degrees 25 minutes 50 seconds West, 651.07 feet to an aluminum monument found for corner;

THENCE North 12 degrees 12 minutes 32 seconds West, 490.95 feet to the POINT OF BEGINNING and containing 584,383 square feet or 13.416 acres of land.

TRACT 2

BEING a parcel of land located in the City of Sachse, Dallas County, Texas, a part of the Daniel Crist Survey, Abstract No. 226, and being a part of a called 51.724 acre tract of land described in a deed to the Trull Foundation as recorded in Volume 94077, Page 2599, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found at the southwest corner of said 51.724 acre tract of land, said point being the intersection of northwest right-of-way line of Miles Road with the east right-of-way line of Old Miles Road;

THENCE North 04 degrees 36 minutes 52 seconds West, 602.17 feet along the east right-of-way line of Old Miles Road to a one-half inch iron rod found for corner in the proposed south right-of-way line of President George Bush Turnpike;

THENCE along the proposed south right-of-way line of President George Bush Turnpike as follows:

North 79 degrees 46 minutes 33 seconds East, 537.69 feet to an aluminum monument found for corner;

North 71 degrees 39 minutes 05 seconds East, 551.92 feet to an aluminum monument found for corner;

South 10 degrees 13 minutes 28 seconds East, 73.66 feet to an aluminum monument found for corner in the northwest right-of-way line of Miles Road;

THENCE South 51 degrees 56 minutes 09 seconds West, 1292.54 feet along the northwest right-of-way line of Miles Road to the POINT OF BEGINNING and containing 343,661 square feet or 7.889 acres of land.



TRACT 3A

BEING a parcel of land located in the City of Sachse, Dallas County, Texas, a part of the Richard Copeland Survey, Abstract No. 228, a part of the Robert McCullough Survey, Abstract No. 928, and being a part of a called 0.5384 acre tract of land described as Tract Two in a deed to the Trull Foundation as recorded in Volume 96158, Page 6025, Dallas County Deed Records, and being further described as follows:

BEGINNING at an aluminum monument found at the intersection of the southeast right-of-way line of Miles Road with the proposed north right-of-way line of President George Bush Turnpike;

THENCE Northeasterly, 334.98 feet along a curve in the southeast right-of-way line of Miles Road, said curve having a central angle of 12 degrees 22 minutes 57 seconds, a radius of 1550.00 feet, a tangent of 168.14 feet, and whose chord bears North 14 degrees 03 minutes 35 seconds East, 334.33 feet to a one-half inch iron rod found at the north corner of said 0.5384 acre tract of land;

THENCE South 38 degrees 50 minutes 48 seconds East, 169.19 feet to a one inch iron pipe found at the east corner of said 0.5384 acre tract of land;

THENCE South 44 degrees 12 minutes 57 seconds West, 268.64 feet along the southeast line of said 0.5384 acre tract of land to the POINT OF BEGINNING and containing 20,544 square feet or 0.472 acres of land.

TRACT 3B

BEING a parcel of land located in the City of Sachse, Dallas County, Texas, a part of the Richard Copeland Survey, Abstract No. 228, a part of the Robert McCullough Survey, Abstract No. 928, and being a part of a called 51.724 acre tract of land described in a deed to the Trull Foundation as recorded in Volume 94077, Page 2599, Dallas County Deed Records, and being further described as follows:

BEGINNING at an aluminum monument found at the intersection of the southeast right-of-way line of Miles Road with the proposed north right-of-way line of President George Bush Turnpike;

THENCE North 44 degrees 12 minutes 57 seconds East, 268.64 feet to a one-half inch pipe found for corner;

THENCE South 38 degrees 50 minutes 48 seconds East, 255.32 feet to an aluminum monument found for corner in the proposed north right-of-way line of President George Bush Turnpike;

THENCE along the proposed north right-of-way line of President George Bush Turnpike as follows:

South 79 degrees 46 minutes 57 seconds West, 303.18 feet to a one-half inch iron rod found for corner;

North 39 degrees 15 minutes 46 seconds West, 77.61 feet along the southeast to the POINT OF BEGINNING and containing 44,329 square feet or 1.018 acres of land.

TRACT 4

BEING a parcel of land located in the City of Sachse, Dallas County, Texas, a part of the Daniel Crist Survey, Abstract No. 226, a part of the Richard Copeland Survey, Abstract No. 228, a part of the Robert McCullough Survey, Abstract No. 928, and being a part of a called 51.724 acre tract of land described in a deed to the Trull Foundation as recorded in Volume 94077, Page 2599, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found for corner at the intersection of north right-of-way line of Pleasant Valley Road with the southeast right-of-way line of Miles Road;

THENCE along the southeast right-of-way line of Miles Road as follows:

North 51 degrees 56 minutes 09 seconds East, 30.00 feet to a one-half inch iron rod found for corner;

North 38 degrees 03 minutes 51 seconds West, 60.00 feet to a one-half inch iron rod found for corner;

North 51 degrees 56 minutes 09 seconds East, 434.41 feet to a one-half inch iron rod found for corner;

Northeasterly, 302.98 feet along a curve to the left which has a central angle of 11 degrees 11 minutes 59 seconds, a radius of 1550.00 feet, a tangent of 151.98 feet, and whose chord bears North 46 degrees 20 minutes 10 seconds East, 302.50 feet to a one-half inch iron rod found for corner in the proposed south right-of-way line of President George Bush Turnpike;

THENCE North 79 degrees 46 minutes 57 seconds East, 824.70 feet along the proposed south right-of-way line of President George Bush Turnpike to an aluminum monument found for corner in the east line of said 51.724 acre tract of land;

THENCE South 04 degrees 56 minutes 48 seconds East, 254.88 feet along the east line of said 51.724 acre tract of land to a one-half inch iron rod found the northeast corner of a called 1.00 acre tract of land described in a deed to Maurice McClain as recorded in Volume 86064, Page 1119, Dallas County Deed Records;

THENCE South 89 degrees 15 minutes 55 seconds West, 160.25 feet to a one-half inch iron rod found at the northwest corner of said 1.00 acre tract of land;

THENCE South 06 degrees 22 minutes 48 seconds East, 270.92 feet to a one-half inch iron rod found at the southwest corner of said 1.00 acre tract of land, said point being in the north right-of-way line of Pleasant Valley Road;

THENCE along the north right-of-way line of Pleasant Valley Road as follows:

Northwesterly, 162.41 feet along a curve to the right which has a central angle of 08 degrees 30 minutes 48 seconds, a radius of 1093.05 feet, a tangent of 81.36 feet, and whose chord bears North 87 degrees 35 minutes 47 seconds West, 162.26 feet to a one-half inch iron rod found for corner;

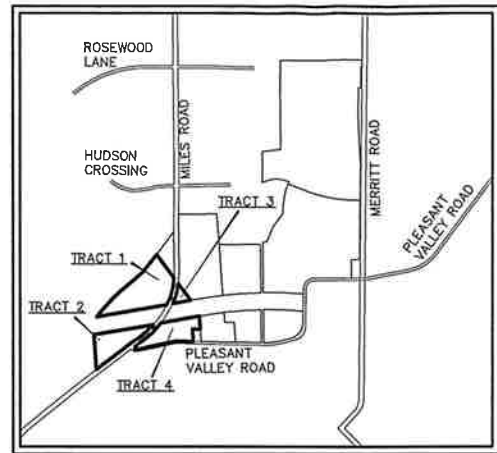
Southwesterly, 299.73 feet along a curve to the left which has a central of 18 degrees 52 minutes 00 seconds, a radius of 910.25 feet, a tangent of 151.24 feet and whose chord bears South 87 degrees 13 minutes 37 seconds West, 298.38 feet to a one-half inch iron rod found for corner;

South 77 degrees 47 minutes 37 seconds West, 733.86 feet to a one-half inch iron rod found for corner;

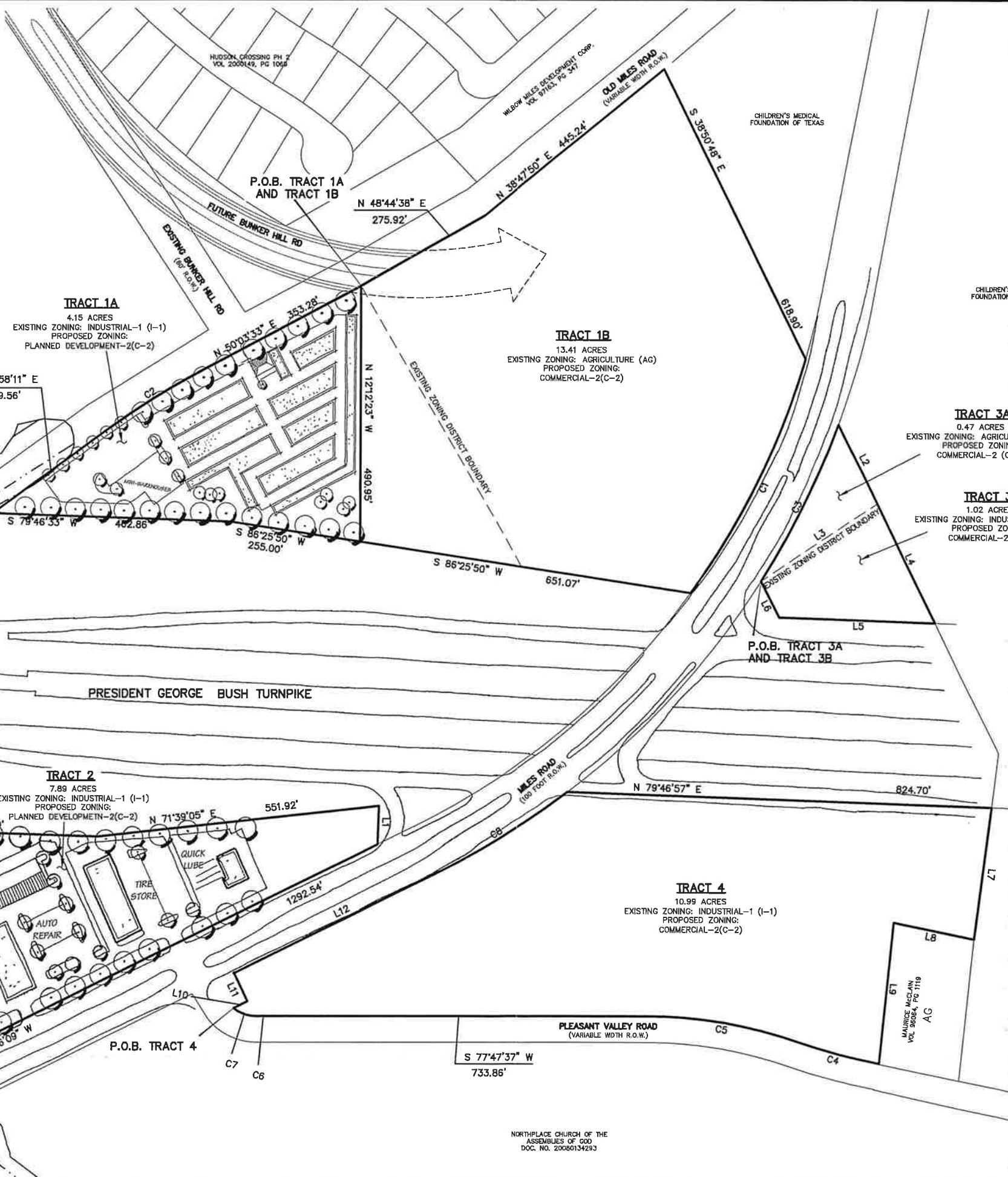
Southwesterly, 27.42 feet along a curve to the left which has a central angle of 00 degrees 56 minutes 33 seconds, a radius of 1667.02 feet, a tangent of 13.71 feet, and whose chord bears South 77 degrees 19 minutes 21 seconds West, 27.42 feet to a one-half inch iron rod found for corner;

Northwesterly, 48.00 feet along a curve to the right which has a central of 39 degrees 17 minutes 20 seconds, a radius of 70.00 feet, a tangent of 24.99 feet and whose chord bears North 83 degrees 30 minutes 16 seconds West, 47.07 feet to the POINT OF BEGINNING and containing 479,106 square feet or 10.999 acres of land.





LOCATION MAP (NOT TO SCALE)

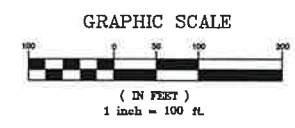


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA
C1	1450.00'	503.61'	501.08'	S 13°58'20" W	19°53'59"
C2	1462.00'	506.41'	506.24'	N 46°00'52" E	08°05'22"
C3	1550.00'	534.98'	534.33'	N 14°03'35" E	12°22'57"
C4	1093.00'	362.41'	362.26'	N 87°35'47" W	08°30'48"
C5	910.25'	299.73'	298.36'	S 87°13'37" W	18°52'00"
C6	1667.02'	571.42'	571.42'	S 77°19'21" W	00°56'33"
C7	70.00'	48.00'	47.97'	N 83°30'16" W	39°17'19"
C8	1550.00'	502.98'	502.50'	N 46°20'10" E	11°11'59"

LINE	BEARING	DISTANCE
L1	S 10°13'28" E	73.68'
L2	S 38°50'48" E	169.19'
L3	N 44°12'57" E	268.54'
L4	S 38°50'48" E	255.32'
L5	S 79°46'57" W	303.18'
L6	N 39°15'46" W	77.61'
L7	S 04°56'48" E	254.88'
L8	S 89°15'55" W	160.25'
L9	S 08°22'48" E	270.92'
L10	N 51°56'09" E	30.00'
L11	N 38°03'51" W	60.00'
L12	N 51°56'09" E	434.41'



APR 06 2010



THE DEVELOPMENT CONFIGURATIONS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES ONLY. PROJECTS SHALL BE REQUIRED TO MEET THE STANDARDS IN PLACE AT THE TIME OF PERMITTING.

EXHIBIT A: for Z# \_\_\_\_\_  
**TRULL FOUNDATION**

37.93 ACRES OUT OF THE RICHARD COPELAND SURVEY, ABSTRACT 228, AND THE ROBERT McCULLOUGH SURVEY, ABSTRACT 928 AND THE DANIEL CRIST SURVEY, ABSTRACT 226 CITY OF SACHSE, DALLAS COUNTY, TEXAS

**THE TRULL FOUNDATION** OWNER  
5308 CR. 322 PALACIOS, TEXAS 77465

**EDWARD T. HAINES, JR.** APPLICANT  
5430 GLEN LAKES DRI. # 280 DALLAS, TEXAS 75231

**JBI PARTNERS, INC.** PLANNER/ENGINEER  
16301 QUORUM DRIVE STE. 2008 ADDISON, TEXAS 75001

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