

ORDINANCE NO. 3892

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, CORRECTING ORDINANCE 3641 ADOPTED ON JANUARY 5, 2015, CREATING A PLANNED DEVELOPMENT DISTRICT, TO CORRECT A SCRIVENER'S ERROR IN THE PLANNED DEVELOPMENT DISTRICT NUMBER FROM PLANNED DEVELOPMENT DISTRICT 28 (PD-28) TO PLANNED DEVELOPMENT DISTRICT 29 (PD-29); AND BY AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED; BY AMENDING AND RESTATING PLANNED DEVELOPMENT 29 (PD-29) TO GRANT A CHANGE OF ZONING FROM A RESIDENTIAL-1 (R-1) AND AGRICULTURAL (AG) WITH A TURNPIKE OVERLAY DISTRICT TO A PLANNED DEVELOPMENT DISTRICT (PD-29) WITH A TURNPIKE OVERLAY DISTRICT ON AN APPROXIMATELY 8.44-ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST CORNER OF MERRITT ROAD AND PRESIDENT GEORGE BUSH TURNPIKE, CITY OF SACHSE, DALLAS COUNTY, TEXAS, AND PARTICULARLY DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B"; PROVIDING FOR THE APPROVAL OF THE ZONING CONCEPT PLAN APPROVED AS EXHIBIT "C"; PROVIDING A CONFLICTS RESOLUTION CLAUSE; 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 FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sachse, Texas adopted Ordinance 3641 on January 5, 2015, amending the Comprehensive Zoning Ordinance and Map by creating a Planned Development District ; and

WHEREAS, a scrivener's error was made in the numbering of the Planned Development District; and

WHEREAS, the City Council has determined that Ordinance No. 3641 shall be amended to correct a scrivener's error by renumbering Planned Development District 28 (PD-28) to Planned Development District 29 (PD-29);

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 Residential-1 (R-1) and Agricultural (AG) District with a Turnpike Overlay District to a Planned Development District (PD-29) with a Turnpike Overlay District on an approximately 8.44-acre tract of land located at the southeast corner of Merritt Road and President George Bush Turnpike, City of Sachse, Dallas County, Texas, being more particularly described by metes and bounds in Exhibit "A" and as depicted in Exhibit "B", attached hereto and incorporated herein by reference.

SECTION 2. That the property shall be developed and used only in accordance with the following development standards:

Tract 1

Base Zoning District: Tract 1 of the property as depicted in Exhibit "B" attached hereto and made a part hereof for all purposes, shall be developed and used in accordance with the C-2 General Commercial Zoning District regulations except as otherwise provided herein; and in accordance with the Concept Plan attached hereto as Exhibit "C" and which is hereby approved and made a part hereof for all purposes.

Permitted Uses: Except as otherwise provided all uses allowed in the C-2 General Commercial Zoning District, shall be permitted. If a use is allowed by SUP in the C-2 District, it shall be allowed by SUP on Tract 1. The following uses are permitted by right on Tract 1: retail sales with a drive-through; restaurant with drive-through; and retail sales with gas pumps (may also include an accessory automated car wash).

Bicycle Lanes; Hike and Bike Trails: Bicycle lanes and hike and bike trails are permitted, but not required.

Parking; Parking Lot Landscaping: Retail development shall require one parking space for every 250 square feet of gross floor area. Office developments shall require one parking space for every 350 square feet of gross floor area. Permissible root barriers include a concrete barrier or other barrier approved by the Director of Community Development.

Tract 2

Base Zoning District: Tract 2 of the property as depicted in Exhibit "B" shall be developed and used in accordance with the R Single Family Dwelling Zoning District regulations except as otherwise provided herein; and in accordance with the Concept Plan attached hereto as Exhibit "C".

Permitted Uses on Tract 2: Single family attached uses are permitted by right on Tract 2.

Bicycle Lanes; Hike and Bike Trails. Bicycle lanes and hike and bike trails are permitted, but not required.

Tract 2 additional Development Standards:

- a. The requirements in Table 1 set forth below shall be the exclusive lot size, setback, height, coverage, and dwelling unit size requirements applicable to single family attached residences on Tract 2. No minimum lot width or street frontage requirements shall apply other than the minimum lot width in Table 1.
- b. Garages may be rear, front, or side entry. Front entry garages are not required to be even with, or recessed behind, the front face of the primary structure.
- c. Publicly or privately owned and maintained alleys are permitted, but not required.
- d. Open space and common areas are permitted, but not required, between the front of a residence and the adjacent street.
- e. At least two shade trees per dwelling unit, of at least three-inch caliper and seven feet tall, shall be required and which may be planted on the platted lot or in the adjacent right-of-way between a lot line and street. Trees are not required to be setback from property lines.
- f. The minimum landscape area requirements of the R Zoning District shall not apply; however, a minimum landscape area of 200 square feet shall be provided in the general location shown on the Development Plan.
- g. A minimum of 75 percent of the exterior facade on the first floor of a residence, excluding windows and doors, shall consist of masonry construction. A minimum of 50 percent of the exterior facade on the second floor of a residence, excluding windows and doors, shall consist of masonry construction.

Table 1	
	Single Family Attached Residence
Minimum lot area	1,500 SF
Minimum lot width at front building line (there is no minimum width at the street ROW)	17 feet
Minimum lot depth	80 feet
Minimum front yard setback measured from front property line (see note 1)	25 feet along Merritt Road & PGBT 10 feet along Harmony Hill Lane

Minimum side yard setback from an exterior wall (applies only on end units adjacent to a street)	5 feet
Minimum side yard setback between attached single family residences	None
Minimum rear yard setback (see note 2)	5 feet
Maximum lot coverage (see note 3)	90%
Maximum building height	42 feet
Maximum number of stories	3
Minimum dwelling unit size (see note 4)	1,200 SF
Maximum floor area ratio	N/A
Minimum off-street parking requirement	2 enclosed parking spaces

Note 1: Corner lots shall be considered to have one front yard consistent with the front yard of adjoining townhomes. The yard facing the side street shall be considered a side yard.

Note 2: The rear setback applies to the entire structure and any detached garage. There is no separate rear setback requirement for rear entry garages.

Note 3: Coverage is defined as the area of the building footprint of the primary building and all accessory buildings, excluding roof overhangs, paved areas, and other improvements on a lot.

Note 4: Dwelling unit size is measured as the air conditioned floor area within a structure.

SECTION 3. That to the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Sachse governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 4. That all provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed.

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 hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

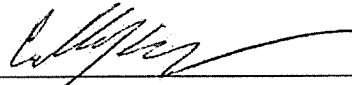
SECTION 6. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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 the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a 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 be deemed to constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the 5 day of November, 2018.

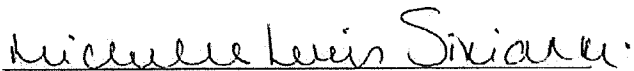
APPROVED:



Cullen King
Mayor Pro Tem

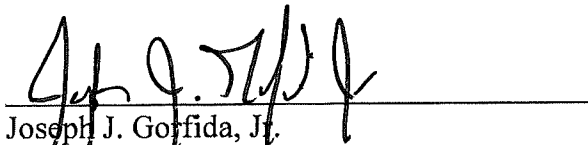


DULY ENROLLED:



Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:



Joseph J. Gorfida, Jr.
City Attorney
(10-19-2018:TM103585)

EXHIBIT A - LEGAL DESCRIPTION

BEING A 8.443 ACRE TRACT OF LAND SITUATED IN THE MARGARET J. RILEY SURVEY, ABSTRACT NO. 1263 AND THE MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 1015, DALLAS COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND CONVEYED TO BENBROOK WINCHESTER, LP., AS RECORDED IN VOLUME 2008006, PAGE 4621, DEED RECORDS, DALLAS COUNTY, TEXAS, AND ALL OF TWO TRACTS OF LAND CONVEYED TO SAGINAW HIGHLAND STATION, LP., AS RECORDED IN VOLUME 2000226, PAGE 2068, AND VOLUME 2001037, PAGE 3096, DEED RECORDS, DALLAS COUNTY, TEXAS, AND ALL OF A TRACT OF LAND CONVEYED TO BENBROOK WINCHESTER, LP., AS RECORDED IN VOLUME 94194, PAGE 2246, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR THE SOUTHWEST CORNER OF SAID SAGINAW HIGHLAND STATION, LP, TRACT AND BEING IN THE NORTH LINE OF A TRACT OF LAND CONVEYED TO REESE-MERRITT PROPERTIES, LLC, AS RECORDED IN VOLUME 2005047, PAGE 4634, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING IN THE EXISTING EAST RIGHT-OF-WAY LINE OF MERRITT ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE WITH THE EAST RIGHT-OF-WAY LINE OF SAID MERRITT ROAD THE FOLLOWING:

NORTH 00°42'33" WEST, A DISTANCE OF 149.92 FEET;

NORTH 00°54'04" WEST, A DISTANCE OF 77.20 FEET;

SOUTH 89°48'04" EAST, A DISTANCE OF 14.58 FEET;

NORTH 00°43'56" WEST, A DISTANCE OF 230.90 FEET TO THE MOST SOUTHERLY POINT OF A CORNER-CLIP AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID MERRITT ROAD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 190 (PRESIDENT GEORGE BUSH TOLLWAY);

THENCE NORTH 52°04'26" EAST, CONTINUING ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE AND ALONG SAID CORNER-CLIP, A DISTANCE OF 60.34 FEET TO A FOUND NITTA ALUMINUM MONUMENT FOR CORNER, FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 7465.00 FEET AND A CENTRAL ANGLE OF 12°31'19" AND A LONG CHORD WHICH BEARS SOUTH 68°21'06" EAST, 1628.21 FEET. SAID POINT BEING IN THE EXISTING SOUTH RIGHT-OF-WAY LINE OF PRESIDENT GEORGE BUSH TOLLWAY (HAVING A 350 FOOT RIGHT-OF-WAY);

THENCE ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE, AND ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC DISTANCE OF 1631.45 FEET TO A SET 1/2 INCH IRON ROD WITH GAI CAP FOR CORNER, SAID POINT BEING THE APPROXIMATE CITY LIMIT LINE BETWEEN THE CITY OF SACHSE AND THE CITY OF GARLAND;

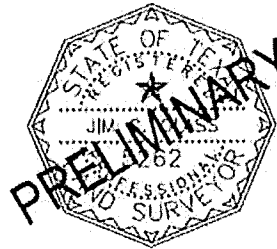
THENCE SOUTH 87°20'30" WEST, LEAVING SAID EXISTING SOUTH RIGHT-OF-WAY LINE, AND ALONG SAID APPROXIMATE CITY LIMIT LINE, A DISTANCE OF 816.09 FEET TO A SET 1/2 INCH IRON ROD WITH GAI CAP FOR CORNER, SAID POINT BEING IN THE EAST LINE OF SAID REESE-MERRITT PROPERTIES, LLC, TRACT;

THENCE NORTH 07°02'06" EAST, LEAVING SAID APPROXIMATE CITY LIMIT LINE, AND ALONG SAID EAST LINE, A DISTANCE OF 319.85 FEET TO A SET 1/2 INCH IRON ROD WITH GAI CAP FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF SAID REESE-MERRITT PROPERTIES, LLC TRACT, AND THE SOUTHEAST CORNER OF SAID SAGINAW HIGHLAND STATION, LP TRACT, BEING A COMMON LINE;

THENCE SOUTH 88°15'41" WEST, ALONG SAID COMMON LINE, A DISTANCE OF 618.00 FEET TO A SET 1/2 INCH IRON ROD WITH GAI CAP FOR CORNER;

THENCE SOUTH 00°38'12" EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 150.08 FEET TO A SET 1/2 INCH IRON ROD WITH GAI CAP FOR CORNER;

THENCE SOUTH 88°18'45" WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 200.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 367,778 SQUARE FEET, 8.443 ACRES OF LAND, MORE OR LESS.



Graham Associates, Inc.
CONSULTING ENGINEERS & PLANNERS
800 SIX FLAGS DRIVE, SUITE 500
ARLINGTON, TEXAS 78011 (817) 640-8535
TBPE FIRM: F-1191/TBPLS FIRM: 101539-00

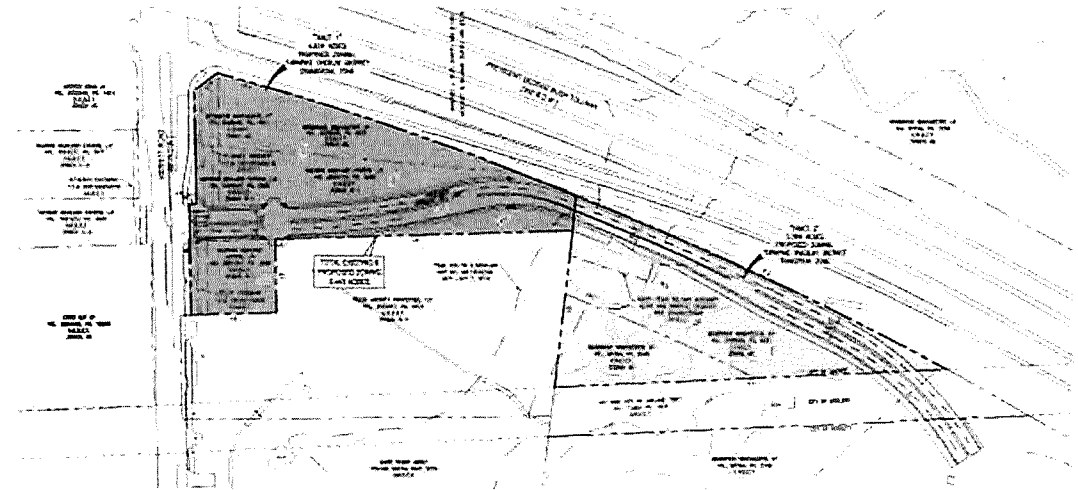
EXHIBIT A - LEGAL DESCRIPTION
HARMONY HILL COMMERCIAL
CITY OF SACHSE, DALLAS COUNTY, TEXAS

DRAWN BY: GAI

DATE: 10/20/2014

PROJECT NO.: 2345

SHEET 1 OF 1



LEGAL DESCRIPTION

SECTION 4 & 5 44TH STREET TRACT OF LAND... (Detailed legal description of the property boundaries and dimensions.)

RECORDING INFORMATION

THIS IS TO CERTIFY THAT... (Information regarding the recording of the plat.)

CURF TABLE

CURF #	DATE	AMOUNT	INTEREST
1	1/1/19	1000.00	100.00
2	2/1/19	2000.00	200.00
3	3/1/19	3000.00	300.00

1946 TABLE

DATE	AMOUNT	INTEREST
1/1/19	1000.00	100.00
2/1/19	2000.00	200.00
3/1/19	3000.00	300.00

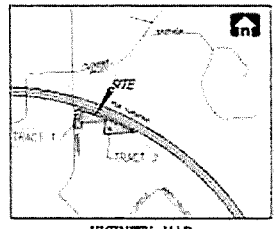
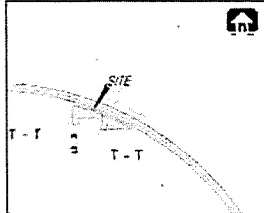
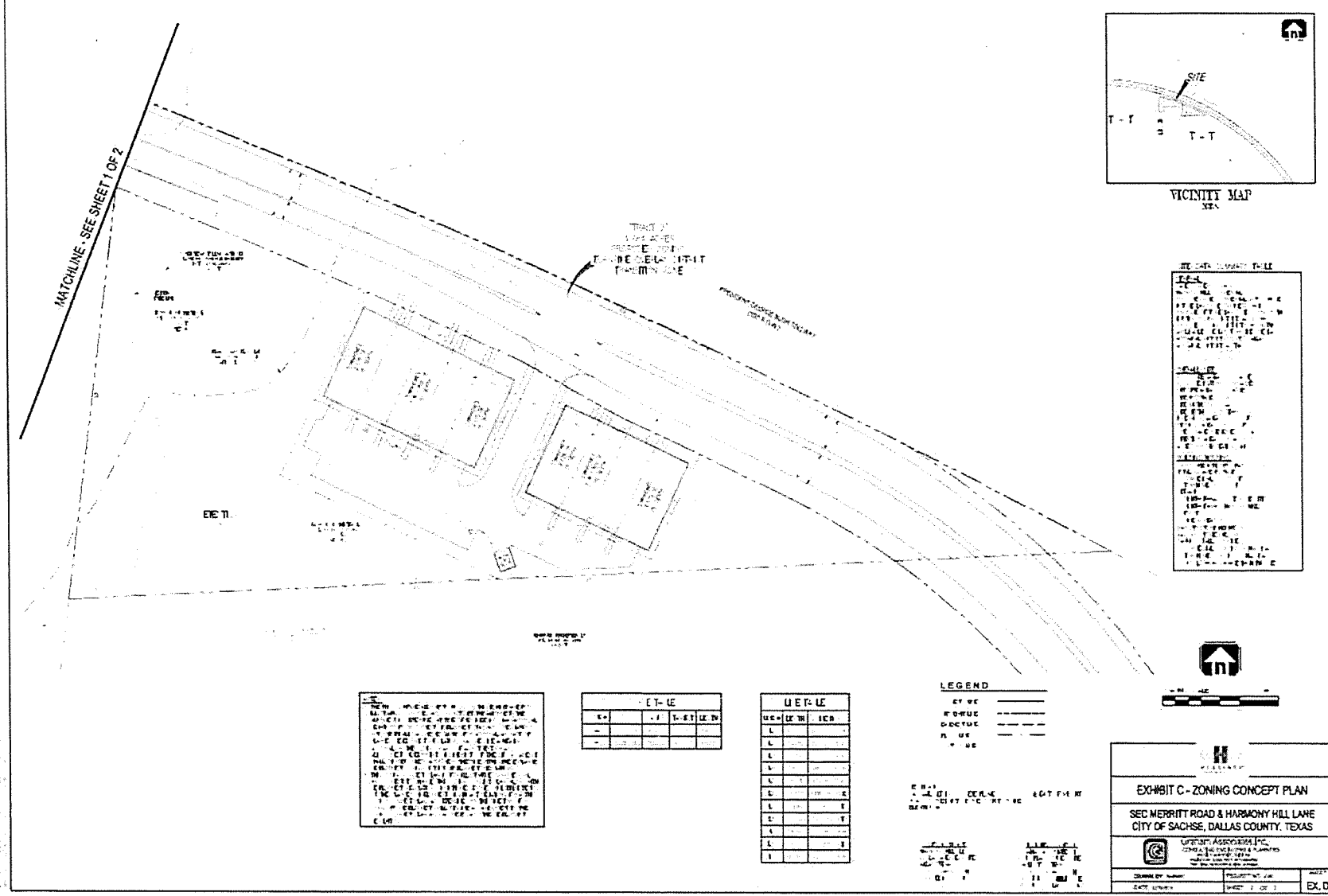


EXHIBIT B - ZONING EXHIBIT

SEC MERRITT ROAD & HARMONY HILL LANE
CITY OF SACHSE, DALLAS COUNTY, TEXAS

Geoterm Advisors, Inc.
CONSULTING ENGINEERS & PLANNERS

DATE: 12/15/2017
PROJECT NO. 1704
SHEET 1 OF 1
EX. B



VICINITY MAP

THE DATA SHOWN ON THIS PLAN IS BASED ON THE FOLLOWING INFORMATION:

1. RECORD PLATS
2. SURVEY DATA
3. FIELD NOTES
4. PHOTO AERIALS
5. GROUND SURVEY
6. UTILITY RECORDS
7. CITY RECORDS
8. FIELD MEASUREMENTS
9. ENGINEERING CALCULATIONS
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LEGEND

---	PROPERTY LINE
---	EXISTING ROAD
---	PROPOSED ROAD
---	UTILITY
---	...

LEGEND

---	PROPERTY LINE
---	EXISTING ROAD
---	PROPOSED ROAD
---	UTILITY
---	...

LEGEND

--- PROPERTY LINE

--- EXISTING ROAD

--- PROPOSED ROAD

--- UTILITY

--- ...

EXHIBIT C - ZONING CONCEPT PLAN

SEC MERRITT ROAD & HARMONY HILL LAKE

CITY OF SACHSE, DALLAS COUNTY, TEXAS

PREPARED BY: [Logo] [Company Name]

DATE: [Date]

PROJECT NO. [Number]

SHEET 2 OF 2

EX. D