

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 03-2021

AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM LOCAL RETAIL (LR) TO PLANNED DEVELOPMENT-APARTMENTS (PD-21-01) ON TWO (2) TRACTS OF LAND BEING A COMBINED TOTAL OF APPROXIMATELY 8.24+ ACRES LEGALLY DESCRIBED AS TRACTS 11 AND 11.2 OF THE JOHN D. MERCHANT SURVEY, ABSTRACT 850, COMMONLY KNOWN AS 1700 NORTH U.S. HIGHWAY 175 AND TRACT 14 OF THE HERMAN HEIDER SURVEY, ABSTRACT 541, COMMONLY KNOWN AS 1700 SEAGOVILLE ROAD, IN THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED AND DEPICTED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR THE APPROVAL OF THE CONCEPT PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "B"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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 City Planning and Zoning Commission and the governing body of the City of Seagoville, Texas, in compliance with the laws of the State of Texas, and pursuant to the Comprehensive Zoning Ordinance of the City of Seagoville, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No. Z2021-01 (PD 21-01) should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, duly passed by the governing body of the City of Seagoville, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from

Local Retail (LR) to Planned Development-Apartments (PD-21-01) on two (2) tracts of land being a combined total of approximately 8.24± acres legally described as Tracts 11 and 11.2 of the John D. Merchant Survey, Abstract 850, commonly known as 1700 North U.S. Highway 175 and Tract 14 of the Herman Heider Survey, Abstract 541, commonly known as 1700 Seagoville Road, in the City of Seagoville, Dallas County, Texas, and being legally described and depicted in Exhibit “A”, attached hereto and incorporated herein (collectively, the “Property”).

SECTION 2. The Property shall be developed and used in accordance with the City of Seagoville Zoning Ordinance and Construction Standards, except as amended herein, and the following development regulations:

- A. Development shall be in accordance with the approved concept plan.
- B. Each dwelling unit shall provide a minimum of 528 square feet of living area.
- C. Structure height shall not exceed fifty (50’) feet at roof peaks.
- D. Interior sidewalks shall be a minimum three (3’) feet in width.
- E. Five (5’) foot sidewalk shall be constructed along both Seagoville Road and Alto Road within dedicated public sidewalk easements.
- F. Five (5’) foot sidewalk shall be constructed along the U.S. Highway 175 Frontage Road outside the Highway’s right-of-way.
- G. Four (4’) foot sidewalk shall be constructed along Greenhaven Drive in a dedicated public sidewalk easement.
- H. Construction of a twenty-four (24’) foot wide concrete fire lane/access shall be required as per City Code.
- I. A six (6’) foot masonry wall constructed of brick, rock or a combination thereof shall be required along the highway frontage road and Seagoville Road with landscaping to assist in noise reduction.
- J. A six (6’) foot masonry wall, constructed from ground level and of brick, rock, or a combination thereof, with the minimum number four (4”) inch by 4 (4”) inch openings incorporated as necessary to provide adequate drainage, shall be required to be installed along the southern boundary of the Property along the length of the Property boundary which abuts the Property occupied by Lee Cemetery
- K. All screening walls to be masonry and a minimum of six (6’) feet tall.

SECTION 3. The Property shall be developed and used only in accordance with the concept plan attached as Exhibit “B” and incorporated herein for all purposes, which is hereby approved.

SECTION 4. That the above Property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended and as amended herein.

SECTION 5. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. 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 unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. 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 Seagoville, 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 9. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

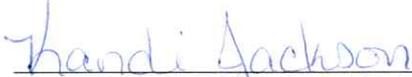
DULY PASSED by the City Council of the City of Seagoville, Texas, this the 22nd day of February 2021.

APPROVED:



DENNIS K. CHILDRESS, MAYOR

ATTEST:



KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:



VICTORIA THOMAS, CITY ATTORNEY

(/cdb 02.17.2021)



EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

BEING a 8.24 acre tract of land situated in the John D. Merchant Survey, Abstract Number 850 and the Harman Hinder Survey, Abstract Number 541 in the City of Seagoville, Dallas County, Texas and being all of a tract of land described in deed to Gary L. Reynolds, recorded in Document Number 201300362560 of the Official Public Records of Dallas County, Texas, all of a tract of land described as "TRACT 2" in deed to Oak Hill Assembly Church, recorded in Document Number 20130032664 of the Official Public Records of Dallas County, Texas and all of a tract of land described as "TRACT 1" in deed to Oak Hill Assembly Church, recorded in Document Number 20130032664 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found at the Northeast corner of said Reynolds tract and in the West Right-of-Way (R.O.W.) line of Green Haven Drive (a 50' wide R.O.W.), recorded in Volume 28, Page 137 of the Deed Records of Dallas County, Texas;

THENCE South 27°6'22" West with the East line of said Reynolds tract and the common West R.O.W. line of said Green Haven Drive, a distance of 532.52 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Southeast corner of said Reynolds tract and in the North R.O.W. line of U.S. Highway Number 175 (a variable width R.O.W.);

THENCE with the South line of said Reynolds tract and the North R.O.W. line of said U.S. Highway Number 175 the following courses and distances;

North 71°37'20" West, a distance of 243.31 feet to a 1/2" iron rod found;

North 63°17'28" West, a distance of 102.34 feet to a 1/2" iron rod found at the Southwest corner of said Reynolds tract and the common Southeast corner of a cemetery;

THENCE with the West line of said Reynolds tract the following courses and distances;

North 49°19'29" East, a distance of 379.25 feet to a 1/2" iron rod found;

North 08°20'30" East, a distance of 208.31 feet to a 1/2" iron rod found at the Southeast corner of said "TRACT 2";

THENCE North 87°45'45" West with the South line of said "TRACT 2", a distance of 855.06 feet to a 1/2" iron rod found at the Southwest corner of said "TRACT 2" and in the East line of Seagoville Road;

THENCE with the West line of said "TRACT 2" and said "TRACT 1" and with the East line said Seagoville Road the following courses and distances;

With a non-tangent curve to the right having a radius of 234.97 feet, a delta angle of 14°35'58", a chord bearing of North 19°06'03" West, a chord length of 59.71 feet, and an arc length of 59.87 feet to a 1/2" iron rod found;

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LEGAL DESCRIPTION OF PROPERTY

North 12°44'25" West, a distance of 266.38 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Northwest corner of said "TRACT 1" and at the intersection of the East line of said Seagoville Road and the South line of Alto Road;

THENCE with the North line of said "TRACT 1" and the South line of said Alto Road the following courses and distances;

North 78°30'23" East, a distance of 21.18 feet to a 1/2" iron rod with cap stamped "PACHECO KOCH" found;

North 35°34'45" East, a distance of 35.60 feet to a 1/2" iron rod found;

North 80°34'45" East, a distance of 76.62 feet to a 1/2" iron rod with cap stamped "PACHECO KOCH" found;

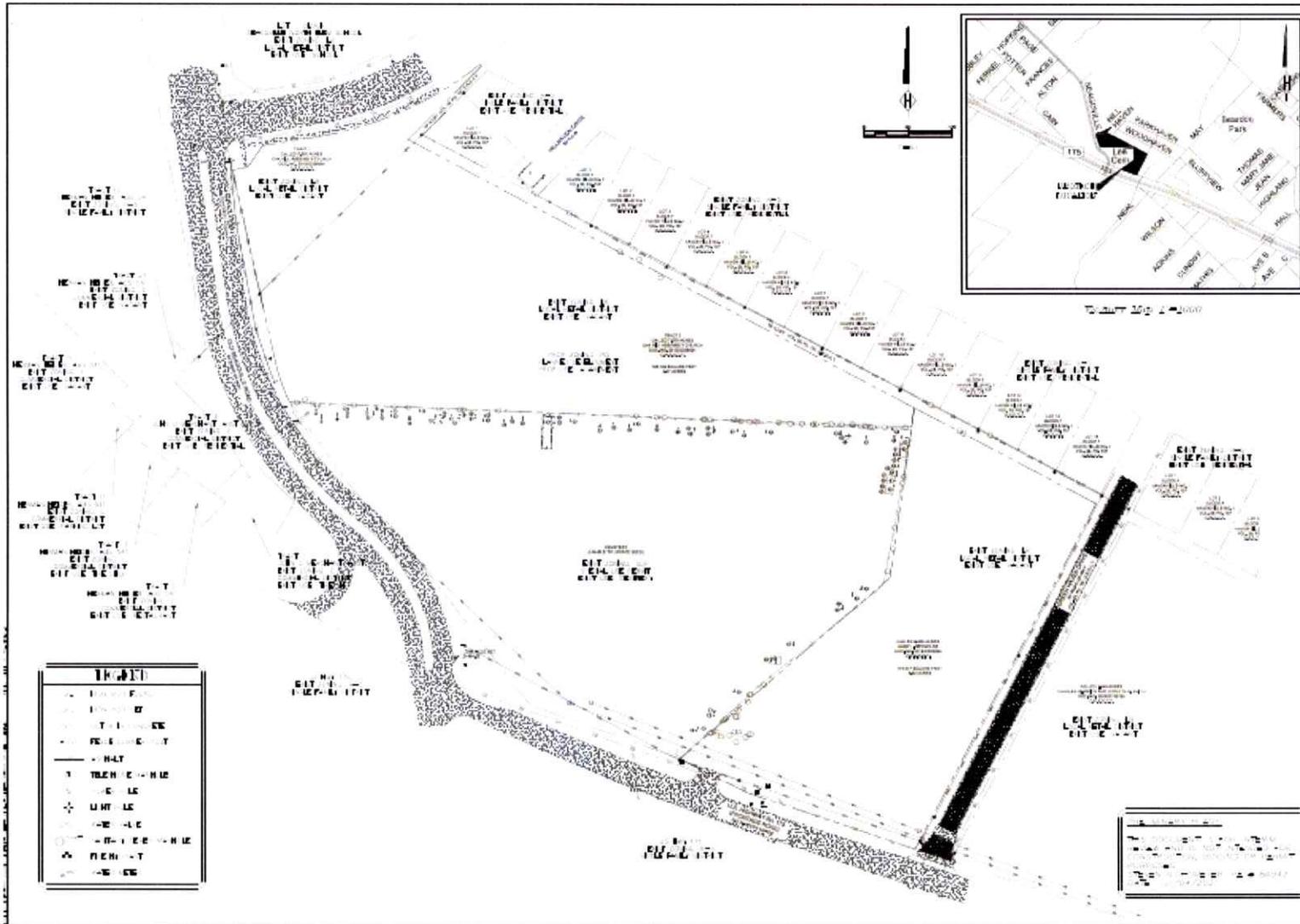
With a curve to the left having a radius of 490.00 feet, a delta angle of 28°50'12", a chord bearing of North 66°09'39" East, a chord length of 244.02, and an arc length of 246.61 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set;

South 62°07'00" East, a distance of 3.09 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Northeast corner of said "TRACT 1" and in the West line of a 10 foot wide alley, recorded in Volume 28, Page 137 of the Deed Records of Dallas County, Texas;

THENCE South 45°06'36" West with the East line of said "TRACT 1" and the common West line of said alley, a distance of 142.52 feet to a 1/2" iron rod found at the Northwest corner of said "TRACT 2";

THENCE South 62°13'38" East with the North line of said "TRACT 2" and said Reynolds tract, a distance of 1066.10 feet to the **POINT OF BEGINNING** and containing 8.24 acres of land more or less.

EXHIBIT "A"
LEGAL DEPICTION OF PROPERTY



HOMMEYER ENGINEERING, INC.
 10000 W. LAKOTA AVE., SUITE 100
 DALLAS, TEXAS 75243
 (214) 343-1111
 WWW.HOMEYER-INC.COM

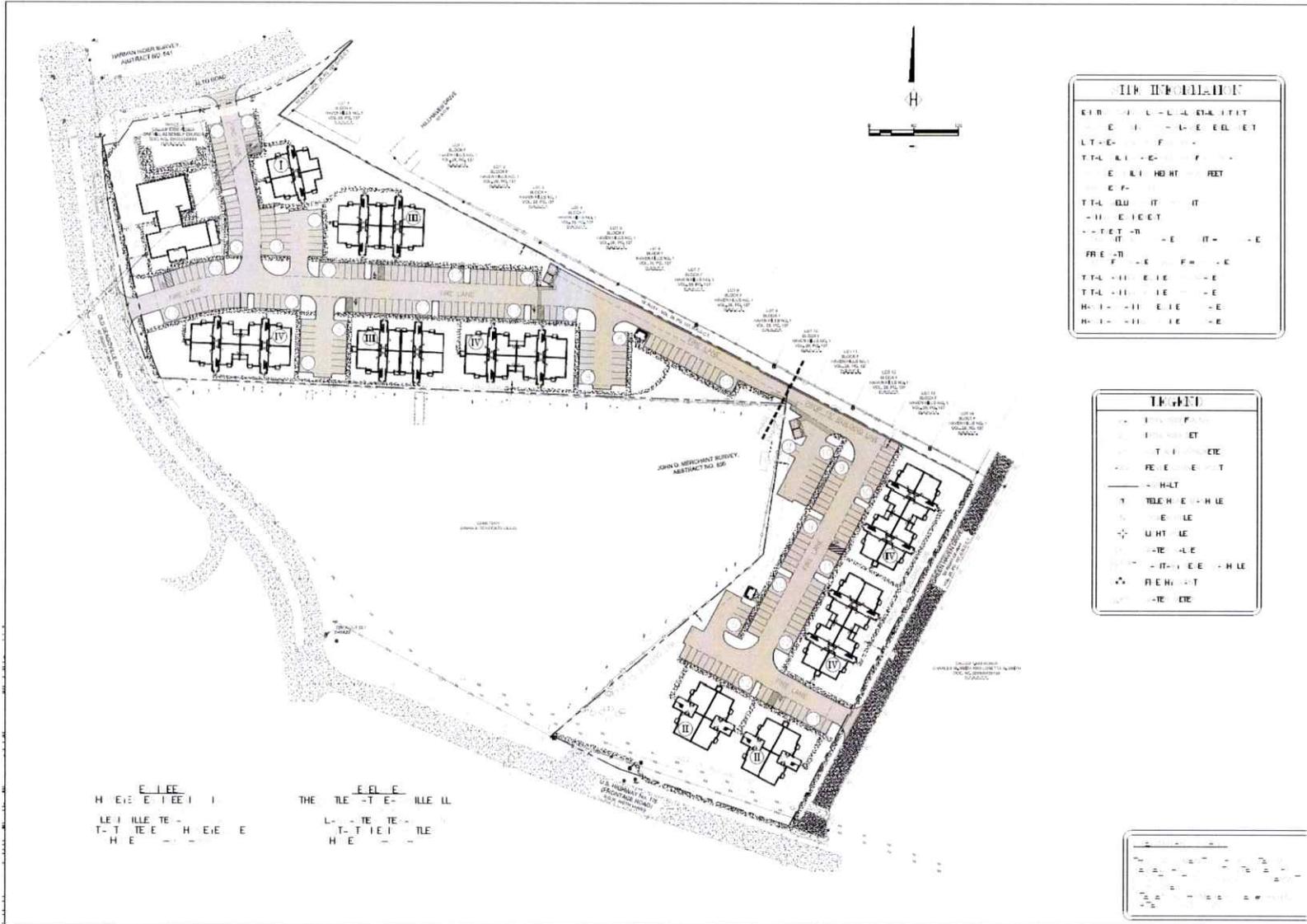
THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

ZONING
 EXHIBIT

DRAWN: JAA
 DATE: 12/16/2020
 REVISION: 03-2021
 SHEET NO:
 C2

EXHIBIT "B"

CONCEPT PLAN



HOMEMER ENGINEERING, INC.
 ENGINEERING FIRM REGISTRATION NO. F-8440
 P. O. BOX 294527 • LEWISVILLE, TEXAS 75029
 P. 972-266-9999 • WWW.HEI.US.COM

THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

OVERALL
 CONCEPT
 PLAN

DRAWN: JAA
 DATE: 10/16/2020
 HEI # 120-0783
 SHEET NO:
 C1