

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 10-2021

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 AGRICULTURE (AG) TO PLANNED DEVELOPMENT-RESIDENTIAL (PD 21-02) FOR SINGLE FAMILY AND MULTIFAMILY USES ON TWO (2) TRACTS OF LAND BEING A COMBINED TOTAL OF APPROXIMATELY 66.75± ACRES LEGALLY DESCRIBED AS TRACT 1 AND 3 OF THE JOHN D. MERCHANT SURVEY, ABSTRACT 850, COMMONLY KNOWN AS 900 ALTO 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. Z2021-03 (PD 21-02) 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 Agriculture (AG) to Planned Development-Residential (PD 21-02) for single family and multifamily uses on two (2) tracts of land being a combined total of approximately 66.75± acres

legally described as Tract 1 and 3 of the John D. Merchant Survey, Abstract 850, commonly known as 900 Alto Road, in the City of Seagoville, Dallas County, Texas, and being legally described and depicted in Exhibit "A", attached hereto and incorporated herein.

SECTION 2. The property shall be developed and used in accordance with the City of Seagoville Code of Ordinances, including 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. Multifamily Development shall be a gated community of detached condominiums with each unit being individually owned and sprinkled.
- C. Area Regulations:
 - 1. Single Family Development:
 - Lot size shall be a minimum of 6,000 square feet;
 - Lot width shall be a minimum of 50 feet when measured along the front setback;
 - Front yard shall be a minimum of 21 feet from back of curb;
 - Side yard shall be a minimum of five feet, except corner lots which shall have a 20-foot side yard; and
 - Rear yard shall have a minimum 5% of the total lot depth or a maximum of 10-feet.
 - 2. Multifamily Development:
 - Front yard shall be a minimum 18-foot from curb to front of unit;
 - There shall be a minimum of not less than 6-feet between buildings;
 - Rear yard shall be a minimum of 6-feet;
 - A maximum of 80% lot coverage, including accessory buildings, shall be permitted;
 - Each unit shall have a minimum 400 square foot or 2-car garage; and
 - Guest parking shall be available at a ratio of 0.25% per dwelling unit.
- D. Area of Dwelling:
 - 1. Single Family Development:
 - 25% of the dwelling units shall be a minimum 1,600 square feet of living area;
 - 50% of the dwelling units shall be a minimum 1,700 square feet of living area; and
 - 25% of the dwelling units shall be a minimum 1,800 square feet of living area.
 - 2. Multifamily Development:
 - The area of dwelling for the multifamily residential development shall be a minimum of 1,600 square feet of living area.
- E. Structure height of each Single Family and Multifamily structure shall not exceed 35-feet.
- F. Streets, Roadways and Sidewalks:

One-half of Alto Road, that portion that runs the full length of the property, abutting Alto Road, shall be paved concrete, curb, and gutter roadway.

1. Single Family Development:
 - All Collectors, major and minor, constructed on the site shall include 5-foot wide sidewalks along both sides of the pavement; and
 - All other streets to have 4-foot wide sidewalks on both sides.
 2. Multifamily Development:
 - Roadways shall be a minimum of 26-feet wide between curb faces; and
 - Minimum 3-foot wide sidewalks shall be required on both sides.
- G. Amenities, Open Space and Ponds:
1. Single Family Development:
 - Ponds shall be an amenity for the entire development;
 - Playground equipment shall be installed at each of the site's existing ponds; and
 - Detention ponds shall be created around the intersection of Case Grande Drive and Woodside Lane.
 2. Multifamily Development:
 - Amenity Center shall be constructed to include an outdoor swimming pool;
 - Playground shall be constructed in one (1) of the open spaces away from the Amenity Center;
 - Ponds shall be an amenity for the entire development.
- H. A six foot (6') solid masonry wall and columns constructed of brick, rock or a combination thereof shall be required along Alto Road.
- I. All common areas and amenities shall be owned, operated, and maintained by a Home Owners Association or Condominium Owners Association.
- J. All signage shall comply with all City Codes unless otherwise provided in the development regulations.

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 19th day of April 2021.

APPROVED:



DENNIS K. CHILDRESS, MAYOR

ATTEST:



KANDI JACKSON, CITY SECRETARY



APPROVED AS TO FORM:



VICTORIA THOMAS, CITY ATTORNEY
(/cdb 04.12.2021)

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

PROPERTY DESCRIPTION - TRACT 1

Being situated in the John D. Merchant Survey, Abstract Number 850, City of Seagoville, Dallas County, Texas and being all of that certain called 66.750 acre tract of land described in a Deed to William J. Greenawalt Jr., recorded in Volume 69145, Page 272, Deed Records of Dallas County, Texas (DRDCT) and this tract being more particularly described as follows:

COMMENCING at a point for corner located in the asphalt surface of Alto Road (approximately 3' southeast of its center), at the most western corner of said 66.750 acre tract from which a 1/2" iron rod found for reference bears S 45°10'52" E a distance of 40.33 feet ;

THENCE N 45°07'58" E, along the northwest line of said 66.750 acre tract and in said road, a distance of 864.44 feet, to a 1/2" iron rod set and being the POINT OF BEGINNING;

THENCE N 45°07'58" E, continuing along the northwest line of said 66.750 acre tract and in said road, a distance of 791.90 feet, to a 1/2" iron rod found for corner at the most northern corner thereof, said point being near the edge of the gravel surface of said Alto Road now turning in a southeasterly direction;

THENCE S 45°19'27" E, along the northeast line of said 66.750 acre tract and within the limits of said gravel surface, a distance of 787.02 feet, to a iron set for corner,

THENCE, S 45°07'58" W, departing the northeast line of said 66.750 acre tract, a distance of 793.64 feet, to an iron rod set for corner;

THENCE N 45°19'27" W, a distance of 796.00 feet, to an iron rod set for corner said point being on the northwest line of said 66.750 acre tract and in said road, to the POINT OF BEGINNING and containing 624,650 square feet or 14.34 acres of land.

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

PROPERTY DESCRIPTION - TRACT 2

Being situated in the John D. Merchant Survey, Abstract Number 850, City of Seagoville, Dallas County, Texas and being all of that certain called 66.750 acre tract of land described in a Deed to William J. Greenawalt Jr., recorded in Volume 69145, Page 272, Deed Records of Dallas County, Texas (DRDCT) and this tract being more particularly described as follows:

BEGINNING at a point for corner located in the asphalt surface of Alto Road (approximately 3' southeast of its center), at the most western corner of said 66.750 acre tract from which a 1/2" iron rod found for reference bears S 45°10'52" E a distance of 40.33 feet ;

THENCE N 45°07'58" E, along the northwest line of said 66.750 acre tract and in said road, a distance of 864.44 feet, to a 1/2" iron rod set for corner;

THENCE S 45°19'27" E, a distance of 796.00 feet, to a iron rod set for corner;

THENCE N 45°07'58" E, a distance of 793.64 feet, to a 1/2" iron rod set for corner; said point being on the southerly line of said Alto Rd.

THENCE S 45°19'27" E, along the southerly line of said Alto Rd. a distance of 606.10 feet, to a 1/2" iron rod found for corner;

Thence departing the southerly line of said Alto Rd. and along and with the common boundaries of said 66.46 acre and 117.23 acre tracts the following courses;

S 44°59'37" W, a distance of 1243.86 feet to a point for corner near a fence post,

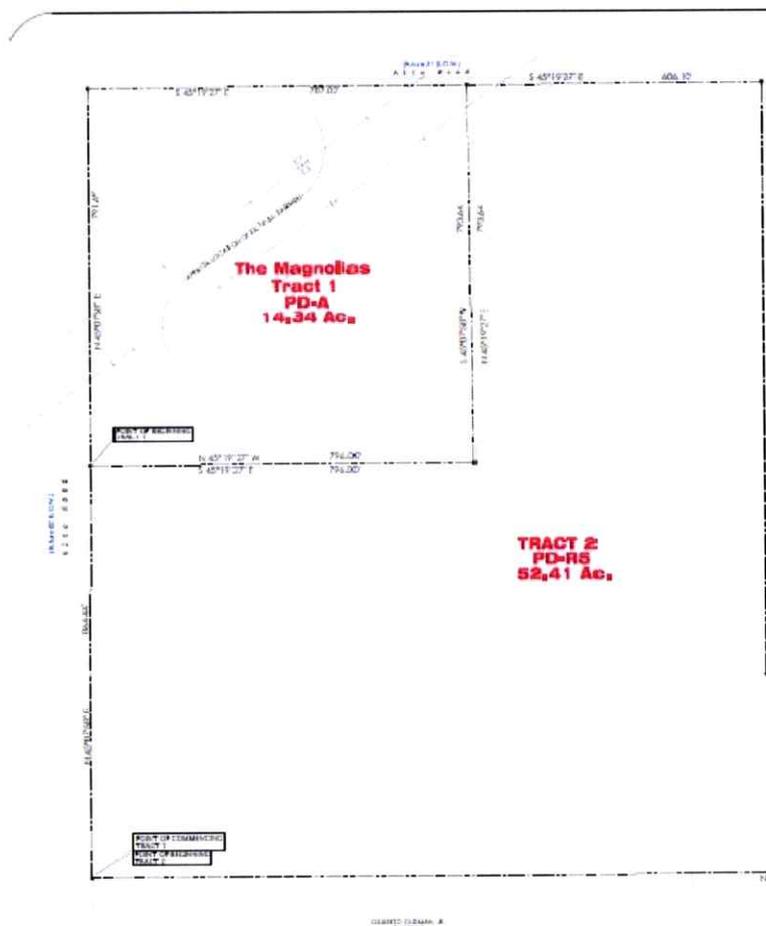
S 44°55'28" E, a distance of 1439.99 feet, to a 5/8" iron rod with a yellow cap stamped "HALF" found for corner;

S 44°14'40" W, a distance of 60.41 feet, to a 1/2" iron rod with found for corner.

S 45°21'23" E, a distance of 2.85 feet, to a 1/2" iron rod with a yellow cap found for corner at the most western corner of Brook Valley No. 7, Phase 3, an Addition to the City of Seagoville, according to the plat thereof recorded as Instrument No. 201800254619, Plat Records of Dallas County, Texas (PRDCT);

THENCE S 46°10'22" W, a distance of 349.46 feet, to a 5/8" iron rod with a yellow cap stamped "RPLS 3963" set for corner at the most southern corner of said 66.750 acre tract common to the most eastern corner of a called 45.902 acre tract described in a deed to SHEPHERD PLACE HOMES INC. recorded as Instrument No. 201900271874, from which a 3/8" iron rod found for reference bears N 45°10'45" W, a distance of 8.49 feet;

THENCE N 45°10'45" W, along the southwest line of said 66.446 acre tract and partially with the northeast line of said 45.902 acre tract and the northeast line of a called 12.48 acre tract described as Parcel 1 in previously referenced deed to Gilberto Guzman and said Parcel 2 of same deed, for a total distance of 2833.57 feet, to the POINT OF BEGINNING and containing 2,282,980 square feet or 52.41 acres of land.



PROPERTY DESCRIPTION - TRACT 1

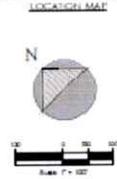
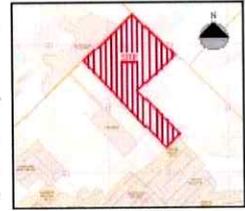
Being divided in the John D. Merchant Survey, Abstr. No. 850, City of Seagoville, Dallas County, Texas and being all of that tract that is bounded by the south line of said tract as shown on the plat of said tract, recorded in Volume 8143, Page 272, Deeds Records of Dallas County, Texas (DEEDS) and this line being more particularly described as follows:

- COMMENCING at a point for corner located in the original surface of this tract approximately 2' southeast of a corner, on the most westerly corner of said ALICE tract that is from which a 137' line was laid for reference corner 1. A.P. 1277, in a distance of 45.33 feet;
- THENCE S 45°12'07" E, along the southeast line of said ALICE tract east to a well corner, in a distance of 66.76 feet, to a 137' line not laid and being the POINT OF BEGINNING;
- THENCE S 45°12'07" E, continuing along the southeast line of said ALICE tract east to a well corner, in a distance of 75.16 feet, to a 137' line not laid and being the POINT OF BEGINNING;
- THENCE S 45°12'07" E, along the southeast line of said ALICE tract east within the block of said parcel, in a distance of 76.22 feet, to a well corner;
- THENCE S 45°12'07" W, departing the southeast line of said ALICE tract west, in a distance of 75.16 feet, to a well corner;
- THENCE S 45°12'07" W, in a distance of 76.22 feet, to a well corner and being the POINT OF BEGINNING and containing 42,146 square feet or 0.961 acres of land.

PROPERTY DESCRIPTION - TRACT 2

Being divided in the John D. Merchant Survey, Abstr. No. 850, City of Seagoville, Dallas County, Texas and being all of that tract that is bounded by the south line of said tract as shown on the plat of said tract, recorded in Volume 8143, Page 272, Deeds Records of Dallas County, Texas (DEEDS) and this line being more particularly described as follows:

- COMMENCING at a point for corner located in the original surface of this tract approximately 2' southeast of a corner, on the most westerly corner of said ALICE tract that is from which a 137' line was laid for reference corner 1. A.P. 1277, in a distance of 45.33 feet;
- THENCE S 45°12'07" E, along the southeast line of said ALICE tract east to a well corner, in a distance of 66.76 feet, to a 137' line not laid and being the POINT OF BEGINNING;
- THENCE S 45°12'07" E, in a distance of 75.16 feet, to a well corner;
- THENCE S 45°12'07" E, in a distance of 76.22 feet, to a 137' line not laid and being the POINT OF BEGINNING;
- THENCE S 45°12'07" W, along the southeast line of said ALICE tract west within the block of said parcel, in a distance of 76.22 feet, to a well corner;
- THENCE S 45°12'07" W, departing the southeast line of said ALICE tract west, in a distance of 75.16 feet, to a well corner;
- THENCE S 45°12'07" W, in a distance of 76.22 feet, to a well corner and being the POINT OF BEGINNING and containing 42,146 square feet or 0.961 acres of land.



TRACT 1 and 2 EXHIBIT
Greenawalt Farms
 Being a 66.75 Ac. Tract of Land situated in the
 J. D. Merchant Survey, Abstr. No. 850
 City of Seagoville, Dallas County, Texas

CONTRACTOR: **KPA**
 KPA CONSULTING, LLC
 5079 Ross Lane
 Rowlett, Texas 75087
 972.384.1333
 kpa@kpaconsulting.com

DEVELOPER: **TACK TEAM**
 INVESTMENTS, LLC
 4142 Green Rd, Suite 100-102
 Dallas, Texas 75244
 469.488.1214 | 1317@tackteam.com

February 14, 2021

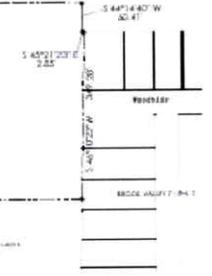


EXHIBIT "B" CONCEPT PLAN

