

ORDINANCE NO. 86-870

A-877

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE GENERAL ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, BEING ORDINANCE NUMBER 77-439, AND PROVIDING A CHANGE IN ZONING WITHIN A DEVELOPMENT DISTRICT (NO. 85-805) AS SPECIFICALLY DESCRIBED HEREIN; PROVIDING ADDITIONAL RESTRICTIONS; AND PROVIDING FOR IMMEDIATE EFFECT.

WHEREAS, a Request for Change in zoning Classification was duly filed with the City of Cedar Hill, Texas, concerning the hereinafter described property;

WHEREAS, due notice of hearing was made in the time and manner prescribed by law and the Planning and Zoning Commission of the City of Cedar Hill, Texas, duly convened and conducted a public hearing for the purpose of assessing a zoning classification change on the hereinafter described property located in the City of Cedar Hill, Texas; and

WHEREAS, an additional opportunity for all interested persons to be heard was provided by the City Council of the City of Cedar Hill, Texas, at an open meeting, with proper notices posted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:

SECTION 1. The legal description of the property zoned herein is generally described as being a tract of land of approximately 156.42 acres of land lying in the David Merrill Survey, Abstract No. 877 in the City of Cedar Hill, Dallas County, Texas, and being more specifically described in the property description which is attached hereto as Exhibit "A".

SECTION 2. The zoning classification on the hereinabove described property is hereby changed from Planned Development District as described in Ordinance No. 85-805 of the City of Cedar Hill, Texas to a Planned Development District to be developed in accordance with the zoning use plat attached to this Ordinance as Exhibit "B" and in the following approximate amounts:

- a. Garden Office/Retirement Community  
17.12 acres of land;
- b. Park  
4.00 acres of land;
- c. Garden Apartments  
10.3 acres of land;
- d. Single Family Garden Homes  
34.24 acres of land;
- e. Single Family Detached Homes  
90.00 acres of land;
- f. Right-of-way  
0.76 acre of land

SECTION 3. The property zoned as a Planned Development District herein shall have additional zoning restrictions and special conditions as set forth in Exhibit "C" attached hereto. Such restrictions and conditions are hereby officially adopted, approved and ordered as a part of the Planned Development District zoned herein.

SECTION 4. The zoning classification of this Planned Development District will take immediate effect after the passage of this Ordinance by the City Council of the City of Cedar Hill, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Cedar Hill, Texas, on this the 23rd day of September, 1986.

Kenneth Lander  
Kenneth Lander, Mayor

ATTEST:

Frankie Lee  
Frankie Lee, City Secretary

APPROVED AS TO FORM:

Lewis Sifford, City Attorney

# Exhibit "A"

## LEGAL DESCRIPTION

A 36.8502 acres tract of land in the David Merrill Survey, Abstract No. 877, in the City of Cedar Hill, Dallas County, Texas and a part of a larger tract recorded in Volume 5440, Page 43, Deed Records, Dallas County, Texas (DRCT) and more particularly described as follows:

COMMENCING at the point of intersection of the South Right-Of-Way (R.O.W.) of Belt Line Road (100' R.O.W.) and the East R.O.W. line of Joe Wilson Road (60' R.O.W.). Said point also being the point of beginning of a 19.406 acre tract, surveyed by Earl E. Braun, Jr., R.P.S. No. 2705, January 9, 1985, an iron rod for corner;

THENCE S 00°23'12" E a distance of 1216.06 ft. along the East R.O.W. line of Joe Wilson Road to a point for the most Western Northwest corner of this tract and also being the POINT OF BEGINNING;

THENCE S 0°23'12" E a distance of 810.00 ft. along the East R.O.W. line of Joe Wilson Road to a point for the Southwestern corner of this tract and the Northwestern corner of the adjoining 92.4175 acres tract;

THENCE establishing the irregular boundary between this tract and the 92.4175 acres tract along the following courses:

N 89°36'48" E a distance of 408.08 ft. to a point of curve;

Proceeding in an Easterly direction along a curve to the left that has a delta angle of 17°29'32", a radius of 560.00 ft. and an arc length of 170.97 ft. to a point of tangency;

N 72°07'16" E a distance of 15.23 ft. to a point of curve;

Proceeding in an Easterly direction along a curve to the right that has a delta angle of 17°29'32", a radius of 440.00 ft. and an arc length of 134.33 ft. to a point of tangency;

N 89°36'48" E a distance of 146.82 ft. to a point for an exterior corner;

N 00°23'12" W a distance of 107.71 ft. to a point of curve;

Proceeding in a Northerly direction along a curve to the left that has a delta angle of 19°10'44" a radius of 507.50 ft. and an arc length of 169.88 ft. to a point of tangency;

N 19°33'56" W a distance of 13.69 ft. to a point of curve;

Proceeding in a Northerly direction along a curve to the right that has a delta angle of 19°10'44", a radius of 492.50 ft. and an arc length of 164.86 ft. to a point of tangency;

N 00°23'12" W a distance of 5.04 ft. to a point for an interior corner;

N 89°36'48" E a distance of 328.99 ft. to a point of curve;

Proceeding in a Northeasterly direction along a curve to the left that has a delta angle of 41°50'48" a radius of 684.68 ft. and an arc length of 500.06 ft. to a point of tangency;

N 47°46'00" E a distance of 113.30 ft. to a point of curve;

Proceeding in a Northeasterly direction along a curve to the right that has a delta angle of 36°06'27", a radius of 1200.00 ft. and an arc length of 756.23 ft. to a point for an exterior corner;

North a distance of 115.00 ft. to a point for an interior corner and a point on a curve (not a POINT OF TANGENCY);

Proceeding in a Southeasterly direction along a curve to the right that has a delta angle of 64°26'25", a radius of 125.00 ft. and an arc length of 140.59 ft. with a chord length of 133.29 ft. that bears S 57°46'47" E to a point (not a POINT OF TANGENCY) for an exterior corner;

N 89°35'53" E a distance of 180.09 ft. to a point for the most Easterly corner of this tract;

THENCE N 25°10'37" W a distance of 329.99 ft. (passing along this course at 22.17 ft. a point that marks the end of the common boundary with the aforementioned 92.4175 acre tract, and the beginning of a common boundary with the Southwestern property line of an adjoining 12.9200 acre tract) to a point on a curve in the common boundary of this tract and the 18.560 acre tract;

THENCE along a curve to the left that has a delta angle of 5°29'05", a radius of 1407.50 ft. an an arc length of 134.74 ft. with a chord length of 134.68 ft. that bears S 61°42'36" W to a point for an interior corner of this tract;

THENCE along the remaining common boundary between this tract and the 18.560 acre tract the following courses:

West, a distance of 961.10 ft. to a point in the R.O.W. line of a proposed street (60' R.O.W.) for an interior corner;

North, a distance of 574.00 ft. along the East R.O.W. line of the proposed street to a point for a corner;

East, a distance of 10.00 ft. widening the R.O.W. of the proposed street to an 80' R.O.W.;

North a distance of 100.00 ft. to the N. E. R.O.W. of 5.00 ft.

THENCE West a distance of 60.00 ft. departing the 18.560 acre tract along the South R.O.W. line of Belt Line Road to a point being the most Northern Northwest corner of this tract and the Northeast corner of the 19.486 acre tract and also being in the West R.O.W. line of a proposed street (80' R.O.W.) said point bears East 1370.00 ft. from the POINT OF COMMENCING;

THENCE following the common property line of the 19.486 acre tract and this property the following courses:

South, departing the South R.O.W. line of Belt Line Road, along the West R.O.W. line of said proposed street (80' R.O.W.), a distance of 100.00' feet to an iron rod found for corner;

East, narrowing the R.O.W. of said proposed street, a distance of 10.00' feet to an iron rod found for corner;

South, along the West R.O.W. line of said proposed street (60.00' R.O.W.) distance of 720.00' feet passing at 420.00 ft. the Southeastern corner of the 19.486 acre tract, departing at this point the common boundary thereof with this property and continuing to a point for a corner of this tract and the adjoining 14.2312 acre tract;

THENCE establishing the irregular Northwesterly boundary of this tract that lies adjacent to the 14.2312 acre tract along the following courses:

West a distance of 45.00 ft. to a point for an exterior corner;

S 60°55'39" W a distance of 208.01 ft. to a point for an interior corner;

West a distance of 410.00 ft. to a point for an exterior corner;

South a distance of 290.00 ft. to a point for an interior corner;

S 89°36'48" W a distance of 735.00 ft. to a point in the East R.O.W. line of Joe Wilson Road to the POINT OF BEGINNING and POINT OF CLOSURE of this tract containing 1,605,197 sq. ft. or 36.8502 acres of land more or less.

Exhibit "A"

LEGAL DESCRIPTION

A 92.4175 acres tract of land in the Dayld Merrill Survey, Abstract No. 877, in the City of Cedar Hill, Dallas County, Texas and a part of a larger tract recorded in Volume 5440, Page 43, Deed Records, Dallas County, Texas (DRDCT) and more particularly described as follows:

COMMENCING at the point of intersection of the South Right-Of-Way (R.O.W.) of Belt Line Road (100' R.O.W.) and the East R.O.W. line of Joe Wilson Road (60' R.O.W.). Said point also being the point of beginning of a 19.486 acre tract, surveyed by Earl E. Braun, Jr., R.P.S. No. 2705, January 9, 1985, an iron rod for corner;

THENCE S 00°23'12" E a distance of 2596.14 ft. along the East R.O.W. line of Joe Wilson Road to a point being the Southwestern Corner of this tract said point being the POINT OF BEGINNING

THENCE N 0°23'12" W a distance of 570.08 ft. along the east R.O.W. line of Joe Wilson Road to a point for the most Western Northwest corner of this tract the same being in common with the Southwestern corner of the 36.8502 acre tract;

THENCE establishing the irregular boundary between this tract and the adjoining Northerly 36.8502 acre tract the following courses:

N 89°36'48" E a distance of 408.08 ft. to a point of curve;

Proceeding in an Easterly direction along a curve to the left that has a delta angle of 17°29'32", a radius of 560.00 ft. and an arc length of 170.97 ft. to a point of tangency;

N 72°07'16" E a distance of 15.23 ft. to a point of curve;

Proceeding in an Easterly direction along a curve to the right that has a delta angle of 17°29'32", a radius of 440.00 ft. and an arc length of 134.33 ft. to a point of tangency;

N 89°36'48" E a distance of 146.02 ft. to a point for an exterior corner;

N 00°23'12" W a distance of 107.71 ft. to a point of curve;

Proceeding in a Northerly direction along a curve to the left that has a delta angle of 19°10'44", a radius of 507.50 ft. and an arc length of 169.88 ft. to a point of tangency;

N 19°33'56" W a distance of 13.69 ft. to a point of curve;

Proceeding in a Northerly direction along a curve to the right that has a delta angle of 19°10'44", a radius of 492.50 ft. and an arc length of 164.86 ft. to a point of tangency;

N 00°23'12" W a distance of 5.84 ft. to a point for an interior corner;

N 89°36'48" E a distance of 328.99 ft. to a point of curve;

Proceeding in a Northeasterly direction along a curve to the left that has a delta angle of 41°50'48", a radius of 684.68 ft. and an arc length of 500.06 ft. to a point of tangency;

N 47°46'00" E a distance of 113.30 ft. to a point of curve;

Proceeding in a Northeasterly direction along a curve to the right that has a delta angle of 36°06'27", a radius of 1200.00 ft. and an arc length of 756.23 ft. to a point for an exterior corner;

North a distance of 115.00 ft. to a point for an interior corner and a point on a curve (not a POINT OF TANGENCY);

Proceeding in a Southeasterly direction along a curve to the right that has a delta angle of 64°26'25", a radius of 125.00 ft. and an arc length of 140.59 ft. to a point (not a POINT OF TANGENCY) for an exterior corner;

N 89°35'53" E a distance of 180.09 ft. to a point for the most Easterly corner of the 36.8502 acre tract;

N 25°10'37" W a distance of 22.17 ft. to a point at the end of the common boundary between this tract and the aforementioned 36.8502 acre tract;

THENCE East a distance of 622.38 ft. establishing the adjoining boundary between this tract and the 12.9200 acre tract, to a point for the Northeastern corner of this tract;

THENCE S 0°24'07" E a distance of 1700.76 ft. along the Easterly property line of this tract and the adjoining Westerly property line of a tract of land described in a deed to Mrs. S.L. Bryant, Volume 178, Page 305 D.R.D.C.T. to a point for the Southeastern corner of this tract;

THENCE S 89° 53'02" W a distance of 3267.44 ft. along the Southerly property line of this tract and the adjoining Northerly property line of a tract of land described in a deed to Mrs. Emily Castleman filed May 19, 1934 to the POINT OF BEGINNING and POINT OF CLOSURE for the tract containing 4,025,706 sq. ft. or 92.4175 acres of land more or less.

BEGINNING AND ENDING AT ~~the following corner~~  
82.4175 acres of land more or less.

SURVEYOR'S CERTIFICATION

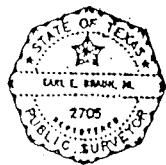
I hereby certify to SAFECO LAND TITLE OF DALLAS, WATSON & TAYLOR REALTY COMPANY, TRUSTEE; WINDSOR PARK LIMITED and SOUTHWEST SAVINGS ASSOCIATION that on the 15th day of JULY, 1986 this survey of the 82.4175 acres tract of land was made on the ground as per the field notes shown on this survey and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown thereon, that the area or quantity of the subject property as set forth in this survey is accurate, and that this survey correctly shows the location of all visible easements and rights-of-way and of all rights-of-way, easements and any other matters of record, or of which I have knowledge or have been advised, whether or not of record, affecting the subject property.

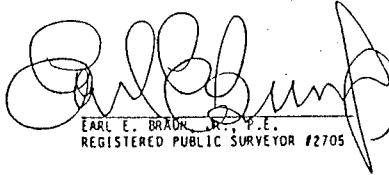
Except as shown on this survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no party walls with or encroachments upon adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions.

There is adequate ingress to and egress from the subject property provided by Joe Wilson Road the same being a paved dedicated right-of-way.

All required building setback lines on the subject property are located as shown thereon.

No part of the subject property lies within a 100-year flood plain or in an identified "flood prone area", as defined by the U.S. Department of Housing and Urban Development, pursuant to the Flood Disaster Act of 1973, as amended.



  
EARL E. BRAUN, JR., P.E.  
REGISTERED PUBLIC SURVEYOR #2705

SURVEYOR'S CERTIFICATION

I hereby certify to SAFECO LAND TITLE OF DALLAS, WATSON & TAYLOR REALTY COMPANY, TRUSTEE; DEER HOLLOW DEVELOPMENT COMPANY & CHARTER SAVINGS & LOAN ASSOCIATION, that on the 15th day of JULY, 1986 this survey of the 36.8502 acres tract of land was made on the ground as per the field notes shown on this survey and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown thereon, that the area or quantity of the subject property as set forth in this survey is accurate, and that this survey correctly shows the location of all visible easements and rights-of-way and of all rights-of-way, easements and any other matters of record, or of which I have knowledge or have been advised, whether or not of record, affecting the subject property.

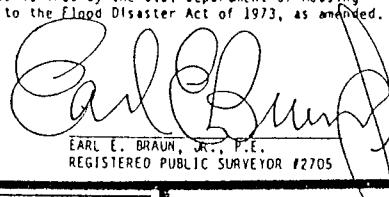
Except as shown on this survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no party walls with or encroachments upon adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions.

There is adequate ingress to and egress from the subject property provided by Belt Line Road the same being a paved dedicated right-of-way.

All required building setback lines on the subject property are located as shown thereon.

No part of the subject property lies within a 100-year flood plain or in an identified "flood prone area", as defined by the U.S. Department of Housing and Urban Development, pursuant to the Flood Disaster Act of 1973, as amended.



  
EARL E. BRAUN, JR., P.E.  
REGISTERED PUBLIC SURVEYOR #2705

Note: The percentage of the garden apartment and garden home number of units to total number of residential units is less than that for the existing zoning.

Land Use	Acre	Per Acre	Project	D.U.	Project	Area	Lot Width	Lot Depth
Garden Office/ Retirement Community Park	17.12 4.00	-- --	10.9 2.6	-- --	-- --	-- --	-- --	-- --
*Garden Apts.	10.3	14.66	6.6	151	22.9	--	--	--
*Single Fm. Garden	34.24	4.9	21.9	168	25.5	5000 S.F.	45'	100'
*Single Fm. Det.	90.00	3.17	57.5	339	51.6	7500 S.F.	60'	110'
Egress ROW to Beltline Rd.	0.76	--	0.5	--	--	--	--	--
<b>TOTAL</b>	<b>156.42</b>	<b>--</b>	<b>100%</b>	<b>658</b>	<b>100.0</b>			

#### BUILDING RESTRICTIONS

	Parking	Dwelling Minimums	Brick Requirements	Area Regulations	
				Front Side	Rear
Garden Apts.	2 spaces	500 to 1000 S.F.	75%	65'	20'
Garden Homes	2 car garage	30% = 1250 S.F. 30% = 1350 S.F. 40% = 1450 S.F.	65%	20' "0" or 10' between structure	20'

Single Fm. Detached	2 car garage	40% = 1450 S.F. 30% = 1650 S.F. 30% = 1800 S.F.	65% 15' 15' on corner lots	25' 15' 20'	5' 20' 20'
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The following uses shall be permitted:

Office/Support Retail/  
Retail/Commercial Community

1. Ambulance Service.
2. Bank, office, wholesale sales office or sample room.
3. Barber and beauty shop.
4. Book or stationery store.
5. Cafeteria.
6. Cleaning, drying, and laundry pick-up station for receipt and delivery of articles to be cleaned, dyed, and laundered, but no actual work to be done on premises.
7. Cleaning and presssing shops having an area of not more than 6,000 square feet.
8. Drug store, retail sales only.
9. Flea market, retail sales only.
10. Jewelry, optical goods, photographic supplies, retail sales only.
11. Mortuary.
12. Nursery, retail sales of plants and trees.
13. Office building for all professions and businesses.
14. Parking lot without public garage or other automobile facilities for parking of passenger cars and trucks of less than one (1) ton capacity only.
15. Professional offices for architect, attorney, engineer, and real estate.
16. Restaurant.
17. Restaurants with drive-in facilities.
18. Studios, dance, music, drama, health, massage, and reducing.
19. Washateria, equipped with automatic washing machines of the type customarily found in a home and where the customer may personally supervise the washing and handling of his laundry.
20. Accessory building incident to the above listed uses.
21. Day care center.
22. Physician: office and out-patient facilities (clinic).
23. Dentist.
24. Attorney at law.
25. Architect.
26. Landscape architect.
27. Certified public accountant.
28. Registered engineer.
29. Land planner.
30.  Licensed social workers: office, counseling, and testing facilities.
31. Psychologist.
32. Chiropraction.

Exhibit C