

Ordinance No. 2011-430

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, THAT BEING ORDINANCE NO. 2001-64, AS HERETOFORE AMENDED, BY PROVIDING A CHANGE IN ZONING CLASSIFICATION FROM LR - LOCAL RETAIL DISTRICT TO PD 11-430 (PLANNED DEVELOPMENT FOR MULTI-FAMILY RESIDENTIAL DISTRICT) ON LAND OUT OF ABSTRACT 1472, MORE SPECIFICALLY DESCRIBED HEREIN; INCORPORATING A CONCEPT PLAN; ESTABLISHING STANDARDS AND CONDITIONS OF DEVELOPMENT WITHIN THE DISTRICT; PROVIDING FOR APPROVAL OF SITE PLAN, PROVIDING FOR SEVERABILITY, CONFLICTS, AND IMMEDIATE EFFECT.

WHEREAS, a request for a change in zoning classification was duly filed with the City of Cedar Hill, Texas, concerning the herein described property and was assigned case number 2010-24, and

WHEREAS, the proposed "PD" District is accompanied by a Concept Plan that depicts a Multi-Family development subject to the MF-Multi-Family District regulations with modifications and additional standards; and

WHEREAS, due notice of hearing was made in the time and manner prescribed by law on November 19, 2010, and

WHEREAS, the Planning and Zoning Commission of the City of Cedar Hill, Texas, duly convened and conducted a public hearing December 7, 2010, for the purpose of assessing a zoning classification change on the herein described property and rendered a recommendation; 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 on January 11, 2011, with proper notices posted; and

WHEREAS, on January 11, 2011, after conducting a public hearing on the matter, the City Council postponed action on this request until their next regular meeting, in order to allow the applicants time to meet with the City to work out certain issues related to this project; and

WHEREAS, on January 25, 2011, the City Council again postponed action on this request until their next regular meeting; and

WHEREAS, on February 8, 2011, the City Council reconvened to consider this zoning amendment; and

WHEREAS, the City Council finds the nature of this development is an appropriate and potentially superior use of land, taking into consideration the location of the existing city center and major roadways; and

WHEREAS, the proposed zoning amendment is consistent with the general long-range plans for this area as referenced in the 2008 City of Cedar Hill Comprehensive Plan;

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

SECTION 1. PROPERTY DESCRIPTION - This ordinance pertains only to approximately 13.44-acres of land out of Abstract 1472, Dallas County, generally located north and west of Uptown Boulevard and Pioneer Trail. Said land being more particularly described by the boundary descriptions and sketches attached hereto as **Exhibit "A"**, and incorporated herein by reference.

SECTION 2. CHANGE IN ZONING CLASSIFICATION - The zoning classification on the hereinabove described property is hereby changed from LR – Local Retail to PD 11-430 (Planned Development for Multi-Family Residential) use subject to the Development Standards, Concept Plan and the safeguards and conditions specified herein. The Zoning District map shall be changed to reflect this zoning classification.

SECTION 3. PURPOSE AND INTENT - The purpose and intent of this Planned Development District is to provide for development of attached multi-residential units and the option to convert the first floor apartment units along Pioneer trail Road to office and/or retail uses.

SECTION 4. AUTHORIZED LAND USES -Uses authorized in section 3.10 MF-Multiple-Family Residential District, of the Zoning Ordinance, as amended, are authorized within this "PD 11-430", additionally, the first floor apartment units along Pioneer Trail Road may be converted from residential use to office and/or retail uses provided a Certificate of Occupancy has first been issued.

SECTION 5. MAXIMUM DENSITY - The maximum dwelling unit density within this Planned Development District shall not exceed twenty eight (28) dwelling units per acre or 355 multifamily units.

SECTION 6. DEVELOPMENT STANDARDS - Except as otherwise expressly provided in the Development Standards set forth in **Exhibit "B"**, which is attached hereto and incorporated herein by reference, development of the subject property shall comply with the standards contained in Article 5 and Section 3.10 (MF-Multiple Family Residential District) of the Zoning Ordinance, Ordinance 2001-64, of the Cedar Hill City Code, as amended.

SECTION 7. CONCEPT PLAN - Development of the property shall be consistent with the Concept Plan, street cross sections, and building elevations attached hereto as "**Exhibit C**", and incorporated by reference herein as if fully set forth.

SECTION 8. OPEN SPACE – Open space shall be provided as specified in the Development Standards and the Concept Plan set forth herein. The Developer shall buy into and utilize the existing regional detention facility to accommodate storm water runoff from this site.

SECTION 9. AMENITIES – Amenities shall be provided as specified within this ordinance and set forth in the exhibits A, B and C. Additionally, the initial construction of the apartments shall include the amenities specified on the "Amenities List" attached hereto as "**Exhibit D**", and incorporated by reference herein as if fully set forth.

SECTION 10. SITE PLAN – A Site Plan shall be submitted in accordance with sections 2.6 and 3.19 of the Zoning Ordinance. Approval of the site plan shall lie with the City Council, upon receiving a recommendation of the Planning and Zoning Commission. Approval of the Site Plan may occur before or concurrently with the approval of a final plat of the property within the Planned Development; however, no construction shall commence until a PD Site Plan has been approved by the City Council. The site plan shall be consistent with the approved concept plan and the development standards set forth herein.

SECTION 11. DEVELOPMENT PLAN – The submission of an optional Development Plan is hereby waived.

SECTION 12. TRAFFIC IMPACT ANALYSIS – The submission of a Traffic Impact Analysis is hereby waived.

SECTION 13. SEVERABILITY – The terms and provision of this ordinance shall be deemed severable and if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

SECTION 14. CONFLICTS – This ordinance shall be cumulative of all provision of the ordinances and the Code of Ordinances for the City of Cedar Hill, Texas, as amended, except where the provision of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provision of such ordinances and Code hereby are superseded.

SECTION 15. EFFECTIVE DATE - The zoning classification of this "PD 11-430" Planned Development for Multi-Family Residential use 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 8th day of March, 2011.



Rob Franke, Mayor

ATTEST:



Lyn Hill
Lyn Hill, City Secretary

APPROVED AS TO FORM:



Ron MacFarlane, City Attorney

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Exhibit A (1 of 3)

LEGAL DESCRIPTION

BEING a parcel of land located in the City of Cedar Hill, Dallas County, Texas and being a part of the ELLIS C. THOMAS SURVEY, ABSTRACT NO. 1472, being a part of that 29.697 acre tract of land conveyed to D. Louis Sharp as recorded in Volume 726, Page 74, Deed Records Dallas County, Texas, being a part of that 57.7651 acre tract of land conveyed to Cedar Hill Town Square, L.P. as recorded in Volume 2001027, Page 1924, Deed Records Dallas County, Texas, and being further described as follows:

BEGINNING at a three-quarter inch iron pipe found for the northwest corner of said 29.697 acre tract of land, said point being the most easterly northeast corner of that 25.017 acre tract of land conveyed to Guy K. Driggs and Allen M Fain as recorded in Volume 67208, Page 2006. Deed Records Dallas County, Texas, and said point being in the south line of that 18.944 acre tract of land conveyed to the City of Cedar Hill, Texas as recorded in County Clerk's Document No. 20070012580, Deed Records Dallas County, Texas;

THENCE North 89 degrees 23 minutes 28 seconds East, 163.99 feet along the north line of said 29.697 acre tract of land to a one-half inch iron rod set for corner, said point being the southeast corner of said 18.944 acre tract of land and said point being in the southwesterly line of Lot 1R-A, Block A, Wal-mart Addition, an addition to the City of Cedar Hill as recorded in County Clerk's Document No. 20070349423, Deed Records Dallas County, Texas;

THENCE South 51 degrees 27 minutes 40 seconds East, 726.08 feet along the southwesterly line of said Lot 1R-A to a five-eights inch iron rod found for the north corner of Lot 5, Block A, Wal-mart Addition, an addition to the City of Cedar Hill as recorded in Volume 2002003, Page 72, Deed Records Dallas County, Texas;

THENCE South 38 degrees 32 minutes 20 seconds West, 261.94 feet to a five-eights inch iron rod found for the west corner of said Lot 5, Block A;

THENCE South 40 degrees 51 minutes 22 seconds East, 254.03 feet to a one-half inch iron rod set for corner, said point being the south corner of said Lot 5, Block A, and said point being in the northwesterly line of Uptown Boulevard (a variable width right-of-way);

THENCE along the northwest line of Uptown Boulevard as follows:

South 49 degrees 08 minutes 38 seconds West, 391.13 feet to a one-half inch iron rod set in the westerly line of said 29.697 acre tract of land, said point being in the northerly line of that 57.7651 acre tract of land conveyed to Cedar Hill Town Square, L.P. as recorded in Volume 2001027, Page 1924, Deed Records Dallas County, Texas;

South 49 degrees 46 minutes 25 seconds West, 117.83 feet to a one-half inch iron rod set for corner;

Southwesterly, 46.65 feet, along a curve to the right having a central angle of 01 degrees 51 minutes 04 seconds, a radius of 1444.00 feet, a tangent of 23.33 feet, and

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City of Cedar Hill

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Exhibit A (2 of 3)

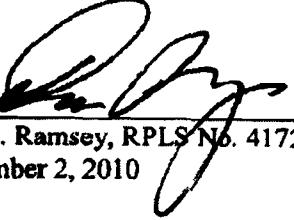
whose chord bears South 50 degrees 08 minutes 28 seconds West, 46.65 feet to a one-half inch iron rod set for corner;

North 81 degrees 58 minutes 08 seconds West, 34.43 feet to a one-half inch iron rod set in the northeasterly line of Pioneer Trail (a 70 foot right-of-way);

THENCE North 35 degrees 25 minutes 02 seconds West, 443.26 feet along the northeasterly line of Pioneer Trail to a one-half inch iron rod set in the west line of said 29.697 acre tract of land said point being in the east line of said 25.017 acre tract of land;

THENCE North 01 degrees 30 minutes 52 seconds West, 843.76 feet along the west line of said 29.697 acre tract of land and along the east line of said 25.017 acre tract of land to the POINT OF BEGINNING and containing 585,761 square feet or 13.447 acres of land.

BASIS OF BEARING is derived from a baseline GPS observation between the City of Cedar Hill's GPS monuments number 1004 and 1006.


Dan B. Ramsey, RPLS No. 4172
November 2, 2010



Ordinance No. 2011-430
Exhibit A (3 of 3)

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Exhibit B

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In accordance with Section 3.10 MF - Multiple-Family Residential District of the Zoning Ordinance except as amended below:

3.10.1 Purpose:

No amendment

3.10.2 Authorized Uses:

A. No amendment

3.10.3 District Development Standards:

A. Lot Dimension Requirements

Maximum Density	- 28 dwelling units per acre.
Minimum Lot Area	- 1,600 square feet per dwelling unit
Minimum Lot Width	- No amendment
Minimum Lot Depth	- No amendment

B. Yard Requirements

Minimum Front Yard	- Maximum 20 feet build-to-line from property line or utility easement (all areas adjacent to public streets shall be deemed as front yards)
Minimum Side Yard	- 10 feet
Minimum Rear Yard	- 10 feet or 150 feet when building is in excess of one story and adjacent to single-family zoning district

Minimum Building Separation - 20 feet apart at the closest point

C. Structure Standards

Maximum Lot Coverage	- No amendment
Maximum Height	- 4 Stories
Minimum Living Area	- 650 square feet for one bedroom, with an addition of 150 square feet for each additional bedroom
Minimum Exterior Masonry	- 100% masonry on each wall elevation facing public street and interior private streets - 80% masonry on each not street facing wall elevation
Maximum Building Length	- 200 feet
Living Unit Mix	- No amendment

D. Minimum Off-Street Parking

- 1.7 spaces per unit on site. Parking is permitted to include tandem spaces and parallel spaces on private drives.

E. Minimum Landscape Requirements

- No amendment

F. Screening Requirements

- Minimum Wood Fence along non street property lines at property owners option

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Exhibit B

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G. Supplemental Requirements

- No amendment

H. Site Plan Requirements

- Final approval by City Council after P&Z recommendation and public hearing

I. Special Requirements

1. Open Space

- Each lot or parcel of land, which is used for multiple-family residences, shall provide on the same lot or parcel of land, open space (as defined below) in accordance with the following requirements: (a) 20% of the gross lot area; (b) through (f) – no amendments.

In accordance with Section 3.14 UT - Uptown Overlay District of the Zoning Ordinance except as amended below:

3.14.6 District Development Standards for Residential Uses:

1. Exterior Building Material Requirements

- i) Each front building facade shall have a minimum of 80% masonry materials. The remaining 20% shall be cementitious siding or panels such as Hardiplank or Hardiplaner or equal.
- ii) Masonry materials may include brick, stone, cast stone, rock or stucco.
- iii) No amendment.

2. Architectural Features

- i) No amendment.
- ii) Each first level individual residential unit shall include a usable patio or balcony as a component of the main front facade.
- iii) The use of gable windows, turrets, or bay windows is not required.
- iv) Multi-pane windows are allowed but not required.
- v) Transom windows are allowed but not required.
- vi) Fireplaces are allowed but not required.
- vii) A minimum of 10% of the required parking shall be provided in enclosed garages and a maximum of 20% of the required parking shall be provided in tandem spaces. A tandem space is defined as a parking space between a covered or enclosed parking space and a private drive.
- viii) No amendment.

3. Roofs

- i) Roofline variations are encouraged to reduce the scale of buildings, and to create additional interest. The roofs of residential buildings shall include:
 - Sloping roofs shall have an average slope of at least 4 in 12.
 - Sloped roofs shall be finished with 25-year or better composite shingle or standing seam metal.

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Exhibit B

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4. Landscaping

No amendment.

5. Street and parking area fixtures

Street and pedestrian level lighting fixtures, signage, and street furnishings that are compatible with the Midtown District as described in the City Center Vision Plan shall be used. Fixture cut sheets shall be submitted for city approval.

3.14.7 Signs

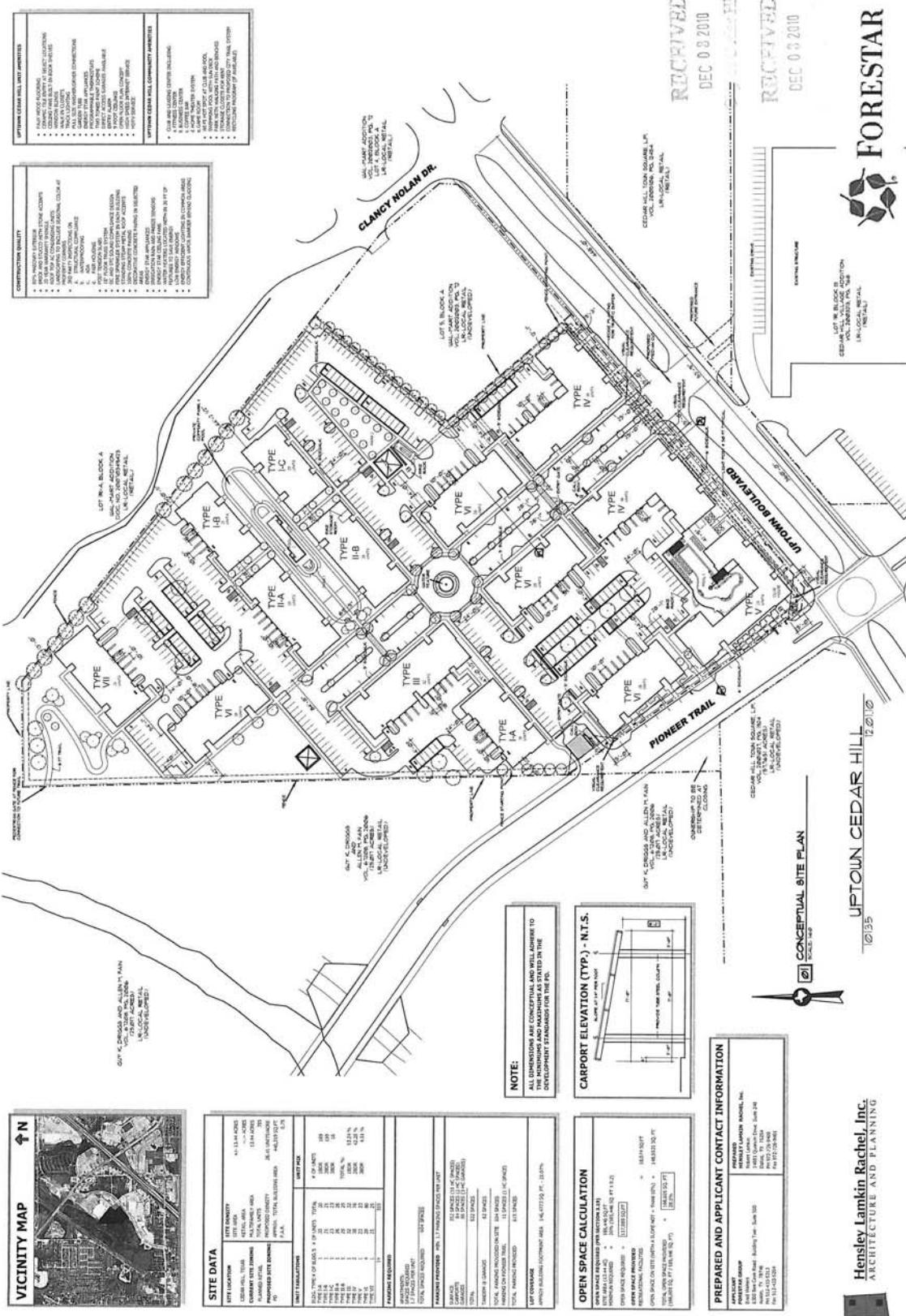
- No amendment.

3.14.8 Flood Plain

- No amendment.

3.14.9 Utilities

- No amendment.



VICINITY MAP



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SITE DATA

SITE LOCATION	SITE DENSITY
CEDAR HILL, TEXAS	SITE AREA +/- 13.44 ACRES
CURRENT SITE ZONING	RETAIL AREA -- ACRES
PLANNED RETAIL	MULTIFAMILY AREA 13.44 ACRES
	TOTAL UNITS 355
PROPOSED SITE ZONING	PROPOSED DENSITY 26.41 UNITS/ACRE
PD	APPROX. TOTAL BUILDING AREA 440,319 SQ.FT
	F.A.R. 0.75

UNIT TABULATIONS			UNIT MIX		
BLDG. TYPE#	OF BLDG.'S	# OF UNITS	# OF UNITS		
TYPE I-A	1	20	20	1BDR	189
TYPE I-B	1	21	21	2BDR	150
TYPE I-C	1	23	23	3BDR	16
TYPE II-A	1	26	26		
TYPE II-B	1	29	29		
TYPE III	1	32	32	1BDR	53.24 %
TYPE IV	2	38	76	2BDR	42.25 %
TYPE V	1	23	23	3BDR	4.51 %
TYPE VI	4	20	80		
TYPE VII	1	25	25		

PARKING REQUIRED

APARTMENTS:
SPACES REQUIRED
1.7 SPACES PER UNIT

TOTAL SPACES REQUIRED 604 SPACES

PARKING PROVIDED MIN. 1.7 PARKING SPACES PER UNIT

SURFACE	352 SPACES (16 HC SPACES)
CARPORTS	84 SPACES (2 HC SPACES)
GARAGES	86 SPACES (3 HC GARAGES)

TOTAL	522 SPACES
TANDEM @ GARAGES	82 SPACES

TOTAL PARKING PROVIDED ON SITE	604 SPACES
PARKING ON PIONEER TRAIL	11 SPACES (1 HC SPACE)

TOTAL PARKING PROVIDED 615 SPACES

LOT COVERAGE

APPROX BUILDING FOOTPRINT AREA 146,4773 SQ. FT. - 25.07%

OPEN SPACE CALCULATION

OPEN SPACE REQUIRED (PER SECTION 3.19)

SITE AREA (13.44 AC)	=	585,446 SQ.FT
MINIMUM REQUIRED	=	20% (585,446 SQ. FT X 0.2)

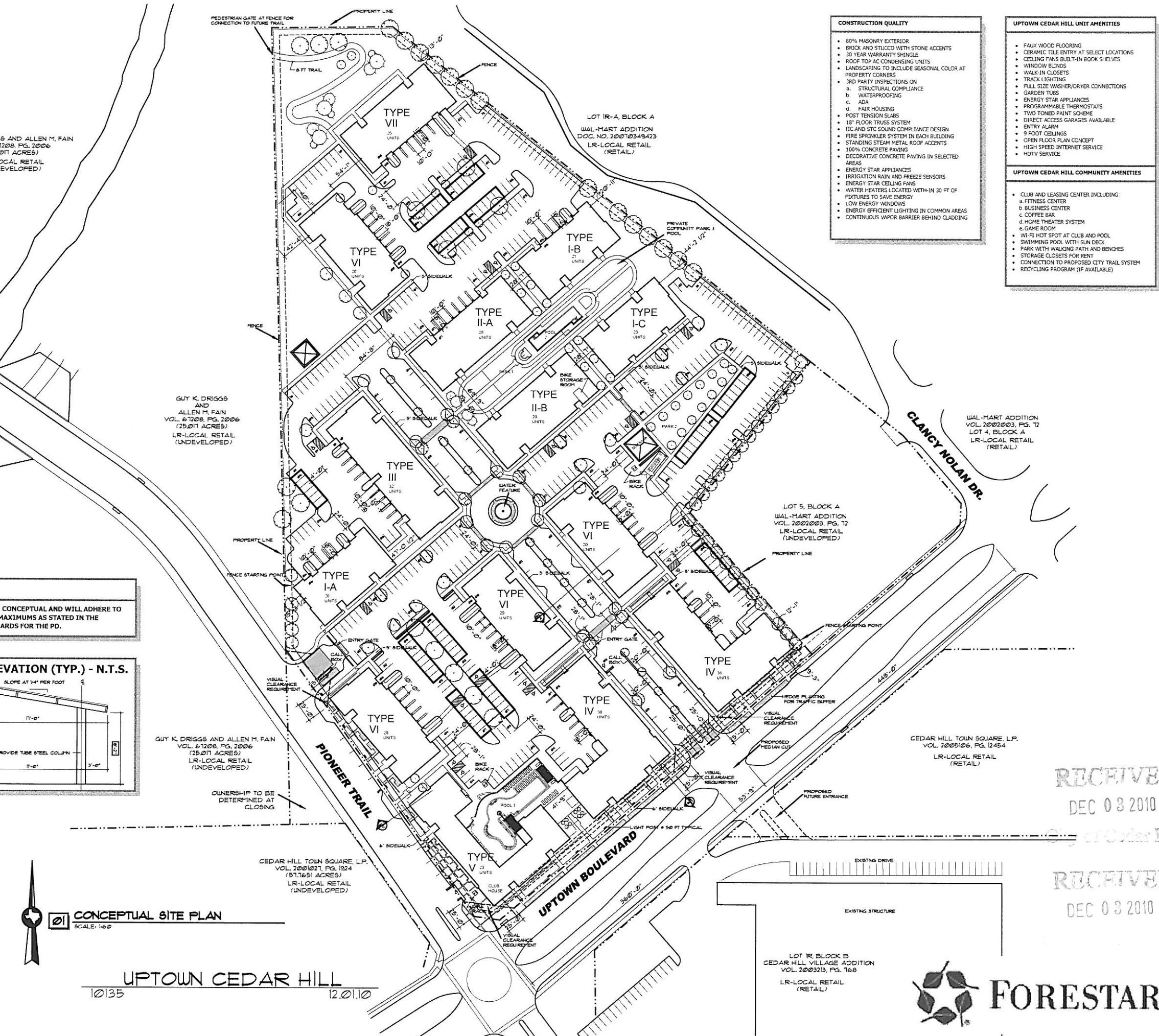
OPEN SPACE REQUIRED = 117,089 SQ.FT

OPEN SPACE PROVIDED
RECREATIONAL FACILITIES = 18,074

OPEN SPACE ON SITE (WITH A SLOPE NOT > THAN 10%) = 148,550

PREPARED AND APPLICANT CONTACT INFORMATION

APPLICANT
FORESTAR GROUP
Brad Walters
6300 Bee Cave Road - Building Two - Suite 500
Austin, TX 78746
PH 512-333-5313
Fax 512-333-5200



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 **Hensley Lamkin Rachel, Inc.**
ARCHITECTURE AND PLANNING

FORESTAR



STREET ELEVATION AT UPTOWN BOULEVARD



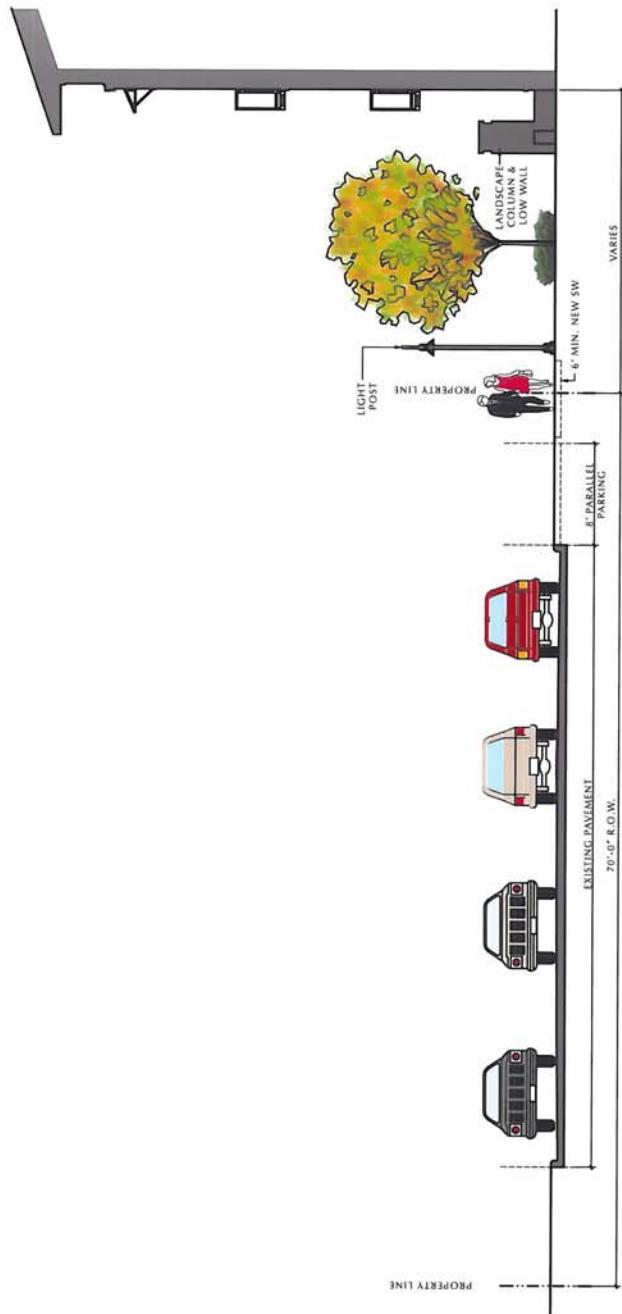
STREET ELEVATION AT PIONEER TRAIL



Hensley Lamkin Rachel, Inc.
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UPTOWN CEDAR HILL - CONCEPT STREET ELEVATIONS





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(C) PIONEER TRAIL
UPTOWN CEDAR HILL

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EXHIBIT D (1 of 2)
Amenities List

Below we describe in more detail the Uptown Cedar Hill concept and how it meets the detailed development standards of the Uptown Overlay District as listed in Section 3.14 of the Cedar Hill Zoning Ordinance and the March 2010 Vision Plan.

Uptown Cedar Hill Unit Amenities

- Vinyl Wood Plank Flooring
- Ceiling Fans
- Built-in Book Shelves (in select units)
- 2" Window Blinds
- Walk in Closets
- Track Lighting
- Garbage Disposal
- Refrigerator with Ice Maker
- Full Size Washer/Dryer Connections
- 42" Upper Cabinets
- Garden Tubs
- Black "Energy Star" Appliances
- Programmable Thermostats
- Two Toned Paint Scheme
- 8" Deep Kitchen Sink
- Double Vanity Master Bath
- Direct Access Garage Available
- Entry Alarm (monitoring extra)
- 9' Ceilings
- Open Floor Plan Concept
- High Speed Internet Service
- HDTV Service

Uptown Cedar Hill Community Amenities

- 6,000 +/- Square Foot Club and Leasing Center items such as:
 - Fitness Center (treadmills, elliptical trainers, and circuit training equipment)
 - Business Center (3-4 Dell computer systems, printer, scanner, fax)
 - Coffee Bar (Free Coffee machine and snacks)
 - Home Theater System (theater-style chairs, large screen, surround sound entertainment system)
 - Game Room (billiards table, shuffle board, and other as design permits)
- Wi-Fi Hot Spot at Club, Pool, and Park
- Swimming Pool with Sun Deck
- Park with Walking Path and Benches
- Storage Closets for Rent
- Connection to Planned City Trail System
- Recycling Program (if applicable in area)
- Trash Pick-up Service
- Courtesy Officer(s)
- Walking Distance to Shops, Restaurants, and Entertainment
- Walking Distance to Future Transit Station

Construction Quality

- 80% Minimum Masonry Exterior (not including covered patios)
 - Brick and Stucco with Stone Accents
- 30 Year Warranty Shingle
- Roof top AC Condensing Units
- Extensive Landscaping Including Seasonal Color at Property Corners
- 3rd Party Inspections on:
 - Structural Compliance
 - Waterproofing
 - ADA
 - Fair Housing
- Post Tension Slabs
- 18" Floor Truss System
- IIC and STC Sound Compliance Design
- Fire Sprinkler System in Each Building
- Standing Seam Metal Roofing Accents
- 100% Concrete Paving
- Decorative Concrete Paving at Entries and Select Locations as Shown on Plan
- "Energy Star" Appliances
- Irrigation Rain and Freeze Sensors
- Energy Star Ceiling Fans
- Water Heaters Located with-in 30' of Fixtures to Save Energy
- Low Energy Windows
- Energy Efficient Lighting in Common Areas
- Continuous Vapor Barrier Behind Cladding