

Ordinance No. 2004-197

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, ORDINANCE NO. 2001-64, AS AMENDED, BY AMENDING THE ZONING MAP BY CHANGING THE DISTRICT CLASSIFICATION OF CERTAIN PROPERTY OUT OF ABSTRACT 1226 FROM PD-PLANNED DEVELOPMENT #2003-139 TO PD-PLANNED DEVELOPMENT DISTRICT; INCORPORATING A CONCEPT PLAN FOR DEVELOPMENT; ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT IN THE PLANNED DEVELOPMENT DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a request for a change in zoning classification from Planned Development Ordinance PD# 2003-139 to a PD - Planned Development District for attached and detached retirement housing for the elderly was duly filed with the City of Cedar Hill, Texas, concerning the property described in Section 1, and was assigned Case No. 03-106 PD-ZC; and

WHEREAS, the proposed PD District is the same as the Planned Development district # 2003-139 except the requirement for a development plan has been eliminated and is accompanied by a Concept Plan that depicts attached and detached retirement housing for the elderly at a gross density of 5.3- units per acre contained on one lot; and

WHEREAS, residential development within the proposed PD District would be subject to the rules and regulations applicable in a MF-Multiple-Family Residential District, except as modified herein; and

WHEREAS, the proposed PD District contains open space and amenities that will substantially benefit those future residents; and

WHEREAS, the proposed PD District is in conformance with the City's adopted Comprehensive Plan, as amended; and

WHEREAS, due notice of hearing was made in the time and manner prescribed by law; and

WHEREAS, 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 on February 2, 2004, and delivered its report and recommendation of approval to the City Council; 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, on February 9, 2004;

WHEREAS, the City Council hereby finds that it is in the best interest of the City of Cedar Hill, taking into consideration the public health, safety, and welfare, to approve the proposed rezoning to a PD Planned Development District;

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

SECTION 1. PROPERTY DESCRIPTION. This ordinance applies solely to approximately 15.59 acres of land out of Abstract 1226, Dallas County, generally located north and west of the intersection of Pleasant Run and Old Clark Roads, as more particularly described in "**Exhibit A**," which is attached hereto and incorporated by reference herein as if fully set forth.

SECTION 2. CHANGE IN ZONING DISTRICT CLASSIFICATION. The zoning district classification for the property described in Section 1 hereby is changed from Planned Development District PD #2003-139 for attached and detached retirement housing for the elderly to PD-Planned Development District for attached and detached retirement housing for the elderly use on one lot and is the same as PD Ordinance # 2003-139 except not containing a required development plan. The official zoning map for the City shall be changed to reflect this change in zoning district classification.

SECTION 3. PURPOSE AND INTENT. The purpose and intent of this Planned Development District is to provide for development of attached and detached retirement housing for the elderly, defined herein as persons 60 years of age or over only, under standards generally applicable within the MF-Multi-Family Residential District as herein modified, and in accordance with the attached Concept Plan.

SECTION 4. CONCEPT PLAN. Development of this property shall be consistent with the Concept Plan, attached hereto as "**Exhibit C**" and incorporated by reference herein as if fully set forth. The location of authorized land uses as depicted on the Concept Plan.

SECTION 5. AUTHORIZED LAND USES. Attached and detached retirement housing for the elderly and accessory uses authorized in the MF- Multi-Family Residential District, section 3.10 of Ord. No. 2000-64 as herein modified, is authorized within the PD District.

SECTION 6. MAXIMUM DENSITY. The maximum dwelling unit density within the PD-Planned Development District shall not exceed 5.3-dwelling units per gross acre.

SECTION 7. DEVELOPMENT STANDARDS - Development within the PD District shall conform to the standards of the MF-Multi-Family Residential District, Section 3.10 of the Zoning Ordinance, and to the standards contained in Article 5 of the Zoning Ordinance, except as otherwise expressly provided in this ordinance. In addition, the standards and conditions contained in "**Exhibit D**," containing which is attached hereto and incorporated by reference herein as if fully set forth, shall apply to development within the PD District.

SECTION 8. TRAFFIC IMPACT ANALYSIS. The requirement of Traffic Impact Analysis within the PD District hereby is waived.

SECTION 9. OPEN SPACE. A minimum of 35% open space will be provided within the PD District and as shown in the Concept Plan and as shown in “**Exhibit B**”.

SECTION 10. SITE PLAN. Site plans shall be approved in accordance with the standards in Section 3.19 of the Zoning Ordinance.

SECTION 11. SEVERABILITY. The terms and provisions of this ordinance shall be deemed to be severable and if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

SECTION 12. CONFLICTS. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Cedar Hill, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and Code hereby are superseded.

SECTION 13. EFFECTIVE DATE - The zoning classification on this real property shall 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 24th day of February, 2004.

Rob Franke, Mayor
City of Cedar Hill, Texas

ATTEST:

Franklin Lee

Frankie Lee, City Secretary

Exhibit A
Ordinance 2004 – 139
Cresthill Planned Development
Case Number 2003-106
Boundary Description and Concept/Site Plan

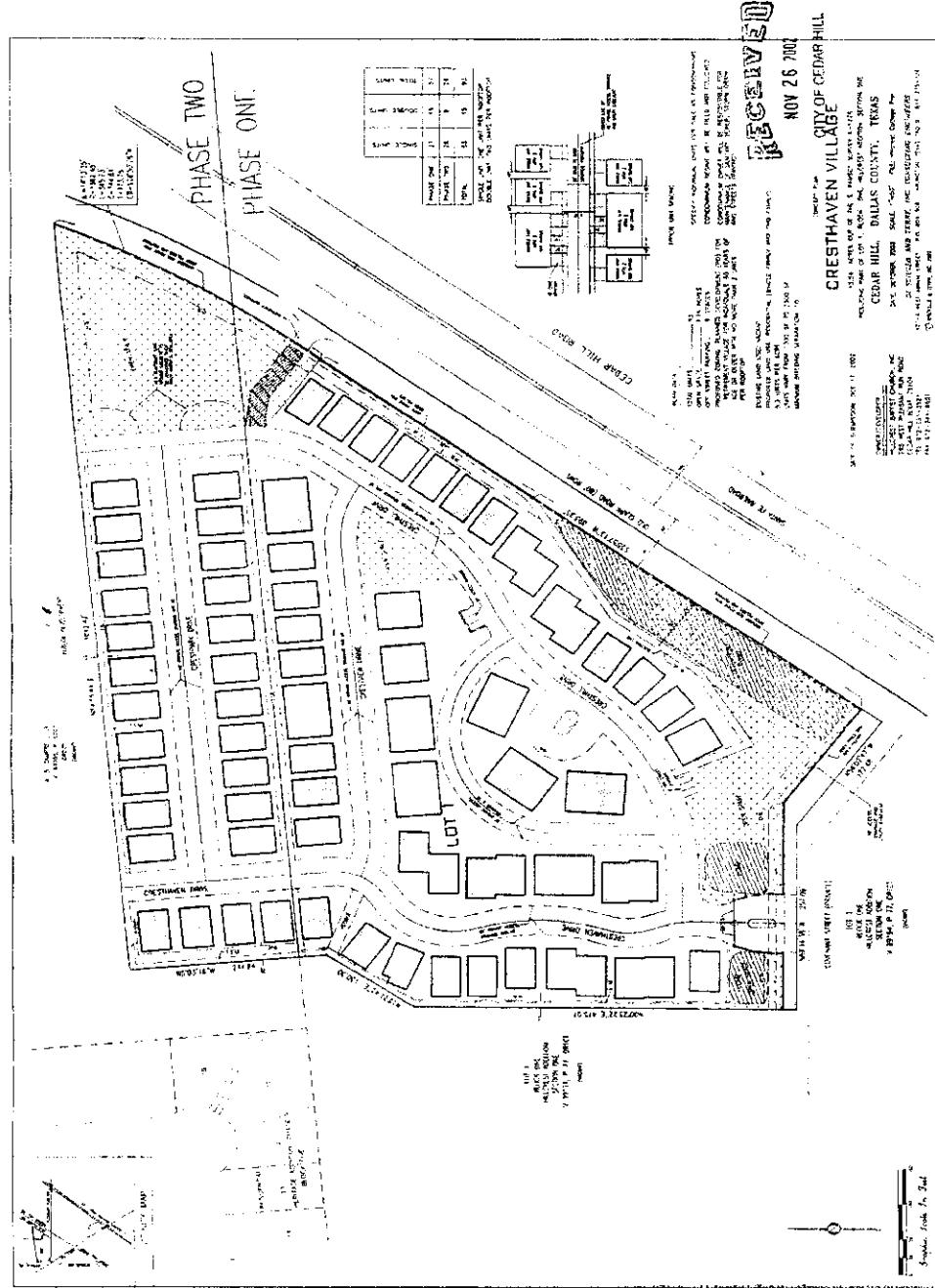


Exhibit C
Ordinance 2004 – 139
Cresthill Planned Development
Case Number 2002-61
Concept Plan Informational Statement

**PLANNED DEVELOPMENT CONCEPT PLAN
INFORMATIONAL STATEMENT**

The proposed development will be a Gated Community with both Single and Double One-Story units ranging from 1,300 square feet to 2,600 square feet in living area, complete with two (2) car garages. (Single being one unit per rooftop, double being two units per rooftop.)

The area will be designed with the needs and requirements of seniors in the 60 plus age group as its criteria. The area will have close proximity to existing retirement facilities, whose services, food, meeting rooms, hobbies, etc., could be utilized on an as needed basis and is encouraged by the retirement facility management.

The entire development will be enclosed within a beautiful security fence with gated entry with a small lake on each side of entry.

The lighting will adequately exceed the required minimum for streets, walking paths, open green areas, off-street visitor parking and entries. There will be a minimum of interior fencing to emphasize the open area concept.

All structures will be 80% brick veneer. Phase I will include approximately fifteen (15) double and twenty-seven (27) single units. Phase II will include approximately 26 single units on private streets. There shall be a total of 53 single units and a total of 15 double units. There will be approximately 5.3 units per acre.

The streets, water, sanitary sewer and storm drains will all comply with Cedar Hill City Standards.

The development will be under the control of a Homeowner's Association that will take care of insurance, lawn care, repair of streets, security, and outside home maintenance. There will be a sprinkler system for landscaping. Landscaping in street yard will comply with M.F. District. All homeowners will be required to be a member of the Homeowner's Association and pay dues according to the square footage of their home. This is estimated to be in the range of \$0.07 to \$0.10 per square foot per month at the present time.

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Exhibit D
Ordinance 2004 – 197
Cresthill Planned Development
Case Number 2003-106
Development Standards

All the standards, definitions, and requirements of the MF - Multi-Family District, as here and after may be amended, and related to Retirement Housing for the Elderly limited to persons 60 and older, shall apply for this Planned Development except for only the following:

Lot Dimension Requirements

Maximum Density	-5.3 Dwelling Units per Acre
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Yard Requirements

Minimum Front Yard	-20-feet
Minimum Side Yard	-10-feet
Minimum Rear Yard	-10-feet
Minimum Building Separation	-10-feet

Structure Standards

Maximum Height	- One Story
Minimum Exterior Masonry	-80% of Unit
Living Unit Mix	-no restrictions on number of bedrooms per unit
Other Requirements	-Requirement to build single-family detached uses to SF-7 development standards is not applicable

Open Space Minimum

-35% - No other open space requirements of the MF district will be applicable
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Exhibit B
Ordinance 2004-197
Cresthill Planned Development
Case Number 2003-106
Landscape Site Plan

