

ORDINANCE NO. 2022-749

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE ZONING ORDINANCE, ORDINANCE NO. 2001-64, AS AMENDED; BY AMENDING THE ZONING MAP DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED BETWEEN SOUTH JOE WILSON ROAD AND WATERFORD OAKS DRIVE, SOUTH OF EAST BELT LINE ROAD, LEGALLY DESCRIBED AS TRACTS 2.5, 2.8 AND 2.9 OF THE DAVID MERRILL SURVEY, ABSTRACT NO. 877, FROM THE “LR” (LOCAL RETAIL) DISTRICT TO THE “PD” (PLANNED DEVELOPMENT) DISTRICT; INCORPORATING A CONCEPT PLAN ESTABLISHING SPECIFIC STANDARDS; ADOPTING DEVELOPMENT STANDARDS; ACCEPTING A CONSENT AGREEMENT FROM THE OWNER; PROVIDING FOR CONFLICTS, A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION.

WHEREAS, the owner of the Property, as defined in Section 1 below, duly filed a request with the City of Cedar Hill, Texas (the “City”), for a change in zoning classification from the “LR” (Local Retail) District to the “PD” (Planned Development) District, and was assigned case no. PD-388-2021; and

WHEREAS, on July 24, 2001, City Council of the City of Cedar Hill (the “City Council”) adopted Ordinance No. 2001-71, amending ordinance No. 2001-64, being Chapter 23, entitled “Zoning Ordinance” of the Code of Ordinances of the City of Cedar Hill, Texas (the “City’s Zoning Ordinance”) to incorporate building materials standards that are differentially applicable to residential and non-residential structures; and

WHEREAS, such standards substantially further the preservation of property values and the promotion of economic development within the City; and

WHEREAS, such standards also establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

WHEREAS, the City’s Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

WHEREAS, the City's policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City's character and zoning regulations in all planned development districts; and

WHEREAS, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

WHEREAS, the owner and/or developer who applied for and requested the planned development district established by this Ordinance stated in the application that the development of the Property warrants the architectural and building material standards contained in this Ordinance; and

WHEREAS, the owner and/or developer of the Property has consented in writing to the enforcement of the design and building materials standards within the planned development district.

WHEREAS, the zoning classification of the Property and the surrounding area are shown on **Exhibit "A"**, attached hereto and incorporated as if fully set forth herein; and

WHEREAS, the proposed "PD" (Planned Development) District is accompanied by a Concept Plan that depicts the proposed development, which is shown on **Exhibit "C"**; and

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

WHEREAS, the City of Cedar Hill caused notice of the required public hearings regarding the zoning change to this Ordinance to be published in the Focus Daily News on November 21, 2021, and mailed notice to property owners within 200 feet of the Property; and

WHEREAS, the City's Planning and Zoning Commission held a public hearing and accepted comments regarding the zoning change of this Ordinance on December 7, 2021; and

WHEREAS, following its public hearing, the Planning and Zoning Commission forwarded its report and recommendation regarding this zoning change to the City Council; and

WHEREAS, the City Council, after conducting a public hearing on December 14, 2021, found the proposed amendment to be in the best interests of the City of Cedar Hill.

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

SECTION 1 – PROPERTY DESCRIPTION. Approximately 14.232 acres legally described as Tracts 2.5, 2.8, and 2.9 of the David Merrill Survey Abstract No. 877 and being more particularly described in **Exhibit “B”**, attached hereto and incorporated as if fully set forth herein (the “Property”).

SECTION 2 – CHANGE IN ZONING DISTRICT CLASSIFICATION APPROVED.

The zoning district classification on the Property is hereby changed from “LR” (Local Retail) District to “PD” (Planned Development) District.

SECTION 3 – APPLICABILITY OF STANDARDS. The Property shall be subject to the regulations set forth in this Ordinance plus all applicable City Ordinances and regulations including, but not limited to, the City’s Zoning Ordinance, as the above may subsequently be amended.

SECTION 4 – PURPOSE AND INTENT. The purpose and intent of this Planned Development District is to provide for attached single-family residential dwellings in accordance with: (a) the development standards as herein provided; and (b) Concept Plan – **Exhibit “C”**; Landscape Concept Plan – **Exhibit “D”**; Open Space Concept Plan – **Exhibit “E”**; Screening Concept Plan – **Exhibit “F”**; Conceptual Building Elevations Rendering – **Exhibit “G”**; Alternating Color Palettes Concept Plan – **Exhibit “H”**; and Concept Garage Door Designs – **Exhibit “I”**. The City Council hereby directs the Planning Director to cause the Consent Form attached as **Exhibit “J”** to be filed in the land records of the County of Dallas.

SECTION 5 – CONCEPT PLAN. Development of the Property shall be consistent with the Concept Plan – **Exhibit “C”**; Landscape Concept Plan – **Exhibit “D”**; Open Space Concept Plan – **Exhibit “E”**; Screening Concept Plan – **Exhibit “F”**; Conceptual Building Elevations Rendering – **Exhibit “G”**; Alternating Color Palettes Concept Plan – **Exhibit “H”**; and Concept Garage Door Designs – **Exhibit “I”**.

SECTION 6 – DEVELOPMENT PLAN. Due to the limited number of uses and the absence of construction phases, a development plan required by Section 3.19.7 of the City’s Zoning Ordinance shall not be required.

SECTION 7 – SITE PLAN. A site plan shall be required to be submitted and approved prior to any construction or development within the PD District in accordance with the standards in Section 3.19.3.C and Section 3.19.8 of the City’s Zoning Ordinance.

SECTION 8 – TRAFFIC IMPACT ANALYSIS. A Traffic Impact Analysis (TIA) shall be required with the site plan submission. In lieu of a TIA, all recommended on-site, and off-site improvements shall be installed as required by the Public Works Department to mitigate traffic impacts from development of this site.

SECTION 9 – AUTHORIZED LAND USES. The only land uses that shall be permitted on the Property to be “single-family attached dwellings” and “open space”.

SECTION 10 – DEFINITIONS. The definitions in Section 5.8 of the City’s Zoning Ordinance shall be applicable to the Property in this Planned Development District with the exception of those terms defined in this Section.

- A. *Single-Family Attached Dwelling* – one dwelling unit connected to at least 1 (one) other dwelling unit by a shared, vertical wall that provides living space for one family.
- B. *Building Grouping* – a building containing a minimum of 2 (two) single-family attached dwelling units.
- C. *Building Grouping Elevation* – the exterior wall of a building grouping including the building materials, siding details, design features and material colors.

SECTION 11 – DEVELOPMENT STANDARDS. Development shall conform to the standards of the “TH” – Single-Family Attached Residential District of the City’s Zoning Ordinance, except as otherwise expressly provided in this Ordinance.

A. *Lot Dimension Requirements*

- 1. Maximum Number of Dwelling Units – 126
- 2. Minimum Lot Area – 2,210 square feet
- 3. Minimum Lot Width – 25 feet
- 4. Minimum Lot Depth – 85 feet

B. *Yard Requirements*

- 1. Minimum Front Yard – 18 feet
- 2. Minimum Side Yard – 0 feet
- 3. Minimum Rear Yard – 8 feet
- 4. Minimum Building Separation – 10 feet except as provided in the Concept Plans.

C. *Structure Standards*

- 1. Maximum Building Length: A structure shall have a maximum of six (6) attached units. A maximum of 2 structures may have two (2) attached units.
- 2. Maximum Height – 35 feet
- 3. Minimum Living Area – 1,500 square feet

D. Minimum Off-street Parking

1. Minimum number of parking spaces – 2.4 per dwelling unit
2. Minimum number of enclosed parking spaces – Two (2) attached, enclosed parking spaces per dwelling unit.

E. Construction and Design Standards – The following minimum design and construction standards shall apply within the Property in this Planned Development District, as volunteered by the applicant and as reflected in the consent form attached as **Exhibit “J”**. At minimum, the development shall incorporate the following:

1. The building materials shall be limited to the following types:
 - a. Primary Building Materials: Brick material, glass walls, and stone material as defined in the City’s Zoning Ordinance.
 - b. Secondary Building Material:
 - i. Acrylic matrix or synthetic plaster finish and stucco, as defined in the City’s Zoning Ordinance, above the bottom eight (8) feet of the structure.
 - ii. James Hardie® Fiber Cement Siding or a similar quality as approved by the Building Official.
2. Building Elevations Variety – In order to avoid monotonous block patterns, this district shall incorporate the following elements. Also, refer to **Exhibit “H”** for illustration.
 - a. Alternating Elevations
 - i. A minimum of thirty (30) percent of each building grouping elevation shall be finished with at least one (1) primary building material.
 - ii. A minimum of three (3) primary or secondary building materials, excluding windows and doors, shall be utilized on each building grouping elevation that contains the front-entry garages. Distinctive types of brick, stone or fiber cementitious building materials may be utilized to meet this requirement.
 - iii. A minimum of two (2) primary or secondary building materials, excluding windows and doors, shall be utilized on each side and rear building grouping elevation. Distinctive types of brick, stone or fiber cementitious building materials may be utilized to meet this requirement
 - iv. The same front building grouping elevation, as defined, shall not be used within any adjacent 4 or less building groupings or directly across the street from the subject building.

- v. The same color palette of building materials shall not be used on an adjacent building grouping or on a building grouping directly across the street from the subject building as seen in **Exhibit “H”**.
 - a. Each color palette shall be collectively distinct in nature from one another.
 - b. Each proposed color palette shall be submitted at the time of PD Site Plan submission.
- vi. All building groupings shall contain staggered articulation between units.
- vii. Each building grouping will have at least one unit containing a gable or hip roof element.

b. Building Mass and Form

- i. The front building groupings elevation shall incorporate at least three of the following design features to provide visual relief: dormers; louvers; shutters; enhanced roof line with gables; gable brackets; cupolas; and bay windows with a minimum 24-inch projection. Additional design features may be approved by the Planning Director or Building Official at the time of building permit.
- ii. Garages shall be ornamental in design and consistent with doors as seen in **Exhibit “I”**.
 - a. All garage doors shall be a minimum of 20 feet from the sidewalk.
- iii. All building elevations shall be submitted at the time of PD Site Plan submission.

F. *Landscaping Requirements –*

- 1. A minimum of one (1), 3-inch caliper shade tree shall be provided on each lot that contains a dwelling unit.
- 2. Landscape Setback – A minimum 10-foot landscape setback along South Joe Wilson Road and South Waterford Oaks Drive is required with the following elements and consistent with **Exhibit “D”**:
 - a. One medium or large canopy tree every 30 feet, spaced on center.
 - b. A mixture of evergreen shrubs, deciduous shrubs and ornamental grass groupings along the length of the screening wall and fence located in these landscape setback areas.
- 3. No programmed parking space shall be located further than 50 feet from a permeable landscaped area or median. Each landscape area or median shall be the minimum size of a required parking space and shall have a minimum of one shade tree as shown in **Exhibit “D”**.

4. Screening of all programmed parking spaces shall consist of minimum three-(3) foot tall and a maximum of four- (4) foot tall evergreen shrubs forming a continuous hedge.
5. All landscaped HOA lots shall be irrigated with an automatic underground irrigation system, owned, and maintained by the Homeowner Association.

G. *Screening Requirements* – In order to provide adequate screening and privacy, this district shall incorporate the following elements. Also, refer to **Exhibit “F”** for illustration.

1. A 6-foot-tall masonry wall shall be constructed along the property lines that are adjacent to South Joe Wilson Road and Local Retail zoning.
2. A 6-foot-tall masonry wall or tubular steel fence shall be constructed along the property lines that are adjacent to South Waterford Oaks Road.
3. A minimum 6-foot-tall board-on-board cedar fence shall be installed by the home builder along the property line that adjoins the public alley to the south of the development.
4. All perimeter screening walls and fences shall be maintained by the HOA.
5. Consolidation and screening of utility apparatuses shall be required in locations where possible.
6. Security screening in the form of a wrought iron fence and/or landscaping may be required around the detention pond dependent upon the slope.

H. *Streets*

1. All streets shall be public.
2. All residential streets shall have a minimum width of 27 feet.
3. Parking shall be prohibited on the street. No parking signs shall be erected along the streets with specific locations to be approved by the Public Works Department.

I. *Sidewalks*

1. Sidewalks shall generally be constructed in locations shown in the Concept Plan documents. If sidewalks are constructed at the edge of pavement, the minimum width shall be 5 (five) feet.
2. All sidewalks and trails adjacent to and within HOA open spaces shall be constructed by the developer at the time of construction for the streets and utilities to ensure connectivity within the neighborhood. Where there may be conflict with the construction of nearby structure(s), the construction of sidewalks may be deferred to prior to the issuance of a Certificate of Occupancy for the structure(s).

3. All sidewalks along the frontage of lots containing dwelling units shall be constructed prior to the issuance of a certificate of occupancy for the dwelling units.
4. Sidewalk connections shall be provided to connect the internal sidewalks to the existing sidewalk along South Joe Wilson Road and South Waterford Oaks Drive.

J. *Fencing*

1. All lots with rear yards that are adjacent to the masonry screen wall shall be of tubular steel fence.
2. All lots whose rear yards abut common open spaces shall be constructed of tubular steel fence.
3. There shall be no more than thirty (30) gates with direct access to adjoining alley along the southern property line.

K. *Open Space Requirements*

1. The development shall provide a minimum of 20 percent open space in accordance with the areas depicted on the Open Space Concept Plan – **Exhibit “E”**. Of this amount, at least a cumulative of 0.5 acres shall wholly encompass one or more of the following recreational facilities:
 - a. Swimming pools, tennis courts, racquetball courts, or similar facilities.
 - b. Decks, patios or lounge areas adjacent to or within ten (10) feet of swimming pools.
 - c. Children's play areas developed with play equipment.
 - d. Usable portions of recreational buildings.
 - e. Fenced dog parks.
2. The developer shall install landscaping consistent the Landscape Concept Plan – **“Exhibit D”**.
3. The developer shall install the amenities shown on the Open Space Concept Plan – **Exhibit “E”**.
4. All open space areas shall be owned and maintained by the Homeowners Association.
5. Detail drawings of all the open space areas and amenities shall be submitted with the infrastructure construction documents review submittal.

SECTION 12 – PROPERTY MAINTENANCE PLAN. A plan for the maintenance of the buildings, driveways, landscaping, and grounds on the Property shall be established and submitted with the site plan. The Property shall be maintained in accordance with the maintenance plan, which shall be subject to approval by the City.

SECTION 13 – HOMEOWNER ASSOCIATION. The dwelling units shall not be owned and managed by a sole entity for rent. The individual lots are to be sold to individual property owners whose intent is to occupy or to have them occupied by someone with a familial relationship with the property owner. All dwellings shall be required to incorporate into a Homeowners Association (HOA). Documents establishing the Homeowners Association and the Home-Homeowners Association By-Laws shall be submitted to the city for approval prior to the recordation of the final plat and be filed concurrently with the final plat.

SECTION 14 – 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 are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.

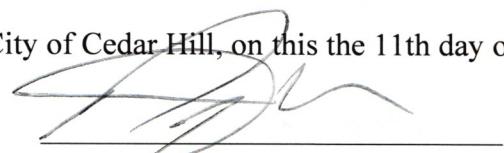
SECTION 15 – SEVERABILITY. The terms and provisions of this ordinance shall be deemed to be severable and if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Ordinance.

SECTION 16 – EFFECTIVE DATE. Because of the nature of the interests sought to be protected and of the safeguards sought to be provided by this Ordinance, and in the interest of the health, safety, and welfare of the citizens of Cedar Hill, Texas, this Ordinance shall take effect immediately after its passage, approval, and publication as required by law. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption hereof as an alternative method of publication provided by law.

SECTION 17 – PENALTY. Any person, firm, entity, or corporation who violates any provision of this Ordinance or the City's Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 18 – PUBLICATION. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED AND APPROVED by the City Council, the City of Cedar Hill, on this the 11th day of January 2022.



Stephen Mason, Mayor
City of Cedar Hill, Texas

ATTEST:

Katherine Cenicala
Belinda Berg Katherine Cenicala
Acting City Secretary

APPROVED AS TO FORM:

R.G. MacFarlane, Jr.
Ron G. MacFarlane, Jr.
City Attorney

City of Cedar Hill

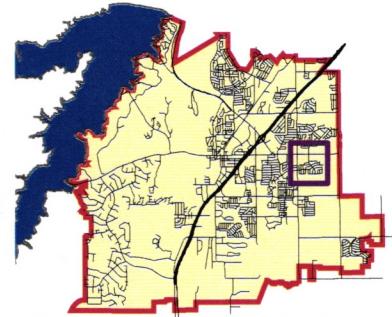
Exhibit "A" - page 1 of 1



1 inch = 356 feet

0 150 Feet

Case No. PD-388-2021



Map Printed - October 2021
Cedar Hill Planning Department

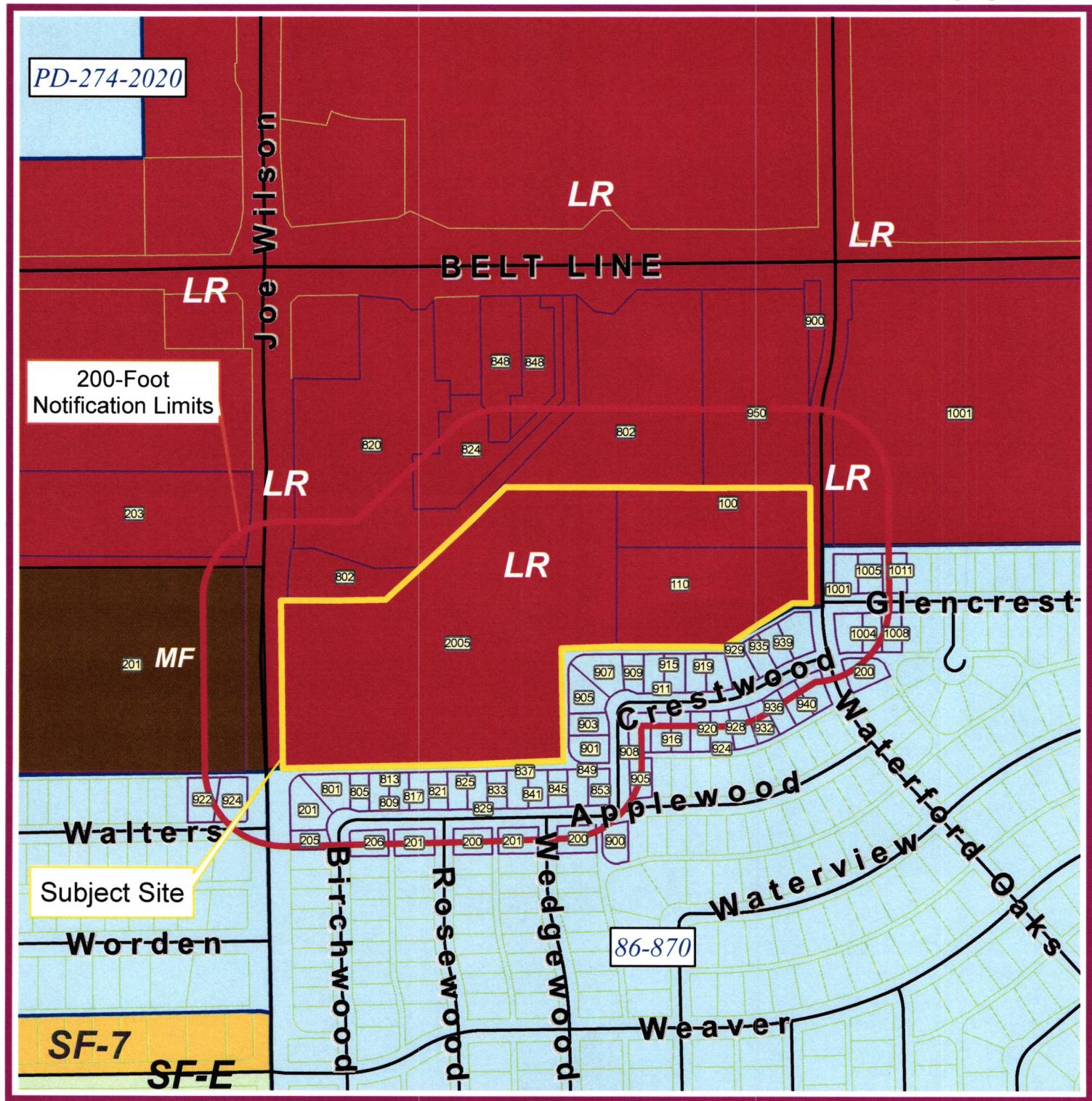


Exhibit "B" - page 1 of 2

Being a 14.232 acre tract of land situated in the City of Cedar Hill, Dallas County, Texas out of the DAVID MERRILL SURVEY, ABSTRACT No. 877, and being a portion of a tract of land described in deed to Shoelaces of Texas, LTD. as recorded in Volume 94223, Page 648, Deed Records, Dallas County, Texas and being all of a tract of land described in deed to New Life Fellowship of Las Colinas, Inc., as recorded in Volume 2002037, Page 535, Deed Records, Dallas County, Texas and being all of being all of a tract of land described in deed to New Life Covenant Church, as recorded in Volume 2005014, Page 658, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod with a yellow cap, being in the existing public west right-of-way line of South Waterford Oaks Drive (having a 60 foot Right-Of-Way), being in the southeast corner of Lot 1, Block 1, Cedar Hill Medical Center Addition, as recorded in Instrument No. 20070113589, Plat Records, Dallas County, Texas, and being in the northeast corner of said New Life Fellowship of Las Colinas, Inc. Tract;

THENCE South 00°43'17" East, along said existing public west right-of-way line, a distance of 300.00 feet to a set "X" in concrete, being in the intersection of said existing public west right-of-way line and the existing public north right-of-way line of a 15' Alley, Windsor Park Garden Homes, as recorded in Volume 87030, Page 929, Plat Records, Dallas County, Texas;

THENCE South 89°16'43" West, along said existing public north right-of-way line, a distance of 45.00 feet to a found 5/8 inch iron rod with a red cap;

THENCE South 60°12'22" West, continuing along said existing public north right-of-way line, a distance of 208.01 feet to a found 5/8 inch iron rod with a red cap;

THENCE South 89°16'43" West, a distance of 410.00 feet to a found 5/8 inch iron rod with a red cap, in the northwest corner of Windsor Park Garden Homes as recorded in Volume 87030, Page 929, Plat Records, Dallas County, Texas;

THENCE South 00°43'17" East a distance of 290.00 feet to a set X in concrete being in the north line of said Windsor Park Garden Homes;

THENCE South 88°53'31" West a distance of 735.00 feet to a set 1/2 inch iron rod with cap stamped "Graham Assoc Inc" (GAI) in the east right-of-way line of Joe Wilson Road (variable width right-of-way);

THENCE North 01°06'29" West a distance of 395.73 feet along the easterly line of said Joe Wilson Road to a set 1/2 inch iron rod with GAI cap in the southwest corner of a 19.486 acre tract of land described in deed to Texas Capital Development Co. Inc. according to deed recorded in Volume 96127, Page 1062, Deed Records, Dallas County, Texas;

THENCE North 89°16'43" East a distance of 286.87 feet along the south line of said 19.486 acre tract to a set 1/2 inch iron rod with GAI cap from which a found 5/8 inch iron rod bears North 00°23' East a distance of 0.99 feet;

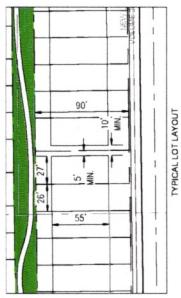
THENCE North 45°15'17" East a distance of 432.13 feet to a set 1/2 inch iron rod with GAI cap from which a found 5/8 inch iron rod bears North 12°35' East a distance of 0.44 feet and being in

Exhibit "B" - page 2 of 2

the south line of Lot 1, Block A, Advantage Storage Addition, as recorded in Instrument Number 201900201570, Plat Records, Dallas County, Texas;

THENCE North 89°16'43" East a distance of 776.86 feet along said south line to the point of beginning and containing 619,942 square feet, 14.232 acres, more or less.

Exhibit "C" - page 1 of 1



TYPICAL LOT LAYOUT

Exhibit "D" - page 1 of 1

LANDSCAPE NOTES

1. AN IRRIGATION PLAN TO BE PROVIDED AT THE TIME OF BUILDING PERMIT.
2. UNDERGROUND IRRIGATION PLANS WILL CONFORM TO THE CITY OF CEDAR HILL STANDARDS.
3. EACH PRIVATE LOT WILL INCLUDE A MINIMUM OF ONE SHADE TREE PER LOT, WHICH MAY BE LOCATED IN FRONT, SIDE, OR REAR YARD. IN INSTANCES WHERE THIS IS NOT POSSIBLE, THE TREE MAY BE LOCATED IN AN OPEN SPACE WITHIN THE COMMUNITY AS SHOWN ON THIS PLAN.
4. ALL LANDSCAPING SHOWN ON THIS PLAN TO BE LOCATED ON HOA OWNED PROPERTY AND WILL BE MAINTAINED BY THE HOA.



PLANTING LEGEND

NAME	SIZE	COUNT
Shumard Red Oak	3" cal.	25
Pond Cypress	3" cal.	34
High Rise Live Oak	3" cal.	21
Cedar Elm	3" cal.	26
Chinese Pistache	3" cal.	30
Deciduous Shrub	30 gal.	-
Ornamental Grass	3 gal.	-
Evergreen Shrub	3' HT. MIN, 4' HT. MAX	-

TOTAL 3" TREES: 136

IN OPEN SPACES: 121

IN LANDSCAPE BUFFERS: 15

PRELIMINARY LANDSCAPE PLAN

CEDAR HILL TOWNHOMES | 12.02.2021



Exhibit "E" - page 1 of 1

OPEN SPACE
INCLUDES A DOG PARK, BENCHES, DOG WASTE
STATIONS & WALKING PATHS. * INDICATES DOG
PARK LOCATION.



SYMBOL LEGEND

■ BENCH

○ DOG WASTE STATION

P R E L I M I N A R Y O P E N S P A C E P L A N

C E D A R H I L L T O W N H O M E S | 1 2 . 0 2 . 2 0 2 1



Exhibit "F" - page 1 of 1



PRELIMINARY SCREENING PLAN

CEDAR HILL TOWNHOMES | 12.02.2021



Exhibit "G" - page 1 of 1



STARLIGHT HOMES
26' TOWNHOMES



Exhibit "H" - page 1 of 1



Proposed Garage Door Designs

Exhibit "I" - page 1 of 1

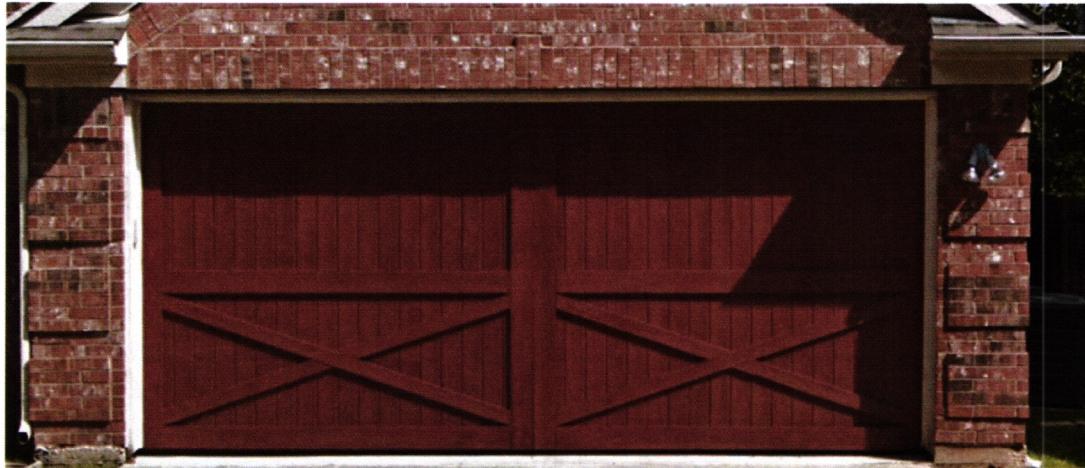


Exhibit "J" - page 1 of 8

After Recording Return To:

Planning and Development Department
City of Cedar Hill
285 Uptown Blvd.
Cedar Hill, TX 75104

PLANNED DEVELOPMENT DISTRICT CONSENT FORM

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Introduction: As an applicant for a new Planned Development District, or an amendment of an existing PDD, you are aware that the City's zoning regulations specify design elements and construction goals for both residential and non-residential zoning proposed planned developments. The City has determined that such elements of a planned development greatly further the long-term viability of the project, the economic development of surrounding areas, the preservation of property values and the architectural standards of the community. These standards thus are an important factor in the consideration of whether the departure from standard zoning district standards in a planned development represents an enhancement of the City. Because of recent changes in state law, however, that affect the City's capacity to employ and enforce architectural standards and building material regulations for development and construction, it is necessary to promulgate the following form. *It is intended that your consent be observed by you and subsequent purchasers and that the attached covenants shall run with the land.*

Instructions: You have received this form because you have submitted a rezoning application for either creation or amendment of a Planned Development District. The signature of the property owner(s) and his or her designated representative (the developer) should both be affixed to this form only if you are in agreement with the statements that appear below. If you choose to sign this form, it should be returned to the City's Planning and Development Department for recordation at least 4 weeks before the date of the public hearing by the Planning & Zoning Commission so that staff can include whether or not you have consented in the staff report/agenda materials.

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Exhibit "J" - page 2 of 8

CONSENT AGREEMENT

EXECUTED AND DELIVERED to be effective as of the date of the last signature below:

I, Craig Wicker, Owner of the property that is described in **Exhibit A** hereto ("Property") and is the subject of the application filed voluntarily for creation or an amendment of a planned development district in the City of Cedar Hill, Texas, do with my signature hereby affirm the City's intent expressed in the introductory paragraph and consent and covenant to uphold the design and construction standards within the project and upon the Property, as set forth in the City's zoning regulations, including but not limited to any Planned Development District Ordinance applicable to the Property, in order to further the expressed objectives and to uphold the architectural integrity of the community and my Property.



Owner

Date: 12/20/21

STATE OF TEXAS

§

§

COUNTY OF Dallas

§

This instrument was acknowledged before me on the 20th day of December, 2021 by
Craig Wicker.



Lori Carol Basham
Notary Public, State of Texas

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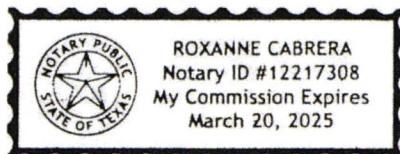
Exhibit "J" - page 3 of 8

I, Garrett Huffines the duly authorized representative of Owner and the developer of the Property, described in **Exhibit A** hereto, and for which an application was voluntarily filed for creation or an amendment of a planned development district in the City of Cedar Hill, Texas, do with my signature hereby affirm the City's intent expressed in the introductory paragraph and consent and covenant to uphold the design and construction standards within the project and upon the Property, as set forth in the City's zoning regulations, including but not limited to any Planned Development District Ordinance applicable to the Property, in order to further the expressed objectives and to uphold the architectural integrity of the community and my development of the Property.

Garrett Huffines
Developer
Date: 11/1/2021

STATE OF TEXAS §
CITY OF Dallas §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 1 day of November, 2021 by
Garrett Huffines.



Roxanne Cabrera
Notary Public, State of Texas

Exhibit "J" - page 4 of 8

CONSENT AGREEMENT

EXECUTED AND DELIVERED to be effective as of the date of the last signature below:

I, Brad Carijan, Owner of the property that is described in **Exhibit A** hereto ("Property") and is the subject of the application filed voluntarily for creation or an amendment of a planned development district in the City of Cedar Hill, Texas, do with my signature hereby affirm the City's intent expressed in the introductory paragraph and consent and covenant to uphold the design and construction standards within the project and upon the Property, as set forth in the City's zoning regulations, including but not limited to any Planned Development District Ordinance applicable to the Property, in order to further the expressed objectives and to uphold the architectural integrity of the community and my Property.

Brad Carijan
Owner
Date: 10/28/21

STATE OF TEXAS
§
COUNTY OF Tarrant
§

This instrument was acknowledged before me on the 28 day of October, 2021 by
Bradley Dean Carijan



Abnasa Patel
Notary Public, State of Texas

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Exhibit "J" - page 5 of 8

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Exhibit "J" - page 6 of 8

Being a 10.000 acre tract of land situated in the DAVID MERRILL SURVEY, ABSTRACT No. 877, and being a portion of a 14.231 acre tract described in deed to Shoelaces of Texas, LTD. as recorded in Volume 94223, Page 648, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a found 5/8 inch iron rod in the northwest corner of Windsor Park Garden Homes as recorded in Volume 87030, Page 929, Plat Records, Dallas County, Texas;

THENCE South 00°43'17" East a distance of 290.00 feet to a set X in concrete being in the north line of said Windsor Park Garden Homes;

THENCE South 88°53'31" West a distance of 735.00 feet to a set 1/2 inch iron rod with cap stamped "Graham Assoc Inc" (GAI) in the east right-of-way line of Joe Wilson Road (variable width right-of-way);

THENCE North 01°06'29" West a distance of 395.73 feet along the easterly line of said Joe Wilson Road to a set 1/2 inch iron rod with GAI cap in the southwest corner of a 19.486 acre tract of land described in deed to Texas Capital Development Co. Inc. according to deed recorded in Volume 96127, Page 1062, Deed Records, Dallas County, Texas;

THENCE North 89°16'43" East a distance of 286.87 feet along the south line of said 19.486 acre tract to a set 1/2 inch iron rod with GAI cap from which a found 5/8 inch iron rod bears North 00°23' East a distance of 0.99 feet;

THENCE North 45°15'17" East a distance of 432.13 feet to a set 1/2 inch iron rod with GAI cap from which a found 5/8 inch iron rod bears North 12°35' East a distance of 0.44 feet and being in the south line of Lot 1, Block A, Advantage Storage Addition, as recorded in Instrument Number 201900201570, Plat Records, Dallas County, Texas;

THENCE North 89°16'43" East a distance of 282.99 feet along said south line to a set 1/2 inch iron rod with GAI cap and being the northwest corner of a tract of land described to New Life Fellowship of Las Colinas, Inc. as recorded in Volume 2002037, Page 535, Deed Records, Dallas County, Texas and being the northeast corner of the herein described tract;

THENCE South 00°43'21" East a distance of 401.08 feet to a found 5/8 inch iron rod in the north line of said Windsor Park Garden Homes and being the southwest corner of a tract of land described to New Life Covenant Church as recorded in Volume 2005014, Page 658, Deed Records, Dallas County, Texas;

THENCE South 89°16'43" West a distance of 142.94 feet along said north line to the POINT OF BEGINNING and containing 435,601 square feet, 10.000 acres of land, more or less.

EXHIBIT "J" - page 7 OT 8

TRACT 1 LEGAL DESCRIPTION

Being a 1.701 acre tract of land situated in the City of Cedar Hill, Dallas County, Texas out of the David Merrill Survey, Abstract No. 877, Denton County, Texas, and being all of a 1.7006 acre tract of land described in deed to New Life Fellowship of Las Colinas, Inc., as recorded in Volume 2002037, Page 535, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod with a yellow cap, being in the existing public west right-of-way line of South Waterford Oaks Drive (having a 60 foot Right-Of-Way), being in the southeast corner of Lot 1, Block 1, Cedar Hill Medical Center Addition, as recorded in Instrument No. 20070113589, Plat Records, Dallas County, Texas, and being in the northeast corner of said New Life Fellowship of Las Colinas, Inc. Tract;

THENCE South 00°43'17" East, along said existing public west right-of-way line, a distance of 150.00 feet to a set 1/2 inch iron rod with a red cap stamped "GRAHAM ASSOC INC", being in the northeast corner of Tract 2 described by deed to New Life Covenant Church, as recorded in Volume 2005014, Page 658, Deed Records, Dallas County, Texas;

THENCE South 89°16'43" West, leaving said existing public west right-of-way line, along the north line of said Tract 2, a distance of 493.87 feet to a set 1/2 inch iron rod with a red cap stamped "GRAHAM ASSOC INC", being in the northwest corner of said Tract 2;

THENCE North 00°43'21" West, a distance of 150.00 feet to a set 1/2 inch iron rod with a red cap stamped "GRAHAM ASSOC INC", being the northwest corner of said New Life Fellowship of Las Colinas, Inc. Tract;

THENCE North 89°16'43" East, a distance of 493.87 feet to the **POINT OF BEGINNING** and **CONTAINING** 74,080 square feet, 1.701 acres of land, more or less.

EXHIBIT "J" - page 8 of 8

TRACT 2 LEGAL DESCRIPTION

Being a 2.531 acre tract of land situated in the City of Cedar Hill, Dallas County, Texas out of the David Merrill Survey, Abstract No. 877, Denton County, Texas, and being all of Tract 2 described by deed to New Life Covenant Church, as recorded in Volume 2005014, Page 658, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod with a yellow cap, being in the existing public west right-of-way line of South Waterford Oaks Drive (having a 60 foot Right-Of-Way), being in the southeast corner of Lot 1, Block 1, Cedar Hill Medical Center Addition, as recorded in Instrument No. 20070113589, Plat Records, Dallas County, Texas, and being in the northeast corner of a tract of land described in deed to New Life Fellowship of Las Colinas, Inc., as recorded in Volume 2002037, Page 535, Deed Records, Dallas County, Texas;

THENCE South 00°43'17" East, along said existing public west right-of-way line, a distance of 150.00 feet to a set 1/2 inch iron rod with a red cap stamped "GRAHAM ASSOC INC" for the **POINT OF BEGINNING**, being the southeast corner of said New Life Fellowship of Las Colinas, Inc. Tract;

THENCE South 00°43'17" East, continuing along said existing public west right-of-way line, a distance of 150.00 feet to a set "X" in concrete, being in the intersection of said existing public west right-of-way line and the existing public north right-of-way line of a 15' Alley, Windsor Park Garden Homes, as recorded in Volume 87030, Page 929, Plat Records, Dallas County, Texas;

THENCE South 89°16'43" West, along said existing public north right-of-way line, a distance of 45.00 feet to a found 5/8 inch iron rod with a red cap;

THENCE South 60°12'22" West, continuing along said existing public north right-of-way line, a distance of 208.01 feet to a found 5/8 inch iron rod with a red cap;

THENCE South 89°16'43" West, a distance of 267.06 feet to a found 5/8 inch iron rod with a red cap, being the southwest corner of said Tract 2;

THENCE North 00°43'21" West, leaving said existing public north right-of-way line, a distance of 251.08 feet to a set 1/2 inch iron rod with a red cap stamped "GRAHAM ASSOC INC", being the southwest corner of said New Life Fellowship of Las Colinas, Inc. Tract;

THENCE North 89°16'43" East, a distance of 493.87 feet to the **POINT OF BEGINNING** and **CONTAINING** 110,261 square feet, 2.531 acres of land, more or less.