

**ORDINANCE NO. 2022-775**

**AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING THE ZONING ORDINANCE, ORDINANCE NO. 2001-64, AS AMENDED; CHANGING THE ZONING MAP DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED ON THE NORTHWEST CORNER OF EAST WINTERGEEN ROAD AND NORTH J. ELMER WEAVER FREEWAY (HIGHWAY 67), LEGALLY DESCRIBED AS TRACTS 1, 2 AND 3 OF THE WALTER NUTT SURVEY, ABSTRACT NO. 1086, FROM THE "LR" (LOCAL RETAIL) DISTRICT TO THE "PD" (PLANNED DEVELOPMENT) DISTRICT; INCORPORATING A CONCEPT PLAN, CONCEPTUAL BUILDING ELEVATIONS, AND A CONSENT FORM; ESTABLISHING SPECIFIC DEVELOPMENT AND DESIGN STANDARDS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; 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-488-2022; and

**WHEREAS**, the City Council of the City (the "City Council"), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

**WHEREAS**, on July 24, 2001, 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 (the "City's Zoning Ordinance") to incorporate land use and 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 fully enhance feasible 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 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; and

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

**WHEREAS**, the proposed Planned Development District (herein "PD 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 caused notice of the required public hearings regarding the zoning change to this Ordinance to be published in the Focus Daily News on September 4, 2022, 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 September 20, 2022; 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 September 27, 2022, 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.** This Ordinance applies solely to approximately 13.74 acres legally described as Tracts 1, 2 and 3 of the Walter Nutt Survey, Abstract No. 1086, located on the northwest corner of East Wintergreen Road and North J. Elmer Weaver Freeway (Highway 67), as more particularly described in **Exhibit “B”** which is attached hereto and incorporated by reference herein as if fully set forth.

**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.** The Property described in Section 1 above 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 retirement housing and certain Local Retail District uses in accordance with the development standards as herein provided; and, in accordance with: (a) the development standards herein provided; (b) Concept Plan – **Exhibit “C”**; (c) the Conceptual Building Elevations – **Exhibit “D”**; and (d) the design and construction standards that uphold the architectural integrity of the development and the Property as consented to by the owner(s)/developer(s) in the Consent Form – **Exhibit “E”**. The City Council hereby directs the Planning Director to cause the Consent Form attached as **Exhibit “E”** 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 Conceptual Plan – **Exhibit “C”**; Conceptual Building Elevations – **Exhibit “D”**; and Consent Form – **Exhibit “E”**. Any significant change in the information provided on those exhibits shall require an amendment to the Planned Development District in the same manner that it was created.

**SECTION 6 – DEVELOPMENT PLAN.** Due to the limited area and the detail provided with the Concept Plan, the City Council does not require a development plan as described in Section 3.19.7 of the City Zoning Ordinance as a condition to approval of the PD District or PD Concept Plan.

**SECTION 7 – PD SITE PLANS.** PD site plan(s) shall be required to be submitted prior to any construction or development within the Commercial and Residential Subdistrict (as defined in Section 9) in accordance with the standards in Section 3.19 of the Zoning Ordinance.

**SECTION 8 – ISSUANCE OF BUILDING PERMITS.** No building permit shall be issued and no construction shall commence for the retirement housing until, at minimum, a building permit for a 4,000 square-foot or more retail building has been issued. For the purpose of this PD Ordinance, commencement of construction shall mean that a foundation has been finalized.

**SECTION 9 – SUBDISTRICTS.** The PD District consists of the following Subdistricts as depicted on **Exhibit “C”**, Concept Plan:

- A. Commercial Subdistrict – approximately 6.27 acres labeled as Subdistrict A
- B. Residential Subdistrict – approximately 7.47 acres labeled as Subdistrict B

**SECTION 10 – DEFINITIONS.** The definitions in Section 5.8 of the “Zoning Ordinance” shall be applicable to this Planned Development District except for those terms defined in this Section.

- A. *Interior elevations* – Exterior building walls that do not face any adjacent property and are located within an internal courtyard area.
- B. *Perimeter elevations* – Exterior building walls facing adjacent properties.
- C. *Restaurant-Experiential* – A food establishment where food and beverages are prepared, served, and consumed on the premises.
- D. *Restaurant-Fast Food* – A food establishment with a drive-through window or stacking lanes where food and drinks are ordered and/or delivered to vehicles on site.
- E. *Retirement housing* – A development proving self-contained, attached dwelling units specifically designed for residents with a household head of 55 years of age and older. Long-term nursing care or related services shall not be provided.

**SECTION 11 – AUTHORIZED LAND USES.**

A. *Commercial Subdistrict* –

- 1. The following main uses are permitted by right in this Subdistrict. Land uses that are not specifically defined in this Planned Development District shall have the same definitions as those described in the City’s Zoning Ordinance.
  - a. Office
  - b. Barber Shop
  - c. Beauty Shop
  - d. Child Day Care Business
  - e. Drug Store
  - f. Florist Shop

- g. Garden Shop (Inside Storage)
  - h. General Merchandise Store
  - i. Grocery Store
  - j. Handicraft Shop
  - k. Pet Shop
  - l. Restaurant-Experiential
  - m. Shoe repair
  - n. Specialty Food Store
  - o. Tailor Shop
  - p. Theatre (indoors)
  - q. Veterinarian
2. The following uses are permitted with approval of a Conditional Use Permit.
- a. General Merchandise Store Other Than Listed
  - b. Indoor commercial amusement
  - c. Microbrewery
  - d. Outdoor Commercial Amusement
  - e. Restaurant-Fast Food
  - f. Theatre (outdoors)
  - g. Winery

B. *Residential Subdistrict* – The only land use that shall be permitted within this Subdistrict is retirement housing.

**SECTION 12 – COMMERCIAL SUBDISTRICT.** The development standards in Section 3.12 of the “Zoning Ordinance” for the “LR” – Local Retail shall be applicable to this Subdistrict except as stated in this Section to the contrary.

A. *Maximum Height* – 35 feet; 3 stories.

B. *Minimum Off-street Parking* – Parking requirements described in Section 5.1 of the “Zoning Ordinance” shall apply to this subdistrict.

C. *Building Design Standards* – The buildings shall comply with the following standards, which have been volunteered by the property owner and developer as a standard for construction of future buildings.

- 1. A minimum of seventy (70) percent of each wall surface area excluding windows and doors shall be finished with at least brick or stone material.
- 2. A maximum of thirty (30) percent of each wall surface area excluding windows and doors may be finished with secondary building materials, which may consist of acrylic matrix or synthetic plaster finish, concrete panel construction, fiber

cementitious material or tile. Acrylic matrix or synthetic plaster finish and stucco are prohibited on the bottom eight (8) feet of the structure.

3. A maximum of ten (10) percent of each wall surface area excluding windows and doors may be finished with accent building materials, which may consist of cedar wood products, metal cladding or other materials subject to the approval by the Building Official.
4. Horizontal Articulation – No wall surface shall extend for a distance greater than three times the mean elevation of the wall's height without having an off-set of fifteen (15) percent or more of the wall's height. This off-set shall extend for a distance equal to twenty-five (25) percent of the maximum length of either adjacent plane.
5. Vertical Articulation – No horizontal wall surface shall extend for a distance greater than three times height of the wall without changing height by a minimum of fifteen (15) percent or more of the wall's height. This height change shall continue for a minimum distance equal to twenty-five (25) percent of the maximum length of either adjacent plane.
6. A minimum of 30% of all perimeter elevations shall be transparent when facing a public right-of-way and/or a trail within 100 feet and/or containing the primary entrance.
7. A minimum of two (2) elements for variations in roof lines described as below shall be required for all buildings.
  - a. Overhanging eaves, extending no less than three (3) feet past the overhang walls
  - b. Two or more roof slope lines
  - c. Sloping roofs that do not exceed the average height of the supporting walls, and that have an average slope of at least 5 in 12. Sloped roofs shall be finished with standing seam metal, corrugated metal, tile or 30-year or better composite shingle.
  - d. Parapet walls may be utilized to stimulate any of the above elements

**D. Landscaping Requirements**

1. All landscaping requirements described in the Zoning Ordinance shall apply.
2. The shade trees that adjoin the frontage road of North J Elmer Weaver Freeway shall be planted as depicted in **Exhibit "C"** prior to the issuance of a Certificate of Occupancy for the residential sub-district.

**E. Screening Requirements** – All screening requirements described in the Zoning Ordinance including, but not limited to, relative to adjoining property, parking, and dumpsters shall apply.

F. *Sidewalks* – Sidewalks shall be installed in accordance with all applicable codes. Additionally, a 5-foot sidewalk shall be constructed in order to connect to the residential subdistrict as depicted in **Exhibit “C”**.

G. *Signage* – Pole signs are prohibited.

**SECTION 13 – RESIDENTIAL SUBDISTRICT.** The development standards in Section 3.10 of the Zoning Ordinance for the “MF” (Multiple-Family Residential) District shall be applicable to this Subdistrict except as stated in this section to the contrary.

A. *Density* – The maximum number of dwelling units shall not exceed 182 dwelling units.

B. *Yard Requirements* – The minimum yard requirement adjoining a Residential District shall be 125 feet.

C. *Structure Standards* – Structures shall adhere to the height requirements as follows:

1. Maximum Building Height – 35 feet; 3 stories
2. Maximum Building Length – 360 feet
3. Minimum Living Area – 700 square feet per each dwelling unit

D. *Minimum Off-street Parking*

1. Minimum number of parking spaces – 1.02 per dwelling unit
2. A minimum of 9 percent of required parking spaces shall be enclosed as in accordance with **Exhibit “C”**.

E. *Building Design Standards* – The building shall be constructed in accordance with the building elevations in **Exhibit “D”**, which has been volunteered by the applicant as a standard for construction of the future building. Additionally, the following standards shall apply:

1. A minimum of 70 percent of each perimeter elevation shall include a combination of brick materials and stone materials.
2. A maximum of 30 percent of each perimeter elevation may be constructed of stucco installed above a height of eight (8) feet from the ground elevation.
3. A maximum of 30 percent of each interior elevation may be constructed of fiber cementitious siding.
4. Horizontal Articulation – No wall surface shall extend for a distance greater than three times the mean elevation of the wall’s height without having an off-set of fifteen (15) percent or more of the wall’s height. This off-set shall extend for a distance equal to twenty-five (25) percent of the maximum length of either adjacent plane.

5. Vertical Articulation – No horizontal wall surface shall extend for a distance greater than three times the height of the wall without changing height by a minimum of fifteen (15) percent or more of the wall's height. This height change shall continue for a minimum distance equal to twenty-five (25) percent of the maximum length of either adjacent plane.
6. A minimum of two (2) elements for variations in roof lines described as below shall be required for all buildings.
  - a. Overhanging eaves, extending no less than three (3) feet past the overhang walls.
  - b. Two or more roof slope lines.
  - c. Sloping roofs that do not exceed the average height of the supporting walls, and that have an average slope of at least 5 in 12. Sloped roofs shall be finished with standing seam metal, corrugated metal, tile or 30-year or better composite shingle.
  - d. Parapet walls may be utilized to stimulate any of the above elements.

F. *Screening Requirements* –

1. All screening requirements described in the Zoning Ordinance including, but not limited to adjoining property, parking, and dumpsters shall apply.
2. In addition to the required 6-foot masonry wall adjoining the residential district, large, shade trees planted at 25 feet on center shall be installed. The preservation of the existing tree line with 60 percent of the root zone remaining intact may be considered in lieu of the planting of trees.
3. A minimum 6-foot masonry shall be built along the northern and eastern property line where Subdistrict B abuts any non-residential zoning district as depicted in **Exhibit “C”**.

G. *Sidewalks* –

1. An internal 5-foot sidewalk shall be installed along the perimeter of the proposed building.
2. A 5-foot sidewalk shall be installed in order to connect to the commercial subdistrict as depicted in **Exhibit “C”**.

H. *Open Space Requirement* – At minimum, the development shall comply with the open space requirements as provided in the City's Zoning Ordinance for multiple-family residential zoning in Section 3.10.3.I.1. The following items shall be included:

1. Interior amenities:
  - a. Lounge Room
  - b. Communal Kitchen area
  - c. Fitness room



- d. Reading room
- e. Salon
- f. Game Room
- g. Theater room
- h. Dog spa
- 2. Outdoor Amenities:
  - a. Pool
  - b. Putting green
  - c. Pickleball court
  - d. Cabana with fire pit
  - e. Outdoor grills
  - f. Dog park

- I. *Issuance of Building Permit* – Prior to the issuance of a building permit for the residential subdistrict, refer to Section 8 of this PD ordinance for additional required non-residential building plans.

**SECTION 14 – SAVINGS CLAUSE.** This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City, 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 superseded.

**SECTION 15 – SEVERABILITY CLAUSE.** 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 the City, this Ordinance shall take effect immediately after its passage, approval, and publication as required 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, APPROVED, and ADOPTED** by the City Council of the City of Cedar Hill, Texas, on this the 11th day of October 2022.




Stephen Mason, Mayor

ATTEST:



Belinda Berg  
City Secretary

APPROVED AS TO FORM:

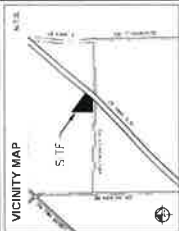
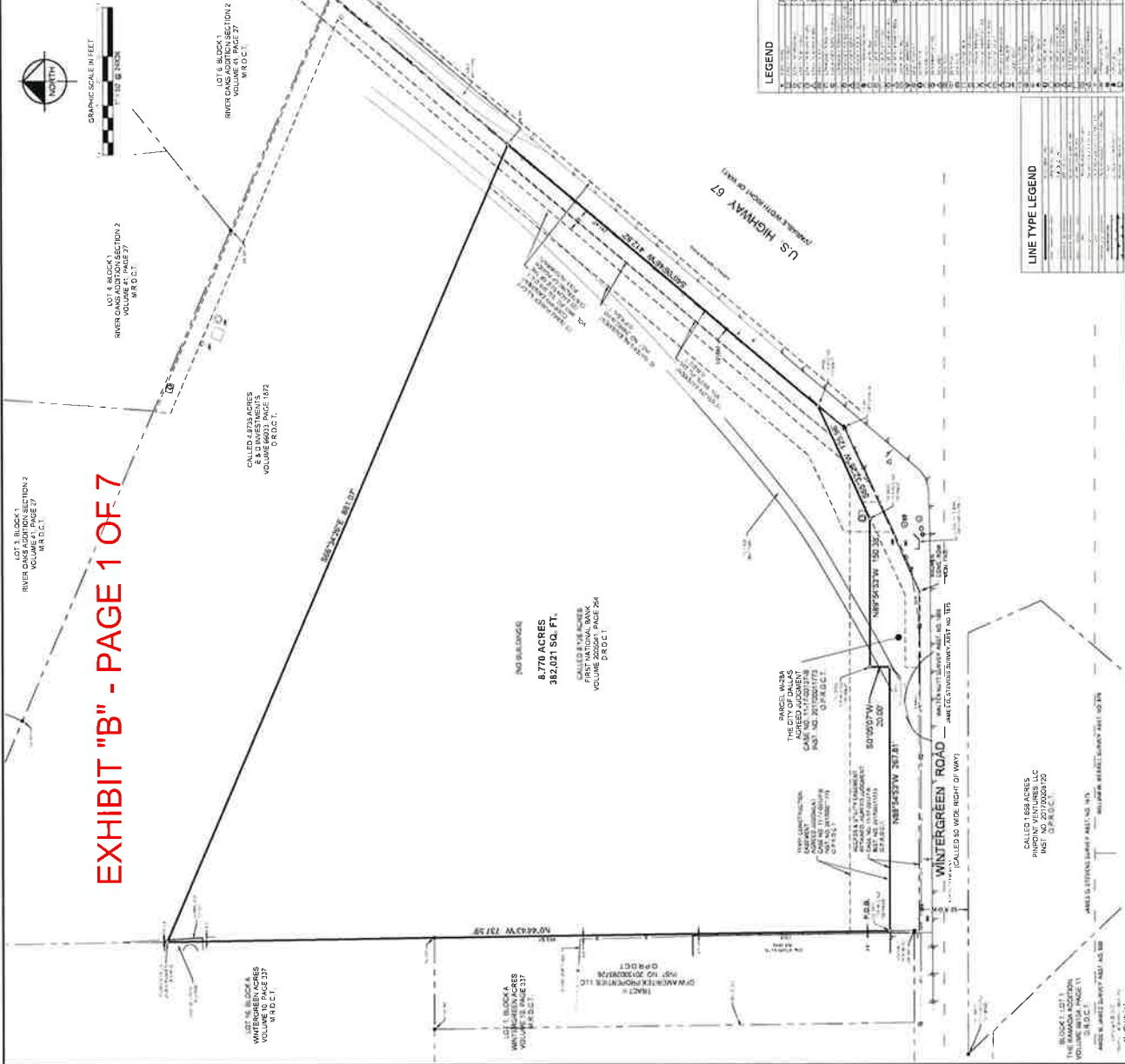


Ron G. MacFarlane, Jr.  
City Attorney





EXHIBIT "B" - PAGE 1 OF 7



NOTES:

There are no building easements on the surveyed property.

All bearings shown are based on grid iron of the Texas Coordinate System of 1983. All distances shown are ground distances. A color of ground distance is shown by the Project Common Area (PCA) of 0.00000000.

FLOOD STATEMENT

According to Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) for Dallas County, Texas, the surveyed property is located in Flood Zone X (Unshaded) as shown on the Flood Insurance Rate Map (FIRM) for Dallas County, Texas, dated July 7, 2014. The property is not within an area designated as a Flood Hazard Area.

Zone X (Unshaded) defined as: Areas determined to be subject to the 1% annual chance floodplain.

If this lot is not within an identified flood hazard area, the flood statement does not imply that the property and/or the structures thereon will be free from flood damage. Flood heights may be increased by man-made or natural causes. This flood statement shall not constitute liability on the part of the surveyor.

NOTES ADDRESSING SCHEDULE B EXCEPTIONS

(Pursuant to Commission for Title Insurance, issued by Fidelity National Title Agency, C3 No. FIDAL-34-00001-00000000, effective July 20, 2020, issued December 8, 2021)

1. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
2. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
3. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
4. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
5. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
6. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
7. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
8. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
9. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.
10. The surveyor has not been able to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey. The surveyor has been unable to locate the original plat or map for the survey.

SURVEYOR'S CERTIFICATION

To: MCHS Holdings LLC, First National Bank, Texas Capital Bank, Fidelity National Title Agency, Inc. and Fidelity National Title Insurance Company.

This is to certify that this map and the survey on which it is based were made in accordance with the rules and standards of the Surveying and Mapping Board of the State of Texas, and that the survey was completed on July 1, 2022.



Michael B. Moore  
Registered Professional Land Surveyor No. 5181  
2100 Maple Street, Suite 210  
Dallas, Texas 75201  
Phone: 214-353-3300  
michael.moore@mhay.com

ALTANSPS LAND TITLE SURVEY  
8.770 ACRES

WALTER NUTT SURVEY ABSTRACT NO. 1086  
CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS

**Kimley»Horn**

5100 Van Horn Parkway, Suite 210  
Dallas, Texas 75224  
Tel No: (972) 335-5300  
Fax No: (972) 335-5778

DATE: 07/01/2022  
DRAWN BY: MCHS

No.	DATE	REVISION DESCRIPTION
1	07/01/2022	Original Title, submitted for recording

LINE TYPE LEGEND

LINE TYPE	DESCRIPTION
---	Property Boundary
---	Survey Boundary
---	Right of Way
---	Easement
---	Other

LEGEND

SYMBOL	DESCRIPTION
---	Property Boundary
---	Survey Boundary
---	Right of Way
---	Easement
---	Other

SPECIAL WARRANTY DEED

DEED 14.00  
10YL 14.00  
6001 0964 000000 6678 17:18PM 7/26/93

Date: September 28, 1992  
Grantor: CLYDE L. HARGROVE, TRUSTEE  
211 West Pleasant Run Road, Suite 111  
Lancaster, Dallas County, Texas, 75146  
Grantee: RESOLUTION TRUST CORPORATION, as Receiver of SAVINGS OF  
TEXAS ASSOCIATION  
Address:

# EXHIBIT "B" - PAGE 2 OF 7

Consideration: The cancellation, extinguishment and discharge of (i) that certain promissory note dated August 8, 1985, in the original sum of \$1,298,607.00, executed by Dynco Corporation and payable to the order of Savings of Texas Association, secured by Deed of Trust recorded in Volume 85204, Page 550, Deed of Trust Records of Dallas County, Texas, on property shown on Exhibit A, attached hereto and incorporated herein by reference the same as if fully set out herein, as modified by instrument dated September 1, 1987, as assumed by Clyde L. Hargrove, Trustee, in instrument dated September 1, 1987, and (ii) that certain promissory note dated August 7, 1985, in the original sum of \$3,194,640.00, executed by Clyde L. Hargrove, Trustee, and payable to the order of Savings of Texas Association, secured by Deed of Trust recorded in the Deed of Trust Records of Dallas County, Texas, on property shown on Exhibit B, attached hereto and incorporated herein by reference the same as if fully set out herein, as modified by instrument dated August 28, 1987; and in accordance with the terms of mediated settlement agreement dated May 18, 1992, in Cause No. 89-9249-A "Clyde L. Hargrove, Plaintiff, vs. Resolution Trust Corporation, Defendant" in the 14th Judicial District Court of Dallas County, Texas..

## Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is subject to all presently recorded and effective restrictions, reservations, easements, covenants, conditions, rights-of-way, oil and gas leases, mineral severances and other instruments, other than liens specifically recited herein and conveyances, that affect the property, and to ad valorem real estate taxes for 1992, and prior years, and to Federal Tax Lien recorded in Volume 91069, Page 397, Tax Lien Records of Dallas County, Texas.

## Property (including any improvements):

Being situated in the Amos James Survey, Abstract No. 690, in the Town of Cedar Hill, Dallas County, Texas, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference the same as if fully set out herein; and

Being part of the Walnut Nutt Survey, Abstract No. 1086, in the City of Cedar Hill, Dallas County, Texas, and being more particularly described on Exhibit B, attached hereto and incorporated herein by reference the same as if fully set out herein.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys

# EXHIBIT "B" - PAGE 3 OF 7

to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's successors or assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by, through and under Grantor, but not otherwise.

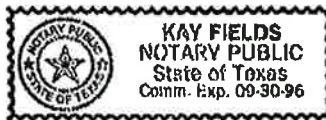
*Clyde L. Hargrove, Trustee*  
CLYDE L. HARGROVE, TRUSTEE

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me this 28<sup>th</sup> day of September, 1992, by CLYDE L. HARGROVE, as Trustee.

*Kay Fields*  
Notary Public for State of Texas



# EXHIBIT "B" - PAGE 4 OF 7

## EXHIBIT "A"

BEING situated in the Amos James Survey, Abstract No. 690 in the Town of Cedar Hill, Dallas County, Texas, and being the east 20.00-acre portion of that tract of land described in the deed to R. J. Evans as recorded in Volume 73151, Page 1307, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of the Evans Tract, being an iron rod in the South right-of-way (R.O.W.) line of Wintergreen Road (55 ft. R.O.W.), described by deed as being 777.3 feet West from the dividing line between said Amos James Survey and the William W. Merrill Survey;

THENCE South 00 deg. 38 min. 49 sec. East, departing the South right-of-way line of Wintergreen Road, along the east line of the Evans tract, a distance of 988.47 feet to the Southeast corner of the Evans tract, to an iron rod for corner;

THENCE North 89 deg. 56 min. 15 sec. West, along the South line of the Evans tract, a distance of 881.86 feet to an iron rod for corner;

THENCE North 00 deg. 38 min. 49 sec. West, crossing the Evans tract, parallel with the East line of the Evans tract, a distance of 987.51 feet to an iron rod in the South right-of-way line of Wintergreen Road;

THENCE East, along the South right-of-way of Wintergreen Road, a distance of 881.85 feet to the Point of Beginning, and containing 871,200 square feet or 20.00 acres of land.



# EXHIBIT "B" - PAGE 5 OF 7

## EXHIBIT "B"

### TRACT I:

BEING a tract of land situated in the WALTER NUTT SURVEY, ABSTRACT NO. 1086, City of Cedar Hill, Dallas County, Texas, and being part of a 50 acre tract called Third Tract in a deed conveyed to Gus Alexander and S. G. Alexander, recorded in Volume 2660, Page 279, Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a wood monument at the intersection of the North right of way line of Wintergreen Road with Northwest right of way line of U.S. Highway No. 67; Thence N 66 deg. 33 min. 35 sec. E, 182.26 feet to a wood monument; Thence N 41 deg. 19 min. 38 sec. E, 157.67 feet to an iron rod found at the POINT OF BEGINNING, said point also being the Northeast corner of a tract of land conveyed to H. I. Kantor and A. R. Beer by deed dated January 27, 1960, Deed Records of Dallas County, Texas;

THENCE N 65 deg. 24 min. 37 sec. W along the Northerly line of said Kantor and Beer tract a distance of 674.16 feet to an iron rod set for a corner in a fence at the Northwest corner of said Kantor and Beer tract and on the West line of the hereinabove mentioned 50 acre tract; said point also being on the East line of the Wintergreen Acres, an Addition to the City of Cedar Hill, recorded in Volume 10, Page 337, Deed Records of Dallas County, Texas;

THENCE N 0 deg. 52 min. 54 sec. E along said addition and 50 acre tract with said fence a distance of 302.98 feet to an iron rod set for a corner at the West corner of a tract of land conveyed to Frank Dillard and wife, Edith Faye Dillard, by deed dated May 7, 1954, recorded in Volume 4045, Page 566, Deed Records of Dallas County, Texas;

THENCE S 65 deg. 31 min. 07 sec. E along the Southerly line of said Dillard tract a distance of 879.91 feet to an iron rod set for a corner on the Northwest right of way line of U.S. Highway No. 67; said point also being the South corner of said Dillard tract;

THENCE S 41 deg. 19 min. 38 sec. W along said highway right of way a distance of 291.42 feet to the POINT OF BEGINNING and containing 4.9638 acres of land.

### TRACT II:

BEING a lot, tract or parcel of land situated in the WALTER NUTT SURVEY, ABSTRACT NO. 1086, City of Cedar Hill, Dallas County, Texas, and being the same tract of land conveyed to Frank Dillard and wife, Edith Faye Dillard by deed dated May 7, 1954, recorded in Volume 4045, Page 566, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set for a corner on the Northwest right of way line of U.S. Highway No. 67 at the East corner of the hereinabove mentioned Dillard tract; said point also being the South corner of the River Oaks Addition Revised, an Addition to the City of Cedar Hill, recorded in Volume 41, Page 27, Deed Records of Dallas County, Texas;

THENCE S. 41 deg. 19 min. 38 sec. W along the Northwest right of way line of said U.S. Highway No. 67 a distance of 235.03 feet to an iron rod set for a corner;

THENCE N 65 deg. 31 min. 07 sec. W a distance of 879.91 feet to an iron rod set for a corner in a fence on the East line of the Wintergreen Acres, an addition to the City of Cedar Hill, recorded in Volume 10, Page 337, Deed Records of Dallas County, Texas;



# EXHIBIT "B" - PAGE 6 OF 7

Page 2  
Exhibit B

THENCE N 0 deg. 52 min. 54 sec. E along the East line of said addition with said fence a distance of 245.47 feet to an iron rod set for a corner on the southwest corner of the River Oaks Addition;

THENCE S 65 deg. 31 min. 07 sec. E along the Southwest line of said River Oaks Addition a distance of 1046.30 feet to THE POINT OF BEGINNING and containing 4.9735 acres of land.

## TRACT III:

Being a tract of land situated in the WALTER NUTT SURVEY, ABSTRACT NO. 1086, City of Cedar Hill, Dallas County, Texas, said tract being part of a 44.6 acre tract conveyed to Gus S. Alexander and S. G. Alexander as recorded in Volume 2660 Page 279 Deed Records, Dallas County, Texas, said tract also being the same tract conveyed to H. I. Kantor and A. R. Beer by Deed recorded on January 27, 1960, Deed Records, Dallas County, Texas, and being more particularly described as follows: BEGINNING at an iron rod set for corner in the North line of Wintergreen Road, said point being the Southeast corner of Wintergreen Acres, an addition to the City of Cedar Hill, Dallas County, Texas, as recorded in Volume 10, Page 337, Deed Records, Dallas County, Texas; THENCE North 0 deg. 28' 18" East, leaving said North line of Wintergreen Road, a distance of 463.12 ft. to an iron rod found for corner; THENCE South 65 deg. 24' 37" East, a distance of 674.16 ft. to an iron rod found for corner, in the West line of U.S. Highway No. 67; THENCE South 41 deg. 22' 23" West, along said West line of U.S. Highway No. 67, a distance of 156.33 ft. to an iron rod set for corner; THENCE South 66 deg. 48' 37" West, along said West line of U.S. Highway No. 67, a distance of 183.00 ft. to a R.O.W. Marker found for corner at the intersection of said West line of U.S. Highway No. 67, with the North line of Wintergreen Road; THENCE North 88 deg. 52' 18" West, leaving said West line of U.S. Highway No. 67, a distance of 345.36 ft., along the said North line of Wintergreen Road, to the Point of Beginning and containing 4.1837 acres (182,243 square feet) of land.



LANDSCAPE:  
NO TREES OR BUSHES WILL BE PLANTED  
WITHIN ANY EASEMENT AND EACH LOT/PAD  
SITE SHALL MEET THE MINIMUM LANDSCAPING  
REQUIREMENTS IN ACCORDANCE TO SECTION 5.2  
OF THE ZONING ORDINANCE.

OPEN SPACE:  
ACTIVE ADULT SITE OPEN SPACE: 1.81 ACRES  
OVERALL SITE OPEN SPACE: 4.42 ACRES

MF SITE DATA:

- 7.47 ACRES
- 182 UNITS
- 24.36 UNITS/ACRE
- UNIT DENSITY MAXIMUM: 26.00 UNITS / ACRE
- UNIT DENSITY MINIMUM: 20.00 UNITS / ACRE
- UNIT MIX: 60% A UNITS / 40% B UNITS
- UNIT AVERAGE SQ. FT. 930 SQ. FT.
- BUILDING SHOWN @ 3 STORIES/35 FT MAX HEIGHT

PARKING TABULATION

PARKING PROVIDED	171
SURFACE	16
TOTAL	187

PARKING DENSITY 1.02/UNIT

- CLUB AMENITY SPACE: 6,000 SQ. FT.
- DOG PARK: 7,000 SQ. FT.
- POOL: 2,000 SQ. FT.
- COURTYARD: 15,000 SQ. FT.
- OPEN PLAZA: 5,000 SQ. FT.
- GARAGE: 10,000 SQ. FT.
- TRAIL/SIDEWALK: 2,500 LINEAR FEET

RETAIL SITE DATA

LOT-1	1.51 ACRES
LOT-2	1.86 ACRES
LOT-3	1.07 ACRES
LOT-4	1.83 ACRES
TOTAL SITE	13.74 ACRES

THE MADISON  
CEDAR HILL, TEXAS

EXHIBIT "C" - PAGE 1 OF 1

CONCEPT  
PLAN





EXHIBIT "D" - PAGE 1 OF 2





EXHIBIT "D" - PAGE 2 OF 2



# EXHIBIT "E" - PAGE 1 OF 3

## CONSENT AGREEMENT

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

I, STROUD ARTHUR 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: 7.20.2022

STATE OF TEXAS

§

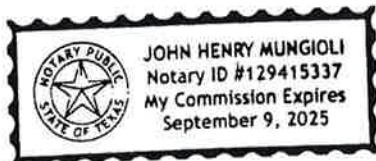
COUNTY OF

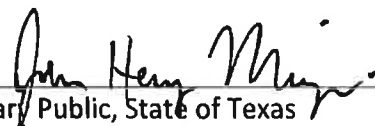
Dallas

§

§

This instrument was acknowledged before me on the 20<sup>th</sup> day of July, 2022 by  
Stroud Arthur



  
Notary Public, State of Texas

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

EXHIBIT "E" - PAGE 2 OF 3

## CONSENT AGREEMENT

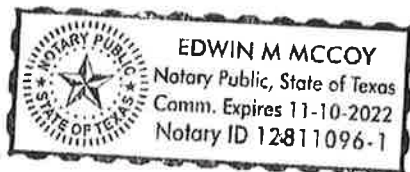
**EXECUTED AND DELIVERED** to be effective as of the date of the last signature below:

I, Ea-1 Higgins, 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: 6-9-2022

STATE OF TEXAS  
COUNTY OF Dallas

This instrument was acknowledged before me on the 9<sup>th</sup> day of June, 2022 by Earl Higgins.



Edw McG  
Notary Public, State of Texas

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]



# EXHIBIT "E" - PAGE 3 OF 3

## 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]