

Ordinance No. 2007-315

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, THAT BEING ORDINANCE NO. 2001-64, AS HERETOFORE AMENDED, BY PROVIDING A CHANGE IN ZONING CLASSIFICATION FROM “PD No. 98-383” TO “PD No. 2007-315” ON LAND OUT OF ABSTRACT 1226, MORE SPECIFICALLY DESCRIBED HEREIN; FURTHER DEFINING STANDARDS AND CONDITIONS FOR DEVELOPMENT WITHIN THE DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the original PD zoning (PD No. 98-383) was established by Ord. No. 98-383 upon recommendation of the Planning and Zoning Commission and following a public hearing; and

WHEREAS, the original PD zoning (PD No. 98-383) called for three specified uses, independent living, assisted living, and a memory care facility, that were to be constructed on three separate tracts of land; and

WHEREAS, in 2004, the applicant submitted and received approval for a site plan of the property described in Section 1 of this ordinance, that combined the assisted living and memory care facility onto one lot; and

WHEREAS, in February of 2007, at the request of the property owner, the City Council amended the Cedar Hill Zoning District Map by change the zoning of the easternmost parcel of land contained in the original PD zoning (PD No. 98-383) which was designated as the memory care facility, to “LR” Local Retail; and

WHEREAS, a request for amendments to PD District No. 98-383 was duly filed with the City of Cedar Hill, Texas, concerning the property described in Section 1, and was assigned case no. 07-10; and

WHEREAS, the proposed amendments are in conformance with the City's adopted Comprehensive Plan; 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 evaluating the proposed zoning change on March 19, 2007, and delivered its report and recommendation of approval to the City Council; and

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 zoning change to a new Planned Development;

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 3.351 acres of land, generally located on the north side of East Pleasant Run Road, about 400-feet west of Old Clark Road, as more particularly described as Lot 2R-B Hillcrest Addition Section One, as recorded in the Dallas County Plat Records in Volume 2005-060, Page 00276 and also shown in "**Exhibit A**," which is attached hereto and incorporated by reference herein as if fully set forth.

SECTION 2. CHANGE IN ZONING CLASSIFICATION -The zoning classification on the hereinabove described property is hereby changed from "PD No. 98-383" Planned Development to "PD No. 07-315" Planned Development.

SECTION 3. APPROVAL AND INCORPORATION OF CONCEPT PLAN. The Concept Plan attached hereto as "**Exhibit B**" and incorporated by reference herein as if fully set forth is hereby approved, subject to the conditions and standards stated in Section 4. Development within the PD District hereinafter shall be consistent with the Concept Plan.

SECTION 4 CONDITIONS AND STANDARDS. The following conditions and standards apply as additional regulations of the PD District:

(1) **Land Use** – Use of this property shall be limited to:

a. An assisted living facility licensed by the state of Texas as a type B Personal Care Residence which provides, at a minimum:

- i. Three meals daily in a common dining area and preparation in a commercial kitchen;
- ii. Social activities, maintenance, housekeeping, laundry, transportation, professional management serviced and supportive staff to assist residents in performing daily activities;

b. One wing of this facility will provide the same services as listed above but will accommodate the specific needs of individuals with limited memory or dementia conditions.

(2) **Maximum Number of Living Units** shall be limited to a total of 80 units.

(3) **Building Area** – The building area shall be approximately 52,000 Square Feet.

(4) **Maximum Height** – The maximum building height shall be limited to one story not more than 30-feet in height.

(5) **Off Street Parking** – There shall be not less than 52 concrete parking spaces that measure not less than 9-feet by 18-feet and arranged on the site as shown on the Concept Plan contained within this ordinance and labeled as Exhibit B.

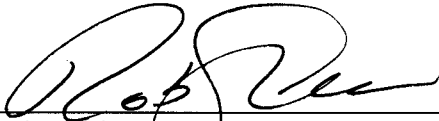
- (6) **Building Setbacks**- The building shall setback from all property lines as shown on the Concept Plan contained within this ordinance and labeled as Exhibit B.
- (7) **Trash Receptacle Areas** – Trash receptacle areas shall be screened on 3-sides by a masonry screening wall and shall be arranged on the site as shown on the Concept Plan contained within this ordinance and labeled as Exhibit B.
- (8) **Building Elevations** – The Front, side and rear of the building shall be consistent with the materials and design as shown on the Concept Plan contained within this ordinance and labeled as Exhibit B.
- (9) **Landscaping** – Site landscaping shall be as follows:
- a. **Trees** - The property owners shall maintain no fewer than 22 trees generally arranged on the site as shown on the Concept Plan contained within this ordinance and labeled as Exhibit B.
 - i. Trees shall not be less than 3-inches in caliper;
 - ii. Trees shall be of the species indicated on the Concept Plan contained within this ordinance and labeled as Exhibit B.
 - b. **Parking Lot Screening** - The property owners shall maintain shrubby across the front of the parking lot to help shield the parking lot from street view. The shrubby shall be a minimum of 30-inches in height and shall be generally arranged on the site as shown on the Concept Plan contained within this ordinance and labeled as Exhibit B.
 - c. **Irrigation** – The property owners shall maintain an automatic underground irrigation system to irrigate all non p-paved open areas as shown on the Concept Plan contained within this ordinance and labeled as Exhibit B.
- (10) **Amenities** - The property owners shall maintain the garden areas as an amenity to its residents which shall be arranged as shown on the Concept Plan contained within this ordinance and labeled as Exhibit B.

SECTION 5. 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 6. 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. This ordinance shall supersede Ord. No. 98-323 in its entirety.


SECTION 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Cedar Hill, Texas, on this the 10th day of April, 2007.



Rob Franke, Mayor
City of Cedar Hill, Texas

ATTEST:



Frankie Lee, City Secretary

EXHIBIT A
Boundary Description
Lot 2R-A Hillcrest Addition Section One
3.351 acres

PROPERTY DESCRIPTION

BEING a description of a 3.351 acre tract of land known as Lot 2R-B, Block 1, of Hillcrest Addition, Section one, Revised, as shown on the Plat recorded in Volume 2005060 at Page 00276 of the Map Records of Dallas County, Texas, being also a portion of a tract of land conveyed to Cedar Hill Retirement Community, Inc. as evidenced by the Deed recorded in Volume 98234 at Page 3146 of the Deed Records of Dallas County, Texas, and being more fully described by metes and bounds as follows:

COMMENCING at a 1/2-inch steel rod found for corner at the south end of a corner clip located at the northwest corner of the intersection of the west right-of-way line of Old Clark Road (an existing 80 foot wide right-of-way) with the north right-of-way line of Pleasant Run Road (an existing 90-foot wide right-of-way), and being a southeast corner of Lot 3, in Block 1 of said Hillcrest Addition an addition to the City of Cedar Hill, as shown on the Plat recorded in Volume 98156 at at Page 77 of the Map Records of Dallas County, Texas;

THENCE North 89 deg. 34 min. 38 sec. West, along said north right-of-way line, same being the south line of said Lot 3, a distance of 137.42 feet to a 1/2-inch steel rod with a red plastic cap stamped PRISM SURVEYS found for corner and being the POINT OF BEGINNING;

THENCE North 89 deg. 34 min. 38 sec. West, departing said Lot 3 and continuing along the north right-of-way line of said Pleasant Run Road a distance of 370.07 feet to a chiseled "X" found for corner;

THENCE North 00 deg. 20 min. 12 sec. West, departing said north right-of-way line, a distance of 82.33 feet to a chiseled "X" found for corner at the beginning of a curve to the right having a central angle of 20 deg. 27 min. 26 sec., a radius distance of 378.02 feet, a chord distance of 98.74 feet and a chord bearing of North 10 deg. 44 min. 49 sec. East;

THENCE northerly along said curve to the right on arc distance of 99.27 feet to a chiseled "X" found for corner and being the beginning of a curve to the left having a central angle of 19 deg. 36 min. 52 sec., a radius distance of 329.22 feet, a chord distance of 180.29 feet and a chord bearing of North 09 deg. 56 min. 25 sec. East;

THENCE northerly along said curve to the left on arc distance of 181.17 feet to a chiseled "X" found for corner at the end of said curve;

THENCE North 00 deg. 25 min. 22 sec. East, a distance of 88.07 feet to a chiseled "X" found for corner on the north line of previously said Lot 2R-B, Hillcrest Addition;

THENCE South 89 deg. 34 min. 38 sec. East, along said north line, a distance of 322.68 feet to a 1/2-inch steel rod found for corner;

THENCE South 00 deg. 25 min. 22 sec. West, and along the common line between said Lot 2R-B and said Lot 3, a distance of 425.34 feet to the POINT OF BEGINNING;

and containing 3.351 acres or 145,964 square feet of land more or less.



SHEET 2 of 2

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|-------------|---------|------|---------|
| SCALE | NONE | DATE | 3/12/07 |
| DRAWN BY | MDL | | |
| CHECKED BY | MDL | | |
| VIEW NAME | N/A | | |
| ACAD FILE | | | |
| PROJECT NO. | 07-7722 | | |

PROPERTY DESCRIPTION
LOT 2R-B,
HILLCREST ADDITION
SECTION ONE, REVISED
 SITUATED IN THE R. RAMSEY SURVEY
 ABSTRACT No. 1226,
 CEDAR HILL, TEXAS

PRISM SURVEYS, INC.

COMMERCIAL, RESIDENTIAL,
 BOUNDARY, TOPOGRAPHIC,
 WILE & CONSTRUCTION SURVEYS
 P.O. BOX 181553
 DALLAS, TEXAS 75248
 (214) 343-8888

RECEIVED

MAR 15 2007

EXHIBIT A
Boundary Sketch

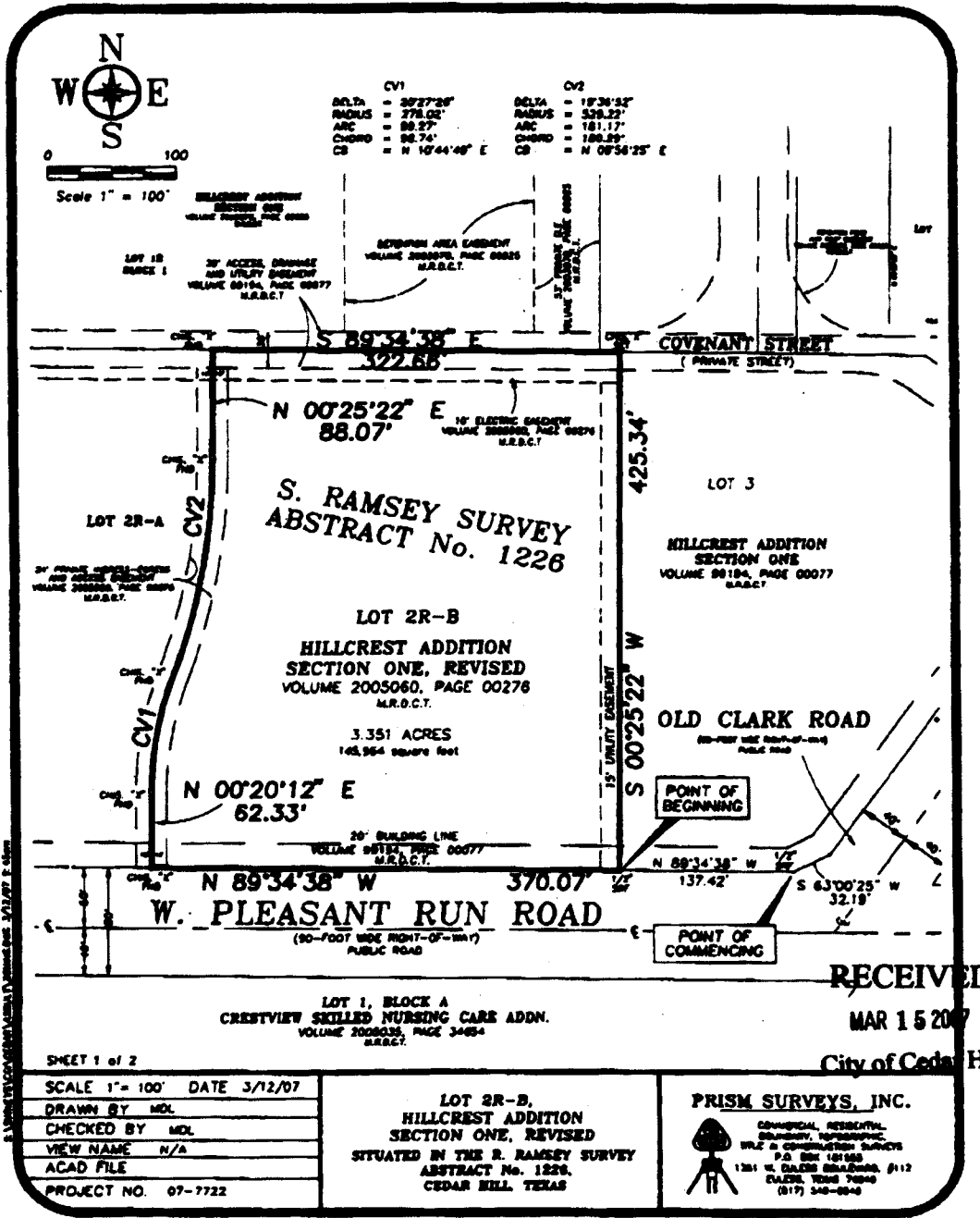


EXHIBIT B
Concept Plan
1 of 4

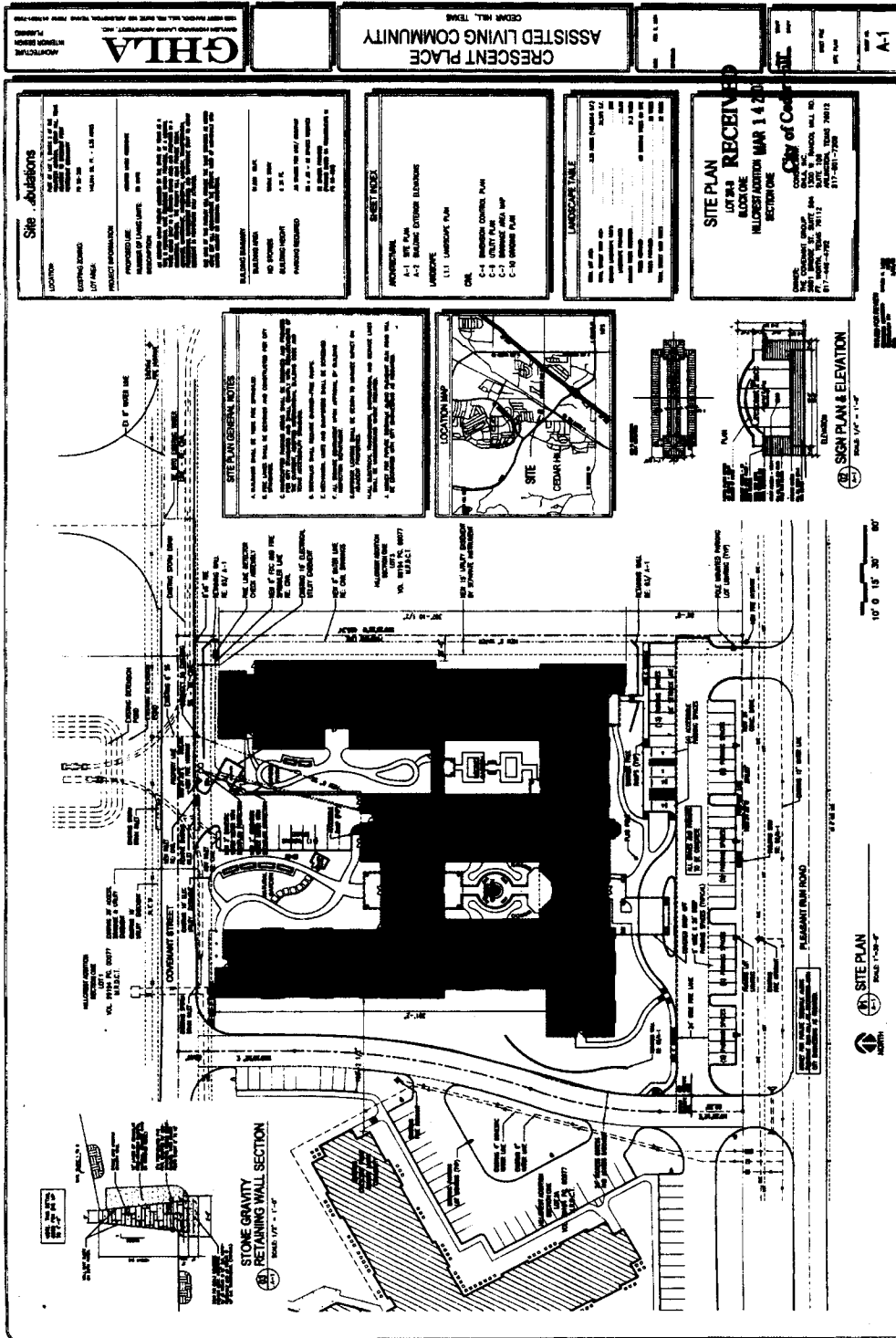


EXHIBIT B
Concept Plan
Sheet 2 of 4

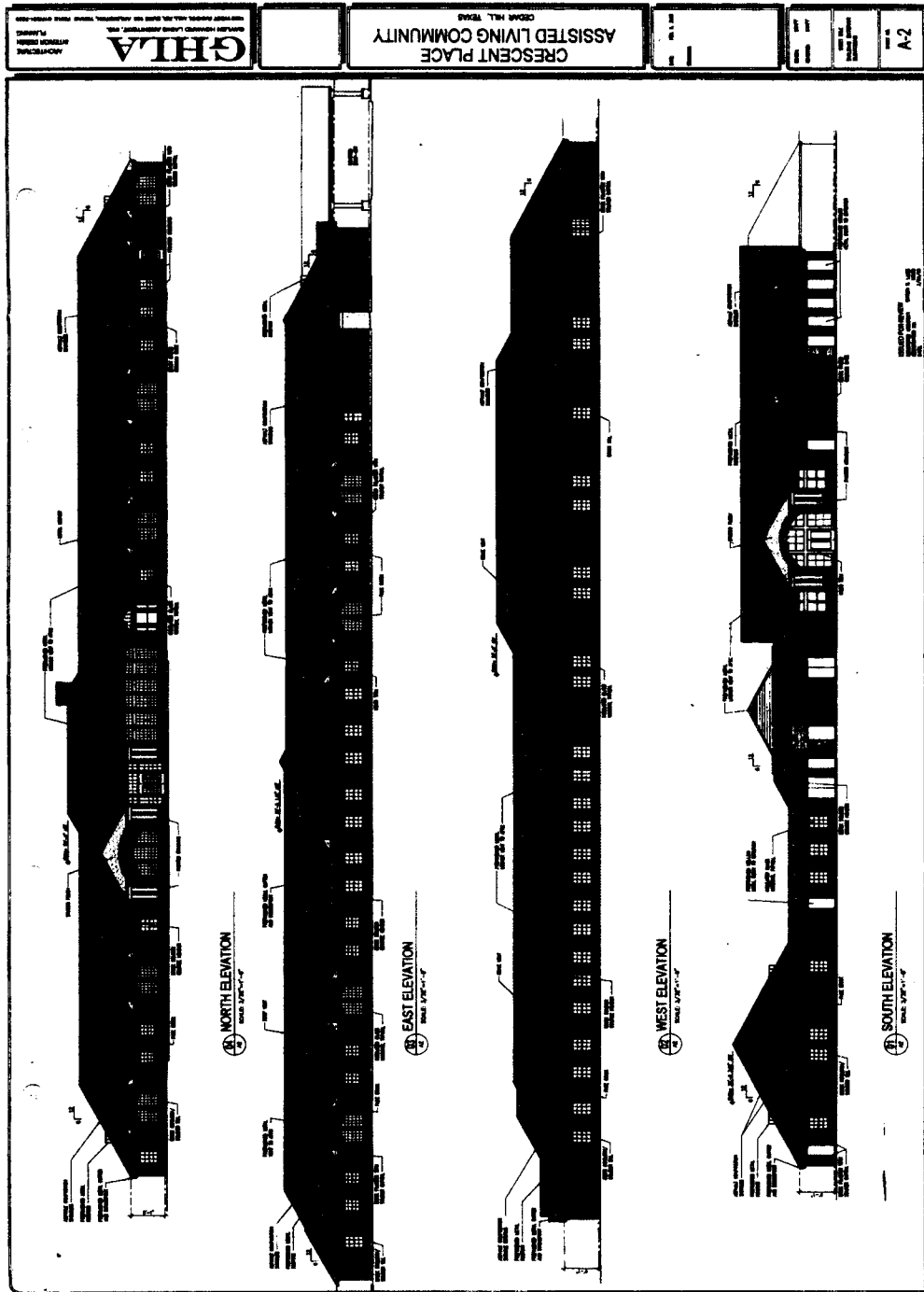


EXHIBIT B
Concept Plan
Sheet 3 of 4

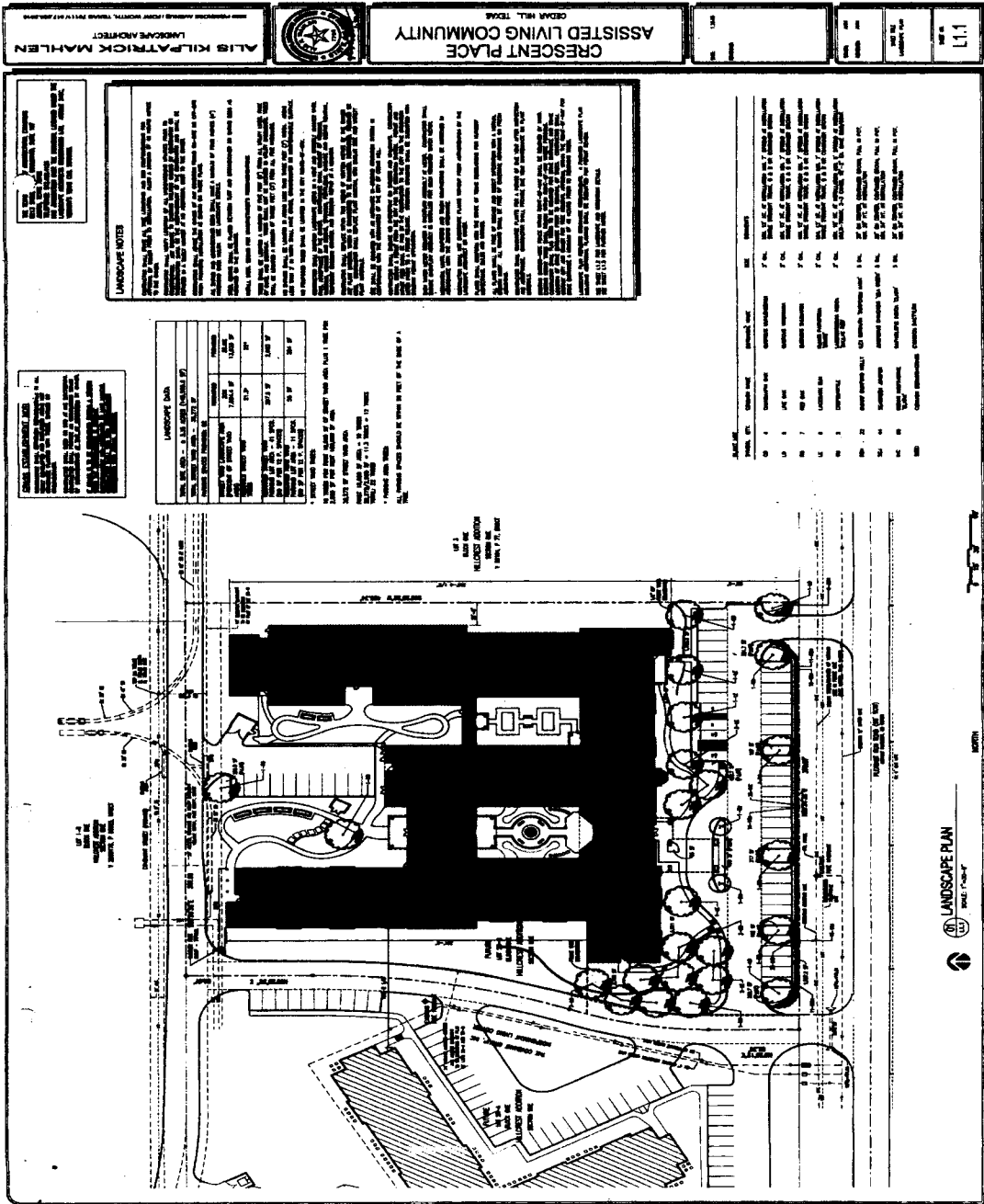
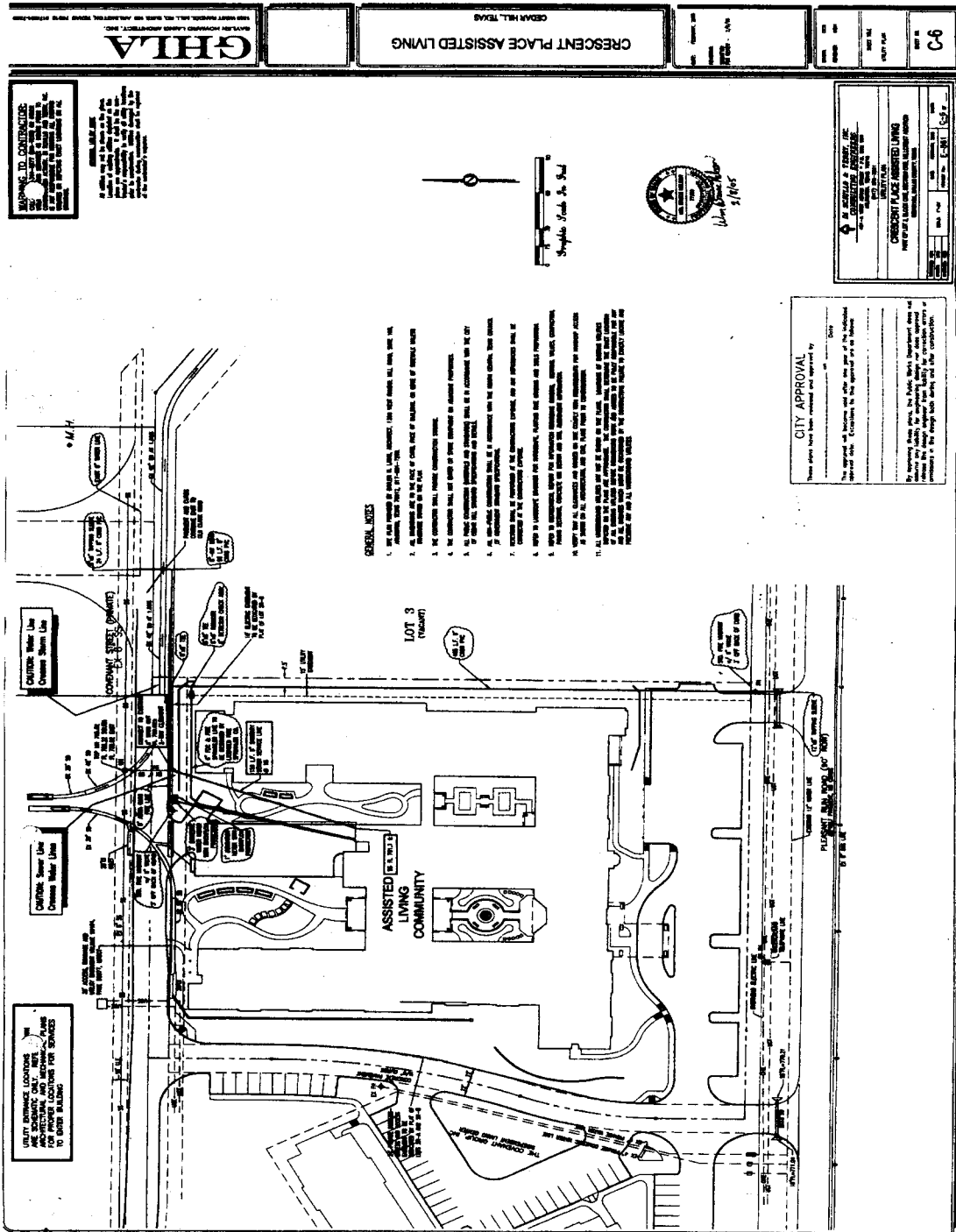


EXHIBIT B

Concept Plan

Sheet 4 of 4



GENERAL NOTES

1. THE PLAN PREPARED BY ARCHITECT IS FOR THE PROPOSED BUILDING ONLY. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF THE FOUNDATION, STRUCTURE, MECHANICAL, ELECTRICAL, PLUMBING, OR OTHER SPECIALTY TRADES.
2. THE CONTRACTOR SHALL VERIFY THE ACCURACY OF ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES SHOWN ON THIS PLAN.
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CITY APPROVAL

These plans have been reviewed and approved by the City of Chicago, Illinois, on the _____ day of _____, 2007.

By: _____
 Title: _____

WARNING TO CONTRACTOR:

THE CONTRACTOR SHALL VERIFY THE ACCURACY OF ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES SHOWN ON THIS PLAN.

GHIA

GENERAL CONTRACTOR

CRESCENT PLACE ASSISTED LIVING

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