

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP TO REZONE A 138.54 ACRE TRACT OF LAND OUT OF THE N. UNDERWOOD SURVEY, ABSTRACT 1582 TARRANT COUNTY, AND THE JOTHAM BROWN SURVEY, ABSTRACT NO. 110, TARRANT COUNTY, GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 360, NORTH OF POST AND PADDOCK ROAD, FROM APPROXIMATELY 47.61 ACRES OF MULTI FAMILY-TWO (MF-2) AND 90.93 ACRES OF LIGHT INDUSTRIAL (LI) TO PLANNED DEVELOPMENT FOR MULTI FAMILY; SAID ZONING MAP AND ORDINANCE BEING NUM13ERED ORDINANCE NUMBER 4779 AND PASSED ON NOVEMBER 20,1990; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the owners of the property described hereinbelow filed application with the City of Grand Prairie, Texas, petitioning an amendment of the Zoning Ordinance and map of said city so as to rezone and reclassify said property from its classification of Multi Family-Two on 47.61 acres **and Light Industrial** on 90.93 acres, **to Planned Development for multi family residential uses;** and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on May 23, 1994 after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning had been sent to owners of real property lying within 200 feet of the property on which the change of classification is proposed, said Notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such Notice being served by depositing the same, properly addressed and postage paid, in the City Post Office; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 7 to 0 to recommend to the City Council of Grand Prairie, Texas, that the hereinafter described property be rezoned so as to change its classification from **Multi Family-Two on 47.61 acres and Light Industrial on 90.93 acres, to Planned Development for multi family residential uses;** and

WHEREAS, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the City Hall Plaza Building at 7:30 o'clock P.M. on June 7, 1994 to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Grand Prairie Daily News, Grand Prairie, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed rezoning and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Grand Prairie, Texas, has changed in character since the enactment of the original Zoning Ordinance from the classification of **Multi Family-Two (MF-2) and Light Industrial (LI)** and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

That Ordinance Number 4779, being the Zoning Ordinance and Map of the City of Grand Prairie, Texas, showing the locations and boundaries of certain districts, and said Zoning Ordinance and Map having been made a part of an Ordinance entitled:

"AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER 28 OF THE CODE OF ORDINANCES KNOWN AS THE ZONING ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 20TH DAY OF NOVEMBER, 1990, TOGETHER WITH ALL AMENDMENTS

COMMENCING at a point for a corner in the east line of Riverside Parkway (90 foot ROW), said point being the Northwest corner of said Riverside Community Phase I, Section A;

THENCE, along said east line of Riverside Parkway, North 13°52'02" East a distance of 81.75 feet to the POINT OF BEGINNING;

THENCE, departing said east line, North 81°10'54" West a distance of 90.35 feet to a point for a corner;

THENCE, North 81°09'54" West a distance of 37.53 feet to a point for a corner;

THENCE, South 89°46'26" West a distance of 276.52 feet to a point for a corner;

THENCE, South 69°53'03" West a distance of 712.41 feet to a point for a corner;

THENCE, South 14°35'14" West a distance of 1742.20 feet to a point for a corner;

THENCE, South 30°17'20" West a distance of 466.93 feet to a point for a corner; said point being in the City Limit line;

THENCE, South 00°00'00" West along said City Limit line, 2348.88 feet to a point for a corner; said point being in the West line of the proposed Riverside Parkway extension;

THENCE, South 89°45'15" East a distance of 60.00 feet to a point for a corner; said point being in the East line of the proposed Riverside Parkway extension;

THENCE, North 00°13'35" East along said East line, a distance of 87.75 feet to a point for a corner; said point being the beginning of a curve to the right having a central angle of 13°48'59", a radius of 970.02 feet and being subtended by a chord bearing North 07°32'12" East a length of 233.35 feet;

THENCE, Northeast along said curve to the right, an arc distance of 233.91 feet to a point for a corner; said point being the beginning of a curve to the left having a central angle of 02°04'54", a radius of 570.00 feet and being subtended by a chord bearing South 80°06'13" East a length of 20.71 feet;

THENCE, Southeast along said curve to the left, an arc distance of 20.71 feet to a point for a corner; said point being the beginning of a curve to the right having a central angle of 30°00'40", a radius of 955.00 feet and being subtended by a chord bearing North 27°08'59" East a length of 494.52 feet;

THENCE, Northeast along said curve to the right, an arc distance of 500.22 feet to a point for a corner;

THENCE, North 42°09'19" East a distance of 520.60 feet to a point for a corner; said point being the beginning of a curve to the left having a central angle of 10°32'14", a radius of 1540.00 feet and being subtended by a chord bearing North 36°53'12" East a length of 282.82 feet; said point being the intersection of the proposed East line of the Riverside Parkway extension (ROW varies) with the South line of Post & Paddock Road (100 foot ROW);

THENCE, North 29°48'35" East a distance of 100.01 feet to a point for a corner; said point being the intersection of the East line of the existing Riverside Parkway (90 foot ROW) with the North line of Post & Paddock Road (100 foot ROW);

THENCE, South 60°11'12" East along said line, a distance of 154.26 feet to a point for a corner; said point being the beginning of a curve to the left having a central angle of 29°35'17", a radius of 950.00 feet and being subtended by a chord bearing South 74°58'52" East a length of 485.16 feet;

THENCE, Southeast along said curve to the left, an arc distance of 490.59 feet to a point for a corner;

THENCE, South 89°46'31" East, a distance of 52.39 feet to a point for a corner; said point being the intersection of the North line of Post & Paddock Road (100 foot ROW) and West line of State Highway 360 (ROW varies);

THENCE, North 13°52'02" East along said West line, a distance of 176.20 feet to a point for a corner;

## DEVELOPMENT REQUIREMENTS

1. BOUNDARY DESCRIPTION

As described in Section I of this Ordinance and as shown on Exhibit "A".

2. PERMITTED USES

nose uses permitted in a Multi Family-Two (MF-2) Residential zoning district as designated in the Unified Development Code of the City of Grand Prairie as amended.

3. DENSITY REQUIREMENTS

A. East of Riverside Drive Maximum Density - 24 units per acre.

B. West of Riverside Drive Maximum Density

1. Total, cumulative, density of all tracts west of Riverside Drive may not exceed 12 units to the acre.

2. Any individual tract may be developed at up to 24 units per acre.

4. MAXIMUM PERMITTED HEIGHT

A. East of Riverside Drive - 50 ft.

B. West of Riverside Drive - 35 ft.

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5. REQUIRED PARKING

A. Developments consisting of 45 percent or less 1 bedroom units. 2 spaces per unit B.  
Developments consisting of over 45 percent 1 bedroom units. 1.8 spaces per unit

6. NOISE REDUCTION REQUIREMENT

Noise reduction construction techniques must be used for all residential development such. that all habitable rooms will have an interior noise level of 45 Ldn or less.

7. MUTUAL ACCESS AGREEMENT REQUIREMENT .

A Mutual Access Agreement providing emergency access to all sites during flooding conditions on Riverside Parkway must be approved by the City and recorded in the County Clerks Office of Tarrant County before any development permits may be issued for development within this Planned Development. The Mutual Access Agreement may not be amended or terminated unless the terminating or amending instrument is approved by the City. The Mutual Access Agreement shall be consistent with the emergency access as indicated on Exhibit "B."

8. AVIGATION RELEASE REQUIREMENT

An avigation release must be recorded in conjunction with any plat filed for a subdivision within this Planned Development (Exhibit "C").

9. MUTUAL MAINTENANCE AGREEMENT REQUIREMENT

No portion of the property west of Riverside Parkway may be platted in such a manner as to exclude adjacent land in the flood plain. A Mutual Maintenance Agreement must be established for the lake area and flood plain before development permits for development on the west side of Riverside Drive can be issued.

It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

V.

All ordinances or parts of ordinances in conflict herewith are specifically repealed.

VI.

That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, this the 7th day of June, 1994.

MAYOR  
City of Grand Prairie, Texas

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ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Zoning Case No. Z940403

III.

All multi family and non-residential development shall be required to submit a site plan in conformance with Article XVI, "Site Plan Approval," of the Unified Development Code of the City of Grand Prairie.

IV.

It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

V.

All ordinances or parts of ordinances in conflict herewith are specifically repealed.

VI.

That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, this the 7th day of June, 1994.

City of Grand Prairie, Texas

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY

certain parcel of land situated in the City of Tarrant County, Texas being more particularly described as City of \_\_\_\_\_, Texas. Now therefore, in consideration of the sum of One and No/100 Dollars (\$1.00) and other good and valuable consideration the receipt and sufficiency of which is hereby fully acknowledged and confessed, Owner does: for the unlimited use and benefit of the public and its agencies, hereby waive release, remise, quitclaim, and forever hold harmless the Dallas/Fort Worth International Airport Board, the Cities of Grand Prairie, Dallas and Fort Worth, Texas and their respective successors and assigns, hereinafter called Airport, from any and all claims for damages of any kind that Owner may have or may hereafter have in the future relating in any way to the passage of any and all aircraft (aircraft being defined as any contrivance now known or hereinafter invented, used or designed for navigation of or flight in the air), landing at or taking off from or operating at or on the Dallas/Fort Worth International Airport, or any other airport owned by either the Dallas/Fort Worth International Airport Board by whomsoever operated in the air space above the Property at heights wither (a) above the imaginary surfaces as established by and shown on "The Hazard Zoning Maps of the Joint Airport Zoning Board for the Dallas/Fort Worth Regional Airport" identified and incorporated in the Airport Zoning Ordinance of the Dallas/Fort Worth Regional Airport, Ordinance No. 71-100, as may be amended from time to time, to which reference is hereby made for all purposes and which maps are incorporated herein by reference, to an infinite height above or (b) above the elevation of 1,000 feet mean sea level, to an infinite height above, whichever height is lower, together with the right in all air space above the surface of the Property to cause damages to the Property or to persons occupying or on such Property, from noise, vibrations, fumes, dust, fuel and lubricant particles, and all . other effects that may be caused by the operation of an aircraft landing at and taking off from, or operating at or on the Dallas/Fort Worth International Airport as it is now or as it may hereinafter be configured or any other airport owned by said Dallas/Fort Worth International Airport, above the heights described above and Owner does, for the unlimited use and benefit of the public and its agencies, hereby waive, remise and release any right or cause of action which it may now or which it may in the future have against Dallas/Fort Worth International Airport Board, **the cities of Grand Prairie, Dallas and Fort Worth, Texas** and

their respective successors and assigns, whether such claim be for injury to person or damages to or taking of property, due to noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or the operation and/or maintenance of aircraft or aircraft engines at or on said Airport. This instrument does not release the owners or operators of aircraft from liability for damage or injury to person or property caused by falling aircraft or falling physical objects from aircraft, except as stated herein with respect to noise, fumes, dust fuel and lubricant particles.

Owner specially agrees that the execution by Airport of any assignment or assignments of the terms of this Release to any other municipal corporation or public agency shall extend the terms hereof to any such assignee were specifically names herein and without extinguishment of its terms as to the Airport, and it is agreed that this Release shall be binding upon

Trustee, his or their heirs and assigns,

and to any and all successors in interest to said property located in an addition to the City of \_\_\_\_\_ Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Tarrant County, Texas.

In witness therefore we have hereunto set our hands this

Notary's printed name