

ORDINANCE NO. 9457-2012

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS AMENDING THE ZONING MAP AND ORDINANCE BY SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY TO GRANT A ZONING CHANGE FROM PLANNED DEVELOPMENT 299 (PD-299) DISTRICT FOR ZERO LOT LINE (ZLL) USES TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY DETACHED RESIDENTIAL USES AND A CONCEPT PLAN FOR 60 SINGLE FAMILY RESIDENTIAL LOTS AND ONE COMMON AREA ON 10 ACRES, TO WIT: BEING LOT 15, BLOCK A, BERKSHIRE PARK, PHASE 1, AS RECORDED IN VOLUME 2004176, PAGE 2709, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, AND BEING 10.135 ACRES OUT OF THE ALLEN JENKINS SURVEY, ABSTRACT 713, AS RECORDED IN VOLUME 2004050, PAGE 6366, DALLAS COUNTY DEED RECORDS IN THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS, SAID ZONING MAP AND ORDINANCE BEING NUMBERED AS 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 owner of the property described herein below filed application with the City of Grand Prairie, Texas, petitioning an amendment of the Zoning Ordinance and map of said city so as to amend the zoning designation of said property to obtain a **Zoning Change from Planned Development 299 (PD-299) District for Zero Lot Line (ZLL) uses to a Planned Development District for Single Family Detached Residential Uses;**

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on November 5, 2012, after written notice of such public hearing before the Planning and Zoning Commission on the proposed Zoning Change had been sent to owners of real property lying within 300 feet of the property on which the **Zoning Change from Planned Development 299 (PD-299) District for Zero Lot Line (ZLL) uses to a Planned Development District for Single Family Detached Residential Uses,** 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;

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 9 to 0 to recommend to the City Council of Grand Prairie, Texas, that said Zoning Ordinance and Map be amended to allow a **Zoning Change from Planned Development 299 (PD-299) District for Zero Lot Line (ZLL) uses to a Planned Development District for Single Family Detached Residential Uses;**

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 6:30 o'clock P.M. on November 20, 2012, 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 Fort Worth Star Telegram, Fort Worth, 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 Zoning Change 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 its classification of **Planned Development 299 (PD-299) District for Zero Lot Line (ZLL) uses** 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:

SECTION 1. THAT Ordinance Number 4779, being the Unified Development Code 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:

"THE UNIFIED DEVELOPMENT CODE 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 THERETO AND ENACTING A REVISED ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN ... "

being passed and approved on November 20, 1990, as amended, is hereby further amended so as to change the Zoning District from its classification of **Planned Development 299 (PD-299) District for Zero Lot Line (ZLL) uses** to a **Planned Development District for Single Family Detached Residential Uses**, and described as follows:

Being all of Lot 15, Block A, Berkshire Park, Phase 1, as recorded in Volume 2004176, Page 2709, Real Property Records, Dallas County, Texas, and being 10.135 acres out of the Allen Jenkins Survey, Abstract 713, as recorded in Volume 2004050, Page 6366 Dallas County Deed Records in the City of Grand Prairie, Dallas County, Texas, and as shown on the approved zoning exhibit labeled as Exhibit' A', which is incorporated herein by reference.

SECTION 2. Base Zoning

Any zoning, land use requirements and restrictions not contained in this Planned Development Ordinance shall conform to those requirements for the **Single Family-Five (SF-5) District** as established in the Uniform Development Code (UDC). Where there is a conflict regarding lot dimensions, the subdivision shall conform to the Concept Plan as shown on Exhibit "B."

SECTION 3. Density and Dimensional Requirements

1. Maximum density not to exceed 8 units to the acre.
2. Minimum unit sizes to be 1,640 square feet.
3. Minimum lot size to be 5,000 square feet.
4. Minimum lot width to be 50-feet.
5. Minimum lot depth to be 100-feet.
6. Minimum front setback to main living unit and/or garage door to be 20-feet. All front entry garages shall be setback a minimum of 12" from the nearest front street facing building elevation.
7. Minimum front setback of 10-feet to be allowed for living units constructed with a front street facing porch measuring at least 5 feet in depth.
8. Minimum interior side yard setback to be 5-feet.
9. Minimum side yard setback siding on a street to be 15-feet.
10. Minimum rear yard to be 10-feet.
11. Maximum building height to be two stories.
12. Maximum lot coverage to be seventy percent (70%).

SECTION 4. Design and Amenity Standards

1. Each residential lot shall have access to a public street by a private drive. Private internal access drives and utility easements shall be dedicated as a separate lot on the final plat.
2. Two garage parking spaces shall be provided for all single family residences. All garage spaces to be directly accessible to the main housing unit. Garage units shall be used only for the parking of motor vehicles containing no more than two wheel axles and that are used as the primary mode of street transportation by the occupant.
3. Minimum ninety percent (90%) of all exterior wall surfaces shall be structurally designed for and constructed of masonry and/or stone. This percentage will be applied as a total of all exterior walls measured below the fascia board at the roof line, excluding doors, windows, boxed or bay windows, dormers, areas under covered porches one-story in

height, and other architectural projections. Masonry shall be defined as stone or standard-size, full-width brick. One hundred percent (100%) of all exterior wall surfaces directly facing a collector or arterial thoroughfare shall be structurally designed for and constructed of masonry and/or stone.

4. Repeat brick color shall not be used within four consecutive residential buildings.
5. All exterior fireplace chimneys shall be one hundred percent (100%) incased with a masonry or stone product. Hardi plank and stucco material, or derivations thereof, shall not be permitted as an exterior chimney enclosure.
6. No use of the same brick color duplicate building elevation and building profile, or color tone of roof shingle shall be used within four consecutive residential buildings on the same side of the street. No residential building may be built with similar aforementioned building elements as one located directly across the street.
7. All units shall be provided with a front porch or veranda of a unified architectural design with a minimum depth of 5 feet.
8. Flat roof design is prohibited. Minimum roof pitch to be 6:12 with a 3:12 roof pitch for front porches.
9. Roof shingles to be a 30-year warranty type with articulated ridge caps.
10. Lot Landscaping

Each residence at the time of occupancy shall have the following minimum landscaping:

- a. 1-three-inch caliper tree planted in front of each residence.
 - b. Tree species shall be in accordance with the City of Grand Prairie approved tree list contained in Article 8 of the Unified Development Code.
 - c. Front yard shrubs shall be provided for each residence in any size increment totaling a minimum of 30-gallons per residential lot.
 - d. Residential lots shall be fully sodded and irrigated in accordance with the requirements of the Unified Development Code.
11. A six (6) foot high masonry or masonry concrete screening fence, with a mortar bond finish on both sides, shall be provided along Arkansas Lane, and shall turn the corner at Bois D'arc Lane. Articulated brick columns shall be spaced along the fence facing Arkansas Lane at approximate 50 ft. centers. Such screening fences and brick columns shall extend (or wrap) into and along the side or rear lots lines, where such conditions exist, of residential lots that abut the local residential entry street(s) that extends into the subdivision from the arterial or collector street. The extended (or wrapping) portion of said screen fence shall not encroach into the required front yard setback of any residential lot.

12. In those instances where a side or rear yard residential fence is across the street from a front yard condition, a Type 3 fence constructed of cement fiberboard, concrete thin-wall, or an alternate material shall be installed. These fences will be maintained by the individual property owners.
13. Private residential lot fences shall consist of Cedar wood pickets on steel posts. All private residential lot fences shall be maintained by the individual property owners.
14. All property included within this Planned Development District shall be included in the Berkshire Park Home Owners' Association for the maintenance and related concerns regarding required masonry screening walls, private residential lot fences, side street lot fences across the street from front yards, street landscaping and irrigation, park and other common areas within the Planned Development District.


SECTION 5. 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.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are specifically repealed.

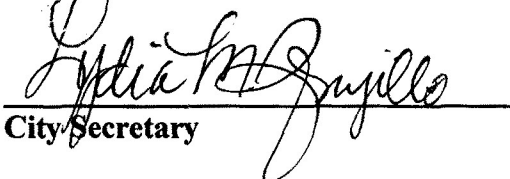
SECTION 7. THAT this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 20TH DAY OF NOVEMBER 2012.

APPROVED:


Charles England, Mayor

ATTEST:


for City Secretary

APPROVED AS TO FORM:


City Attorney

**ORDINANCE NO. 9457-2012
CASE NO. Z121101/CP121101
PLANNED DEVELOPMENT NO. 340**

Exhibit "A"
Location Map
Page 1 of 3

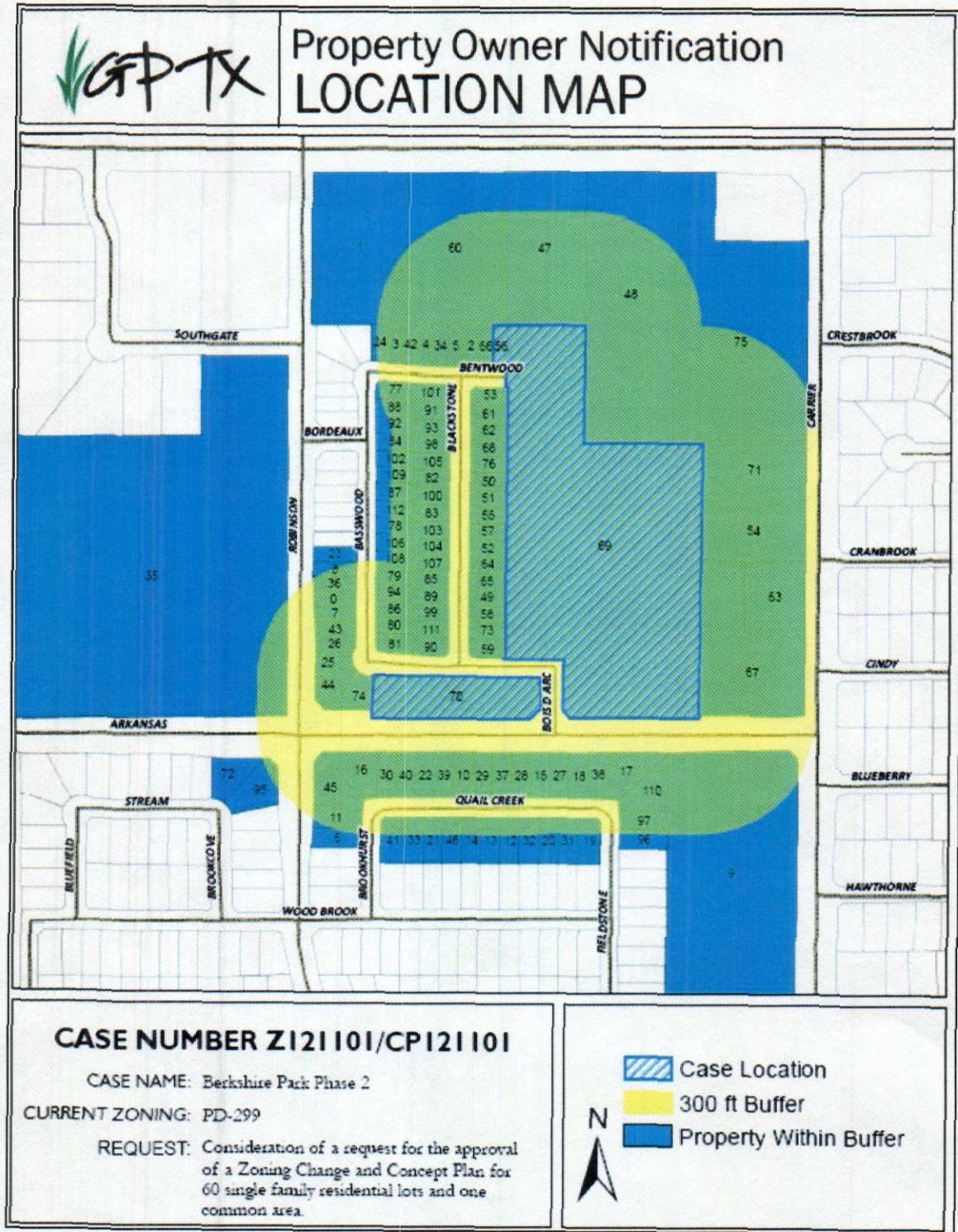


Exhibit "A"
Legal Description
Page 2 of 3

TRACT 1

LOT 15, BLOCK A, BERKSHIRE PARK, PHASE 1, an Addition to the City of Grand Prairie, Dallas County, Texas, according to the map or plat thereof recorded in Volume 2004198, Page 00130, Plat Records, Dallas County, Texas.

TRACT 2

BEING all that tract of land in the City of Grand Prairie, Dallas County, Texas, a part of the Allen Jenkins Survey, Abstract No. 713, and being a part of that 9.122 acre tract described in deed to M.R. Development Corporation as recorded in Volume 2004050, Page 6366, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found at the northwest corner of said 9.122 acre tract, said point also being the northeast corner of Berkshire Park, Phase 1, an addition to the City of Grand Prairie as recorded in Volume 2004198, Page 130, Dallas County Deed Records;

THENCE South 89 degrees 56 minutes 00 seconds East, 197.10 feet to a one-half inch iron rod found for corner in the east line of Lot 3, Block 1, Community Square Addition, an addition to the City of Grand Prairie as recorded in Volume 83114, Page 2348, Dallas County Deed Records, said point being in the west line of Lot 4B, Block 1, Community Square Addition, an addition to the City of Grand Prairie as recorded in Volume 84024, Page 4404, Dallas County Deed Records;

THENCE South 00 degrees 27 minutes 29 seconds West, 300.68 feet to a one-half inch iron rod found at the southwest corner of said Lot 4B;

THENCE South 89 degrees 56 minutes 00 seconds East, 310.84 feet along the south line of said Block 1 and the south line of Lot 4A, Carrier Crossing, an addition to the City of Grand Prairie as recorded in Volume 84204, Page 4404, to a one-half inch iron rod found in the west line of Lot 3, Block 2, Community Square Addition, an addition to the City of Grand Prairie as recorded in Volume 81180, Page 1888, Dallas County Deed Records;

THENCE South 00 degrees 34 minutes 20 seconds West, 313.45 feet to a one-half inch iron rod found for corner at the northwest corner of Lot 1, Block 2, Community Square Addition, an addition to the City of Grand Prairie as recorded in Volume 81180, Page 1888, Dallas County Deed Records;

THENCE South 00 degrees 27 minutes 27 seconds West, 399.81 feet to a three-eighths inch iron rod found at the southwest corner of said Lot 1, Block 2, said point being in the north line of Arkansas Lane (a variable width right-of-way);

THENCE North 89 degrees 52 minutes 00 seconds West, 324.31 feet along the south line of said Block 2 and along the north line of Arkansas Lane to a one-half inch iron rod found for corner, said point being the southeast corner of said Berkshire Park, Phase 1 Addition;

THENCE along the east line of said Berkshire Park, Phase 1 as follows;

North 44 degrees 52 minutes 00 seconds West, 35.36 feet to a one-half inch iron rod found for corner;

North 00 degrees 08 minutes 00 seconds East, 125.00 feet to a one-half inch iron rod found for corner;

North 89 degrees 52 minutes 00 seconds West, 155.00 feet to a one-half inch iron rod found for corner;

North 00 degrees 08 minutes 00 seconds East, 756.00 feet to a one-half inch iron rod found for corner;

South 89 degrees 52 minutes 00 seconds East, 2.73 feet to a one-half inch iron rod found for corner;

North 00 degrees 08 minutes 00 seconds East, 107.32 feet to the POINT OF BEGINNING and containing 397,052 square feet or 9.115 acres of land, more or less;

Exhibit "A"
Legal Description
Page 3 of 3

SAVE AND EXCEPT: That portion thereof conveyed from M.R. Development Corporation, by Right-of-Way Deed, to the City of Grand Prairie, by instrument dated 6/17/2004, filed 9/13/2004, recorded in Volume 2004176, Page 2709, Real Property Records, Dallas County, Texas.

TRACT 2A

BEING all that tract of land in the City of Grand Prairie, Dallas County, Texas, a part of the Allen Jenkins Survey, Abstract No. 713, and being a part of that called 1.028 acre tract described in Deed to M.R. Development Corporation as recorded in Volume 2004050, Page 6366, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found at the southwest end of a corner clip at the intersection of Arkansas Lane and the west right-of-way line of Bois d'Arc Lane, as shown on Plat of Berkshire Park, Phase 1, as recorded in Volume 2004198, Page 130, Dallas County Deed Records;

THENCE North 89 degrees 52 minutes 00 seconds West, 415.00 feet along the south line of said 1.028 acre tract and along the north line of Arkansas Lane to a one-half inch iron rod found for corner;

THENCE North 00 degrees 08 minutes 00 seconds East, 100.09 feet to a one-half inch iron rod found for corner;

THENCE Northeasterly, 28.65 feet along a non-tangent curve to the left which has a central angle of 32 degrees 50 minutes 07 seconds, a radius of 50.00 feet, a tangent of 14.73 feet, and whose chord bears North 70 degrees 16 minutes 33 seconds East, 28.26 feet to a one-half inch iron rod found for corner;

THENCE South 87 degrees 39 minutes 58 seconds East, 10.42 feet to a one-half inch iron rod found for corner;

THENCE Southeasterly, 57.04 feet along a curve to the right which has a central angle of 03 degrees 21 minutes 07 seconds, a radius of 975.00 feet, a tangent of 28.53 feet, and whose chord bears South 85 degrees 41 minutes 02 seconds East, 57.03 feet to a one-half inch iron rod found for corner;

THENCE Southeasterly, 83.40 feet along a curve to the left which has a central angle of 04 degrees 39 minutes 43 seconds, a radius of 1025.00 feet, a tangent of 41.72 feet, and whose chord bears South 86 degrees 20 minutes 20 seconds East, 83.38 feet to a one-half inch iron rod found for corner;

THENCE South 89 degrees 52 minutes 00 seconds East, 252.90 feet to a one-half inch iron rod found for corner;

THENCE South 44 degrees 52 minutes 00 seconds East, 14.14 feet to a one-half inch iron rod found for corner;

THENCE South 00 degrees 08 minutes 00 seconds West, 65.00 feet to a one-half inch iron rod set for corner;

THENCE South 45 degrees 05 minutes 00 seconds West, 35.36 feet to the POINT OF BEGINNING and containing 44,420 square feet or 1.020 acres of land, more or less;

SAVE AND EXCEPT: That portion thereof conveyed from M.R. Development Corporation to the City of Grand Prairie, Texas, by instrument dated 4/10/2008, filed 6/6/2008, recorded in Clerk's File No. 20080187254, Real Property Records, Dallas County, Texas.

Exhibit "B"
Concept Plan
Page 1 of 1

