

ORDINANCE NO. 2019-15

AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 5.93 ACRES OF LAND OUT OF A PORTION OF TRACT 4, ABSTRACT 1849, A.F. ALBRIGHT SURVEY LOCATED AT THE NORTHEAST CORNER OF N. KNOWLES DRIVE AND W. MCLEROY BOULEVARD, FROM OFFICE PROFESSIONAL (OP) TO NEIGHBORHOOD COMMERCIAL (NC) AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; BY AMENDING THE COMPREHENSIVE LAND USE PLAN RELATING TO SAID PROPERTY FROM OFFICE PROFESSIONAL (OP) TO NEIGHBORHOOD COMMERCIAL (NC); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Saginaw heretofore adopted Ordinance No. 2002-04, as amended, the Zoning Ordinance of the City of Saginaw, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council has previously passed an ordinance adopting a Comprehensive Land Use Plan, as the primary document on which to base all zoning, platting, and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Land Use Map; and

WHEREAS, in accordance with Section 1-3 of the Zoning Regulations of the City, the Planning and Zoning Commission at the request of the City Council, has initiated consideration of a change in zoning classification for the following property described as: A. F. Albright Survey, Abstract 1849, a portion of Tract 4 (Exhibit "A" & "B"), Tarrant County, Texas, located in the City of Saginaw, Texas, from Office Professional (OP) to Neighborhood Commercial (NC).

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on July 9, 2019 and the City Council of the City of Saginaw, Texas held a public hearing on July 23, 2019 with respect to the zoning changes and amended land use designation described herein; and

WHEREAS, the City Council has determined that an amendment to the Comprehensive Land Use Map, as provided herein, redesignating the below described property from Office Professional (OP) to Neighborhood Commercial (NC) land use is appropriate and is in accordance with the growth goals, objectives and planning principles set forth in the Comprehensive Land Use Plan; and

WHEREAS, the City Council has further determined that the requested rezoning of the below described property is in the best interest of the citizens of Saginaw and is necessary to correct a manifest error in the regulations or map, to recognize changed conditions or circumstances in a particular locality, or to recognize changes in technology, the style of living, or manner of doing business; and

WHEREAS, the City has complied with all requirements of Chapters 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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

SECTION 1.

The Saginaw, Texas, Comprehensive Land Use Plan, dated July 2016, as amended, is hereby amended by changing the Future Land Use Map to redesignate the hereinafter described property and area -as follows:

Approximately 5.93 acres of land and being more fully described as:

A. F. Albright Survey, Abstract 1849, a portion of Tract 4.

From Office Professional (OP) to Neighborhood Commercial (NC).

SECTION 2.

Ordinance No. 2002-04, as amended, is hereby amended by rezoning the Property described above from Office Professional (OP) to Neighborhood Commercial (NC).

SECTION 3.

The zoning districts as herein established have been made in accordance with a Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals and general welfare of the community.

SECTION 4.

The official zoning map of the City of Saginaw is hereby amended and the City Secretary is hereafter directed to revise the zoning map to reflect zoning classification as set forth above.

SECTION 5.

The City Secretary is directed to revise the Future Land Use Map to reflect the revised land use designations as set forth above.

SECTION 6.

The use of the property described above shall be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Saginaw.

SECTION 7.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Saginaw, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 8.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 9.

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance No. 2002-04, as amended, or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11.

The City Secretary of the City of Saginaw is hereby directed to publish in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Texas Local Government Code.

SECTION 12.

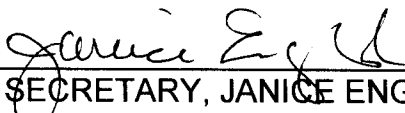
This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 3rd DAY OF SEPTEMBER 2019.



MAYOR, TODD FLIPPO


ATTEST:



CITY SECRETARY, JANICE ENGLAND

EFFECTIVE: 9-18-2019

APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY, BRYN MEREDITH



EXHIBIT "A"

LEGAL DESCRIPTION

5.93 acres situated in the A.F. ALBRIGHT SURVEY, Abstract No. 1849, City of Saginaw, Tarrant County, Texas, being a portion of that certain tract of land described in deed as Tract 4, to The McNeill Real Estate Partnership, recorded in Instrument Number D212317460, County Clerk's Records, Tarrant County, Texas, said 5.93 acres being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the southwest corner of Block 5 of WILLOW VISTA ESTATES PHASE III A, an Addition to the City of Saginaw, Tarrant County, Texas, according to the Plat recorded in Instrument Number D214051894, County Clerk's Records, Tarrant County, Texas, being in the east line of Lot P, Open Space, COURTS OF WILLOW CREEK, an Addition to the City of Saginaw, Tarrant County, Texas, according to the Plat recorded in Cabinet A, Slide 5127, Plat Records, Tarrant County, Texas, said BEGINNING point having a NAD 83, Zone 4202 (Grid) coordinate value of NORTH: 6997608.48 and EAST: 2312387.68, for reference;

THENCE N 89°18'19" E, along the south line of said Block 5, a distance of 581.71 feet to a 1/2" iron rod found for the northeast corner of the herein described 5.93 acre tract and being the northwest corner of that certain tract of land described in deed as Tract 3, to said The McNeill Real Estate Partnership, recorded in Instrument Number D212317460, County Clerk's Records, Tarrant County, Texas;

THENCE S 00°35'01" E, along the west line of said Tract 3, a distance of 447.68 feet to a 1/2" capped iron rod found stamped "Fulton Surveying", in the north line of McLeroy Boulevard (Right-of-Way varies), at the southeast corner of the herein described 5.93 acre tract and being the southwest corner of said Tract 3, from which a 1/2" iron rod found at the southeast corner of said Tract 3 bears N 89°54'55" W, a distance of 708.11 feet, for reference;

THENCE N 89°58'46" W, along the north line of said McLeroy Boulevard, a distance of 582.35 feet to a 6" iron post found at the intersection of the north line of said Boulevard with the east line of Knowles Drive (Right-of-Way varies) and being the southwest corner of the herein described 5.93 acre tract;

THENCE N 00°30'16." W, along the east line of said Knowles Drive, passing the southeast corner of said Lot P, Open Space, and continuing along the east line of said Lot P, Open Space, in all, a distance of 440.41 feet to the POINT OF BEGINNING and containing 5.93 acres(258,441 square feet) of land, more or less.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT _____ does hereby dedicate the same to be known as Lot 1, Block 1, SAGINAW SKILLED NURSING CENTER ADDITION, an Addition to the City of Saginaw, Tarrant County, Texas and whose name is subscribed hereto, hereby dedicate to the use of the public forever all rights-of-way, drainage easements and utility easement as shown on the Plat.



USE OF THIS ELECTRONIC SEAL/SIGNATURE AUTHORIZED BY CHARLES F. STARK, P.E. TEXAS REGISTRATION NO. 57357



9221 Southwest Boulevard, Suite 100
Fort Worth, Texas 76132
(C) 817.231.8100 (F) 817.231.8144
Texas Registered Engineering Firm F-10988
Texas Registered Survey Firm F-10158800
www.barronstark.com

METES AND BOUNDS EXHIBIT
SAGINAW SKILLED NURSING
5.93 ACRES A.F. ALBRIGHT SURVEY,
ABSTRACT NO. 1849
City of Saginaw, Tarant County, Texas

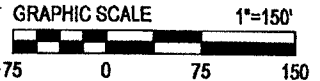
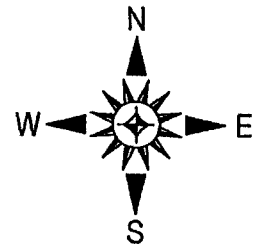
PROJECT No. 939-9568

DATE: 07/01/2019

SHEET

EX B

EXHIBIT "B"



SINGLE FAMILY
(5,500 S.F.)

FOSSIL WOOD DRIVE
(DEDICATED BY DEED OF 2/21/17)

⑤
N89°18'19"E 581.71'

COMMUNITY FACILITY

KNOWLES DRIVE

N00°30'16"W 440.41'

10' UTILITY ESMT.

10' UTILITY ESMT.

PROPOSED DETENTION AND DRAINAGE EASEMENT

10' UTILITY ESMT.

Current Zoning: Office Commercial

Proposed Zoning: Neighborhood Commercial

140.00'

230.00'

15' UTILITY ESMT.

S00°35'01"E 447.68'

MULTIFAMILY
(24 DENSITY UNITS PER ACRE)

McLBROY BOULEVARD

N89°58'46"W 582.35'

SINGLE FAMILY
(7,200 S.F.)



USE OF THIS ELECTRONIC SEAL/SIGNATURE AUTHORIZED BY CHARLES F. STARK, P.E. TEXAS REGISTRATION NO. 57357

B
Barron-Stark
Engineers

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EXISTING/PROPOSED ZONING EXHIBIT
SAGINAW SKILLED NURSING

5.93 ACRES A.F. ALBRIGHT SURVEY,
ABSTRACT NO. 1849

City of Saginaw, Tarrant County, Texas

PROJECT No. 038-9566

DATE: 07/01/2019

SHEET

EX A