

ORDINANCE NO. 2021- 20

AN ORDINANCE OF THE CITY OF SAGINAW TEXAS, AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY AMENDING THE 2016 COMPREHENSIVE MASTER PLAN BY CHANGING THE ULTIMATE LAND USE PLAN AND ESTABLISHING THE VILLAS AT WILLOW CREEK PLANNED DEVELOPMENT DISTRICT WITH SINGLE FAMILY (SF4) USES; PROVIDING DEVELOPMENT STANDARDS AND DEVELOPMENT PLAN; AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; 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 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 the 2016 Comprehensive Master Plan, as the primary document on which to base all zoning, platting, and other land use decisions; and

WHEREAS, the 2016 Comprehensive Master Plan provides guidance for future development in conformance with the Ultimate Land Use Map; and

WHEREAS, the owner of property consisting of approximately 20.8587 acres of land out of Tract 2H3 and 2H4, Abstract 1849, A.F. Albright Survey, Tarrant County, Texas, and located south of West McLeroy Boulevard and west of Woodcrest Drive, has filed an application to establish the Villas at Willow Creek Planned Development District with Single Family (SF3)Uses; and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas, held a public hearing on August 10, 2021 and the City Council of the City of Saginaw, Texas, held a public hearing on August 16, 2021, with respect to the proposed 2016 Comprehensive Master Plan amendment and Planned Development District as described herein; and

WHEREAS, the City Council has determined that an amendment to the Ultimate Land Use Map, as provided herein, redesignating the below described property from Multi-Family (MF1) and Neighborhood Commercial (NC)

Planned Development (PD) is appropriate and is in accordance with growth goals, objectives, and planning principles set forth in the 2016 Comprehensive Master Plan; and

WHEREAS, the City has complied with all requirements of Chapter 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 amendment of the Comprehensive Master Plan; and

WHEREAS, the City Council finds that the requested Planned Development District as outlined herein is in the best interest of the City of Saginaw and will promote the health, safety and general welfare of the citizens of the City of Saginaw and the general public.

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

SECTION 1.

The City of Saginaw Texas, 2016 Comprehensive Master Plan, as amended, is hereby amended by changing the Ultimate Land Use Map to redesignate the hereinafter described property and area (the "Property") as follows:

Approximately 20.8587 acres of land out of Tract 2H3 and 2H4, Abstract 1849, A.F. Albright Survey, Tarrant County, Texas, and located south of West McLeroy Boulevard and west of Woodcrest Drive as more fully described in Exhibit "A" hereto.

from Multi-Family (MF1) and Neighborhood Commercial (NC) to Planned Development.

SECTION 2.

Ordinance No. 2002-04, as amended, is hereby amended by rezoning the Property from Multi-Family (MF1) and Neighborhood Commercial (NC) " PD" Planned Development, with Single Family (SF4) uses.

SECTION 3.

The use of the property described above shall be subject to the development restrictions, terms and conditions set forth in Exhibit "B" attached hereto, as well as the Development Plan attached hereto as Exhibit "C" establishing the Villas at Willow Creek Planned Development District.

SECTION 4.

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

SECTION 5.

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 6.

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

SECTION 7.

The use of property 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 8.

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 9.

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 10.

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) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 11.

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 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.

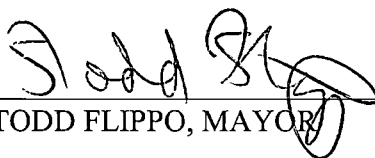
SECTION 12.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice 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 Local Government Code.

SECTION 13.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS 16th DAY OF AUGUST, 2021.


TODD FLIPPO, MAYOR

ATTEST:


JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: 8-27-2021

APPROVE AS TO FORM AND LEGALITY:


BRYN MEREDITH, CITY ATTORNEY



Exhibit "A"
Property Description

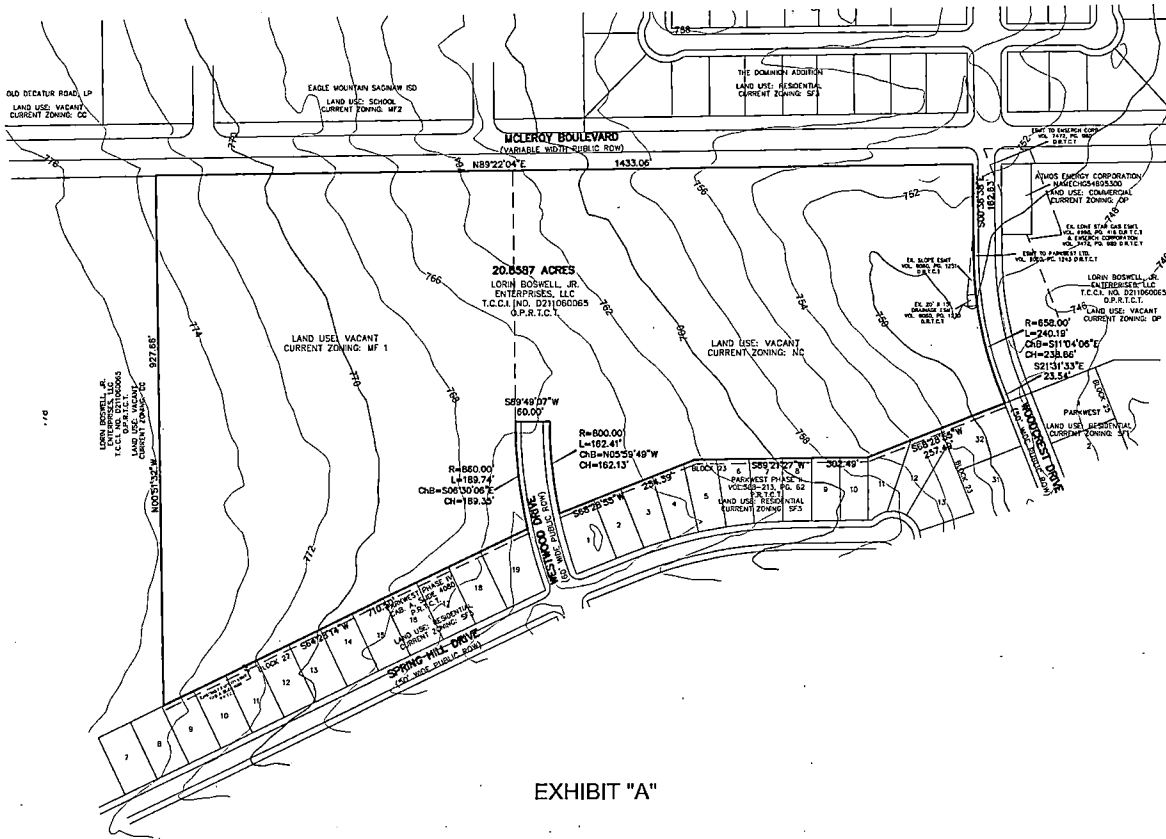


EXHIBIT "A"

LEGAL DESCRIPTION

BEING a 20.8587 acre tract of land located in the Alexander F. Allbright Survey, Abstract No. 1849, City of Saginaw, Tarrant County, Texas, said 20.8587 acre tract of land being all of that certain tract of land conveyed to LORIN BOSWELL, JR., ENTERPRISES, LLC, by deed thereof filed for record in Tarrant County Clerk's Instrument No. D211060665, Official Public Records, Tarrant County, Texas, said 20.8587 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found (Controlling Monument) at the southeast property corner of a called 1.292 acre tract of land conveyed to the City of Saginaw, by deed thereof filed for record in Volume 12637, Page 1369, Deed Records, Tarrant County, Texas, same being at the intersection of the south right-of-way line of McLevy Boulevard (being a variable width public right-of-way) with the west right-of-way line of Woodcrest Drive (being a 50 feet wide public right-of-way at this point)

THENCE along the said west right-of-way line of Woodcrest Drive the following courses and distances:

South 00°36'38" East, a distance of 162.63 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set (hereinafter referred to as an iron rod set) at the beginning of a curve to the left having a radius of 658.00 feet;

Along said curve to the left, an arc length of 240.19 feet, and across a chord which bears South 11°04'06" East, a chord length of 238.86 feet to an iron rod set;

South 21°31'33" East, a distance of 23.54 feet to a point for corner at the north lot corner of lot 32, Block 23, Parkway Phase II, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 388-213, Page 62, Plat Records, Tarrant County, Texas (P.A.T.C.T.), from which a 1/2 inch iron rod found bears North 68°51'12" East, a distance of 0.81 feet;

THENCE departing the said right-of-way line, and along the northwest block line of said Block 23 the following courses and distances:

South 68°28'55" West, a distance of 257.49 feet to an iron rod set; South 89°21'27"

West, a distance of 302.49 feet to an iron rod set;

South 68°28'55" West, a distance of 254.39 feet to an iron rod set at the northwest lot corner of Lot 1, of said Block 23, same being on the east right-of-way line of Westwood Drive (being a 50 feet wide public right-of-way, as depicted by the said plat of Parkway Phase II), and being at the beginning of a curve to the right having a radius of 800.00 feet;

THENCE along the said east right-of-way line, with said curve to the right, an arc length of 162.41 feet, and across a chord which bears North 05°59'49" West, a chord length of 162.13 feet to an iron rod set;

THENCE South 83°49'07" West, along the north right of way line of said Westwood Drive, a distance of 60.00 feet to an iron rod set at the beginning of a curve to the left having a radius of 860.00 feet;

THENCE along the west right-of-way line of said Westwood Drive, with said curve to the left, an arc length of 189.74 feet, and across a chord which bears South 05°30'06" East, a chord length of 189.35 feet to a 5/8 inch iron rod found at the north lot corner of Lot 19, Block 23, Parkway Phase IV, being an Addition to the said City and State, according to the plat thereof filed for record in Cabinet A, Slide 4080, P.A.T.C.T.;

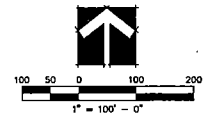
THENCE South 64°28'14" West, along the northwest block line of said Block 23, Parkway Phase IV, at a distance of 215.45 feet passing a 1/2 inch iron rod found, and continuing in all a total distance of 710.50 feet to an iron rod set, from which a 1/2 inch iron rod found (controlling Monument) at the west lot corner of Lot 7, of said Block 23 (Parkwest Phase IV) bears South 64°28'14" West, a distance of 127.35 feet;

THENCE North 00°51'32" West, departing the said block line, over and across the said Boswell tract, a distance of 927.66 feet to an iron rod set on the south property line of the aforementioned 1.292 acre tract;

THENCE North 89°22'04" East, along the south property line of the said 1.292 acre tract, said south property line being the said existing south right-of-way line of McLevy Boulevard, a distance of 1,433.06 feet to the POINT OF BEGINNING.

The hereinabove described tract of land contains a computed area of 20.8587 acres (908,006 square feet) of land, more or less.

CURRENT ZONING: MF-1 AND NC
 PROPOSED ZONING: PD SINGLE FAMILY DETACHED,
 MEDIUM DENSITY



ZONING EXHIBIT

VILLAGES AT WILLOW CREEK
 20.8587 ACRES OUT OF
 ALEXANDER F ALLBRIGHT SURVEY, ABSTRACT NO. 1849
 CITY OF SAGINAW, TARRANT COUNTY, TEXAS

LORIN BOSWELL, JR ENT P LLC ETAL OWNER
 3121 Armerist Avenue
 Dallas, Texas 75225
 Contact: Robert Karpman (817) 832-0031

HHS RESIDENTIAL, LLC APPLICANT
 5601 Democracy Drive, Suite 300
 Plano, Texas 75024
 Contact: Matt McGhee (832) 326-7085

JBI PARTNERS, INC. PLANNER/ENGINEER
 2121 Midway Road, Suite 300
 Carrollton, Texas 75005
 Contact: Jerry Syo (972) 248-7676
 TBPE No. F-436 TBPLS No. 10076000

Submitted: February 9, 2021

Exhibit "B"
Land Use and Development Standards

EXHIBIT "B"
LAND USE AND DEVELOPMENT STANDARDS

VILLAS AT WILLOW CREEK

PURPOSE

The purpose of this planned development is to create the Villas at Willow Creek neighborhood. Villas at Willow Creek will be a neighborhood of single-family homes developed in a cluster concept. Typically, each cluster contains 8 individual, detached homes. The homes wrap around a common auto court which provides direct access to the attached, 2-car garages.

The homes will be 2 stories in height and will either have 3 or 4 bedrooms, which is plan dependent. The homes will range in size from 1,467 square feet to 2,038 square feet. The average size home in Villas at Willow Creek will be 1,740 square feet. Each of the homes will have a fenced yard.

What sets Villas at Willow Creek apart from a typical single-family neighborhood is that the homes will be individually leased, rental homes. They will be owned and maintained by the same entity which will also own and maintain the property. This provides for a consistent appearance and upkeep throughout the neighborhood.

GENERAL STANDARDS

- A. The design and development of the Villas at Willow Creek neighborhood shall take place in accordance with the attached Development Plan (Exhibit C).
- B. Unless otherwise specified in this planned development, development within the Villas at Willow Creek neighborhood is governed by the Saginaw Zoning Ordinance. In the event of any conflict or inconsistency between these standards and the applicable City regulations, the terms and provisions of this planned development shall apply.
- C. In the event of a conflict between the written text and the illustrations provided in this planned development, the written text contained herein shall control.
- D. The maximum number of homes in the Villas at Willow Creek neighborhood shall be 173.
- E. Exterior construction. Seventy-five percent (75%) of the exterior of the structure shall be masonry construction, exclusive of windows, doors, and dormers. For purposes of this Section, masonry construction shall mean that form of construction composed of brick, stone, concrete, hollow-clay tile, glass block, or combination of these materials laid up unit by unit and set in mortar.

DEVELOPMENT STANDARDS

- A. Uses
 - 1. Permitted uses allowed shall be all principal and accessory uses which are allowed by right in the (SF-4) Single Family District, in accordance with Section 9.03.114 of the Zoning Ordinance, as it exists or may be amended.
 - 2. A Conditional Use Permit shall be required for all uses otherwise requiring a Conditional Use Permit in the (SF-4) Single Family District, in accordance with Section 9.03.114 of the Zoning

Ordinance, as it exists or may be amended.

- B. Area Requirements: The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), maximum lot coverage, and minimum floor area, and other requirements as it pertains to this district shall be as outlined in the table below.

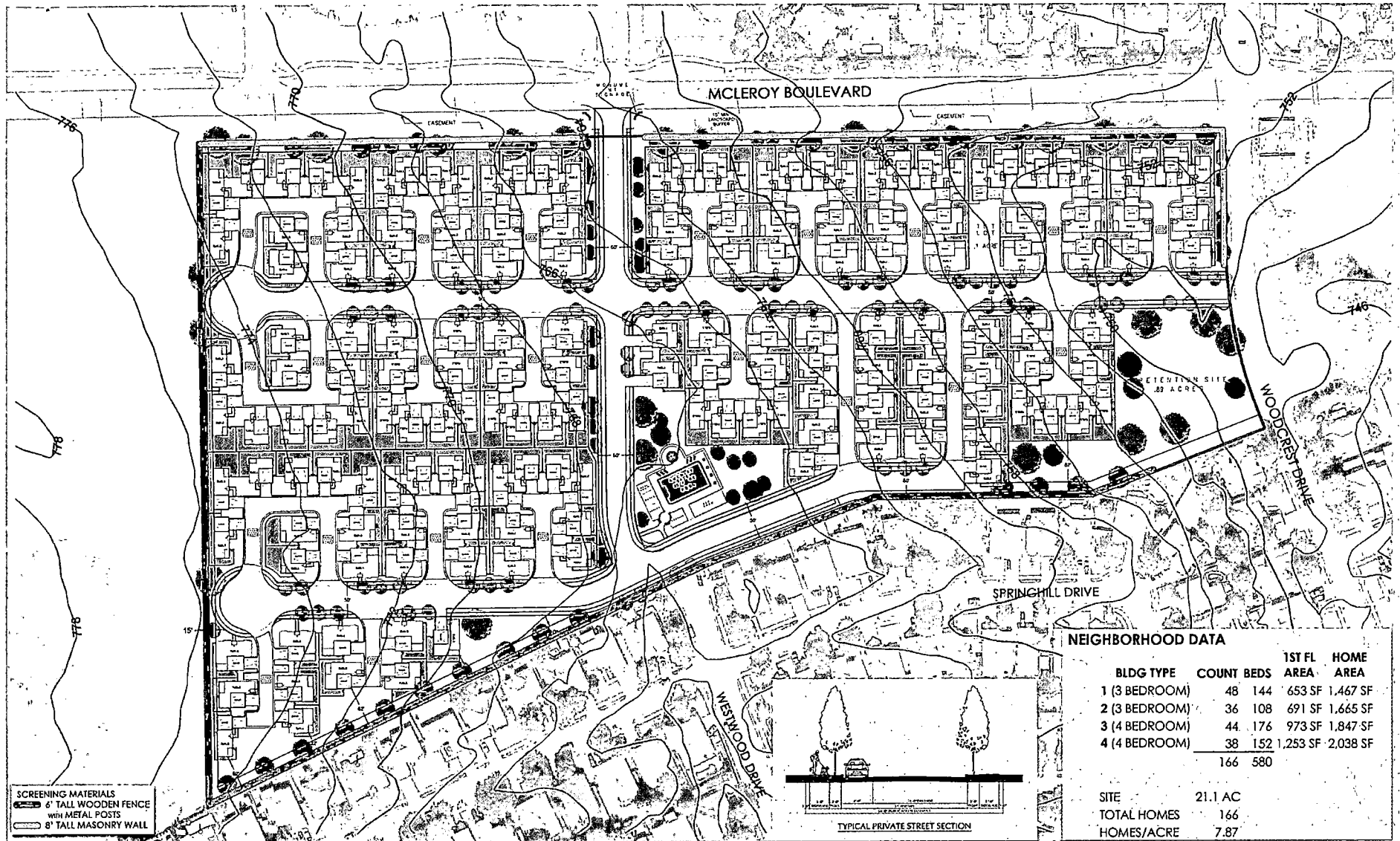
The requirements regulating the development of individual clusters within the Villas at Willow Creek neighborhood shall be governed by the diagrams shown on the Cluster Diagram Sheets (Exhibits D and D-1).

DEVELOPMENT STANDARD

DEVELOPMENT STANDARD	
Minimum Lot Area	3,000 Sq Ft of lot area per home
Minimum Lot Width	100'
Minimum Lot Depth	200'
Minimum Front Yard	20', Measured from public ROW
Minimum Side Yard	15', Measured from public ROW
Minimum Rear Yard	15', 20' if abutting a SF District
Maximum Lot Coverage (Bldg)	50%
Maximum Building Height	36'
Minimum Floor Area	1,400 Sq Ft (Exclusive of garage)

- C. Screening:
1. Wood Fence: As shown on Exhibit C (Development Plan), a minimum 6' high wooden screening fence with metal posts shall be provided generally along the west and south property lines of the site.
 2. Masonry Wall: As shown on Exhibit C (Development Plan), a minimum 8' high masonry screening wall shall be provided generally along the north and east property lines of the site.
 3. Vegetative Screening: As depicted on Exhibit C (Development Plan), one, 4" caliper canopy tree, as identified in Section 8-13(D)(2) of the Saginaw Zoning Ordinance shall be provided within 20' of the south property line of the site. The spacing of said trees shall be one per adjacent lot. Also, two accent trees, as identified in Section 8-13(D)(2) of the Saginaw Zoning Ordinance shall be provided within 10' of the south property line of the site adjacent to Westwood Drive and the lot immediately west of Westwood Drive.

Exhibit "C"
Development Plan



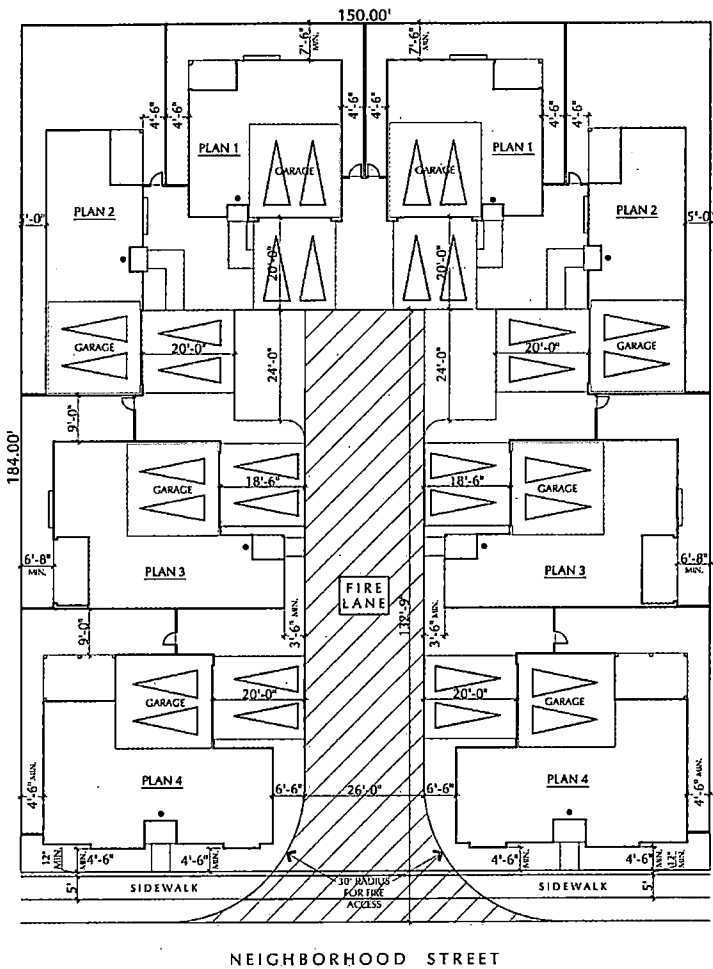
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 HRR005

VILLAS AT WILLOW CREEK

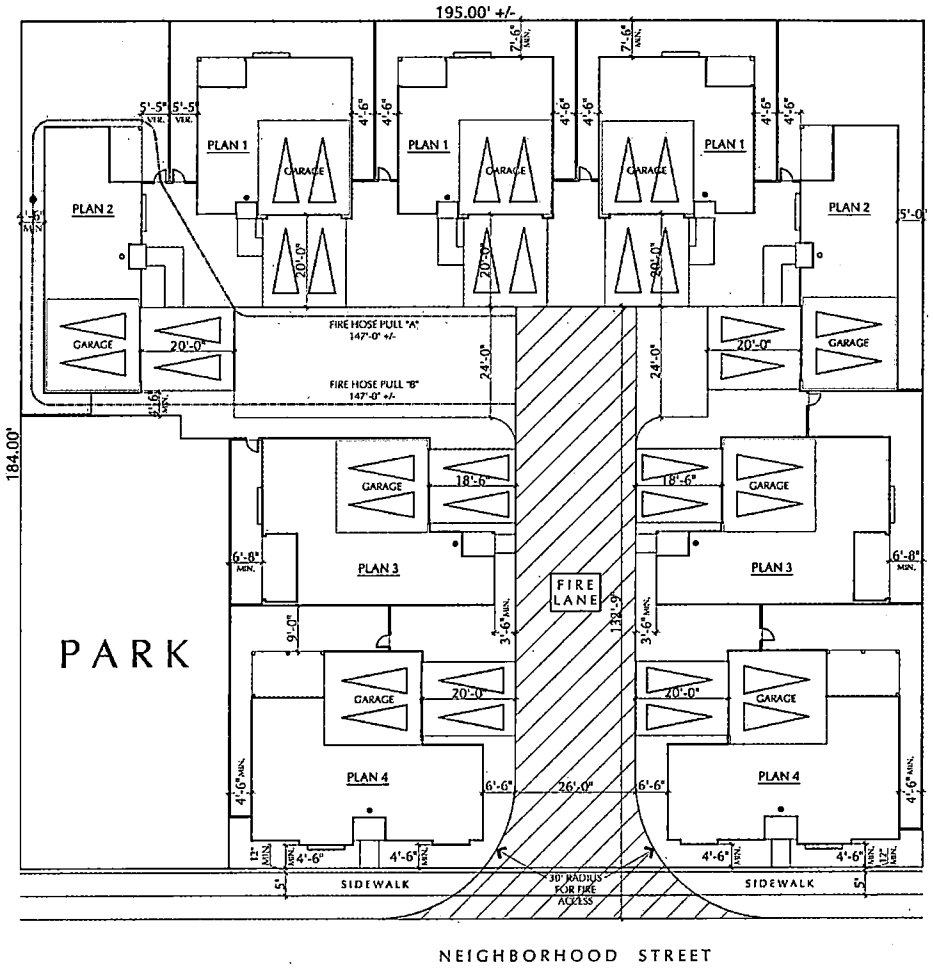
EXHIBIT C
 DEVELOPMENT PLAN
 SAGINAW, TEXAS **JBI**
 PARTNERS

**Exhibit "D" and "D-1"
Cluster Diagram Sheet**



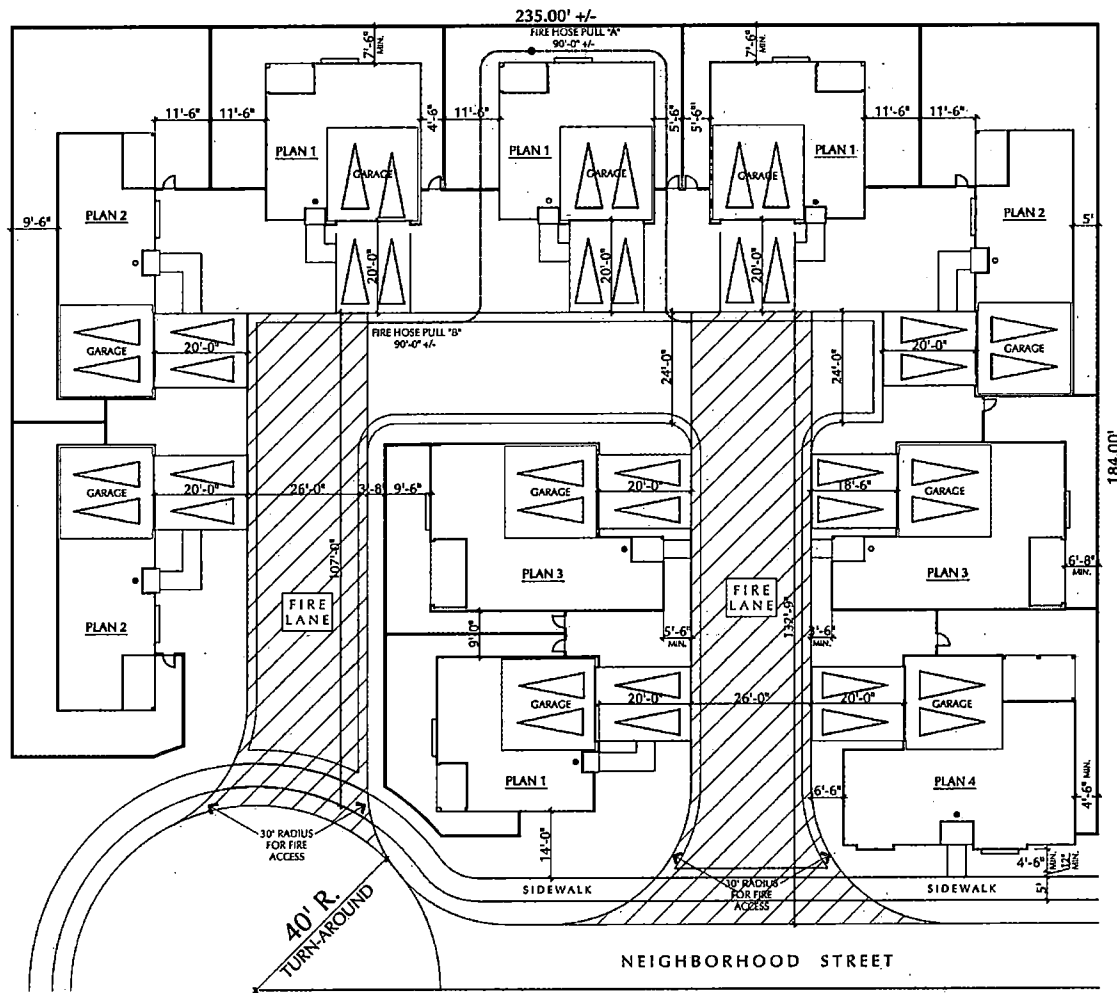
TYPICAL CLUSTER DIAGRAM

MEDIUM DENSITY S F D - 8-PACK CLUSTER
 NOTE: ALL UNITS TO BE FIRE SPRINKLERED.



MODIFIED CLUSTER DIAGRAM

MEDIUM DENSITY S F D - 9-PACK CLUSTER
 NOTE: ALL UNITS TO BE FIRE SPRINKLERED.



MODIFIED CLUSTER DIAGRAM

MEDIUM DENSITY SFD - 10-PACK CLUSTER

NOTE: ALL UNITS TO BE FIRE SPRINKLERED.

VILLAS AT WILLOW CREEK