

ORDINANCE NO. 1960

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, CHAPTER 84, "UNIFIED DEVELOPMENT CODE"; AMENDING THE CITY OF EULESS ZONING DISTRICT MAP ON PROPERTY SITUATED IN THE ANDREW J. HUITT SURVEY, ABSTRACT NO. 709, BEING A PORTION OF COMMERCIAL TRACT A, BLOCK 1, OAK CREST ESTATES ADDITION, FROM TEXAS HIGHWAY 10 MULTI-USE ZONING DISTRICT (TX-10) TO PLANNED DEVELOPMENT DISTRICT (PD) FOR SENIOR HOUSING MULTI-FAMILY RESIDENTIAL DWELLINGS; ADOPTING SPECIFIC DEVELOPMENT REGULATIONS APPLICABLE TO SAID PROPERTY AS DESCRIBED HEREIN AND ON THE ATTACHED EXHIBITS; PROVIDING FOR RESTRICTIONS ON USE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City of Euless has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential and other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, the owner of the property described herein has filed an application (Zoning Case No. #12-03-PD) to rezone said property from its current Texas Highway 10 Multi-Use zoning district (TX-10) to Planned Development zoning district (PD) to allow for the development of a senior living housing complex; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on July 17, 2012, in conjunction with Zoning Case No. #12-03-PD, and has rendered a recommendation to the City Council with respect to this case; and

WHEREAS, the City Council conducted a public hearing on July 24, 2012, considered the recommendation of the Planning and Zoning Commission, and has determined that the proposed change is in the best interest of the general welfare of the City of Euless;

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Texas Local Government Code.

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

SECTION 1.

Chapter 84 of the Code of Ordinances of the City of Euless is amended by rezoning the following described property from the current zoning classification of Texas 10 Multi-Use District to PD Planned Development District based on the Texas 10 Multi-Use District to additionally allow Senior Housing Multi-Family Residential Dwellings:

A TRACT OF LAND OUT OF THE ANDREW J. HUITT SURVEY, ABSTRACT NO. 709, BEING A PORTION OF COMMERCIAL TRACT A, BLOCK 1, OAK CREST ESTATES ADDITION, said property being specifically shown in Exhibit "A" and being further described in Exhibit "B" attached hereto and incorporated herein for all purposes (the "Property").

The official zoning map of the City of Euless, Texas, being a part of the Euless Unified Development Code, shall be revised to reflect the rezoning approved herein. The Property shall conform to the uses and development standards provided herein.

**SECTION 2.
DEVELOPMENT SCHEDULE**

The development schedule for the Senior Housing Multi-Family Residential Dwellings shall require the commencement of construction of the project within two hundred and seventy (270) days from the date of approval of this Ordinance. Failure to meet the development schedule shall result in the reconsideration of the zoning by the Euless City Council in accordance with Section 84-140(7)(b) of the Euless Unified Development Code.

**SECTION 3.
DEVELOPMENT STANDARDS**

All development and use standards of the Texas 10 Multi-Use District as referenced in the Euless Unified Development Code shall be applicable to the Property with the exception that development standards for Senior Housing Multi-Family Residential Dwellings shall be as follows:

Senior Housing Multi-Family Development

Allowed Use

The allowed multi-family use for the Property shall be restricted to multi-family dwellings for senior citizens and related amenities.

General Definitions

Senior Housing Multi-Family Residential Dwellings shall be defined as a building containing three or more independent and separate dwelling units which may have common access through halls or stairways. Residency of senior multi-family housing shall be limited to senior citizen residents.

Senior citizen residents shall be defined as individual residents at least fifty-five (55) years of age or older.

Age Restriction

The Property shall be deed restricted as to the potential development and use of a senior independent living community on the Property. Specifically, each unit shall be solely occupied by individuals fifty-five (55) years of age or older. A copy of the deed restrictions for the Property shall be submitted to the City Attorney for review and approval prior to the issuance of any replat or building permits for the construction of a senior living community. The deed restrictions must be filed of record with the plat. Any termination or amendment of the deed restrictions shall require the review of the City Attorney and the approval of City Council of the City of Euless prior to recordation.

Density

The dwelling unit count shall not exceed one hundred seventy (170) units of Senior Housing Multi-Family Residential Dwellings or twenty-eight (28) units per acre.

Minimum Floor Area Per Unit Type

- One bedroom: 700 square feet
- Two bedroom: 925 square feet

Building Setbacks

Buildings or portions of buildings three stories or greater shall be a minimum of eighty (80) feet from the rear or side property boundaries.

Front building setbacks shall be a minimum of thirty (30) feet from the property boundaries abutting public right-of-way.

Height

Any buildings constructed within this district shall be a maximum of fifty-eight (58) feet in height and shall have no more than four stories.

Façade Materials

The façades of any buildings constructed within this district shall be comprised of at least ninety (90%) percent masonry materials as defined by Section 84-181 of the Euless Unified Development Code. The percentage of materials on the façade shall be calculated excluding the area of doors, windows and other penetrations to the exterior façade.

Parking

Parking for the senior multi-family use shall be at a ratio of one and two tenths (1.2) parking spaces per dwelling unit. Fractions of parking spaces shall be rounded up to the next whole number. Parking requirements may be satisfied by a combination of surface parking, garage parking or surface parking covered by a carport.

Landscaping and Screening

Any development within this district shall be in compliance with the landscape standards of Section 84-334 of the Euless Unified Development Code.

Screening and fencing requirements shall conform to the following standards.

1. For any property line adjacent to single-family zoning or uses, fencing shall consist of a masonry wall. Masonry columns shall be placed along the fenceline at a minimum of sixty-four (64) feet on center.
2. For any fencing to be placed abutting adjacent non-residential zoning or along public right-of-way, steel or aluminum fencing (wrought iron style) or masonry fencing shall be installed. Masonry columns shall be placed along such fenceline at a minimum of sixty-four (64) feet on center.

SECTION 4. PURPOSE OF REGULATIONS

The zoning districts and boundaries, and the regulations applicable thereto, as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses allowed and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 5. RESTRICTIONS ON USE

The use of the Property herein described shall be subject to all the applicable regulations contained in the Euless Unified Development Code and all other applicable and pertinent ordinances of the City of Euless, Texas.

**SECTION 6.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Euless that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section 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 phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase.

**SECTION 7.
PENALTY FOR VIOLATION**

Any person, firm, or corporation violating any of the terms and provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-12, "General Penalty," Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

**SECTION 8.
SAVINGS CLAUSE**

All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the Euless Unified Development Code applicable to the Property 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 9.
PUBLICATION**

The City Secretary is hereby directed to publish the caption, penalty clause and effective date clause of this Ordinance in the official newspaper as provided by Article II, Section 12 of the Euless City Charter.

**SECTION 10.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication, as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Eules City Council on the 24th day of July 2012, by a vote of _ ayes, _ nays, and no abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney

EXHIBIT B

BEING a tract of land situated in the Andrew J. Huitt Survey, Abstract No. 709, City of Euless, Tarrant County, Texas, and being a portion of Commercial Tract-A, Block 1 of Oak Crest Estates, an Addition to the City of Euless, Texas, according to the Plat thereof recorded in Volume 388-14, Page 29 of the Plat Records of Tarrant County, Texas, same also being a portion of a called 10.125 acre tract of land, conveyed to Euless 183 Joint Venture, as evidenced in a General Warranty Deed recorded in Volume 7983, Page 1717 of the Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch "DAA" capped iron rod found for the northeast corner of said Commercial Tract-A and the northeast corner of said 10.125 acre tract, same being the intersection of the south right of way line of West Euless Boulevard (State Highway No. 10), a variable width right of way, with the west right of way line of Dickey Drive (a 60' wide right of way);

THENCE South 01°06'00" East, along the east line of said Commercial Tract-A, the east line of said 10.125 acre tract and the west right of way line of said Dickey Drive, a distance of 5.60 feet to 1/2-inch "DAA" capped iron rod found for the point of curvature of a curve to the left;

THENCE continuing along the east line of said Commercial Tract-A, the east line of said 10.125 acre tract and the west right of way line of said Dickey Drive, and along the arc of said curve to the left, through a central angle of 36°15'19", having a radius of 472.90 feet, a chord bearing of South 19°13'40" East, a chord distance of 294.27 feet and an arc length of 299.24 feet to a 5/8-inch iron rod found for the most northerly, southeast corner of said 10.125 acre tract, same being the northeast corner of a tract of land, conveyed to Don A. Albanesi, as evidenced in a Special Warranty Deed recorded in Volume 9986, Page 2223 of the Deed Records of Tarrant County, Texas;

THENCE South 88°54'00" West, departing the east line of said Commercial Tract-A, the west right of way line of said Dickey Drive, along a south line of said 10.125 acre tract and the north line of said Don A. Albanesi tract, a distance of 105.26 feet to a 1/2-inch iron rod found for the northwest corner of said Don A. Albanesi tract;

THENCE South 01°12'08" East, along an east line of said 10.125 acre tract, the west line of said Don A. Albanesi tract and the west line of a tract of land, conveyed to Don A. Albanesi, as evidenced in a Special Warranty Deed recorded in Volume 9986, Page 2227 of the Deed Records of Tarrant County, Texas, a distance of 130.61 feet to a 3/4-inch iron rod found for the most a southeast corner of said 10.125 acre tract, same being on the north line of a called 1.160 acre tract, conveyed to GREWA, LLC, as evidenced in a Special Warranty Deed recorded in Instrument No. D208208738 of the Official Public Records of Tarrant County, Texas;

THENCE in a westerly direction, along the south line of said 10.125 acre tract and the north line of said 1.160 acre tract, the following:

South 88°54'00" West, a distance of 189.43 feet to a corner, from which, a found 1/2-inch "DAA" capped iron rod bears North 05°42' West, 0.21 feet;

North 01°06'00" West, a distance of 20.30 feet to a 1/2-inch iron rod found for a corner;

South 88°54'00" West, a distance of 32.00 feet to a 1/2-inch iron rod found for a corner;

South 01°06'00" East, a distance of 20.30 feet to a corner, from which a found 1/2-inch "DAA" capped iron rod bears South 73°58' East, 0.34 feet;

South 88°54'00" West, a distance of 124.43 feet to the northwest corner of said 1.160 acre tract, from which, a T-post bears North 33°24' East, 0.83 feet;

THENCE South 01°06'00" East, along an east line of said 10.125 acre tract and the west line of said 1.160 acre tract, a distance of 60.39 feet to the most southerly, southeast corner of said 10.125 acre tract, same being the southwest corner of said 1.160 acre tract, same also being the northeast corner of Lot 8R, Block 1 of Oak Creek Estates, an Addition to the City of Euless, Texas, according to the Plat thereof recorded in Volume 388-18, Page 19 of the Plat Records of Tarrant County, Texas, from which a found 1/2-inch "DAA" capped iron rod bears North 64°57' West, 0.28 feet;

THENCE South 88°54'00" West, along the south line of said Commercial Tract-A, the south line of said 10.125 acre tract and the north line of Lots 8R, 9R and 10R, Block 1 of said Oak Creek Estates, a distance of 241.69 feet to a 5/8-inch "KHA" capped iron rod set for a corner;

THENCE North 00°53'51" East, departing the south line of said Commercial Tract-A, the south line of said 10.125 acre tract and the north line of said Lot 10R, a distance of 496.92 feet to a 5/8-inch "KHA" capped iron rod set for a corner on the north line of said Commercial Tract-A and the south right of way line of aforesaid West Euless Boulevard (State Highway No. 10);

THENCE South 89°06'09" East, along the north line of said Commercial Tract-A, the north line of said 10.125 acre tract and the south right of way line of said West Euless Boulevard (State Highway No. 10), a distance of 583.98 feet to the POINT OF BEGINNING and containing 6.250 acres of land, more or less.

Bearings based upon the south line of Commercial Tract-A, Block 1 of Oak Crest Estates, an Addition to the City of Euless, Texas, according to the Plat thereof recorded in Volume 388-14, Page 29 of the Plat Records of Tarrant County, Texas, said bearing being South 88°54'00" West.