

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING CHAPTER 84 OF THE CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EULESS, TEXAS; AMENDING THE CITY OF EULESS ZONING DISTRICT MAP ON PROPERTY SITUATED IN THE A. J. HUITT SURVEY, ABSTRACT NO. 709, A 14.194 ACRE TRACT LAND BEING ALL OR A PORTION OF OAK CREST ESTATES ADDITION BLOCK 1, COMMERCIAL TRACT A, FROM TEXAS HIGHWAY 10 MULTI-USE ZONING DISTRICT (TX-10) TO PLANNED DEVELOPMENT DISTRICT (PD); ADOPTING SPECIFIC DEVELOPMENT SCHEDULE AND DEVELOPMENT STANDARDS; 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, the Planning and Zoning Commission has conducted a public hearing on June 2, 2015, in conjunction with Zoning Case No. 15-03-PD, and has rendered a recommendation to the City Council with respect to this case;

WHEREAS, the City Council has conducted a public hearing on June 23, 2015, 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;

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

SECTION 1.

THAT the official zoning district map of the City of Euless, Texas, being a part of Chapter 84 of the Code of Ordinances, be amended to read so that the zoning district classification of 14.194 acres out of the A. J. Huitt Survey, Abstract No. 709 as described on the attached **Exhibit "A-1"**, is changed from Texas Highway 10 Multi-use Zoning (TX-10) to into Planned Development (PD) consisting of three (3) subdistricts as depicted herein on the attached **Exhibits "A-2", "A-3" and "A-4"**; **the subdistricts being further described on Exhibits "B-1" and "B-2"** (Commercial/Single Family Residential Design Standards & Elements), **Exhibits "C-1" and "C-2"** (Single Family Residential Design Standards & Elements), and **Exhibits "D-1" and "D-2"** (Senior Housing Multifamily Residential Design Standards & Elements).

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 three hundred and sixty five (365) 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 Eules City Council in accordance with Section 84-140(7)(b) of the Eules Unified Development Code.

SECTION 3.

DEVELOPMENT STANDARDS

General Definitions. Senior Multi-Family Housing shall be defined as a building containing three or more independent and separate dwelling units which may or may not 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 Eules prior to recordation.

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

SECTION 4.

SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council of the City of Eules 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 5.

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," Eules Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 6.

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 7.

PUBLICATION. The caption, penalty clause, and effective date clause of this ordinance shall be published in a newspaper of general circulation in the City of Euless, in compliance with the provisions of Article II, Section 12 of the Euless City Charter.

SECTION 8.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, 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 Euless City Council on June 23, 2015 by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

Linda Martin, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne Olson, City Attorney

Exhibit A-1
Legal Description for 14.194 acres (Primary Tract)

DESCRIPTION 14.194 ACRES

SITUATED in the City of Euless, Tarrant County, Texas, in the A. J. Huitt survey, abstract no. 709, being a survey of Tract A of Oak Crest Estates, an addition to Euless, Tarrant County, Texas according to the map thereof recorded in volume 388-14, page 29 of the Tarrant County plat records, a survey of Parcel No. 1 and Parcel No. 2 of Ordinance No. 880 recorded in volume 8537, page 695 of the Tarrant County deed records, being a survey of Lots 1, 2 and 3 of the Alexander & Cullum Subdivision recorded in volume 388-C, page 109 of the Tarrant County plat records and a survey of the tract 3.3250 acre tract described in a deed from Lane and Tisdale Joint Venture to Centex Investments, Inc., Trustee, dated August 30, 1984, recorded in volume 7945, page 429 of the Tarrant County deed records, being described by metes and bounds as follows:

BEGINNING at a ½-inch iron pin set at the northeast corner of said Tract A, in the south right-of-way line of East Euless Boulevard(State Highway 10) and the west right-of-way line of Dickey Drive;

THENCE southerly with the east line of said Tract A and the west right-of-way line of said Dickey Drive as follows:

South 01°06'43" East, 5.34 feet to a ½-inch iron pin set at the P.C. of a curve to the left;

THENCE along said curve, a radius of 472.90 feet, an arc length of 298.91 feet, a central angle of 36°12'55", a chord direction of South 19°13'10" East and a chord length of 293.96 feet to a ½-inch iron pin set at the northeast corner of the tract recorded in volume 4424, page 909;

THENCE South 88°49'56" West, with the north line of said tract in volume 4424, page 909, 104.92 feet to a ½-inch iron pin found at the northwest corner of said tract in volume 4424, page 909;

THENCE South 01°03'54" East, with the west line of said tract in volume 4424, page 909 and passing its southwest corner and the northwest corner of the tract recorded in volume 5749, page 174, continuing with the west line of said tract in volume 5749, page 174, in all, 130.98 feet to a ½-inch iron pin found at the southwest corner of said tract in volume 5749, page 174;

THENCE South 89°03'29" West, 189.05 feet to a ½-inch iron pin found at the east inside corner of the 1.610 acre tract recorded as document number D213053347;

THENCE North 01°04'00" West, an east line of said 1.610 acre tract, 20.33 feet to a ½-inch iron pin found at the north-northeast corner of said 1.610 acre tract;

THENCE South 88°25'30" West, with the north line of said 1.610 acre tract, 32.01 feet to a ½-inch iron pin found at the north-northwest corner of said 1.610 acre tract;

THENCE South 02°07'41" East, with a west line of said 1.610 acre tract, 20.18 feet to a ½-inch iron pin found at the west inside corner of said 1.610 acre tract;

THENCE South 89°05'57" West, with a north line of said 1.610 acre tract, 125.12 feet to a ½-inch iron pin set;

THENCE South 01°06'00" East, 60.87 feet to a ½-inch iron pin found at the northeast corner of Lot 8R, Block 1 of Oak Crest Estates recorded in volume 388-18, page 19 of said Tarrant County plat records; same being in the south line of said Tract A;

THENCE South 88°54'00" West, with the south line of said Tract A, passing the southwest corner of said Tract A and the southeast corner of said Parcel No. 1 at 610.84 feet and continuing with the south line of said Parcel No. 1, in all, 640.84 feet to a ½-inch iron pin found at the southwest corner of said Parcel No. 1; same being in a curve, the radius point bears North 88°14'11" East, 651.00 feet;

THENCE northerly with the west line of said Parcel No. 1 as follows:

To the right along said curve, an arc length of 74.96 feet, a central angle of 6°35'51", a chord direction of North 01°32'06" East and a chord length of 74.92 feet to a ½-inch iron pin found at the southeast corner of said Parcel No. 2;

THENCE North 89°06'51" West, with the south line of said Parcel No. 2, passing the southwest corner of said Parcel No. 2 and the southeast corner of said 3.3250 acre tract at 30.07 feet and continuing with the south line of said 3.3250 acre tract, passing the southeast corner of said Lot 3 at 124.94 feet and continuing with the south line of said Lot 3, in all 324.94 feet to a ½-inch iron pin set at the southwest corner of said Lot 3, in the east right-of-way line of Cullum Drive;

THENCE North 01°42'31" West, with the east right-of-way line of said Cullum Drive and with the west line of said Lot 3, 2 & 1, 435.60 feet to a ½-inch iron pin set at the northwest corner of said Lot 1; same being in the south right-of-way line of said East Euless Boulevard and the northwest corner of said 3.3250 acre tract;

THENCE easterly with the south right-of-way line of said East Euless Boulevard as follows:

South 89°09'49" East, with the north line of said 3.3250 acre tract, passing the northeast corner of said 3.3250 acre tract and the northwest corner of said Parcel No. 2 at 349.98 feet, continuing with the north line of said Parcel No. 2, in all, 380.01 feet to a ½-inch iron pin found at the northeast corner of said Parcel No. 2 and the northwest corner of said Parcel No. 1;

South 89°06'15" East, with the north line of said Parcel No. 1, passing the northeast corner of said Parcel No. 1 and the northwest corner of said Tract A at 30.03 feet, continuing with the north line of said Tract A, in all 946.92 feet to the PLACE OF BEGINNING and containing 14.194 acres.



Rotational Angle = $+00^{\circ}46'21.63''$ Surface to Grid
 Combined Scale Factor = 0.999859487
 Rotational Angle for Coord. System used = $+00^{\circ}11'48''$

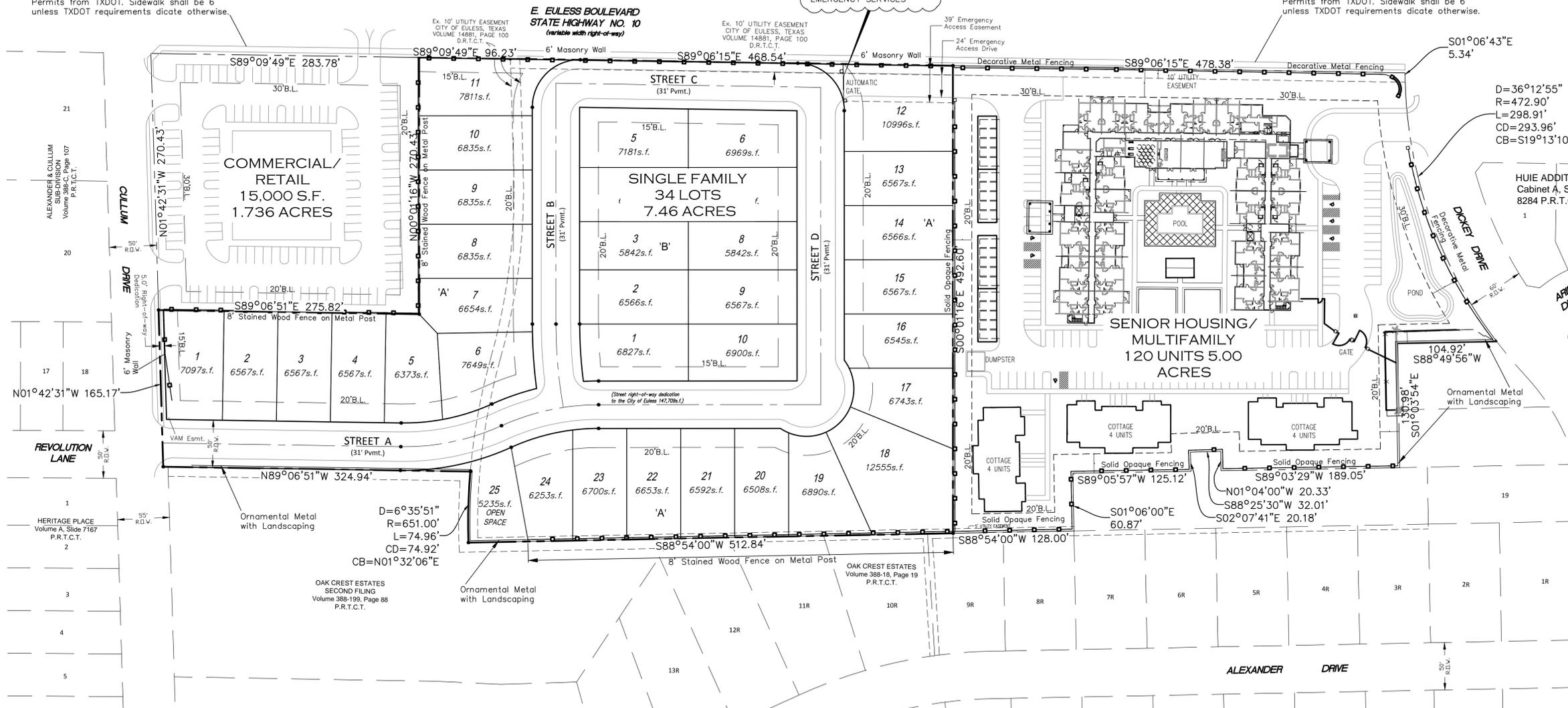
LEGEND

| | |
|-------------|----------------------------------------|
| 1/2" I.R.F. | 1/2" IRON ROD FOUND |
| 5/8" I.R.S. | 5/8" IRON ROD SET |
| P.R.T.C.T. | PLAT RECORDS, TARRANT COUNTY, TEXAS |
| D.R.T.C.T. | DEEDS RECORDS, TARRANT COUNTY, TEXAS |
| B.L. | BUILDING LINE |
| U.E. | UTILITY EASEMENT |
| R.O.W. | RIGHT OF WAY |
| Esmt. | EASEMENT |
| H.O.A. | HOMEOWNERS' ASSOCIATION |
| VAM | VISIBILITY ACCESS MAINTENANCE EASEMENT |

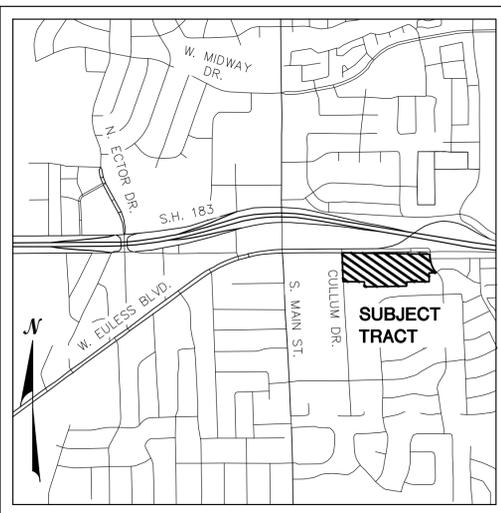
- Notes:**
- Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law and is subject to fines and withholding of utilities and building permits.
 - Basis of bearing is Texas State Plane NAD83 North Central Zone 4202 using City of Euless Monuments No. 20 & No. 2 the rotation angle is $+00^{\circ}46'21.63''$ Surface to Grid and $+00^{\circ}11'48''$ for Coord. System used. All distances shown are surface distances using a combined scale factor of 0.999859487
 - The City will not maintain any interior drainage systems that originate within this private development.
 - 147,709 square feet of street right-of-way to be dedicated to the City of Euless.

Width of Landscape Strip(s) shall vary Final Sidewalk Width and Layout shall be in Accordance with Requirements, Approval and Permits from TXDOT. Sidewalk shall be 6' unless TXDOT requirements dictate otherwise.

Width of Landscape Strip(s) shall vary Final Sidewalk Width and Layout shall be in Accordance with Requirements, Approval and Permits from TXDOT. Sidewalk shall be 6' unless TXDOT requirements dictate otherwise.



VICINITY MAP NOT TO SCALE



15-03-P.D.
 CONCEPT PLAN
 OF
PLANNED DEVELOPMENT AT OAK CREST ESTATES
 OUT OF THE
 A.J. HUITT SURVEY, ABSTRACT NO. 709
 IN THE
 CITY OF EULESS, TARRANT COUNTY, TEXAS

DEVELOPER
GARDNER CAPITAL DEVELOPMENT TEXAS
 4801 WOODWAY DRIVE - SUITE 300-E - HOUSTON, TEXAS 77056
 713-513-6105
BLOOMFIELD HOMES, L.P.
 1050 E. HIGHWAY 114 - SUITE 210 - SOUTHLAKE, TEXAS 76092
 817-416-1572
 ENGINEER/SURVEYOR

CITY APPROVAL

Westwood
 Phone (214) 473-4640 2740 North Dallas Parkway, Suite 280
 Toll Free (888) 937-5150 Plano, TX 75093
 westwoodps.com
 Westwood Professional Services, Inc.
 Survey Firm Number: 10074301
 May 18, 2015 #0005197

PLANNED DEVELOPMENT AT OAK CREST ESTATES

EXHIBIT A-3



Subdistrict #1
Commercial &
Single Family
Residential

Subdistrict #2
Single Family
Residential

Subdistrict #3
Age-Restricted
Senior Housing
Multifamily

OAK CREST ESTATES
PLANNED DEVELOPMENT
SUBDISTRICT PLAN

Exhibit A-4: Overall Planned Development– Building Materials

Signage: Stone and Brick



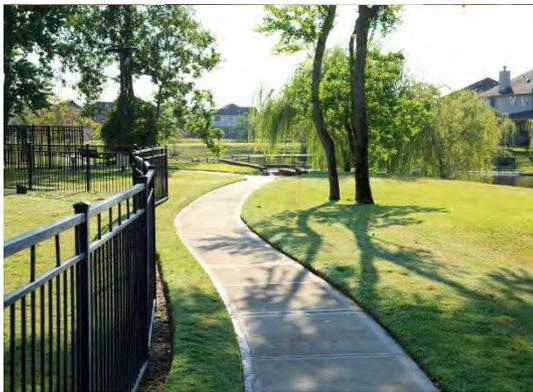
Masonry Walls



Landscaping



Pedestrian Walkways



Public Area Fencing



Sidewalks



Exhibit B-1

Subdistrict 1

Commercial / Single Family Residential Design Standards

Commercial Development

All development standards for commercial / office development shall be to the standards of the Texas 10 Multi-Use District (Section 84-112 of the Euless Unified Development Code) as amended, or otherwise modified by the following design standards.

1. Allowable uses shall be limited to office, retail, warehousing and single family residential.
2. Prohibited uses shall include mining, oil and gas extraction, automotive repair, service shops, fabrication and assembly, mining, oil and gas extraction, farming, raising livestock, kennels and pounds, camps and trailer parks, substance abuse centers, parole-probation homes, cemeteries and mausoleums, electrical substations, and utility transmission facilities.
3. Building setbacks from property boundaries abutting public rights-of-way shall be a minimum of 30'.
4. Side and rear building setbacks for buildings shall be a minimum of 20'.
5. The façades shall be ninety percent (90%) masonry materials consisting of brick, stucco and/or stone. The percentage of materials on the façade shall be calculated excluding the area of doors, windows and other penetrations to the exterior façade.
6. Gutters shall be painted and/or color matched to other architectural elements.
7. Any development proposing non-residential use in Subdistrict 1 shall be required to provide a stained solid wood fence along any property line immediately adjacent to any residential zoning and/or residential uses. The minimum height of the fence shall be 8ft tall. Masonry columns shall be allowed but not required along the fence line.
8. Off-street parking shall be provided at a minimum ratio of four (4.0) parking spaces per one thousand square feet of floor area. Fractions of parking spaces shall be rounded up to the next whole number.

Single Family Residential Development

1. Single family residential use shall be allowed in Subdistrict 1.
2. Any single family development in Subdistrict 1 shall conform to the "Single Family Residential Design Standards" as outlined on Exhibits "C-1" and "C-2".

Exhibit B-2: Commercial– Building Exteriors

Convenience Retail



Convenience Retail



Convenience Retail



Single User Retail



Medical Office



Garden Office



Exhibit C-1

Subdistrict 2

Single Family Residential Design Standards

1. Minimum Roof Pitch: 8:12, except porches.
2. Architectural grade asphalt shingles.
3. Wood and Iron 8' front doors.
4. Brick and Stone – brick and stone elevations for all plans. Each home shall have at least 20% stone and/or detailed brick accents on the front façade unless the design incorporates the cementitious fiberboard product as the primary surface material.
5. Cementitious fiberboard or other alternative materials varying from the required masonry products may be requested by the builder based on a particular architectural style of home. The City of Euless Building Official shall determine if the home design warrants changes to the required masonry percentages.
6. Porches/Patios/Decks – all plans will have a combined minimum square footage of 130 total square feet. Full front porches may encroach the front building line by the maximum of seven (7') feet.
7. Ornamental coach lights on all front elevations.
8. Windows – Vinyl divided light windows(Prairie Style) standard on all front elevations.
9. Concealed HVAC units, trash storage and utility meters(as appropriate).
10. Brick shall course exactly to the top and bottom of all walls.
11. Plan Repetition – will build each elevation no more than 4 times in the neighborhood.
12. Windows will be single or double hung with sliders on the sides as necessary in bedrooms.
13. Windows are to be placed on each wall elevation with a proper wall to window ratio.
14. If shutters are used, shutters shall be the same height as the associated opening and proportional in scale to the windows and elevation.
15. Gutters shall be aluminum or painted if necessary.
16. If a porch is used, the porch column base shall not protrude beyond the foundation.
17. Eaves and Soffits – consist of durable LP Smart Siding and cementitious products.
18. Landscaping shall include a minimum of 2 trees and 12 shrubs with stone edging. Each home will include an irrigation system for front, side and rear yard.
19. Ornamental address blocks placed on each house on the front façade.

Optional Features – Variations per plan and customer selections

20. Dormer windows & Arched windows.
21. Second story front/rear porches per plan.
22. Stone facades options with additional stone details.
23. Decorative cedar accents per elevation.
24. Decorative porch rails and columns per plan selected.
25. Garages – certain plans/lots will offer an optional ½ car additional storage space.
26. Cedar garage doors with steel support option available
27. Aggregate finished concrete driveways and lead walks - optional
28. Front up lighting options available

Exhibit C-2: Single Family Residential– Building Elevations

Stone and Brick Exteriors



Historic Architecture



Cedar Garage Doors



Multiple Floor Plans



Custom Facades



Excellent Craftsmanship



Single Family Residential– Landscape and Screening

Masonry Monument Signage



Exterior Brick & Stone Fencing



Exterior Iron Fencing



Exterior Iron Fencing



Community Open Area



Greenscapes



Single Family Residential– Interior Living Spaces

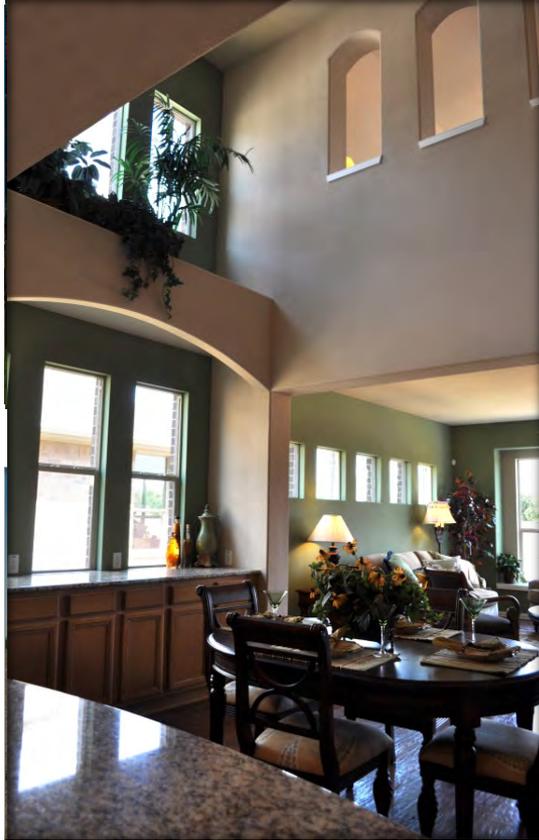
Trendsetting Designs & Features



Decorative Windows & Shelving



Stylish Rounded Corners & Archways



Spacious Open Interiors



Gourmet Kitchens & Energy Appliances



Exhibit D-1

Subdistrict 3

Senior Housing Multifamily Residential Design Standards

1. The dwelling unit count shall not exceed 120 units or 24 units per acres.
2. Dwelling unit types shall consist of 1 bedroom and 2 bedroom units.
3. The minimum floor area per unit shall be 700 square feet for 1 bedroom units and 925 square feet for 2 bedroom units.
4. Side and rear building setbacks shall be 80' for buildings having 3 stories or more, and 20' for building having less than 3 stories.
5. Building setbacks from property boundaries abutting public rights-of-way shall be a minimum of 30'.
6. The maximum building height for any building shall be 58' not exceed 4 stories.
7. Minimum roof pitch shall be 4:12, except porches.
8. Roof material shall be metal roofing and/or asphalt shingles.
9. Asphalt shingle shall be architectural grade shingles.
10. The façades shall be ninety percent (90%) masonry materials consisting of brick, stucco and/or stone. The percentage of materials on the façade shall be calculated excluding the area of doors, windows and other penetrations to the exterior façade.
11. Cementitious fiberboard siding or other alternative materials varying from the required masonry products may be requested by the developer for certain ancillary structures. The City of Euless Building Official shall determine if design of the ancillary structure warrants changes to the required masonry percentages.
12. Eaves and Soffits – consist of durable siding products.
13. Windows will be single hung vinyl placed with proper wall to window ratio.
14. If shutters are used, shutters shall be the same height as the associated opening.
15. Gutters shall be painted and/or color matched to other architectural elements.
16. Perimeter fencing at any property line immediately adjacent to residential zoning and/or residential uses shall be a solid opaque fence. The fence material shall be wood. The minimum fence height shall be 6 ft tall. Masonry columns shall be allowed but not required along the fenceline.
17. Perimeter fencing along any public right-of-way shall be decorative metal fencing. The minimum fence height shall be 4 ft tall. Masonry columns shall be allowed but not required along the fenceline.
18. If perimeter fencing is installed adjacent to non-residential uses, the fencing material shall be decorative metal fencing or a solid opaque fence. The fence material shall be metal, or wood. The minimum fence height shall be 6 ft tall. When a masonry base is provided, the masonry base shall be considered part of the fencing for the purposes of measuring the height. Masonry columns shall be allowed but not required along the fenceline.
19. Off-street parking shall be provided at a minimum ratio of one (1.0) parking spaces per dwelling unit. Fractions of parking spaces shall be rounded up to the next whole number.
20. Parking requirements may be satisfied by a combination of surface parking, garage parking or surface parking covered by a carport.

Exhibit D-2: Senior Housing Multifamily – Building Exteriors

Primarily Brick and Stucco



Stone Accents



Full Balconies



Faux Juliette Balconies and Metal Elements



Outside Recreation Areas



Cottages



Senior Housing Multifamily – Landscape and Screening

Entrance Landscaping



Perimeter Landscaping



Perimeter Landscaping



Fencing at Entry



Fencing Along Secondary Frontage



Fencing Adjacent to Other Uses



Senior Housing Multifamily – Interior Common Areas

