

CITY OF WILLOW PARK
ORDINANCE NO. 338-93

AN ORDINANCE AMENDING ORDINANCE NO. ~~338~~³³⁵-93 AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS; GRANTING A ZONING CHANGE ON A CERTAIN TRACT OR TRACTS OF LAND WITHIN THE CITY OF WILLOW PARK, TEXAS, MORE FULLY AND COMPLETELY DESCRIBED IN EXHIBIT "A" FROM "SUP" DISTRICT TO "PD" DISTRICT SUBJECT TO THE SPECIFIC REQUIREMENTS CONTAINED IN THIS ORDINANCE; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; DETERMINING THAT THE PUBLIC INTEREST, MORALS AND GENERAL WELFARE DEMAND THE ZONING CHANGES AND AMENDMENTS HEREIN MADE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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 Willow Park, Texas is a General Law City operating pursuant to the General Laws of the State of Texas.

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

WHEREAS, the hereinafter described property is currently zoned as SUP under the City's Comprehensive Zoning Ordinance; and

WHEREAS, a change in the zoning classification of said property was requested by a person or corporation having a proprietary interest in said property; and

WHEREAS, the City Council of the City of Willow Park, Texas, at a public hearing called by the City Council did consider the following factors in making a determination as to whether these changes should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of

parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the overcrowding of the land; effect on the concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and,

WHEREAS, the City Council of the City of Willow Park, Texas, further considered among other things the character of the districts and their peculiar suitability for particular uses and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and

WHEREAS, the City Council of the City of Willow Park, Texas, does find that there is a public necessity for the zoning changes, that the public demands them, that the public interest clearly requires the amendments, and that the zoning changes do not unreasonably invade the rights of those who bought or improved property with reference to the classification which existed at the time their original investment was made; and,

WHEREAS, the City Council of the City of Willow Park, Texas, does find that the changes in zoning lessen the congestion in the streets, helps secure safety from fire, panic, and other dangers, promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the City Council of the City of Willow Park, Texas, has determined that there is a necessity and need for the changes in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the tract or tracts of land requested for a change since the tract or tracts of land were originally classified and therefore feels that the respective changes in zoning classification for the tract or tracts of land are needed, are called for, and are in the best interest of the public at large, the citizens of the city of Willow Park, Texas, and helps promote the general health, safety and welfare of the community.

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

Section 1. That Ordinance No. 335-93 the Comprehensive Zoning Ordinance of the City of Willow Park, Texas, passed on the 16th day of February, 1993, as originally adopted and amended, is hereby amended so that the permitted uses in the hereinafter described areas be altered, changed and amended as shown and described below:

A. Legal Description of Property to be Rezoned:

Attached as Exhibit "A"

B. Change in Zoning Classification:

From "SUP" to "PD"

C. Specific Conditions Applicable to This Tract Under the Planned Unit Development Designation:

1. Permitted Uses of Land and Structure:

The commercial-planned unit development zoning classification made applicable to this property pursuant to the terms and conditions of this zoning ordinance amendment is intended to permit the operation of a commercial race track with all attendant and ancillary facilities and operations customarily conducted as a portion of or in conjunction with the operation of a commercial race track. The operation of the race track will entail activities involving parimutuel wagering, simulcast broadcasting, claiming races, the auction and sale of horses when conducted incidental to the traditional operation of a racing facility and such other gaming and wagering or ancillary activities as may be authorized by the Texas State Racing Commission or other state regulatory agency which may regulate operations conducted at the facility. The following listed activities shall be uses that may occur as a matter of right within the property subject to the commercial-planned unit development zoning classification. The list is not intended to be inclusive but to be illustrative of the types of uses specifically approved to occur within this classification.

- a. Race track and associated grandstand;
- b. Restaurants, bars and private clubs, as permitted and regulated by applicable state law;
- c. Concessions/mutuels;
- d. Offices;
- e. Helipads limited to emergency medical helicopter evacuation;
- f. Restrooms, bath houses, guard stations, and similar support activities;
- g. Barns and similar structures for stabling, training, sales, isolation, treatment, postmortem, and similar activities related to horses to include hot walker areas, muck bins or covered muck storage areas, feed and tack storage areas and veterinary operations;
- h. Areas providing for the retail sales of souvenirs and/or memorabilia from race track operations, retail sales of tack or other horse and racing related equipment;
- i. Internal roadways, parking lots, water storage, utility pump stations, irrigation wells, irrigation storage tanks, sewer lift stations, sewage equalization tanks, sewer pump stations and other traditional public works utility infrastructure areas or facilities;
- j. Signage appropriate to the operation of the race track facility, and consistent with that in use at the time of adoption of this ordinance, associated lighting, tote boards and video towers, fences, parking areas and landscaping traditionally found in conjunction with facilities of this nature;

- k. A dormitory or dormitories to be used for sleeping purposes only for licensees, trainers and hired hands, and recreation buildings for use by employees, licensees, trainers and hired hands;
- l. Recreation area/apron and infield for use by patrons. The recreation area is envisioned to cover all types of playground or playfield activities designed for the use by patrons or track employees;
- m. A child care facility for children of track employees and patrons;
- n. Other operations and activities normally and routinely associated with canine or equine racing, or the operation of a Class I or Class II horse racing track, including simulcasting and other gaming and wagering activities legalized by the state of Texas. The City intends that any use of the facility that is comparable in nature and scope to that customarily and routinely occurring in racing facilities throughout the nation would be a specifically permitted use within this planned unit development zoning classification, provided that any desired comparable use is permitted by Texas law or regulation.

2. Hours of Operation:

The hours of operation for activities permitted by right under this zoning classification shall be as established pursuant to the regulations of state regulatory agencies having jurisdiction over this facility pursuant to state statute.

3. Lighting Within the Site:

All lighting within the Trinity Raceway facility shall be designed and installed in such a manner as to ensure safe, efficient operation of the raceway and racing, the reasonable illumination of all parking areas and roadways, providing internal circulation within the raceway facility while, at the same time, minimizing any and all spill-over of light or the extension of glare into surrounding neighborhoods or areas of the community. Trinity Meadows Raceway shall be deemed to have fully complied with the terms and conditions of this provision if it shall submit to the City a statement from a registered professional engineer which states that the lighting system has been designed and installed in conformance with the performance standards set forth above. Trinity Meadows Raceway shall be required to secure any and all electrical permits and/or building permits which would be required for the construction of special lighting facilities.

4. Fencing and Screening Requirements:

Trinity Meadows Raceway has completed all required screening and fencing deemed necessary and appropriate to separate the existing race track facility and all area encompassed within this zoning change from adjoining uses of land and structures which might be considered in conflict. Trinity Meadows Raceway shall install fencing or other screening devices as a visual barrier at the time it commences construction of new structures or improvements on areas which may be acquired in the future and which are not covered by this zoning amendment. The fencing or screening devices in question shall be installed along the boundary of the race track property where said property directly

abuts property lying within the corporate limits of the City of Willow Park which has a single-family residential zoning classification. The screening requirements set forth above shall be enforced only where it would achieve its design purpose of visually separating the adjoining land uses. In the event that a severe change in topographic grade at the property line or within ten feet (10') of the property line would eliminate any benefit provided by the erection of a minimum six foot (6') visual barrier on the actual property line of the race track then no fencing or screening requirement shall exist.

5. Erosion Control:

Trinity Meadows Raceway shall, at all times, utilize normal and customary engineering practices to stabilize slopes or other areas in which erosion is anticipated due to topographic site characteristics. Trinity Meadows Raceway shall re-sod or seed exposed slopes to ensure longterm maintenance of slope areas in such a manner as to reduce to the maximum extent possible the dangers of erosion.

6. Dust Control:

Trinity Meadows Raceway shall undertake normal and customary measures to minimize dust emissions from the Trinity Meadows Raceway facility. Standards established by the Texas Racing Commission or other state regulatory authority relating to the control of dust shall be the regulations applicable to Trinity Meadows Raceway facility.

7. Landscaping On-Site:

Trinity Meadows Raceway shall be authorized to develop any and all landscaping plans or programs that it deems to be appropriate for the developing and marketing of a horse racing facility of a Class I or Class II configuration. Trinity Meadows Raceway shall not install landscaping or landscaping materials in such a manner as to obstruct any required visibility triangles established at intersections to ensure safe motor vehicle operations by ensuring visibility for approaching traffic. Existing improvements installed, and as set forth on the site plan, meet requirements of Ordinance No. 300-91, the Willow Park Landscape Ordinance.

8. Yard and Buffer Requirements:

The existing yards set-backs and area envelopes of all existing structures located on the Trinity Meadows Raceway facility at the time of the adoption of this ordinance are specifically approved as the requisite area and stand-off requirements under the terms and conditions of this zoning ordinance amendment. All future structures designed for human occupancy or the occupancy and use of horses shall be located a minimum of twenty-five feet (25') from any exterior boundary line of the Trinity Meadows Raceway facility. In the event that any state regulatory agency shall establish more restrictive stand-off requirements for health or safety reasons, the more restrictive requirements shall apply.

9. Parking and Loading Requirements:

Trinity Meadows Raceway shall establish and develop parking facilities adequate to meet the need for off-street vehicular parking generated by the size of the race track operation. The characteristics of a horse racing facility preclude the establishment of a specific area relationship defining a specific number of parking spaces. The City of Willow Park recognizes that it is in the best economic interest of Trinity Meadows Raceway to provide sufficient off-street parking spaces to meet the needs of any interested patrons, all employees and all horseman who desire to utilize the facility. Trinity Meadows Raceway shall provide sufficient off-street parking to ensure that the need for off-street parking spaces is met prior to the addition of each increment of additional activity which may generate additional parking requirements. Any use at Trinity Meadows Raceway facility which results in employees or patrons using on-street parking because of a lack of adequate off-street parking shall constitute a violation of this ordinance.

All off-street parking areas shall be designed in such a nature and constructed in such a nature as to be capable of supporting vehicular parking without generating significant environmental degradation.

10. Future Expansion:

a. Expansion of Territory

Trinity Meadows Raceway has advised the City of Willow Park of its plans to continue to expand facilities and activities at the Trinity Meadows Raceway facility. The City of Willow Park recognizes and anticipates that the raceway facility will at some point in time expand into other tracts of land contiguous with property now occupied by the Trinity Meadows Raceway facility. The City of Willow Park has reviewed its master plan for the development of the City and has determined and advised Trinity Meadows Raceway that future expansion of the existing facility as currently described to the City, will be in conformance with the City's master plan. If Trinity Meadows Raceway acquires additional property not within the corporate limits of Willow Park, such property will be zoned according to the provisions of this ordinance upon annexation into the City of Willow Park. Trinity Meadows Raceway shall not expand its operations into contiguous tracts of land without seeking annexation of such tracts into the City of Willow Park. Future expansions of the Trinity Meadows Raceway facility shall not be required to provide fencing or screening around their exterior perimeter save and except where those areas directly abut property lying within the corporate limits of the City of Willow Park which is zoned for and utilized as single family residential property at the time of the Trinity Meadows expansion.

b. New Construction

The City of Willow Park expressly provides that the municipal development regulations, including but not limited to the Uniform Codes in effect at the time of the adoption of this ordinance shall apply to construction projects and activities subsequently undertaken on the Trinity Meadows Raceway site if taken in conjunction with projected

expansions and/or improvements to the Trinity Meadows facility. The City of Willow Park will process all applications for building or remodeling permits as rapidly as possible to insure that unreasonable delays in construction of new improvements does not occur. The City of Willow Park expressly authorizes the use of modular structures which conform to the appropriate codes for use within the Trinity Meadows site area.

11. Relocation of Kings Gate Road:

Trinity Meadows Raceway and the City of Willow Park have jointly agreed that it may be proper and appropriate to relocate certain sections of Kings Gate Road. The City of Willow Park agrees to vacate and abandon the portion of the Kings Gate Road right-of-way which passes across the Trinity Meadows Raceway facility in exchange for the commitment by Trinity Meadows Raceway to donate new right-of-way for the relocation of Kings Gate Road. The exact location of the new Kings Gate Road shall be as approved and agreed upon by Trinity Meadows Raceway and the City of Willow Park governmental body. Vacation and abandonment of the section of existing Kings Gate Road right-of-way shall occur contemporaneously with the completion and acceptance by the City Engineer of construction of the relocated section of Kings Gate Road. It is the intent of Trinity Meadows Raceway and the City of Willow Park that dedication of right-of-way for the exact proposed portion of Kings Gate Road by Trinity Meadows Raceway shall be in exchange for abandonment by the City of Willow Park government of right-of-way for the existing designated portion of Kings Gate Road. Trinity Meadows Raceway agrees to pay one-third (1/3) of the cost of relocating and constructing Kings Gate Road, up to, and not to exceed Twenty Thousand Dollars (\$20,000.00).

12. Traffic Circulation, Enforcement and Control:

Trinity Meadows Raceway will continue to provide existing traffic protection for traffic related to Trinity Meadows Raceway until August 1, 1993, or until the relocation of Kings Gate Road is completed, whichever occurs first. After that time, the City of Willow Park will pay for any and all traffic enforcement and control related to the operation and existence of the Trinity Meadows Raceway facility that it deems necessary. The City of Willow Park shall have the right to install any and all traffic control devices or signals that it deems to be appropriate to assist in traffic control and management at the intersection of the existing right-of-way of Kings Gate Road and the Trinity Meadows entrance boulevard. The expense of installing such devices shall be borne entirely by the City of Willow Park. Trinity Meadows Raceway is authorized to, and will provide state certified traffic control at said intersection when it deems it to be necessary for the safety and convenience of its patrons unless it is being provided by the City of Willow Park.

Section 2. That the City Administrator is hereby directed to correct the Official Zoning map of the City of Willow Park, Texas, to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the tract or tracts of land herein above described shall be subject to all the applicable regulations contained in said Zoning Ordinance and all other applicable and pertinent ordinances for the City of Willow Park,

Texas. All existing sections, subsections, paragraphs, sentences, words, phrases and definitions of said Zoning Ordinance are not amended hereby, but remain intact and are hereby ratified, verified, and affirmed.

Section 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. 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 and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 5. That this ordinance shall be cumulative of all other ordinances of the City of Willow Park, Texas, affecting zoning and shall not repeal of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this ordinance.

Section 6. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the tract or tracts of land described herein shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of said tract or tracts of land described herein.

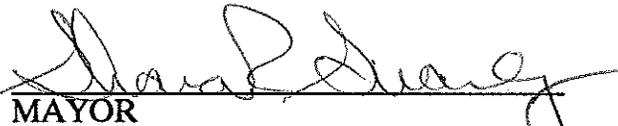
Section 7. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 8. All rights and remedies of the City of Willow Park are expressly saved as to any and all violations of the provisions of Ordinance No. 335-93, as amended, or any other ordinances affecting zoning which 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.

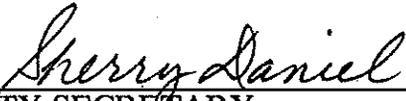
Section 9. The City Secretary of the City of Willow Park is hereby directed to publish the proposed ordinance as required by law.

Section 10. 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.

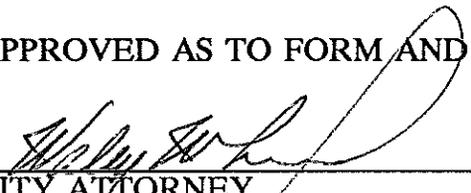
PASSED AND APPROVED on the 30th BK day of MARCH BK,
1993.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

DATE: 3/30/93

ADOPTED: 3/30/93

EFFECTIVE: _____

FIELDING, BARRETT & TAYLOR, L.L.P.

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APR 30 1993

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April 29, 1993

Guy Natale
City Administrator
City of Willow Park
101 Stagecoach
Willow Park, Texas 76087

Re: Trinity Meadows

Dear Mr. Natale:

Per instructions from Betsy Elam, enclosed is Exhibit "A" to the Willow Park zoning ordinance.

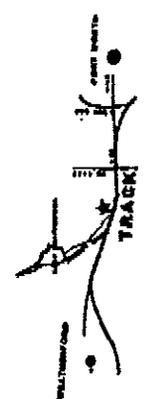
If you have any questions, please call me.

Sincerely,



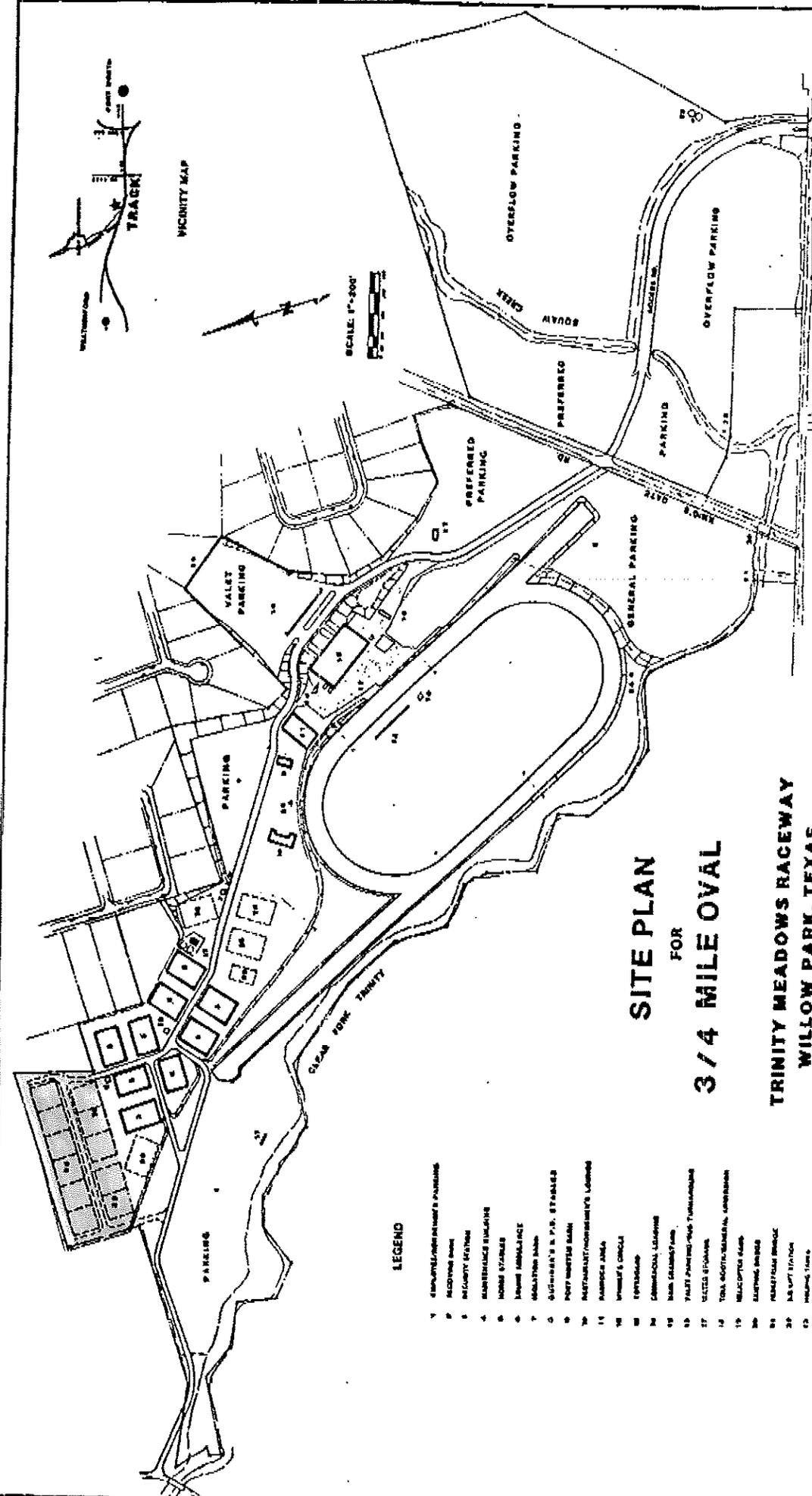
Terri Hale
Legal Assistant to Elizabeth Elam

TH:cr
Enclosure
tmr\natal006.ltr



VICINITY MAP

SCALE 1"=200'



SITE PLAN
FOR
3/4 MILE OVAL

TRINITY MEADOWS RACEWAY
WILLOW PARK, TEXAS

DECEMBER, 1991

J.P. Crabb, P.E., Inc. Engineers & Planners
1000 West 10th Street
Fort Worth, Texas 76102

LEGEND

- 1 EMPLOYEE/OPERATOR'S PARKING
- 2 RECEIVING AREA
- 3 VICINITY ROUTING
- 4 ASSISTANCE BUILDING
- 5 HORSE STABLES
- 6 Jockey AMBULANCE
- 7 SHELTER
- 8 GUY WIRE & P.V. STABLES
- 9 POPE MORTIMER BARN
- 10 RESTAURANT/MOTORHOME'S LOADING
- 11 NUMBER AREA
- 12 VENDOR'S CIRCLE
- 13 ENTRANCE
- 14 JOURNAL LOBBY
- 15 MAIN COLLEGE
- 16 TRACT PARKING/PAVING TURNOVER
- 17 VETER'S STATION
- 18 TRAIL, SOUTH SIDE, ENTRANCE
- 19 HELICOPTER AREA
- 20 RACING PAD
- 21 PRACTICE TRACK
- 22 AIR LIFT STATION
- 23 HELIX, TRAIL
- 24 MAIN TRACK, TRAIL
- 25 RACECOURSE & BARRICADE
- 26 FUTURE STABLES
- 27 OFFICE
- 28 TRUCK TRAIL
- 29 MAIN TRACK CONSTRUCTION

EXHIBIT
A

Not within city limits
Proposed annexation

