

CITY OF WILLOW PARK

ORDINANCE NO. 483-02

AN ORDINANCE AMENDING ORDINANCE 414-97, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WILLOW PARK BY ADOPTING SPECIAL USE PERMIT NO.1 APPLYING TO CERTAIN PROPERTY WITHIN THE CITY OF WILLOW PARK; AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the City of Willow Park, is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

WHEREAS, pursuant to Chapter 211 TEXAS LOCAL GOVERNMENT CODE, the City of Willow Park has the authority to adopt comprehensive zoning plans and to amend said plans for the purposes of promoting the health, safety and welfare of the City; and

WHEREAS, the owner(s) of certain property within the City of Willow Park has filed an application as "The Willows at Town Centre, L.L.C." requesting zoning under the provisions of Chapter 12 "Zoning", Article 12.1200 "Specific Use Permit"; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City of Willow Park on May 21st, 2002 and a final report for recommendations was submitted to the governing body of the City; and

WHEREAS, the City of Willow Park held a public hearing subsequent to that of the Planning and Zoning Commission on May 21, 2002 and subsequent to receiving the final report and recommendations of the Planning and Zoning Commission with respect to the application for a specific use permit; and

WHEREAS, all requirements concerning notice to adjacent property owners, publication and other procedural requirements have been complied with in accordance with Chapter 211, TEXAS LOCAL GOVERNMENT CODE; and

WHEREAS, the City of Willow Park, Texas does hereby deem it advisable and in the public interest to grant the specific use permit to the applicant upon the conditions set forth herein and with the intent that said specific use permit be finalized into a planned development district zoning as finally approved by the City Council;

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

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. LAND USE PERMITTED

The comprehensive zoning plan of the City of Willow Park is hereby amended by Specific Use Permit No.1 to permit within the described boundary of approximately 9.4 acres, more fully described on Exhibit " A" hereto, the construction and operation of multi-family residential housing facility, with a density not to exceed 20 units to the acre, specifically restricted to that property

within the boundaries of that 9.4 acres, described by metes and bounds on Exhibit A hereto.

No certificate of occupancy shall issue for any structure constructed as a result of this specific use permit unless the following conditions have been met:

a. An east/west road adequate to provide ingress and egress to the multi-family location is to be constructed. The roadway, at a minimum will be: concrete construction; 40' cumulative lane width; curb and gutter; storm sewers for runoff collection. The road is to be constructed on land to be conveyed to the City by deed, dedicated by plat, or by combination of the two.

b. The roadway shown as "Town Centre Boulevard" on the preliminary plat filed by the applicant shall be continuous from the entrance/exit point of the multi-family facility, permitted herein, westward to an intersection with South Ranch House Road. No curb cuts or access to the roadway shall be granted without the express written consent of the City upon proper application and approval.

c. Any and all construction fill or disturbance of soil within the 100 year flood plain shall be in full compliance with all federal, state and local regulations including: U.S. Army Corps of Engineers, Federal Emergency Management Agency and the City of Willow Park.

d. Adequate potable water infrastructure will be constructed for the multi-family facility consistent with City master water plan, and long term water supply plan. The applicant shall make all necessary off site improvements (to be dedicated to the City after acceptance by the City) to connect with the City water supply, at a location designated by the City.

e. Adequate infrastructure for peak flow wastewater from of the multi-family facility, permitted herein, shall be constructed. An adequate capacity for other anticipated users within the proposed planned development district boundary shall also be provided. Off site infrastructure (to be dedicated to the City after acceptance by the City) shall be adequate to convey wastewater loads, as described, to a collection point specified by the City.

f. Adequate landscape, screening and security for a multi-family residential facility shall be provided.

SECTION 3. TERM

This specific use permit granted herein shall have an effective date as of the date of adoption by the City Council of the City of Willow Park and shall extend therefrom for a period not to exceed one year. If construction on the multi -family facility, permitted herein, on the 9.4 acre tract commences within the one year defined, then the term of the specific use permit shall extend to two years from the original date of adoption, with the intent that the zoning be made permanent through appropriate application for adoption of planned development district zoning.

SECTION 4. MAP AMENDMENT

The City Secretary is hereby directed to amend the official zoning map to reflect the adoption of the specific use permit approved herein consistent with markings as specified by Municipal Code of Ordinances of the City of Willow Park.

SECTION 5. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any

other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 6. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 7. PUBLICATION

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park the caption hereof and the effective date of this ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Willow Park and after publication as required herein.

PASSED AND ADOPTED this 21st day of May, 2002.

/s/ James H. Poythress
Mayor

ATTEST:

/s/ Candice J. Weaver
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ Rider Scott
City Attorney

The Willow Park City Council in acting on Ordinance No. 483-02, did on the 21st day of May 2002 vote as follows:

	FOR	AGAINST
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	<u> xxx </u>	_____
Terry Skaggs, Place 2	<u> xxx </u>	_____
Brad Johnson, Place 3	<u> xxx </u>	_____
Jason Ellerbusch, Place 4	<u> xxx </u>	_____
Hale Alderman, Place 5	<u> xxx </u>	_____

Legal Description

Being a portion of Lot 1, Block 1 WILLOW PARK HEALTH CENTER. an Addition to the City of Willow Park, Parker County, Texas according to Plat recorded in Plat Cabinet A. Slide 613, Plat Records, Parker County, Texas and Tyla Lane (a 60 foot R.O.W.) and a portion of that certain tract of land conveyed to David E. Blais; A. Thurston Koonce, Jr.; B Gene Wood and William F. Walthen by deed recorded in Volume 1304, Page 820, Real Records, Parker County. Texas and being more particularly described, as follows:

Beginning at a concrete monument found at the southeast corner of the JOHN COLE SURVEY, Abst. No. 218, Parker County, Texas;

THENCE North 89 degrees 48 minutes 52 seconds West, 407.78 feet;

THENCE North 00 degrees 24 minutes 54 seconds East, 1005.71 feet;

THENCE South 89 degrees 27 minutes 54 seconds East, 407.29 feet;

THENCE South 00 degrees 23 minutes 13 seconds West, 1003.22 feet to the POINT OF BEGINNING and containing 9.397 acres of land.

EXHIBIT

A