

# CITY OF WILLOW PARK

ORDINANCE NO. 516-04

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM: "AGRICULTURE" CLASSIFICATION AND USE DESIGNATION TO A SPECIAL PURPOSE: "PD" PLANNED DEVELOPMENT (DISTRICT) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 4.78 ACRES OF LAND, MORE OR LESS, MORE COMMONLY REFERRED TO AS CROWN ROAD ESTATES SINGLE FAMILY RESIDENTIAL DEVELOPMENT, PROPOSED FOR WILLOW PARK, TEXAS AS LOCATED IN THE ANN MCCARVER SURVEY, ABSTRACT NO. 910 AND BEING A PART OF THE CROWN VALLEY ACQUISITION PARTNERS, L.P. TRACT, RECORDED IN VOL. 2181, PG. 1562 DEED RECORDS, PARKER COUNTY; PROVIDING FOR 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**, Crown Valley Acquisition Partners, L.P. (Developer) has applied for a change in zoning for that certain 4.78 tract of land, more fully described by metes and bounds in Exhibit "A" attached hereto, Abstract 910, vol. 2181, pg 1552 from "Agriculture" zoning district classification and use designation to Special Purpose: "PD", Planned Development District zoning district classification and use designation; and

**WHEREAS**, a public hearing on the zoning change was held by the Planning and Zoning Commission of the City of Willow Park on April 12, 2004 and a final report for recommendations was submitted to the governing body of the City; and

**WHEREAS**, the City Council finds that the change is consistent with surrounding zoning as shown in the Comprehensive Plan;

**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, which final plat shall be approved by the City Council;

**WHEREAS**, the City of Willow Park has adopted a Comprehensive Plan for the long range development of the municipality and inclusion of the planned development district described herein is consistent with that long range plan;

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

## SECTION 1. AUTHORIZATION

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

SECTION 2. LAND USE PERMITTED

The zoning district classification and use designation of the Property described in Exhibit "A" is hereby changed from Agriculture zoning district classification and use designation to Special Purpose "PD", Planned Development District zoning district classification and use.

SECTION 3. TERM

The change in zoning district classification and use designation is made expressly contingent upon a condition subsequent, the execution of a Development Agreement between Developer and the City concerning the terms and conditions of development within the "PD" District reasonably consistent with the standards of similar "PD" Districts recently granted by the City. If a Development Agreement is not entered into between the Developer and the City 90 days after the adoption of this Ordinance, then this Ordinance shall be null and void and the subject property will retain and revert to its agriculture zoning designation. Further, construction of the single family developments shall commence within six months after the execution of the Development Agreement or the zoning and land use granted herein will expire and become void.

SECTION 4. ASSIGNMENT

The rights established hereunder between the City and the Developer are not assignable or transferable to any other person or entity except upon the express written permission and approval of the governing body of the City.

SECTION 5. COMPREHENSIVE PLAN

Pursuant to §213.003(b) TEX. LOCAL GOVT. CODE, the City does hereby amend the Comprehensive Plan of the City of Willow Park pursuant to this Ordinance and the findings herein and directs the City Secretary to make all required changes thereto.

SECTION 6. 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 7. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 8. 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 9. 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 10. 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, only if and when the condition subsequent in Section 3 has been met.

PASSED AND ADOPTED this 20<sup>th</sup> day of April, 2004.

*/s/ James A. [Signature]*  
Mayor

ATTEST:  
*/s/ Candice J. [Signature]*  
City Secretary/Clerk

APPROVED AS TO FORM:

*/s/ [Signature]*  
City Attorney

The Willow Park City Council in acting on Ordinance No. 516-04, did on the 20<sup>th</sup> day of April 2004 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	<u>✓</u>	<u>      </u>
Scott Rule, Place 1	<u>      </u>	<u>      </u>
Terry Skaggs, Place 2	<u>✓</u>	<u>      </u>
Brad Johnson, Place 3	<u>✓</u>	<u>      </u>
Jason Ellerbusch, Place 4	<u>✓</u>	<u>      </u>
Marvin Glasgow, Place 5	<u>✓</u>	<u>      </u>

## LEGAL DESCRIPTION

Being a 4.78 acre tract of land situated in the Ann McCarver Survey, Abstract No. 910, City of Willow Park, Parker County, Texas and being a part of the Crown Valley Acquisition Partners, L.P. tract as recorded in Volume 2181, Page 1562, Deed Records Parker County, Texas and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod in the west line of Crown Road for the southeast corner of the Jack Wendall Holt Jr. tract as evidenced by deed recorded in Volume 1372, Page 1423, Deed Records Parker County, Texas;

Thence South 03°40'25" West with the west line of Crown Road and general line of fence a distance of 345.38 feet to a set 1/2 inch iron rod;

Thence South 01°30'22" West with the west line of Crown Road and general line of fence a distance of 290.54 feet to a set 1/2 inch iron rod;

Thence South 02° 14'57" West with the west line of Crown Road and general line of fence a distance of 299.83 feet to a set 1/2 inch iron rod;

Thence South 03°50'11" West with the west line of Crown Road and general line of fence a distance of 257.56 feet to a set 1/2 inch iron rod, said point being in the City Limit line of the City of Willow Park, Texas;

Thence North 89°54'55" West, leaving said west line of Crown Road and continuing with said City Limit line a distance of 147.95 feet to a set 1/2 inch iron rod;

Thence North 00°12'10" East, continuing with said City Limit line a distance of 1186.47 feet to a set 1/2 inch iron rod in the south line of said Holt tract;

Thence North 88°34'52" East with said Holt south line a distance of 202.58 feet to the POINT OF BEGINNING and CONTAINING 208,380 square feet, 4.78 acres of land, more or less.

## FINAL PLAT CROWN ROAD ESTATES

Ann McCarver Survey  
Abstract No.910  
City of Willow Park  
Parker County, Texas

OPER:

PARTNERS L.P.  
SUITE 200  
76021  
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FEBRUARY 2004

SHEET 1 OF 1

Exhibit 'A'