

CITY OF WILLOW PARK

ORDINANCE NO. 520-04

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR THE ADOPTION OF A SPECIAL EXCEPTION USE FOR THAT CERTAIN TRACT OF LAND, LOT 1, BLOCK 100, EL CHICO ADDITION OF THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR A PENALTY, SEVERABILITY CLAUSE, 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 uniform zoning districts and to amend said districts for the purposes of promoting the health, safety and welfare of the City; and

WHEREAS, the City is delegated the authority to adopt zoning regulations and districts to protect the public health, safety, morals and general welfare of the City pursuant to §211.002 TEX. LOCAL GOVT. CODE, and

WHEREAS, the location and use of buildings or other structures is a permissible regulation under the zoning authorization delegated to the City pursuant to §211.003(a)(5) *id.*; and

WHEREAS, the City has developed both a Comprehensive Plan consistent with §213.001 *et seq. id.* and adopted Chapter 12 "Zoning" to the Municipal Code of Ordinances of the City of Willow Park, Texas (Ordinance 414-97; Dec. 16, 1997); and

WHEREAS, §12.504 provides for Class II Zoning Districts further defined as "Residential: R-1 Single Family Districts" which contain Special Exception Uses in subparagraph A, Subclause 9 Special Exception Uses ; and

WHEREAS, The Planning and Zoning Commission of the City of Willow Park, Texas conducted a public hearing on May 27, 2004 concerning the application submitted on behalf of Stockman Group, L.L.C. for that certain tract of land Lot 1, Block 100, El Chico Addition, revised, City of Willow Park, Texas and further described by Warranty Deed filed of record in volume 2056, page 1748 Real Property Records, Parker County, concerning proposed use of the property, modifications, construction, improvements, erosion control and mitigation; and

WHEREAS, the notice for the public hearing by the Planning and Zoning Commission, concerning the property for which a special exception use was proposed, was duly and legally issued pursuant to Chapter 211, TEX. LOCAL GOVT. CODE and included written notice to all property owners within two hundred feet of the property where the special exception use was proposed, and a general notice published in a newspaper of general publication; and

WHEREAS, the public hearing held before the Planning and Zoning Commission of the City of Willow Park on May 27, 2004, did hear evidence relating to: the compatibility of the proposed special exception use with the existing neighborhood; the change or transition of the area proximate to the proposed use to commercial and retail; the benefit to the community and need for the proposed use; the consistency of the use with a comprehensive plan to provide for public necessity, welfare, and safety of the community; and

WHEREAS, subject to the certain conditions and requirements imposed by Planning and Zoning Commission, a recommendation has been made to the City Council to grant the Special Exception Use, as conditioned.

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. FACTUAL FINDINGS

The governing body of the City finds, based on the evidence presented at the public hearing on May 27, 2004, an upon the final report and recommendation of the Planning and Zoning Commission to the governing body, the following:

1. There is a change in conditions in the affected area that is substantiated by recent development activity and the adoption by the City of Ordinance 507-04 providing for a Zoning Overlay District adjacent to Interstate Highway 20 on January 26, 2004.
2. The Specific Exception Use does bear a reasonable relation to the general welfare of the community and to orderly development.
3. There is not a substantial adverse impact on adjoining properties; or value specifically, tracts to the east and south of the subject tract are not developed and are vacant.
4. There is a real and substantial public need for the staging and provision of an emergency medical vehicles in close proximity to demographic population center of the City.
5. The proposed use of the property bears a substantial relationship to the public health, safety and general welfare of the City.

SECTION 3. SPECIAL EXCEPTION USE

1. A Special Exception Use is hereby granted to that certain tract described in Exhibit "A" and shown in Exhibit "B", specifically subject to the conditions recommended by the Planning and Zoning

Commission and adopted by the City Council as enumerated in Exhibit "C" hereto.

2. The Special Exception Use is granted for the specific purpose of providing emergency medical services for the City of Willow Park and surrounding area through the location of emergency medical service vehicles and equipment as defined by Section 773.003(12) TEX. HEALTH & SAFETY CODE to be staged or located on the subject tract.

3. Should the Subject tract granted the Special Exception Use herein cease to be used as a facility to stage and dispatch emergency medical service vehicles of as defined herein, the Special Exception Use granted shall terminate and become void.

4. The Special Exception Use granted herein as an amendment to the Comprehensive Plan does not run with the land and is not transferable or assignable by the owner of the property except with the explicit written permission of the City, in the City's sole discretion.

SECTION 4. LAWFUL COMPLIANCE

1. The Applicant or Owner of the property granted the Special Exception Use herein is solely responsible for compliance with all restrictive covenants, laws, regulations, standards, conditions or rules concerning the use of the property so approved.

2. Any violation of the laws, regulations, rules conditions, covenants or standards above shall be remedied by the property owner or occupant within fourteen (14) days after notice. Failure to remedy or cure any violation so noticed shall be deemed a violation of the Special Exception Use and subject same to cancellation at the sole discretion of the City.

SECTION 5. 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 6. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict; and, specifically, Ordinance number 514-04 adopted April 20, 2004 is repealed.

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.

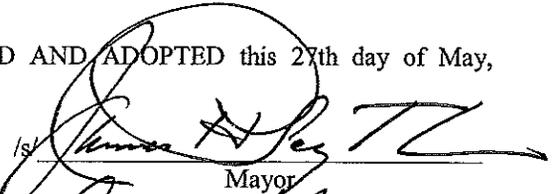
SECTION 8. RECITALS

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 Ordinance.

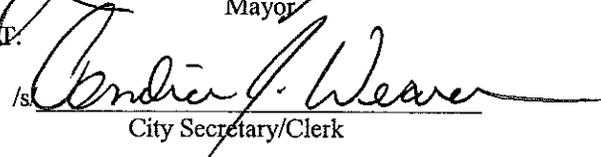
SECTION 9. EFFECTIVE DATE

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.

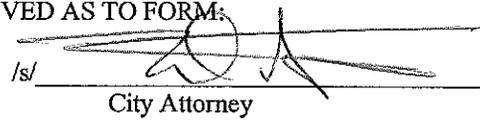
PASSED AND ADOPTED this 27th day of May, 2004.

/s/  Mayor

ATTEST:

/s/  City Secretary/Clerk

APPROVED AS TO FORM:

/s/  City Attorney

The Willow Park City Council in acting on Ordinance No. 520-04, did on the 27th day of May 2004 did vote as follows:

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

ALAMO TITLE COMPANY
87000088-CB-A1 end

Doc Bk Vol Pg
20462764 DR 2056 1748

CASH WARRANTY DEED

Date: November 1, 2002

Grantor: May Advertising Corporation of Texas

Grantor's Mailing Address (including county):
P.O. Box 161789
Fort Worth, Texas 76161

Grantee: Stockman Group, LLC

Grantee's Mailing Address (including county)
113 McKinzie Lane
Weatherford, Parker County Texas 76087

Consideration:

TEN AND NO/100 DOLLARS and other good and valuable consideration the receipt of which is hereby acknowledged.

Property (including any improvements):

Lot 1, Block 100, El Chico Addition, an addition to the City of Willow Park, Parker County, Texas, according to the plat recorded in Volume 360-A, page 8. Plat Records, Parker County, Texas.

Reservations From and Exceptions to Conveyance and Warranty:

Easements, rights-of-way and reservations, if any, affecting the Property which appear of record; all laws, rules, ordinances and regulations, if any, of any governmental authority to which the property is subject; and all taxes assessed against the property for the year 2002 which Grantee, having received credit from Grantor for its prorata share of such taxes at the time of the delivery of this deed, assumes and agrees to pay when due.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators,

Doc Bk Vol Pg
00452764 DR 2056 1749

successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to

Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

May Advertising Corporation of Texas

By: [Signature]
Don J. Horn, President

ACKNOWLEDGMENT

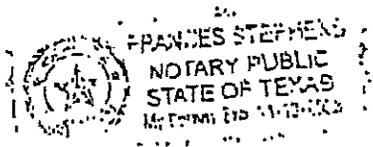
STATE OF TEXAS

§

COUNTY OF PARKER

§

This instrument was acknowledged before me on November 1, 2002, by Don J. Horn, President of May Advertising Corporation of Texas, a Texas Corporation.



[Signature]
Notary Public, State of Texas

(AFTER RECORDING RETURN TO:
Stockman Group, LLC
113 McKinzie Lane
Weatherford, Texas 76087)

Special Exception Use, Residential: 'R-1' Single Family Conditions for Development

This Special Exception Use is conditionally granted for a Special Exception Use by a political subdivision or special district providing medical related emergency health services for the benefit of the general public including residents of Willow Park, Texas. The exception is granted subject to the following enumerated conditions and requirements, non-compliance with any conditions shall void the exception granted.

- Structure is to be designed similar to and consistent with residential structures in the immediate proximity
- Structure, exclusive of bay or garage openings, is to be covered with 75% masonry
- Roof line must be pitched and covered with composite shingles similar to residential structures in the immediate proximity
- Vehicles utilized by the District shall be contained within the structure; the bay or garage doors will remain closed at all times except when such vehicles are operational
- Employees of the District providing services at the facility shall not park on Scenic Trail
- The grounds of the structure shall be landscaped similar to single family residential structures including grass or vegetative cover, with three minimum 8" diameter trees planted
- No external illumination shall be permitted except that which is reasonably necessary when an emergency vehicle is in actual use
- Emergency equipment on a vehicle shall not be engaged until the vehicle has entered onto Ranch House Road
- Landscape and ground cover, including maintenance and mowing of the tract and all easements thereon, shall be maintained by the owner or occupier in a presentable fashion at all times
- No signage shall be allowed on the property or structure other than standard street address and mail box without the express recommendation of the Planning & Zoning Commission and the approval of the City Council
- All other conditions attached to 'R-1' Single Family Residential shall be met by the structure
- The special exception provided for the use identified herein is specific and restricted to the public use identified; it is not transferable or assignable; should the use for medical related emergency services terminate, the structure will be deemed non-conforming and will not be granted pre-existing status and the special exception will be extinguished
- The structure shall be used for the benefit of a district authorized and created by the Texas Legislature that assumes the full responsibility for providing medical care for needy inhabitants pursuant to Acts, March 10, 1965, 59th Leg., R.S., ch. 35, §1, 1965 TEX. GEN. LAWS