

CITY OF WILLOW PARK

ORDINANCE NO. 669-13

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM "R-1", SINGLE FAMILY RESIDENTIAL ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION TO A COMMERCIAL PURPOSE: "C" COMMERCIAL ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 12.43 ACRES OF LAND SITUATED IN THE WESLEY FRANKLIN SURVEY, ABSTRACT NO. 468 ; PROVIDING FOR PUBLICATION, A SEVERABILITY CLAUSE, 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, Willow Park Baptist Church of Texas, in its sole capacity and at the request of St. Marianne Cope Health Care, LLC for the LLC, has applied for a change of zoning use for that certain 12.43 acre tract of land located in the Wesley Franklin Survey, Abstract No. 468, ("Property"), as further described on Exhibit "A" and depicted on Exhibit "B", which are incorporated herein, from Residential Single Family "R-1" zoning district classification and use designation to Commercial "C" zoning district classification and use designation; and

WHEREAS, a public hearing on the zoning change was previously held by the Planning and Zoning Commission of the City of Willow Park on May 7, 2013, and a final report and recommendation 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 and subsequent to receiving the final report and recommendation of the Planning and Zoning Commission with respect to the application for a zoning change; and

WHEREAS, the City Council finds that the change is consistent with 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.

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 zoning district classification and use designation of the Property is hereby changed from Residential Single Family "R-1" zoning district classification and use designation to Commercial "C" zoning district classification and use designation.

SECTION 3. MAP AMENDMENT

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

SECTION 4. 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 5. 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 6. 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 as required by Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE.

SECTION 7. 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, 2013.

/s/ Richard Neverdousky
Mayor

ATTEST:

/s/ Joel Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 669-13, did on the 21st day of May, 2013 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
Brian Thornburg, Place 1	_____/_____ ✓	_____
Gene Martin, Place 2	_____/_____ ✓	_____
Amy Podany, Place 3	_____/_____ ✓	_____
Dan Stalling, Place 4	_____/_____ ✓	_____
Bernard Suchocki, Place 5	_____/_____ ✓	_____

LEGAL DESCRIPTION - ZONING

Being a 12.43 acre tract of land situated in the Wesley Franklin Survey, Abstract No. 468, City of Willow Park, Parker County, Texas and being a portion of that certain tract conveyed to Willow Park Baptist Church of Texas, as recorded in Volume 2896, Page 403, Deed Records, Parker County, Texas and being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod found for the southwest corner of said 12.43 acre tract and the northwest corner of Lot 1, Block A Crown Pointe Addition, an addition to the city of Willow Park, as recorded in Cabinet D, Slide 73, Plat Records, Parker County, Texas, said found iron rod also being the northeast corner of Lot 2, Block A of said Crown Pointe Addition;

THENCE North 33°01'54" West a distance of 527.07 feet to a 1/2" iron rod set for the most westerly northwest corner of said 12.43 acre tract;

THENCE North 86°43'19" East a distance of 847.12 feet to a 1/2" iron rod found for an interior ell corner of said 12.43 acre tract, said found iron rod also being the most northerly northwest corner of Crown Pointe Boulevard right-of-way as recorded in Cabinet D, Slide 73, Plat Records, Parker County, Texas;

THENCE North 42°30'00" West a distance of 399.43 feet to a 1/2" iron rod set;

THENCE North 47°30'00" East a distance of 517.53 feet to a 1/2" iron rod set for the northeast corner of said 12.43 acre tract;

THENCE South 42°30'00" East a distance of 628.93 feet to a 1/2" iron rod set for the southeast corner of said 12.43 acre tract, said iron rod set also being on the north line of Lot 1, Block A The Village at Crown Park, an addition to the City of Willow Park, as recorded in Cabinet D, Slide 195, Plat Records, Parker County, Texas;

THENCE South 56°58'06" West, with the 12.43 acre tract/The Village at Crown Park common line, a distance of 308.83 feet to a 1/2" iron rod found for an angle point;

THENCE South 58°59'56" West, continuing with the 12.43 acre tract/The Village at Crown Park common line, a distance of 135.63 feet to a 1/2" iron rod found for the northwest corner of said Lot 1, Block A The Village at Crown Park;

THENCE North 42°30'00" West a distance of 1.37 feet to a 1/2" iron rod found for an interior ell corner of said 12.43 acre tract;

THENCE South 57°18'46" West a distance of 45.67 feet to an 'X'-cut found in concrete;

THENCE North 42°30'00" West a distance of 135.74 feet to an 'X'-cut found in concrete;

THENCE South 58°26'06" West a distance of 35.65 feet to a 1/2" iron rod found for the northwest corner of said Crown Pointe Boulevard right-of-way;

THENCE South 42°30'00" East, with the west line of Crown Pointe Boulevard, a distance of 135.38 feet to a 1/2" iron rod found for the northeast corner of said Lot 1, Block A Crown Pointe Addition;

THENCE South 58°59'56" West, with the north line of said Crown Pointe Addition, a distance of 758.19 feet to the POINT OF BEGINNING and CONTAINING 541,657 square feet, 12.43 acres of land, more or less.

EXHIBIT 'A'

