

CITY OF WILLOW PARK

ORDINANCE NO. 709-15

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM: “CLASS II - RESIDENTIAL: “R-1” SINGLE FAMILY DISTRICT” CLASSIFICATION AND USE DESIGNATION TO “CLASS I - SPECIAL PURPOSE: ‘PD’ PLANNED DEVELOPMENT DISTRICT” ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 41.77 ACRES OF LAND, MORE OR LESS, MORE COMMONLY REFERRED TO AS THE SHOPS AT CROWN POINT, LLC, LOCATED IN THE WESLEY FRANKLIN SURVEY, ABSTRACT 468 IN THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR A PENALTY 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, The Shops at Crown Point, LLC, (Owner) has applied for a change in zoning for that certain 41.77 tract of land, more fully described by metes and bounds in Exhibit “A” and depicted in Exhibit “B”, both attached hereto, located in the Wesley Franklin Survey, Abstract 468 (the “Property”) from “R-1” Single Family District” zoning district classification and use designation to “Class I – 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 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 and subsequent to receiving the final report and recommendations 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 surrounding zoning as shown in the Comprehensive Plan; 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 requested zoning classification “Class I – Special Purpose: ‘PD’ Planned Development District” zoning district classification set forth herein and with the intent that said specific use permit be finalized into a planned development district zoning, which final plat may be approved by the City Council; and

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" and depicted in Exhibit "B" is hereby changed from "R-1" Single Family zoning district classification and use designation to "Class I – 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 Owner and the City concerning the terms and conditions of development with "Class I – Special Purpose: 'PD' Planned Development District." If a Development Agreement is not entered into between the Owner 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 former "R-1" zoning designation. Further, construction of the single family development, 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 Owner 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.

PASSED AND ADOPTED this 14th day of April 2015.

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 709-15, did on the 14th day of April 2015 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
Brian Thornburg, Place 1	_____	_____
Gene Martin, Place 2	_____	_____
Greg Runnebaum, Place 3	_____	_____
James E. Mullins, Place 4	_____	_____
Tim Griffiths, Place 5	_____	_____