

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 23-86

AN ORDINANCE AMENDING ORDINANCE NO. 1-75, THE ZONING ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, GRANTING A ZONING CHANGE ON A CERTAIN TRACT OF LAND WITHIN THE TOWN OF FLOWER MOUND, TEXAS BEING APPROXIMATELY 161.6 ACRES OF LAND IN THE J. TANNEHILL SURVEY, ABSTRACT NO. 1252, THE R. KNIGHT SURVEY, ABSTRACT NO. 703, AND THE E. TANNEHILL SURVEY, ABSTRACT NO. 1272, DENTON COUNTY, TEXAS, AS MORE FULLY DESCRIBED IN EXHIBIT "A", ORDERING A CHANGE IN THE USE OF SAID TRACT OF LAND AS PARTICULARLY DESCRIBED HEREIN FROM A, AGRICULTURAL DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT NO. 39 FOR C-2, COMMERCIAL DISTRICT-2 USES IN ACCORDANCE WITH THE REQUIREMENTS STATED IN THE EXHIBITS ATTACHED HERETO AND INCORPORATED HEREIN, AND WITH THE SPECIFIC REQUIREMENTS CONTAINED IN THIS ORDINANCE, AND WITH A COMPREHENSIVE SITE PLAN OF THE DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; DETERMINING THAT THE PUBLIC INTEREST, MORALS AND GENERAL WELFARE DEMAND THE ZONING CHANGES AND AMENDMENTS HEREIN MADE; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application was made to amend the official Zoning District Map of the Town of Flower Mound, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Flower Mound, Texas, as required by State statutes and the Zoning Ordinance of the Town of Flower Mound, Texas, and all the legal requirements, conditions and pre-requisites having been complied with, the case having come before the Town Council of the Town of Flower Mound, Texas, after all legal notices, requirements, conditions and pre-requisites having been complied with; and

WHEREAS, the Developer and Owner, the Planning and Zoning Commission and the Town Council all agree the Tracts generally located west of Farm-to-Market Road 2499 in this Planned Development District are best suited for development in accordance with the campus commercial concept described on the Flower Mound Land Use and Thoroughfare Plan adopted by Ordinance No. 80-85 on the 23rd day of December, 1985, and

WHEREAS, the Town Council of the Town of Flower Mound, Texas, at a public hearing called by the Town Council did consider the following factors in making a determination as to whether these requested changes should be granted or denied; safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages, noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood, location, lighting and types of signs and relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood, adequacy of parking as determined by requirements of

this ordinance for off-street parking facilities, location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust, effect on the promotion of health and the general welfare, effect on light and air, the effect on the overcrowding of the land, the effect on the concentration of population, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the Town Council of the Town of Flower Mound, Texas, at a public hearing called by the Town Council of the Town of Flower Mound, Texas, did consider the following factors in making a determination as to whether the requested changes should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, effect on adequate light and air, the effect on the transportation; water, sewerage, schools, parks and other public facilities; and

WHEREAS, the Town Council of the Town of Flower Mound, Texas, further considered among other things the character of the districts and their peculiar suitability for particular uses and the view to conserve the value of the buildings, encourage the most appropriate use of land throughout this Town; and

WHEREAS, the Town Council of the Town of Flower Mound, Texas does find that there is a public necessity for the zoning changes, that the public demands them, that the public interest clearly requires the amendments, that the zoning changes do not unreasonably invade the rights of those who bought or improved property with reference to the classification which existed at the time their original investment was made; and

WHEREAS, the Town Council of the Town of Flower Mound, Texas, does find that the changes in zoning lessen the congestion in the streets, helps secure safety from fire, panic and other dangers; promotes the health and the general welfare; provides adequate light and air; prevents the over-crowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Town Council of the Town of Flower Mound, Texas, has determined that there is a necessity and need for the changes in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the tract of land requested for a change since the tract of land was originally classified and therefore feels that the respective changes in zoning classification for the tract of land are needed, are called for, and are in the best interest of the public at large, the citizens of the Town of Flower Mound, Texas, and helps promote the general health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS:

Section 1. That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That Ordinance No. 1-75, the Zoning Ordinance of the Town of Flower Mound, Texas passed on January 9, 1975, as originally adopted and amended, is hereby amended and changed in the following particulars and all other existing Sections, Subsections, Paragraphs, Sentences, Definitions, Phrases and Words of said Zoning Ordinance are not amended, but remain intact and are hereby ratified, verified and affirmed.

A. That the allowed use of the tracts of land being approximately 161.6 acres of land in the J. Tannehill Survey, Abstract No. 1252, the R. Knight Survey, Abstract No. 703, and the E. Tannehill Survey, Abstract No. 1272, Denton County, Texas as more particularly described in Exhibit "A" attached hereto and incorporated herein, which in accordance with the Zoning Ordinance, Ordinance No. 1-75 as presently zoned A, Agricultural District are changed to PD, Planned Development District No. 39 for C-2, Commercial District-2 uses in accordance with the requirements stated in the Exhibits attached hereto and incorporated herein, and with the specific requirements contained in this Ordinance, and with the comprehensive site plan of the development.

Section 3. That a Zoning and Concept Plan, a copy of which is attached hereto as Exhibit "C" and incorporated herein, showing the general layout of Planned Development District No. 39 was submitted by the Developer and Owner and reviewed and approved by the Town Council upon the recommendation of the Planning and Zoning Commission for approval as a general development plan.

Section 4. That a comprehensive site plan which shall be in substantial conformity with the general development plan shown in Exhibit "C" shall be submitted by the Developer and Owner as required by the Zoning Ordinance, Ordinance No. 1-75 for each Tract in this Planned Development District and shall be approved by the Planning and Zoning Commission and the Town Council and filed as part of this Ordinance prior to the issuance of any Building Permit in each such Tract in this Planned Development District.

Section 5. That the herein described property shall be used only in the manner and for the purpose provided by the Zoning Ordinance, Ordinance No. 1-75, as amended herein by the granting of this Planned Development District.

Section 6. That the development of the herein described property shall be developed in accordance with all PD, Planned Development District regulations as provided by the Zoning Ordinance, Ordinance No. 1-75, except as otherwise provided by this Ordinance.

Section 7. That in carrying out the development of this PD, Planned Development District, the development conditions shall be conditions precedent to the granting of any Certificate of Occupancy as required in the Zoning Ordinance, Ordinance No. 1-75.

Section 8. The Town Manager is hereby directed to correct the official zoning district maps of the Town of Flower Mound, Texas, to reflect the herein changes in zoning.

Section 9. That in all other respects the use of the property herein above described shall be subject to all the applicable regulations contained in said Zoning Ordinance and all other applicable and pertinent ordinances for the Town of Flower Mound, Texas.

Section 10. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent over-crowding of land, to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made with reasonable suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 11. This ordinance shall be cumulative of all other ordinances of the Town of Flower Mound, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this ordinance.

Section 12. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the tract of land described herein shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract of land described herein.

Section 13. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed One Thousand Dollars (\$1,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

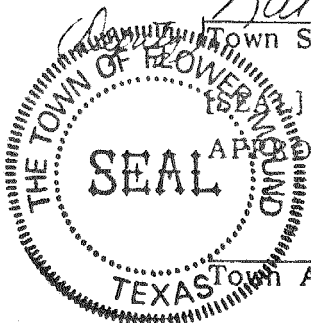
Section 14. The fact that the present zoning ordinance and regulations of the Town are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the Town creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

PASSED AND APPROVED the 10th day of March, 1986.

Andrew L. Bukaty
Mayor, Town of Flower Mound, Texas

ATTEST:

Kathleen C. Algie
Town Secretary



APPROVED AS TO FORM:

Town Attorney

LEGAL DESCRIPTION
THE STEWART COMPANY
Flower Mound, Texas

TRACT 1

BEING all the certain lot, tract, or parcel of land situated in the J.N. Tannehill Survey, Abstract Number 1252, and the R. Knight Survey, Abstract Number 703, and also being part of the E. Tannehill Survey, Abstract Number 1272 in the Town of Flower Mound, Denton County, Texas, in all a total of 102.406 acres being more particularly described as follows:

BEGINNING at a point found in the South line of said J.N. Tannehill Survey, and the Denton County and Tarrant County line, and also being in the West line of Farm to Market Road No. 2499 for a corner;

THENCE, S 89°27'20" W, 847.58 feet along said line to a U.S. Monument found for a corner;

THENCE, N 18°19'10" W, 1429.54 feet to a U.S. Monument found for a corner;

THENCE, S 89°53'30" W, 934.45 feet to a U.S. Monument found for a corner;

THENCE, N 02°50'50" W, 472.94 feet to a point for a corner;

THENCE, N 01°55'06" E, 13.8 feet to a point for a corner;

THENCE, N 02°32'11" E, 134.0 feet to a point for a corner;

THENCE, S 88°13'14" E, 180.6 feet to a point for a corner;

THENCE, N 0°49'39" E, 668.81 feet to a point in the North line of said R. Knight Survey for a corner;

THENCE, S 87°14'50" E, 153.0 feet along said North line to a point for a corner;

THENCE, N 01°39'17" E, 465.0 feet in the E. Tannehill Survey to a point in the West line of McPhearson Lane for a corner;

THENCE, S 88°20'43" E, 20.0 feet along said road to a point for corner;

THENCE, S 07°28'43" E, 125.9 feet to a point for a corner;

THENCE, N 80°49'17" E, 76.4 feet to a point for a corner;

THENCE, S 01°39'17" W, 26.11 feet to a point for a corner;

THENCE, N 65°09'05" E, 171.79 feet to a point for a corner;

THENCE, N 88°44'32" E, 1497.46 feet along South line of said McPhearson Lane to a point in the West line of said F.M. 2499 for a corner;

THENCE, South, 1249.2 feet along said West line of F.M. 2499 to a point for a corner;

THENCE, S 01°43'29" W, 236.55 feet along said West line to a point for a corner;

THENCE, S 89°50'30" W, 425.73 feet leaving said West line to a point for a corner;

THENCE, S 48°51'00" E, 12.0 feet to a point for a corner;

THENCE, S 88°00'00" E, 39.9 feet to a point for a corner;

THENCE, S 44°47'00" E, 49.3 feet to a point for a corner;

THENCE, S 74°20'00" E, 38.5 feet to a point for a corner;

THENCE, S 39°31'00" E, 68.3 feet to a point for a corner;

THENCE, S 89°51'00" E, 40.93 feet to a point for a corner;

THENCE, S 51°01'00" E, 128.8 feet to a point for a corner;

THENCE, S 58°00'00" E, 72.7 feet to a point for a corner;

THENCE, S 40°28'00" E, 78.4 feet to a point in the West line of said F.M. 2499 for a corner;

THENCE, S 01°07'50" W, 493.72 feet along said West line of F.M. 2499 for a point of curvature of a circular curve to the left having a central angle of 7.7349° and an arc length of 226.12 feet for a point of tangency;

THENCE, S 16°21'30" E, 582.17 feet along said West line of F.M. 2499 to the POINT OF BEGINNING and containing 102.406 acres of Land.

