

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2017-2247

LAKEVIEW VILLAS TOWNHOMES ZONING CHANGE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE ZONING ORDINANCE BY APPROVING A ZONING CHANGE FROM SHOPPING CENTER (SC) AND GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT - TOWNHOUSE DWELLING (PD-TH) OF THE PROPERTY LOCATED AT 4851 WESTPORT DRIVE DESCRIBED AS COLONY NO 33 LOT TRACT 1 (SW CORNER) AND A0173A BBB & CRR, TRACT 34, 1.586 ACRES, OLD DCAD TRACT # 13, THE COLONY, DENTON COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B" WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN, PROVIDING FOR DEVELOPMENT REGULATIONS WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "C" TO DEVELOP A TOWNHOME PROJECT CALLED LAKEVIEW VILLAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given any requisite notices by publication and otherwise, and have held due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and is of the opinion and finds that Zoning Change Application No. Z16-0002 to allow zoning change from Shopping Center (SC) and General Retail (GR) to Planned Development - Townhouse Dwelling (PD-TH) of the property located at 4851 Westport Drive described as Colony No 33 Lot Tract 1 (SW Corner) and A0173A BBB & CRR, Tract 34, 1.586 Acres, Old DCAD Tract # 13, The Colony, Denton County, Texas, being more particularly described in Exhibit "A" and depicted on Exhibit "B" which are attached hereto and incorporated herein, providing for development regulations which are attached hereto and incorporated herein as exhibit "c" should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS:

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the City Council of the City of The Colony, Texas, does hereby approve the Zoning Change.

SECTION 3. That it is hereby declared that only residential townhomes will be allowed in this Planned Development and any other land use allowed shall be purely accessory to the

residential land use.

SECTION 4. That it is hereby declared that in case of any development standard not specifically mentioned in Exhibit C, The Colony Zoning Ordinance requirement shall apply.

SECTION 5. That it is hereby declared to be the intention of the City Council of the City of The Colony, Texas, that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. That any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 7. That this Ordinance shall become effective immediately upon its passage.

DULY PASSED by the City Council of the City of The Colony, Texas, this the 17th day of January, 2017.

/s/Joe McCourry, Mayor

ATTEST:

/s/Tina Stewart, City Secretary

APPROVED AS TO FORM:

/s/Jeff Moore, City Attorney

Exhibit A
Legal Description

Being a portion of that certain Lot, Tract of Parcel of land located in the B. B.B. & C.R.R. Company Survey Abstract 173, the Colony, Denton County, Texas and being part of Tract I of THE COLONY NO. 33 ADDITION, an addition to the City of The Colony, Denton County, Texas, according to the plat thereof recorded in Cabinet D, Slide 281, Plat Records, Denton County, Texas, and being all of a 1.586 acre tract of land described in Deed to Equine Investment Properties, Inc., recorded in Volume 4374, Page 2287, Deed Records, Denton County, Texas, and being more particularly described as follows:

Commencing in the West line of main street (A.K.A. F. M. 423) a variable width right-of-way, at the Southeast corner of Lot 1, Block A, Recetrac, South Colony, addition, an addition to the City of the Colony, Denton County, Texas, recorded in Cabinet T, Page 9, Plat Records, Denton County, Texas, same being the northeast corner of the tract of land described in deed to Angelina's Restaurant, Inc., recorded in Volume 4228, Page 962, Deed Records, Denton County, Texas;

Thence South 89 degrees 52 minutes 54 seconds West, along the North line said of Angelina's Restaurant, Inc., tract, a distance of 250.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 5310" set at the place of beginning of the herein described tract, said point being the Southwest corner said Lot 1, said point also being the Southeast corner of said 1.586 acre tract, from which a yellow plastic cap stamped "DCA" found for reference bears North 00 degrees 01 minutes 49 seconds East, a distance of 0.41 feet;

Thence South 89 degrees 52 minutes 54 seconds West, a distance of 279.12 feet to a 1/2 inch iron rod found at the Northwest corner of said Angelina's Restaurant, Inc. tract same being the Southwest corner of said 1.586 acre tract, said point also being in the East line of a tract o land described in deed to U. S. Corp of Engineers, Recorded in Volume 379, Page 34, Deed Records, Denton County, Texas;

Thence North 00 degrees 29 minutes 34 seconds West, along the East line of said U.S. Corp of Engineers tract, passing at a distance of 236.16 feet a 3/8 inch iron rod found at the Northwest corner of said 1.586 acre tract, same being Southwest corner of said 1.398 acre tract, and continuing for a total distance of 515.28 feet to a 1/2 inch iron road found with a yellow plastic cap stamped "RPLS 3963" found at the Northwest corner of said 1.398 acre tract, same being the Southwest corner of Lot 1, Block A of Lakeside Montessori Academy Addition, an addition to the City of Colony, Denton County, Texas, according to the Plat thereof recorded in Cabinet V, Page 183, Plat Records, Denton County, Texas;

Thence South 89 degrees 58 minutes 35 seconds East, a distance of 219.79 feet to an "X" found at the Southeast corner of said lakeside Montessori Academy Addition, same being the Northeast corner of said 1.398 acre tract, said point also being the most Westerly Northwest corner of Lot 1, Block 1 of Kwik Kar Addition, an addition to the City of the Colony, Denton County, Texas according to the Plat thereof recorded in Cabinet P, Page 167, Plat Records, Denton County, Texas, said point also being in the West line of a 27 foot access, drainage and utility easements as recorded in Volume 1866, Page 260, Deed Records, Denton County, Texas, from which an "X" found for reference bears North 59 degrees 12 minutes 28 seconds West, a distance of 0.67 feet;

Thence South 00 degrees 11 minutes 10 seconds West, Partially along the West line of said 27 foot easement, a distance of 279.444 feet to a 1/2 inch iron rod found at the Southwest corner of

said Lot 1, Block 1, Kwik Kar Addition, said point also being in the North line of said 1.588 acre tract, at the Southeast corner of said 1.398 acre tract;

Thence North 69 degrees 58 minutes 38 seconds East, along the common line of said 1.586 acre tract and said Kwik Kar Addition, a distance of 77.46 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Northeast corner of said 1.588 acre tract, same being the Northwest corner of said Racetrac, South Colony, Addition;

Thence South 00 degrees 01 minutes 49 seconds West, a distance of 235.46 feet to the place of beginning and containing 2.983 acres of land, SAVE AND EXCEPT:

A 1.398 acre tract of land described in Deed to Purple House Properties, L.P., recorded in Document NO. 2006-54391, Deed Records, Denton County, Texas.

Exhibit B Development Plan



8 8 1/2" U.S. CEMENT
PAGE 143 PROJECT

LOT 1 BLOCK A
MASONRY WALL
PAGE 142 PROJECT

10 UTILITY EIGHT VOLUME
WELL PAGE 260 PROJECT
AND SHOWN FLAT CABINET
V. PAGE 143 PROJECT

EASEMENT AGREEMENT FOR
ALLIES
CGS 2008-00006383
PROJECT

LOT 1 BLOCK A
ADDITION
PAGE 142
PROJECT
1.863 ACRES

10 SANITARY SEWER EIGHT
VOLUME PAGE 260
PROJECT

SECONDARY SUMMARY

TRACT AREA	2.285 ACRES
NUMBER OF LOTS	33
TOWNHOUSES	33
PARKING	3 PER TOWNHOUSE - 10 GUEST SPACES

U.S. CORP OF ENGINEERS
VOLUME 375, PAGE 34
DATE: 11/1/11
REVISIONS
NOT PLATTED

Exhibit C
Development Standards

Min. Lot Area	2,000 sq. ft.
Min. Lot Width	20 ft.
Min. Dwelling Area	2,000 sq. ft.
Min. Front Yard	0
Min. Side Yard	0
Min. Rear Yard	10 ft.
Max. Lot Coverage	80%
Max. Bldg. Height	3 stories plus basement with stair and elevator penthouse for roof access – 49 ft. max.
Off-Street Parking	2 spaces per townhouse plus guest parking