

AN ORDINANCE OF THE CITY OF VAN ALSTYNE, TEXAS AMENDING THE ZONING ORDINANCE TO CHANGE THE EXISTING ZONING CLASSIFICATION FROM AN AGRICULTURAL ZONING DISTRICT (A) UPON ANNEXATION TO A PLANNED DEVELOPMENT ZONING DISTRICT (PD) WITH THE UNDERLYING ZONING CLASSIFICATIONS OF SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (SF-65) AND GENERAL COMMERCIAL ZONING DISTRICT (C-2) ON A 36.702-ACRE TRACT OF LAND DESCRIBED AS PART OF THE W. B. BLUNDELL SURVEY, ABSTRACT NO. 115, CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS; GENERALLY LOCATED ON THE WEST SIDE OF KELLY LANE AND APPROXIMATELY 1,800 FEET SOUTH OF WEST HOUSTON STREET, IN THE CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS; PROVIDING REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Van Alstyne, Texas (the "City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Van Alstyne, Texas ("Van Alstyne") to rezone the Property as a Planned Development Zoning District (PD), with the underlying zoning classifications of Single-Family Residential Zoning District (SF-65) and General Commercial Zoning District (C-2), and

WHEREAS, the City of Van Alstyne, Texas ("Van Alstyne") has received a request from Laer Trams-37 Acre Hwy 75 Van Alstyne, LLC to amend the zoning from Agricultural Zoning District (A) upon annexation to A, Agricultural Zoning District to Planned Development Zoning District (PD), with the underlying zoning classifications of Single-Family Residential Zoning District (SF-65) and General Commercial Zoning District (C-2); and

WHEREAS, the 36-702-acre tract of land being described as part of the W. B. Blundell Survey, Abstract No. 115, Grayson County, Texas, generally located on the west side of Kelly Lane and approximately 1,800 feet south of West Houston Street. and being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purpose (the "Property"); and

WHEREAS, the City Council has determined that the facts contained in the request are true and correct; and

WHEREAS, the Planning and Zoning Commission and the City Council, in accordance with state law and the City of Van Alstyne Zoning Ordinance No. 557, as codified, ("Zoning Ordinance"), have given the required notices and have held the required public hearings and made a recommendation regarding the zoning of the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS THAT:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

SECTION 2: Zoning Reclassification Granted and PD Standards Established. Van Alstyne's Zoning Ordinance is hereby amended to reflect that the Property is hereby rezoned from an Agricultural Zoning District (A) upon annexation to a Commercial - Office, Light Retail, and Neighborhood Services Zoning District (C-1).

SECTION 3. Exhibits: The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

- Exhibit A: Legal Description of Property
- Exhibit B: Zoning Exhibit
- Exhibit C: Planned Development Regulations

SECTION 4. Zoning Map. The Zoning Map of the City shall be amended to reflect this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, state, and federal laws, as they exist or may be in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

SECTION 5: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 6: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City's Zoning Ordinance and this Ordinance.

SECTION 7: Penalty. Any person, firm, corporation or entity violating the Ordinance, or any provision of Van Alstyne's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing days' violation under this Ordinance shall not preclude Van Alstyne from filing suit to enjoin the violation. Van Alstyne retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Van Alstyne hereby declares that it would have passed this Ordinance, and each

section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9: Savings/Repealing Clause. Van Alstyne Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinances, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

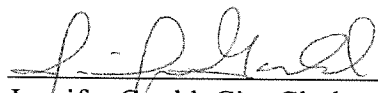
SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS on the 12th day of April, 2022.



Jim Atchison, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**



Jennifer Gould, City Clerk



Date of Publication: April 22, 2022, Van Alstyne Leader

EXHIBIT A

Legal Description

Being a parcel of land located in Grayson County, Texas, being a part of the William B. Blundell Survey, Abstract Number 115, and being all of that called 36.72 acre tract of land described in deed to Laer Trams-37 Acre Hwy 75 Van Alstyne, LLC, as recorded in Volume 5962, Page 521, Official Public Records Grayson County, Texas, and being further described as follows:

BEGINNING at a one-half inch iron found at the southwest corner of said 36.72 acre tract, said point being the northwest corner of that called 23.504 acre tract of land described in deed to Robert H. Hynds as recorded in Volume 2765, Page 245, Official Public Records Grayson County, Texas, said point also being in the east right-of-way line of US Highway 75 (a variable width right-of-way);

THENCE along the west line of said 36.72 acre tract and along the east right-of-way line of US Highway 75 as follows:

North 19 degrees 30 minutes 21 seconds West, 275.54 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

North 22 degrees 27 minutes 33 seconds West, 253.88 feet to a one-half inch iron rod found for corner;

North 26 degrees 37 minutes 44 seconds West, 201.09 feet to a one-half inch iron rod found for corner;

THENCE continuing along the west line of said 36.72 acre tract as follows:

North 63 degrees 22 minutes 40 seconds East, 100.00 feet to a one-half inch iron rod found for corner;

North 26 degrees 37 minutes 44 seconds West, 150.00 feet to a one-half inch iron rod found for corner, said point also being the northeast corner of that called 0.230 acre tract of land described in deed to the City of Van Alstyne as recorded in Volume 3171, Page 321, Official Public Records Grayson County, Texas;

South 63 degrees 22 minutes 40 seconds West, 100.00 feet to a one-half inch iron rod found for corner, said point being the northwest corner of said 0.230 acre tract, said point also being in the east right-of-way line of US Highway 75;

THENCE continuing along the west line of said 36.72 acre tract and the east right-of-way line of US Highway 75;

North 26 degrees 37 minutes 44 seconds West, 175.95 feet to a one-half inch iron rod found for corner;

North 25 degrees 43 minutes 48 seconds West, 215.19 feet to a one-half inch iron rod found at the northwest corner of said 36.72 acre tract, said point also being the southwest corner of that called 37.000 acre tract of land described in deed to Kenneth Griffin as recorded in Volume 5894, Page 348, Official Public Records Grayson County, Texas;

THENCE North 89 degrees 52 minutes 24 seconds East, at 1648.44 feet passing a one-half inch iron rod found as a reference point in the common line of said 36.72 acre tract and said 37.000 acre tract in all a total distance of 1,672.65 feet to a PK Nail found for corner, said point being the northeast corner of said 36.72 acre tract, said point being the southeast corner of said 37.000 acre tract, said point being in the west line of that called 10.000 acre tract of land described in deed to City of Van Alstyne as recorded in Volume 2019, Page 19778, Official Public Records Grayson County, Texas, said point also being in the approximate centerline of Kelly Lane;

THENCE along the east line of said 36.72 acre tract and the approximate centerline of Kelly Lane as follows:

South 00 degrees 29 minutes 02 seconds West, 489.23 feet to a PK Nail set for corner, said point being the northwest corner of that called 1.505 acre tract of land described in deed to Dennis Smith as recorded in Volume 4564, Page 705, Official Public Records Grayson County, Texas;

South 00 degrees 27 minutes 03 seconds West, 177.21 feet to a PK Nail set for corner, said point being the southwest corner of said 1.505 acre tract;

South 01 degrees 07 minutes 28 seconds West, 494.44 feet to a PK Nail set for corner, said point being the southeast corner of said 36.72 acre tract, said point also being the northeast corner of said 23.504 acre tract;

THENCE South 89 degrees 53 minutes 06 seconds West, 1,138.77 feet along the common line of said 36.72 acre tract and said 23.504 acre tract to the POINT OF BEGINNING and containing 1,598,727 square feet or 36.702 acres of land.

BASIS OF BEARING: The Basis of Bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83). distances shown hereon are grid distance values.

[illegible]

EXHIBIT C
Planned Development Regulations
TINSLEY MEADOWS

TRACT 1 STANDARDS

GENERAL STANDARDS-TRACT 1

1. Uses:

- A. Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-65) Single Family Residence District, in accordance with Section 46-125 - Table of Uses in the Van Alstyne Zoning Ordinance, as amended.
- B. A Specific Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-65) Single Family Residence District, in accordance with Section 46-125 - Table of Uses in the Van Alstyne Zoning Ordinance, as amended.
- C. Rezoning: Any rezoning of Tract 1, whether to a different zoning category, amended development standards, or for a Specific Use Permit shall be treated as a stand-alone request from Tracts 2 and 3. As such, property owners of land located within Tracts 2 or 3 do not have to be party to any rezoning of Tract 1.

2. Development of Tinsley Meadows shall take place in general accordance with Exhibit B (Concept Plan).

3. The maximum number of lots in the Tinsley Meadows neighborhood shall be 90.

NEIGHBORHOOD STANDARDS-TRACT 1

1. Landscape Buffer:

A. Kelly Lane:

- 1. A minimum 10' wide landscape buffer shall be provided adjacent to the right-of-way. Berms and retaining walls may be constructed within the buffer.
- 2. A mix of canopy and ornamental trees shall be planted within the required landscape buffer. Canopy trees shall consist of a minimum of 33% of all tree plantings within the buffer.
- 3. Ground cover may also be planted throughout the buffer. Ground cover includes, but is not limited to, shrubs, grasses, turf, mulched planter beds and hardscape.

B. Buffer Vegetation:

- 1. Canopy Trees: Canopy trees shall be a minimum 3 caliper inches in size, measured 6" above the planting surface, and 7' in height at the time of planting. Canopy trees shall have a minimum crown spread of 25' at maturity.
- 2. Ornamental Trees: Ornamental trees shall be a minimum 1 caliper inch in size, measured 6" above the planting surface at the time of planting. Ornamental trees shall have a minimum crown spread of 15' at maturity. Ornamental trees having a mature crown spread of less than 15' may be substituted by grouping the trees to create the equivalent crown spread of 15'.
- 3. Shrubs: Shrubs shall be a minimum 3 gallons in size at the time of planting and shall attain a minimum height of 3' within two growing seasons.
- 4. Irrigation: Landscape buffers shall be irrigated with irrigation systems. Trees and shrubs shall be irrigated by drip irrigation lines. Other landscaping may be irrigated by spray irrigation.

C. Open Space: A minimum of 18% (4.9 acres) of land will be set aside and used for active and passive recreational open spaces, as shown on the Concept Plan (Exhibit B). The open spaces identified on the Plan shall be deemed as meeting the parkland dedication requirements per Section 38-268 (b) of the Van Alstyne Subdivision Ordinance for the neighborhood. The open spaces shall be owned and maintained by the mandatory Homeowners Association.

Amenities provided within the open spaces shall be credited on a dollar-for-dollar basis towards the Community Development Fee identified in Section 38-268 (g) of the Van Alstyne Subdivision Ordinance.

DEVELOPMENT STANDARDS-TRACT 1

Development Standards: Development shall be in accordance with the development standards established in the (SF-65) Single Family Residence District, in the Van Alstyne Zoning Ordinance as it exists or may be amended, unless otherwise identified below through the use of strike through for deletions and underlined for additions.

1. Front Yard: Minimum 25'.
2. Side Yard, Interior: 7.5'.
3. Side Yard, Corner Lot, Street Side: Minimum 15'.
4. Rear Yard: 20'.
5. Lot Area: 7,800 square feet. 7,400 square feet.
6. Minimum Lot Width: 65'.
7. Minimum Lot Depth: 115'.
8. Maximum Lot Coverage (%): 45/55.
9. Minimum Building Size: 1600 square feet.
10. Maximum Height: 35'.
11. Roof Pitch: 7:12
12. Masonry: Minimum 70%.

TRACTS 2 AND 3 STANDARDS

1. Uses:
 - A. Permitted uses shall be all principal and accessory uses which are allowed by right in the (C-2) Commercial District-General, in accordance with Section 46-125 - Table of Uses in the Van Alstyne Zoning Ordinance, as amended.
 - B. A Specific Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (C-2) Commercial District-General, in accordance with Section 46-125 - Table of Uses in the Van Alstyne Zoning Ordinance, as amended.
 - C. Prohibited Uses. The following uses, which are normally allowed by right or through the approval of a Specific Use Permit, in the (C-2) Commercial District-General, shall be prohibited.
 1. Dormitory
 2. Cemetery or Mausoleum
 3. Golf driving range
 4. Airport, landing field
 5. Heliport or helistop
 6. Liquified petroleum gas, storage and sale (no bulk plants)
 7. Solid waste transfer station (Exclude Temp.)
 8. Auto paint and body shop
 9. Auto repair, major
 10. Automobile sales area, used