

AN ORDINANCE OF THE CITY OF VAN ALSTYNE, TEXAS AMENDING THE ZONING ORDINANCE TO CHANGE THE EXISTING ZONING CLASSIFICATION FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD) WITH BASE ZONING CLASSIFICATIONS OF SINGLE FAMILY RESIDENTIAL DISTRICT-72 (SF-72), SINGLE FAMILY RESIDENTIAL DISTRICT-84 (SF-84), AND GENERAL COMMERCIAL ZONING DISTRICT (C-2) ON A 59.535-ACRE TRACT OF LAND DESCRIBED AS PART OF THE JAMES MCKINNEY SURVEY, ABSTRACT NO. 770, CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS, AND GENERALLY LOCATED AT THE NORTHWEST CORNER OF STATE HIGHWAY 5 (N. WACO STREET) AND SPENCE ROAD, 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 district, as set forth below; and

WHEREAS, the City of Van Alstyne, Texas (“Van Alstyne”) has received a request from GOW Properties, LLC to amend the zoning from Planned Development District (PD) to a Planned Development District (PD) with base zoning classifications of Single-Family Residential District-72 (SF-72), Single-Family Residential District-84 (SF-84), and General Commercial Zoning District (C-2); and

WHEREAS, the 59.535-acre tract of land being described as part of the James McKinney Survey, Abstract No. 770, Grayson County, Texas, generally located at the northwest corner of State Highway 5 (N. Waco Street) and Spence Road 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 Planned Development District (PD) to Planned Development District (PD) with base zoning classifications of Single-Family Residential District-72 (SF-72), Single-Family Residential District-84 (SF-84), and General Commercial Zoning District (C-2), subject to the following Planned Development regulations:

PART 1. PURPOSE AND INTENT:

The purpose and intent of this PD is to allow for Single-Family Residential District-72 (SF-72), Single-Family Residential District-84 (SF-84), and General Commercial Zoning District (C-2) uses with modified development standards.

PART 2. STATEMENT OF UNDERLYING DISTRICT AND GENERAL REGULATIONS:

To the extent not altered herein, the Property shall be governed by the standards for the Single-Family Residential District-72 (SF-72), Single-Family Residential District-84 (SF-84), and General Commercial Zoning District (C-2) as contained in the Zoning Ordinance. In addition, all regulations and development for the Property not altered by this Ordinance shall conform to the City's Subdivision Ordinance, as it exists or may be amended.

PART 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: Conceptual Site Plan

PART 4. CONCEPTUAL SITE PLAN:

The Conceptual Site Plan is attached hereto and incorporated as if fully set forth herein as Exhibit "B." As allowed by Van Alstyne's Zoning Ordinance, Chapter 46, Article II, Section 46-92 (d) (3) a 3, the requirement for the City Council to have a separate public hearing for the Conceptual Site Plan is waived because a single public hearing on the Conceptual Site Plan and PD zoning is adequate and sufficient to determine the appropriate use of the Property. Exhibit "B" shall also qualify to serve as the Development Plan required by the Zoning Ordinance.

PART 5. REGULATIONS:

The following regulations shall apply:

1. Eighty percent (80%) Masonry shall be required per this ordinance on exterior facades of the primary buildings. Minimum roof pitch shall be 8:12.
2. The following area regulations will be observed:

Spence Planned Development Area Regulations			
Proposed Lot Types	Area Regulation	Zoning Ordinance Regulations	Proposed PD Regulations
Lot Type I (maximum 30% of total)	Width	65 feet	50 feet
	Depth	50 feet	100 feet
	Area	7,500 square feet	5,800 square feet
	Front & rear setbacks	25 feet	20 feet
	Side yard setbacks (interior)	10 feet	5 feet
	Side yard setbacks (corner)	15 feet	10 feet
	Min. House Area	1,600	1,600 square feet
	Max. Lot Coverage (all buildings)		55%
Lot Type II	Width	75 feet	60 feet
	Depth	50 feet	100 feet
	Area	8,700 square feet	7,000 square feet
	Front & rear setbacks	25 feet	20 feet
	Side yard setbacks (interior)	10 feet	5 feet
	Side yard setbacks (corner)	15 feet	10 feet
		1,600	1,800 square feet
	Max. Lot Coverage (all buildings)		55%
Lot Type III (minimum 20% of total)	Width	75 feet	70 feet
	Depth	50 feet	100 feet
	Area	8,700 square feet	8,200 square feet
	Front & rear setbacks	25 feet	20 feet
	Side yard setbacks (interior)	10 feet	5 feet
	Side yard setbacks (corner)	15 feet	10 feet
		1,800	1,800 square feet
	Max. Lot Coverage (all buildings)		55%

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 3: 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 4: 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 5: 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 6: 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 7: 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 8: 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 7th day of March, 2023.

Jim Atchison, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jennifer Gould, City Secretary

Date of Publication: March 17, 2023, Van Alstyne Leader

EXHIBIT A
LEGAL DESCRIPTION

BEING a tract of land situated in the J. McKinney Survey, Abstract No. 770, City of Van Alstyne, Grayson County, Texas, the subject tract being a portion of a tract conveyed to L.D. Spence and wife, Ruth Spence, by deed recorded in Volume 841, Page 660 of the Deed Records, Grayson County, Texas (DRGCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the west line of State Highway 5, a called 100-foot wide right-of-way (also known as North Waco Street), for the upper southeast corner of a tract conveyed to the Van Alstyne Independent School District (I.S.D.) by deed recorded in Volume 3008, Page 233, DRGCT;

THENCE S 22°08'34" E, 1076.82 feet along the west line of said highway to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE continuing along the west line of said highway, around a tangent curve to the right having a central angle of 07°46'41", a radius of 1860.00 feet, a chord of S 18°15'14" E - 252.31 feet, an arc length of 252.50 feet to a point being the intersection of the west line thereof with the approximate center of Spence Road, a public road;

THENCE N 86°53'34" W, 961.48 feet along said road to a point for corner;

THENCE N 88°33'59" W, 1443.98 feet continuing along said road to a point for the lower southeast corner of said Van Alstyne I.S.D. tract;

THENCE N 00°32'21" E, along the lower east line thereof, passing at 25.00 feet a 1/2" iron rod found for witness, continuing a total distance of 1193.45 feet to a 1/2" iron rod with plastic cap found for an inset corner of said Van Alstyne I.S.D. tract;

THENCE S 88°39'34" E, 1907.98 feet along the upper east line thereof to the POINT OF BEGINNING with the subject tract containing 2,593,328 square feet or 59.535 acres of land.

Concept Plan

