ZONING CASE NO. 96-4509
ZONING CLASSIFICATION - S-P-2

ORDINANCE NO. 6774

AN ORDINANCE AMENDING ORDINANCE NO. 1144, THE 1964 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF IRVING, TEXAS, GRANTING A ZONING CHANGE ON A TRACT OF LAND DESCRIBED AS: A TRACT OF LAND OUT OF THE SAMUEL T. BROWN SURVEY, ABSTRACT NO 50, THE B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NO. 197, THE I. & G.R. RR. CO., ABSTRACT NO. 1624 AND THE SAMUEL LAYTON SURVEY, ABSTRACT NO. 784, MORE FULLY AND COMPLETELY DESCRIBED IN THE BODY OF THIS ORDINANCE; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM S-P-2 SITE PLAN DISTRICT USE FOR FWY AND C-N USES, AND C-O COMMERCIAL OFFICE DISTRICT USE AND R-40 SINGLE FAMILY DISTRICT USE UNDER ORDINANCE NO. 1144, AS AMENDED TO S-P-2 SITE PLAN DISTRICT USE FOR C-C USES, PLUS A HOTEL, ACCESSORY OUTSIDE DISPLAY AND STORAGE OF NEW MERCHANDISE, AND ACCESSORY OUTSIDE SEATING AND ENTERTAINMENT USES UNDER ORDINANCE NO. 1144, AND ACCORDING TO THE SITE PLAN ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR SPECIAL CONDITIONS AND REGULATIONS RELATIVE TO LAND USE; CORRECTING THE OFFICIAL ZONING MAP ATTACHED TO ORDINANCE NO. 1144; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; DETERMINING

THAT THE CHANGE IS IN ACCORDANCE WITH A COMPREHENSIVE PLAN FOR THE PURPOSE OF PROMOTING THE PUBLIC INTEREST, MORALS AND GENERAL WELFARE; PROVIDING THAT THIS ORDINANCE DOES NOT REPEAL OTHER PROVISIONS OF THE ZONING ORDINANCE EXCEPT IN CASES OF DIRECT CONFLICT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING A PENALTY.

WHEREAS, applications were made to amend the 1964 Official Zoning Map, City of Irving, Texas, attached to the 1964 Comprehensive Zoning Ordinance of the City of Irving, Texas, passed on November 5, 1964, by making applications for same with the Planning and Zoning Commission of the City of Irving, Texas, as required by State Statutes and the Zoning Ordinance of the City of Irving, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the cases having come before the City Council of the City of Irving, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Irving, Texas, at a public hearing called at a regular session of the City 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 measures for fire control;

protection of adjacent property from flood or water 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; protection of public health by surfacing on all parking areas to control dust; the 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, sewers, schools, drainage and surface water, parks and other public facilities; and

WHEREAS, the City Council of the City of Irving, Texas, further considered among other things the character of the district and its peculiar suitability for particular uses and with a view to conserve the value of buildings and encourage the most appropriate use of land throughout the City; and

WHEREAS, the City Council of the City of Irving, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, that the zoning change does 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 City Council of the City of Irving, Texas, does find that the change in zoning helps lessen the congestion in the streets; helps secure safety from fire, panics, floods, and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewers, schools, drainage and surface water, parks and other public requirements; and

WHEREAS, the City Council of the City of Irving, Texas, does find that there is a need for this change in zoning and that there has been a change in conditions in the property adjacent to and in the surrounding area of the subject tract, therefore allowing and requiring this zoning change; and

WHEREAS, the City Council of the City of Irving, Texas, does find that this change in zoning under a site plan district for use as C-C uses, plus a hotel, accessory outside display and storage of new merchandise, and accessory outside seating and entertainment uses with a site plan attached will further lessen the congestion in the streets; help secure safety from fire, panics, floods, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding

of land; avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewers, schools, drainage and surface water, parks and other public requirements;

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

SECTION 1. That City of Irving Ordinance No. 1144 being the 1964 Comprehensive Zoning Ordinance of the City of Irving, Texas, passed on November 5, 1964, be, and the same is amended and changed in that the use of the following described property, to-wit:

**TRACT 1**

**BEING** a tract of land situated in the **SAMUEL T. BROWN SURVEY**, Abstract No. 50, the **B.B.B. & C.R.R. CO. SURVEY**, Abstract No. 197, the **I. & G.R. RR. CO.**, Abstract No. 1624, and the **SAMUEL LAYTON SURVEY**, Abstract No. 784 in the City of Irving, Dallas County, Texas and being a portion of land conveyed to Lone Star Industries, Inc. recorded in Volume 88119, Page 2195, a portion of land conveyed to Kinwest Development Corporation as recorded in Volume 80009, Page 0741 and a portion of land conveyed to L.H.J. Family Limited Partnership as recorded in Volume 93102, Page 4879 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows:

**BEGINNING** at a concrete right-of-way monument found at the intersection of the westerly right-of-way of **MacARTHUR BOULEVARD** (variable width right-of-way at this point) and the northerly right-of-way of **IH 635** (a variable width right-of-way);

**THENCE** along said northerly right-of-way of said **IH 635** as follows:

North 74°25'45" West, a distance of 1,359.86 feet to a concrete right-of-way monument found;

North 86°07'33" West, a distance of 611.88 feet to a concrete right-of-way monument found for corner;

North 74°51'12" West, a distance of 1,602.52 feet to a concrete right-of-way monument found for corner;

North 74°51'02" West, a distance of 598.94 feet to a 1/2 inch iron rod set for corner;

North 76°29'14" West, a distance of 700.29 feet to a 1/2 inch iron rod set for corner;

North 74°51'02" West, a distance of 637.03 feet to a 1/2 inch iron rod set for corner;

**THENCE** departing the northerly right-of-way of **IH 635** North 02°55'10" East, a distance of 1,907.85 feet to a 1/2 inch iron rod set in the southerly right-of-way at **RANCHVIEW DRIVE** (80 foot right of way);

**THENCE** along the southerly right-of-way at **RANCHVIEW DRIVE** as follows:

South 88°27'28" East, a distance of 1,840.49 feet to a 1/2 inch iron rod set for corner;

South 01°32'32" West, a distance of 15.00 feet to a 1/2 inch iron rod set for corner;

South 88°27'28" East, a distance of 904.14 feet to a 1/2 inch iron rod set for the beginning of a curve to the left having a radius of 1,055.00 and a chord bearing of North 86°42'21" East, a chord length of 177.90 feet;

Along said curve to the left through a central angle of 09°40'23" and a arc length of 178.11 feet to a 1/2 inch iron rod set for the beginning of a non-

tangent curve to the right having a radius of 533.69 feet and a chord bearing of South 57°10'17" East, a chord length of 554.30 feet;

Along said non-tangent curve to the right through a central angle of 62°34'21" and an arc length of 582.84 feet to a 1/2 inch iron rod found;

South 25°53'06" East, a distance of 3.60 feet to a 1/2 inch iron rod found for the beginning of a curve to the right having a radius of 634.69 feet and a chord bearing of South 13°23'11" East, a chord length of 274.72 feet;

Along said curve to the right through a central angle of 24°59'52" and an arc length of 276.91 feet to a 1/2 inch iron rod found for corner;

South 00°53'16" East, a distance of 70.46 feet to a 1/2 inch iron rod found for the beginning of a curve to the left having a radius of 714.69 feet and a chord bearing of South 08°57'27" East, a chord length of 200.65 feet;

Along said curve to the left through a central angle of 16°08'21" and an arc length of 201.31 feet to a 1/2 inch iron rod set in the most northerly corner of a 3.024 acre tract of land conveyed to the City of Irving;

**THENCE** along the westerly line of said City of Irving tract South 32°23'00" West, a distance of 511.25 feet to a 1/2 inch iron rod set for corner;

**THENCE** along the southerly line a said City of Irving tract South 12°37'00" East, a distance of 100.00 feet to a 1/2 inch iron rod set for corner;

**THENCE** along the southerly line a said City of Irving tract South 57°37'00" East, a distance of 199.29 feet to a 1/2 inch iron rod set for corner;

**THENCE** along the southerly line a said City of Irving tract South 32°23'00" West, a distance of 70.00 feet to a 1/2 inch iron rod set for corner;

**THENCE** along the southerly line a said City of Irving tract South 57°37'00" East, a distance of 550.00 feet to a 1/2 inch iron rod set for corner;

**THENCE** continuing along the easterly line of said City of Irving tract, North 32°23'00" East, a distance of 480.00 feet to a PK nail found in the southerly right-of-way of **RANCHVIEW DRIVE** (80' right-of-way);

**THENCE** along the southerly right-of-way of said **RANCHVIEW DRIVE**, South 57°37'00" East, a distance of 636.02 feet to a 1/2 inch iron rod set in the westerly right-of-way of **RANCHVIEW COURT** (a variable width at this point);

**THENCE** along the westerly right-of-way of said **RANCHVIEW COURT** as follows:

South 15°51'35" East, a distance of 67.14 feet to a 1/2 inch iron rod set;

South 25°53'50" West, a distance of 176.03 feet to a 1/2 inch iron rod set;

South 34°53'50" West, a distance of 70.00 feet to a 1/2 inch iron rod set for the beginning of a curve to the right having a radius of 715.00 feet and a chord bearing of South 46°11'29" West, a chord length of 280.06 feet;

Along said curve to the right through a central angle of 22°35'17" and a arc length of 281.88 feet to a 1/2 inch iron rod set;

**THENCE** South 32°30'52" East, a distance of 70.00 feet to a 1/2 inch iron rod set for corner in the easterly right-of-way of **RANCHVIEW COURT** (70 foot right-of-way) said point being the beginning of a non-tangent curve to the left having a radius of 785.00 feet, a chord bearing of North 46°11'29" East and chord distance of 307.48 feet;

**THENCE** along the easterly right-of-way of said **RANCHVIEW COURT** as follows:

Along said non-tangent curve to the left through a central angle of 22°35'18", an arc length of 309.48 feet to a 1/2 inch iron rod set for corner;

North 34°53'50" East, a distance of 70.00 feet to a 1/2 inch iron rod set for corner;

North 43°53'50" East, a distance of 176.01 feet to a 1/2 inch iron rod set for corner;

North 86°17'30" East, a distance of 66.47 feet to a 1/2 inch iron rod set for corner in the southerly right-of-way of **RANCHVIEW DRIVE** (80 foot right-of-way), said point being the beginning of a non-tangent curve to the right having a radius of 1,392.69 feet, a chord bearing South 42°15'24" East and a chord distance of 393.97 feet;

**THENCE** along the southerly right-of-way of said **RANCHVIEW DRIVE** as follows:

Along said non-tangent curve to the right through a central angle of 16°15'46", an arc length of 395.30 feet to a 1/2 inch iron rod set for the beginning of a curve to the left having a radius of 278.78 feet, a chord bearing of South 60°51'06" East and a chord distance of 250.75 feet;

Along said curve to the left through a central angle of 53°27'09", an arc length of 260.08 feet to a 1/2 inch iron rod set for corner in the westerly right-of-way of said **MacARTHUR BOULEVARD**;

**THENCE** along the westerly right-of-way of **MacARTHUR BOULEVARD**, South 00°22'06" West, a distance of 775.66 feet to a 1/2 inch iron rod set for corner;

**THENCE** South 39°47'43" West, a distance of 68.35 feet to the **POINT OF BEGINNING;**

**CONTAINING** within these metes and bounds 229.593 acres or 10,001,074 square feet of land, more or less.

**TRACT 2**

**BEING** at tract of land situated in the **I. & G.R. RR. Co.**, Abstract No. 1624, and the **B.B.B & C.R.R COMPANY SURVEY**, Abstract No. 197 and being a portion of the L.H.J. FAMILY LIMITED PARTNERSHIP, as recorded in Volume 93102, Page 4879, Deed Records at Dallas County, Texas (DRDCT) and being more particularly described as follows:

**COMMENCING** at a 1/2 inch iron rod set for the southwesterly corner of Tract 1, South 02°55'10" West, a distance of 501.42 feet to a 1/2 inch iron rod set for the **POINT OF BEGINNING;**

**THENCE** along the southerly right-of-way of **I.H. 635** (variable right-of-way), South 74°41'18" East, a distance of 1,551.66 feet to a 1/2 inch iron rod set;

**THENCE** departing the southerly line of said **I.H. 635**, North 89°37'33" West, a distance of 1,517.01 feet to a 1/2 inch iron rod set;

**THENCE** North 02°55'10" East, a distance of 400.36 feet to the **POINT OF BEGINNING;**

**CONTAINING** within these metes and bounds 6.964 acres or 303,375 square feet of land, more or less.

which is presently zoned S-P-2 Site Plan District Use for FWY and C-N uses, C-O Commercial Office District Use and R-40 Single Family District Use under Ordinance No. 1144, is changed to S-P-2 Site Plan District Use for C-C uses, plus a hotel, accessory outside display and storage of new merchandise, and accessory outside seating and entertainment uses under Ordinance No. 1144,

subject to all the requirements of Ordinance No. 1144 and subject to all the requirements and conditions of Section 1-A of this ordinance.

SECTION 1-A. That the district use on the property described in Section 1 is hereby approved and granted upon the following express conditions:

(1) That development and use shall be in conformance with the site plan attached hereto and made a part hereof for all purposes.

(2) A true copy of the site plan attached hereto shall be retained by the Engineering Department of the City of Irving and one copy shall be authenticated by the Engineering Department and furnished to the Building Inspection Department for observance in connection with these improvements.

(3) That all means of ingress and egress shall be approved by the City Engineer of the City of Irving.

(4) That all paved areas, permanent drives, streets, and drainage structures, if any, shall be constructed in accordance with the standard City of Irving specifications adopted for such purpose, and the same shall be done to the satisfaction of the Engineering Department of the City of Irving.

(5) That the applicant will provide additional buffer between the 6.964 acres and the Mustang Park.

(6) That all outside lighting be focused away from the adjoining property owners.

(7) That the height of the lights be limited and be worked out through the staff to prevent interference with surrounding properties.

(8) That the outside entertainment be an accessory use rather than a primary use.

The above requirements shall not be construed as conditions precedent to the granting of a zoning change, but shall be construed as conditions precedent to the granting of a building permit and/or certificate of occupancy.

SECTION 2. The City Planner is hereby directed to correct the Official Zoning Maps of the City of Irving, Texas, attached to Ordinance No. 1144.

SECTION 3. That in all other respects the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Irving Zoning Ordinance and all other applicable and pertinent ordinances of the City of Irving.

SECTION 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting 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 promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewers, schools, drainage and surface water, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar 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 5. This ordinance shall be cumulative of all other ordinances of the City of Irving affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this ordinance.

SECTION 6. 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 or tracts 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 or tracts of land described herein.

SECTION 7. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to the same penalties provided for in Ordinance No. 1144, Zoning Ordinance of the City of Irving, Texas.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, this 4th day of April, A.D., 1996.

MORRIS H. PARRISH
MAYOR

ATTEST:

Janice Carroll, CMC
Acting City Secretary

APPROVED AS TO FORM:

Don J. Rorschach
City Attorney