

ORDINANCE NO. 3597

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED; TO GRANT A CHANGE OF ZONING FROM A GENERAL COMMERCIAL DISTRICT TO A PLANNED DEVELOPMENT DISTRICT (PD-28) WITH A BASE ZONING OF GENERAL COMMERCIAL (“C-2”) TO ALLOW FOR THE REDUCTION OF OFF-STREET PARKING FOR A PROPOSED NEIGHBORHOOD MARKET ON AN APPROXIMATELY 6.47-ACRE TRACT OF LAND LOCATED ON THE NORTHEAST CORNER OF MURPHY ROAD AND BLACKBURN ROAD, CITY OF SACHSE, DALLAS COUNTY, TEXAS, AND PARTICULARLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR THE APPROVAL OF THE ZONING EXHIBIT ATTACHED AS EXHIBIT “B”; PROVIDING FOR THE APPROVAL OF DEVELOPMENT STANDARDS ATTACHED AS EXHIBIT “C”; PROVIDING FOR THE APPROVAL OF THE ZONING CONCEPT PLAN APPROVED AS EXHIBIT “D”; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive Zoning Ordinance should be amended as provided herein;

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby further amended to grant a change in zoning from General Commercial to Planned Development (PD) with a base zoning of C-2 on an approximately 6.47-acre tract of land located at the northeast corner of Murphy Road and Blackburn Road, Road, City of Sachse, Dallas County, Texas, being more particularly described by metes and bounds in Exhibit “A” and as depicted in Exhibit “B”, attached hereto and incorporated herein by reference.

SECTION 2. That the property shall be developed and used only in accordance with the following development conditions:

- A. **Purpose.** The purpose of this Planned Development District is to provide for a reduction in required off-street parking for a proposed neighborhood market containing approximately 41,963 square feet of floor area. If the property is used for any purpose other than retail grocery, the property shall lose its Planned Development designation, and revert back to a general commercial district.
- B. **Parking.** The reduced parking requirement of 4 spaces per 1, 000 square feet of grocery store shall be restricted to retail grocery use only.
- C. **Base Zoning District.** The property shall be used and developed in accordance with the C-2 District of the Comprehensive Zoning Ordinance, except as provided herein.
- D. **Planned Development Standards.** The Planned Development Standards are attached as Exhibit "C" and are hereby approved.
- E. **Zoning Concept Plan.** The Zoning Concept Plan is attached as Exhibit "D" and is hereby approved.

SECTION 3. That all provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.


SECTION 5. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

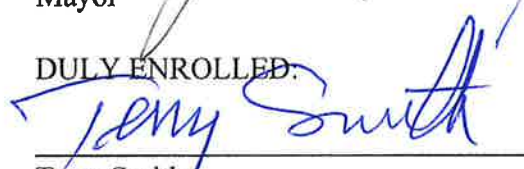
PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the 21 day of July, 2014.

APPROVED:



Mike Felix
Mayor

DULY ENROLLED:



Terry Smith
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(07-17-14/66784)

Exhibit A
Legal Description
6.470 Acres

BEING a tract of land situated in the Daniel Herring Survey, Abstract No. 626, Dallas County, Texas, and the Daniel Herring Survey, Abstract No. 402, Collin County, Texas, and in the City of Sachse, and being a portion of a called 48.302 acre tract of land described in the deed to Plano ARS, L.P., recorded in Volume 96138, Page 6886, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found on the northerly right-of-way line of Blackburn Road (variable width right-of-way), and at the eastern-most northeast corner of a called 0.8035 acre tract of land described in a deed to County of Dallas, as recorded in volume 2005063, Page 7846, Official Public Records of Dallas County, Texas, and at the southern-most southwest corner of Block D, Westgate, according to the plat thereof recorded in Cabinet K, Slide 137, Map Records of Collin County, Texas, and Volume 98008, Page 1343, said Deed Records of Dallas County, Texas, and;

THENCE South 89°47'39" West, along a north line of said 0.8035 acre tract and the north right-of-way line of said Blackburn Road, a distance of 424.72 feet to a point for corner;

THENCE North 00°00'19" West, departing the north line of said 0.8035 acre tract and the north right-of-way line of said Blackburn road, crossing said 48.302 acre tract, a distance of 143.18 feet to a point corner;

THENCE South 89°59'41" West, crossing said 48.302 acre tract, a distance of 152.54 feet to a point for corner on an easterly line of said 0.8035 acre tract and on the easterly right-of-way line of Murphy Road (variable width right-of-way), and from which a 5/8-inch iron rod with a cap stamped "BHB INC" found bears South 0°08'32" East, a distance of 116.35 feet;

THENCE North 00°08'32" West, along the east line of said 0.8035 acre tract and the east right-of-way line of said Murphy Road, a distance of 83.13 feet to a 5/8-inch iron rod found for a corner from which a 1/2-inch iron rod with a cap stamped "CSC 4252" found for witness bears South 4°56'06" East a distance of 3.78 feet;

THENCE North 00°17'46" West, continuing along the easterly line of said 0.8035 acre tract and the easterly right-of-way line of said Murphy Road, a distance of 200.17 feet to a point corner;

THENCE departing the easterly line of said 0.8035 acre tract and the easterly right-of-way line of said Murphy Road, crossing said 48.302 acre tract, the following seven (7) courses:

1. North 89°59'41" East, a distance of 59.44 feet to a point corner at the beginning of a tangent curve to the right having a central angle of 28°21'26", a radius of 60.00 feet, a chord bearing and distance of South 75°49'36" East, 29.39 feet;

2. In a southeasterly direction, with said curve to the right, an arc distance of 29.70 feet to a point corner at the beginning of a reverse curve to the left having a central angle of 28°21'26", a radius of 40.00 feet, a chord bearing and distance of South 75°49'36" East, 19.60 feet;
3. In a southeasterly direction, with said curve to the left, an arc distance of 19.80 feet to a point for corner at the end of said curve;
4. North 89°59'41" East, a distance of 133.25 feet to a point for corner;
5. North 00°00'19" West, a distance of 8.00 feet to a point for corner;
6. North 89°59'41" East, a distance of 137.00 feet to a point for corner;
7. North 00°00'19" West a distance of 302.06 feet to a point for corner on a southerly line of Block D of aforesaid Westgate addition;

THENCE North 89°47'56" East, along the southerly line of said Block D, a distance of 201.29 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner;

THENCE South 00°00'19" East, along the most easterly, west line of said Block D, a distance of 723.73 feet to the **POINT OF BEGINNING** and containing 6.470 acres (281,831 square feet) of land, more or less.

Bearings and distances are based upon Texas State Plane Coordinates, North Central Zone 4202, NAD83. The bearings shown are Grid values. The distances shown are Surface values. To convert the distances to Grid values, multiply the distances by a Combined Scale Factor of 0.999848523.

Michael B. Marx 3/31/14

Michael B. Marx
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
5750 Genesis Court, Suite 200
Frisco, Texas 75034
Ph. 972-335-3580
michael.marx@kimley-horn.com



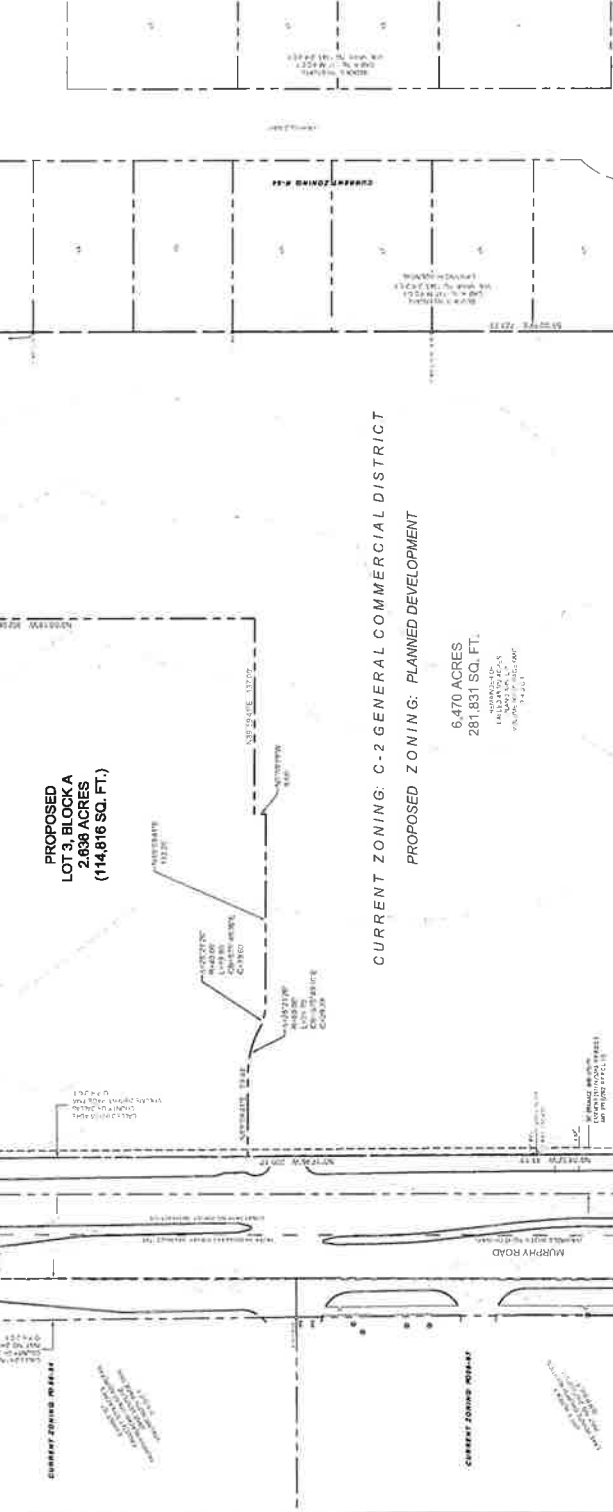


LEGEND

Proposed Lot 3, Block A	Proposed Lot 2, Block A
Proposed Lot 1, Block A	Proposed Lot 4, Block A
Proposed Lot 5, Block A	Proposed Lot 6, Block A
Proposed Lot 7, Block A	Proposed Lot 8, Block A
Proposed Lot 9, Block A	Proposed Lot 10, Block A
Proposed Lot 11, Block A	Proposed Lot 12, Block A
Proposed Lot 13, Block A	Proposed Lot 14, Block A
Proposed Lot 15, Block A	Proposed Lot 16, Block A
Proposed Lot 17, Block A	Proposed Lot 18, Block A
Proposed Lot 19, Block A	Proposed Lot 20, Block A
Proposed Lot 21, Block A	Proposed Lot 22, Block A
Proposed Lot 23, Block A	Proposed Lot 24, Block A
Proposed Lot 25, Block A	Proposed Lot 26, Block A
Proposed Lot 27, Block A	Proposed Lot 28, Block A
Proposed Lot 29, Block A	Proposed Lot 30, Block A
Proposed Lot 31, Block A	Proposed Lot 32, Block A
Proposed Lot 33, Block A	Proposed Lot 34, Block A
Proposed Lot 35, Block A	Proposed Lot 36, Block A
Proposed Lot 37, Block A	Proposed Lot 38, Block A
Proposed Lot 39, Block A	Proposed Lot 40, Block A
Proposed Lot 41, Block A	Proposed Lot 42, Block A
Proposed Lot 43, Block A	Proposed Lot 44, Block A
Proposed Lot 45, Block A	Proposed Lot 46, Block A
Proposed Lot 47, Block A	Proposed Lot 48, Block A
Proposed Lot 49, Block A	Proposed Lot 50, Block A
Proposed Lot 51, Block A	Proposed Lot 52, Block A
Proposed Lot 53, Block A	Proposed Lot 54, Block A
Proposed Lot 55, Block A	Proposed Lot 56, Block A
Proposed Lot 57, Block A	Proposed Lot 58, Block A
Proposed Lot 59, Block A	Proposed Lot 60, Block A
Proposed Lot 61, Block A	Proposed Lot 62, Block A
Proposed Lot 63, Block A	Proposed Lot 64, Block A
Proposed Lot 65, Block A	Proposed Lot 66, Block A
Proposed Lot 67, Block A	Proposed Lot 68, Block A
Proposed Lot 69, Block A	Proposed Lot 70, Block A
Proposed Lot 71, Block A	Proposed Lot 72, Block A
Proposed Lot 73, Block A	Proposed Lot 74, Block A
Proposed Lot 75, Block A	Proposed Lot 76, Block A
Proposed Lot 77, Block A	Proposed Lot 78, Block A
Proposed Lot 79, Block A	Proposed Lot 80, Block A
Proposed Lot 81, Block A	Proposed Lot 82, Block A
Proposed Lot 83, Block A	Proposed Lot 84, Block A
Proposed Lot 85, Block A	Proposed Lot 86, Block A
Proposed Lot 87, Block A	Proposed Lot 88, Block A
Proposed Lot 89, Block A	Proposed Lot 90, Block A
Proposed Lot 91, Block A	Proposed Lot 92, Block A
Proposed Lot 93, Block A	Proposed Lot 94, Block A
Proposed Lot 95, Block A	Proposed Lot 96, Block A
Proposed Lot 97, Block A	Proposed Lot 98, Block A
Proposed Lot 99, Block A	Proposed Lot 100, Block A

NOTES

1. All dimensions are in feet unless otherwise noted.
2. All bearings are in degrees, minutes, and seconds.
3. All distances are in feet unless otherwise noted.
4. All areas are in square feet unless otherwise noted.
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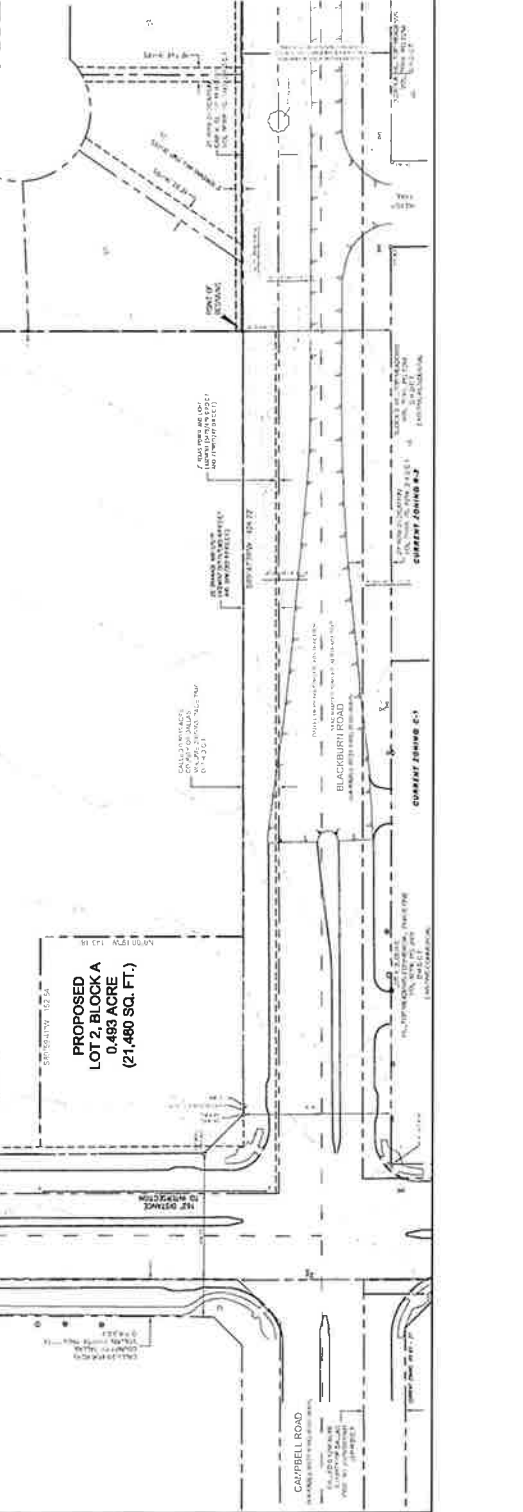


ENGINEER
Kimley-Horn and Associates, Inc.
5700 GEORGE'S COURT
FRISCO, TEXAS 75034
CONTACT: HEATH VOYLES, P.E.
FIRM NO. F-928

OWNER/APPLICANT
1500 BLACKBURN LP
DALLAS, TX 75206
CONTACT: ENGINEER

EXHIBIT B - ZONING EXHIBIT
6.470 ACRES
6950 MURPHY ROAD
SITUATED IN THE
DANIEL HERRING SURVEY, ABSTRACT NO. 628,
DALLAS COUNTY, TEXAS
DANIEL HERRING SURVEY, ABSTRACT NO. 402,
COLLIN COUNTY, TEXAS
THE
CITY OF SACHSE

Kimley-Horn and Associates, Inc.
5700 GEORGE'S COURT, SUITE 202
FRISCO, TEXAS 75034
Tel: 972.272.2500
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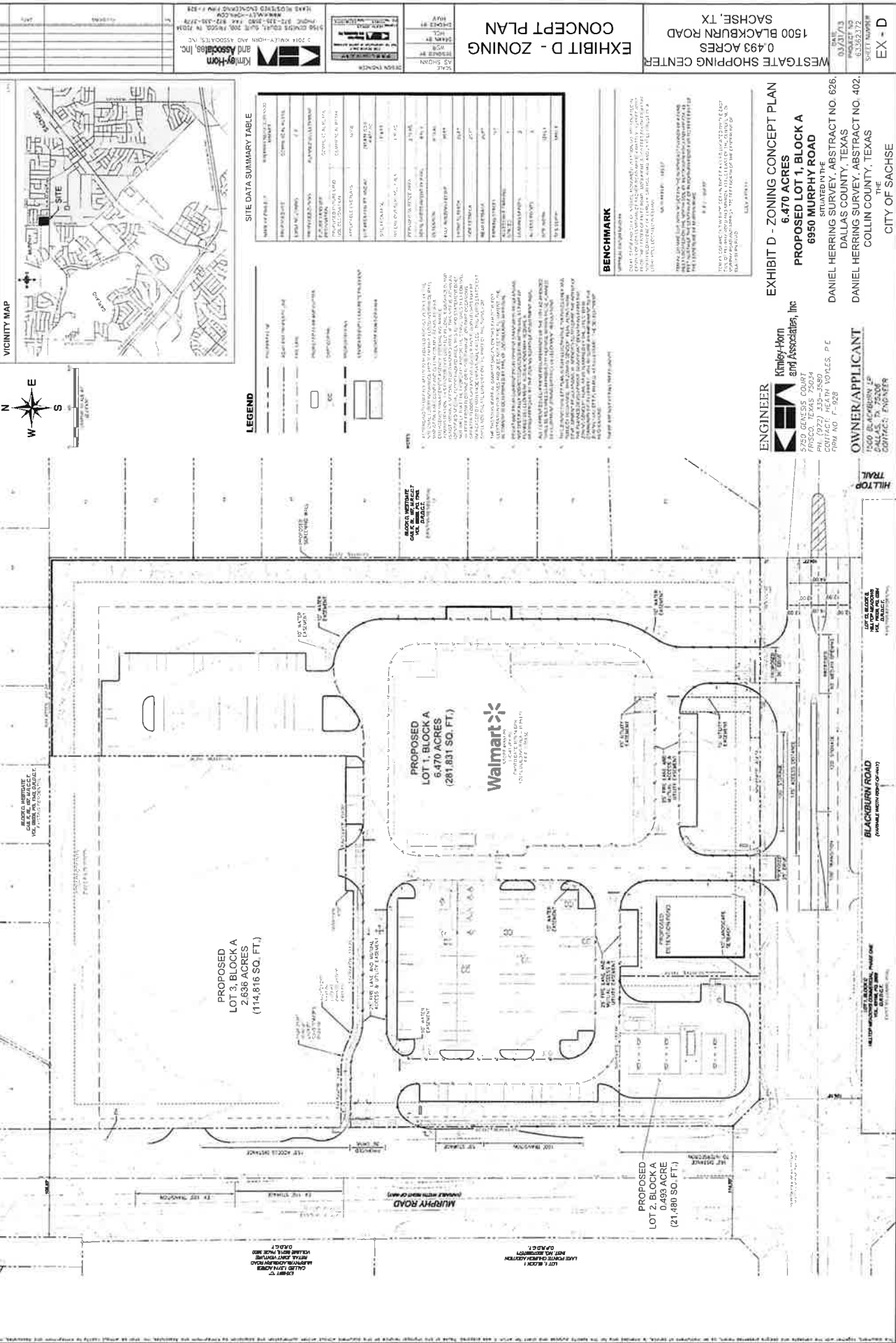
EXHIBIT C

PLANNED DEVELOPMENT STANDARDS

The proposed planned development standards for the subject property are as follows:

1. With the exception of the retail parking ratio set forth in 2. below, the property will be subject to all of the use and development standards of the C-2 General Commercial District.
2. Retail uses shall provide off-street parking at a ratio of one off-street parking space for each 250 square feet of floor area.

1 2 3 4 5 6 7 8 9 10 11 12 13



1 2 3 4 5 6 7 8 9 10 11 12 13

EXHIBIT D - ZONING CONCEPT PLAN

WESTGATE SHOPPING CENTER
1500 BLACKBURN ROAD
SACHSE, TX
0.493 ACRES
PROJECT NO. 63352372
SHEET NUMBER EX - D

ENGINEER
Kimley-Horn and Associates, Inc.
5750 GEORGE COURT
RISCO, TEXAS 75084
CONTACT: HEATH VOYLES, P.E.
FIRM NO. F-928

OWNER/APPLICANT
TACO BELL RESTAURANT LP
10000 W. MURPHY ROAD
SACHSE, TEXAS 75084
CONTACT: ENGINEER

EXHIBIT D - ZONING CONCEPT PLAN
6.470 ACRES
PROPOSED LOT 1, BLOCK A
6950 MURPHY ROAD
SITING IN THE
DANIEL HERRING SURVEY, ABSTRACT NO. 626,
DALLAS COUNTY, TEXAS
DANIEL HERRING SURVEY, ABSTRACT NO. 402,
COLLIN COUNTY, TEXAS
THE CITY OF SACHSE

BENCHMARK

THIS CONCEPT PLAN IS PREPARED FOR THE CITY OF SACHSE, TEXAS, AND IS SUBJECT TO THE CITY'S ZONING ORDINANCES AND THE CITY'S ZONING COMMISSION'S REVIEW AND APPROVAL. THE CITY OF SACHSE, TEXAS, IS NOT PROVIDING ANY GUARANTEE OF ACCURACY OR LIABILITY FOR THE INFORMATION PROVIDED HEREIN. THE CITY OF SACHSE, TEXAS, IS NOT PROVIDING ANY GUARANTEE OF ACCURACY OR LIABILITY FOR THE INFORMATION PROVIDED HEREIN.

Kimley-Horn and Associates, Inc.
2701 KUILY-HORN RD
SACHSE, TEXAS 75084
PH: 972-491-2200 FAX: 972-491-2229
WWW.KHAC.COM

CONCEPT PLAN
DATE: 08/14/13
PROJECT NO.: 63352372
SHEET NO.: EX - D

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