

ORDINANCE NO. O-2019-026

AN ORDINANCE OF THE CITY OF FATE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON 1.496 ACRES OF LAND LOCATED ON THE EAST SIDE OF FM 551 APPROXIMATELY 600-FEET NORTH OF IH-30, ROCKWALL CAD PROPERTY ID 12848; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY UP TO \$2,000 PER DAY; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission considered and made recommendations on a certain request for a change of zoning on the above captioned property; and

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Fate; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, and general welfare of the City of Fate.

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

Section 1. That the above findings are hereby found to be true and correct and are incorporated as if fully set forth herein.

Section 2. That the 1.496 acres of land located on the east side of FM 551 approximately 600-feet north of IH-30 more specifically described in the attached **Exhibit A**, attached hereto and incorporated herein by reference, is hereby zoned to Planned Development District for Retail uses and shall be developed and used in accordance with all applicable regulations of the City of Fate except as provided herein, and the Comprehensive Zoning Ordinance, as amended.

Section 3. That the Development Conditions and Standards for this Planned Development district are attached hereto as **Exhibit B** and incorporated herein by reference.

Section 4. That the Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 5. That any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 1- 14 of the Fate Code of Ordinances, as amended.

Section 6. That Chapter 36, Unified Development Ordinance of the City of Fate Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 7. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or its application to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of Chapter 36, Unified Development Ordinance of the City of Fate Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 8. 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.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FATE, TEXAS on this 5th day of August, 2019.



APPROVED:




Joe Burger
Mayor

ATTEST:



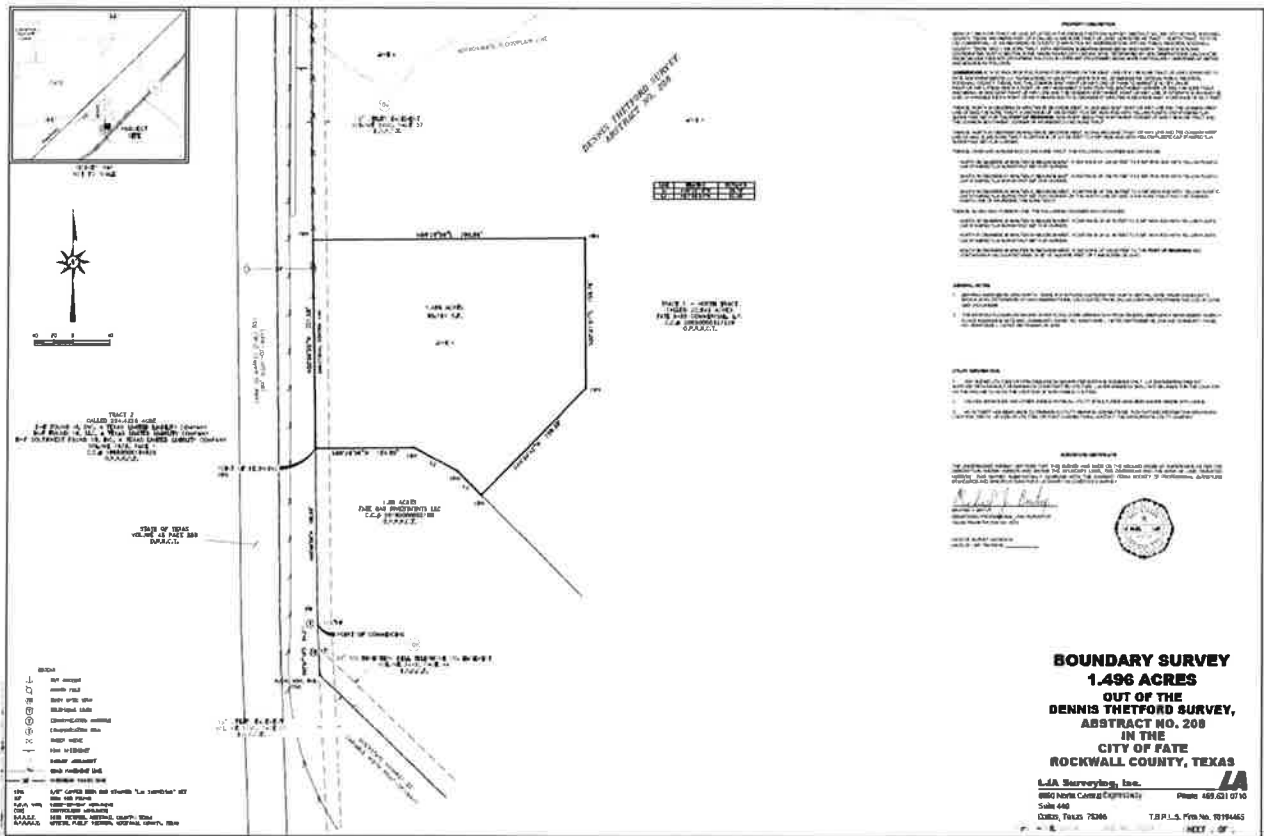
Victoria Raduechel, TRMC
City Secretary

APPROVED AS TO FORM:



Brenda N. McDonald
City Attorney

Exhibit A Survey Map & Legal Description



PROPERTY DESCRIPTION

BEING A 1.496 ACRE TRACT OF LAND SITUATED IN THE DENNIS THETFORD SURVEY, ABSTRACT NO. 208, CITY OF FATE, ROCKWALL COUNTY, TEXAS, AND BEING PART OF A CALLED 22.943 ACRE TRACT OF LAND, CONVEYED AS TRACT 1-NORTH TRACT, TO FATE I-30 COMMERCIAL, LP, AS RECORDED IN COUNTY CLERK'S FILE NO. 20050000327229, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS. SAID 1.496 ACRE TRACT, WITH REFERENCE BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND COLLIN CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR CORNER ON THE WEST LINE OF A 1.88 ACRE TRACT OF LAND CONVEYED TO FATE GAS INVESTMENTS LLC, AS RECORDED IN COUNTY CLERK'S FILE NO. 20190000002108, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS, AND THE COMMON EAST RIGHT-OF-WAY LINE OF FARM TO MARKET (F.M.) 551, (AN 80' RIGHT-OF-WAY), FROM WHICH A RIGHT-OF-WAY MONUMENT FOUND FOR THE SOUTHWEST CORNER OF SAID 1.88 ACRE TRACT, AND BEING ON SAID EAST RIGHT-OF-WAY LINE AND THE COMMON NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 30, (I-30), (A VARIABLE WIDTH RIGHT-OF-WAY) BEARS SOUTH 02 DEGREES 57 MINUTES 16 SECONDS EAST, A DISTANCE OF 54.21 FEET;

THENCE, NORTH 00 DEGREES 59 MINUTES 05 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE AND THE COMMON WEST LINE OF SAID 1.88 ACRE TRACT, A DISTANCE OF 186.53 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF SAID 1.88 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF AFORESAID 22.943 ACRE TRACT;

THENCE, NORTH 00 DEGREES 59 MINUTES 05 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE AND THE COMMON WEST LINE OF SAID 22.943 ACRE TRACT, A DISTANCE OF 221.58 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

THENCE, OVER AND ACROSS SAID 22.943 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 28 MINUTES 59 SECONDS EAST, A DISTANCE OF 290.86 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 00 DEGREES 31 MINUTES 01 SECONDS EAST, A DISTANCE OF 159.76 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 44 DEGREES 34 MINUTES 42 SECONDS WEST, A DISTANCE OF 159.39 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER ON THE SOUTH LINE OF SAID 22.943 ACRE TRACT AND THE COMMON NORTH LINE OF AFORESAID 1.88 ACRE TRACT;

THENCE, ALONG SAID COMMON LINE, THE FOLLOWING COURSES AND DISTANCES:

NORTH 45 DEGREES 25 MINUTES 18 SECONDS WEST, A DISTANCE OF 35.78 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

NORTH 61 DEGREES 36 MINUTES 54 SECONDS WEST, A DISTANCE OF 52.48 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 89 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 104.95 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 65,161 SQUARE FEET, OR 1.496 ACRES OF LAND.

GENERAL NOTES:

1. BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND COLLIN CORS ARP (PID-DF8986)
2. THE EXISTING FLOODPLAIN SHOWN IS PER FLOOD ZONE DESIGNATION FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48397C0065 L, DATED SEPTEMBER 26, 2008 AND COMMUNITY PANEL NO. 48397C0055 L, DATED SEPTEMBER 26, 2008.

Exhibit B
Planned Development District

1. PURPOSE

- a. This planned development district consists of approximately 1.496 acres intended for a combination of uses that include retail and offices uses including the alcoholic beverage sales. These guidelines and standards are intended to encourage an orderly and logical pattern of development that enhances the design aesthetic, convenience, safety and livability of the district and encourages a creative approach in the utilization of the land through forethought and consideration of both the development's external relationships as well as its internal organization. The planning and configuration will be inherently automobile oriented due to the use and proximity to 1-30. Mutual access easements for cross access, pedestrian access and sidewalks will be provided; as well as integrated with one another to enable multi-modal connectivity options to future development in downtown Fate. The intent of the district is to provide for a development that is superior to that which would be accomplished utilizing the City's base zoning districts.

2. SITE PLANNING PROCESS

- a. Development of the property shall substantially conform to the approved concept plan and architectural concept plan. A development plan shall not be required.

3. PERMITTED USES

- a. Any use permitted by right within the Regional Mixed Use - Commercial (RMU-C) District. Additionally, any use permitted with a Special Use Permit may be authorized provided a Special Use Permit is obtained.

4. SITE DESIGN

- a. Development of the property shall substantially conform to the approved concept plan and architectural concept plan.
- b. Amenities: the development shall incorporate at least three features to promote a walkable environment. Features shall include benches, awnings, arcades, pergolas, fountains, art pieces, or similar features as approved by the Zoning Administrator. No more than one feature may be used more than twice if is to be counted toward meeting the minimum number of required features.
- c. Pedestrian Connectivity: sidewalks at least 6' in width shall be provided along all public right-of-ways placed in a manner to promote a pedestrian friendly environment. On-site pedestrian walkways and crosswalks shall be identified to motorists and pedestrians using one or more of the following methods:
 - a. Changing paving material, patterns, or paving color, but not including the painting of the paving material;
 - b. Changing paving height;

- c. Decorative bollards; or
 - d. Stamped or stained concrete.
- d. **Screening:** trash receptacles, recycling bins, mechanical equipment, and utility meters shall be screened from public R.O.W., internal streets, and sidewalks.
- a. Roll-off trash receptacles and recycling bins shall be located at the rear of the property and screened from view on three sides with a solid wall constructed of masonry, concrete, or iron fencing. The side used for garbage pickup service shall be heavy duty, decorative gates and shall not face a public R.O.W. If iron fencing is used, landscaping that forms a continuous unbroken, solid, visual screen shall be provided. Screening shall be one foot (1') above container, a minimum six feet (6') tall at the time of planting. Other trash and recycling bins shall be screened by placing the receptacles within a separate decorative enclosure.
 - b. Utility meters shall be located in clusters or groups preferably in separate structures or on the building's rear exterior wall. If located on the building's rear wall, they shall be covered/screened from view with a compatible building material or landscaping. If landscaping is used it shall form a continuous unbroken, solid, visual screen at least 3' in height at the time of planting and will be at least 4' in height within one year after time of planting.

5. BUILDING DESIGN

- a. **Minimum building setbacks are as follows (may be influenced by engineered site grading):** The proposed site has frontage along South William E. Crawford Avenue. The minimum front yard building setback from all public right-of-ways shall be 10' and maximum front yard setback shall be 35' as indicated on the approved concept plan. The location and arrangement of the building shall substantially conform to the approved concept plan.
- b. **Windows/Glazing:** The glazing/faux barn doors will be provided in accordance with the approved concept plan.
- c. **Roofs:** Parapet roof with finished cornices shall be permitted as provided in the approved architectural concept plan
- d. **Materials and Colors:** Brick and stone masonry materials shall be used on each façade and shall comply with the 80% masonry requirement. The Parex Continuous Insulated Systems material will be used on those areas shown on the approved Concept Plan. Façade colors shall be neutral earth tones.
- e. **Masonry & Color Requirements:** All exterior walls shall be finished with 80% of an approved material. The Parex Continuous Insulated Systems material will be used on those areas shown on the approved Concept Plan.

6. LANDSCAPING

- a. Landscaping will enhance the design of the building and provide for a pedestrian oriented environment. Selected plant materials will include trees, flowering shrubs, perennials, and annuals for added color. Plants will be selected for their color, hardiness, low maintenance, and drought tolerance.
- b. Parking Lot Landscaping: with exception to parking stalls along the front of the primary structure planting areas shall be located no further apart than every 15 parking spaces.
- c. Right-of-way Plantings: Additional plantings shall be considered in the open elbow of right-of-ways with appropriate jurisdictional approvals.

7. SIGNAGE

- a. Channelized lit lettering and crookneck lighting for wall signs is permitted.
- b. Signs may be illuminated with incandescent or LED fixtures only. On the front facade, wall signs may cover no more than 25% of the facade area (excluding the area of windows and doors). On the side and rear facades, wall signs may cover no more than 20% of the facade area (excluding the area of windows and doors) except that in no event may a sign affixed to a side or rear facade exceed the area of a sign affixed to the front facade.
- c. Two wall signs per tenant shall be permitted on the front facade. One wall sign per tenant shall be permitted on the side and rear facades.
- d. Vinyl or painted lettering on store-front windows is permitted but may not cover more than 20% of the window area or aggregate window area.
- e. No changeable or programmable lighted signs may be placed on any exterior facade or in any windows. No flashing lighted signs may be used. A lighted "OPEN" sign shall be permitted for each retailer.
- f. Other than stated above, all signage shall comply with Article VIII – Signage of the Unified Development Code.

8. ALTERNATIVE COMPLIANCE

- a. Variations from the standards of this Planned Development may be allowed in accordance with Chapter 36, Section 2.5.16 of the Unified Development Ordinance.