ORDINANCE NO. 2020-12

(NORTHWEST CORNER BLUE MOUND ROAD (HWY 156) AND EAST MCLEROY BOULVARD)

AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 76.613 ACRES OF LAND OUT OF THE J. WALKER SURVEY, ABSTRACT 1602, TRACTS 3C AND 3E, AND THE J.A. BRADFORD SURVEY, ABSTRACT 183, TRACTS 1K AND 1, LOCATED AT THE NORTHWEST CORNER OF BLUE MOUND ROAD (HWY156) AND EAST MCLEROY BOULEVARD FROM COMMUNITY COMMERCIAL (CC) AND MULTIFAMILY (MF1) TO COMMUNITY COMMERCIAL (CC) (20.308 ACRES), MULTIFAMILY (MF2) (44.993 ACRES) AND LIGHT INDUSTRIAL (LI) (7.311 ACRES) AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; BY AMENDING THE COMPREHENSIVE LAND USE PLAN RELATING TO SAID PROPERTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the City Council of the City of Saginaw heretofore adopted Ordinance No. 2002-04, as amended, the Zoning Ordinance of the City of Saginaw, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations;

WHEREAS, the City Council has previously passed an ordinance adopting a Comprehensive Land Use Plan as the primary document on which to base all zoning, platting, and other land use decisions;

WHEREAS, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Land Use Map;

WHEREAS, in accordance with Section 1-3 of the Zoning Ordinance of the City, the Planning and Zoning Commission of the City of Saginaw, Texas at the request of the City Council of the City of Saginaw, Texas, has initiated consideration of a change in zoning classification for the properties described as J. Walker Survey, Abstract 1602, Tracts 3C and 3E, and the J.A. Bradford Survey, Abstract 183, Tracts 1K And 1, (Exhibit "A"), Tarrant County, Texas, located in the City of Saginaw, Texas, from Community Commercial (CC) and Multifamily (MF1) to Community Commercial (CC) (24.308 acres), Multifamily (MF2) (44.993 acres), and Light Industrial (LI) (7.311 acres) as shown in Exhibit "B."

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on September 10, 2019 and the City Council of the City of Saginaw, Texas held a public hearing on September 17, 2019 with respect to the zoning changes and amended land use designation described herein;

WHEREAS, the City Council has determined that an amendment to the Comprehensive Land Use Map, as provided herein, redesignating the below described property from Community Commercial (CC) to Community Commercial (CC) and Multifamily (MF2) land use is appropriate and is in accordance with the growth goals, objectives and planning principles set forth in the Comprehensive Land Use Plan;

WHEREAS, the City Council has further determined that the requested rezoning of the below described property is in the best interest of the citizens of Saginaw and is necessary to correct a manifest error in the regulations or map; to recognize changed conditions or circumstances in a particular locality; or to recognize changes in technology,

the style of living, or manner of doing business; and

WHEREAS, the City has complied with all requirements of Chapters 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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

SECTION 1.

The Saginaw, Texas, Comprehensive Land Use Plan, dated July 2016, as amended, is hereby amended by changing the Future Land Use Map to redesignate the hereinafter described property and area as follows:

Approximately 21.295 acres of land and being more fully described as:

J. Walker Survey, Abstract 1602, Tracts 3C and 3E, and the J.A. Bradford Survey, Abstract 183, Tracts 1K and 1, Saginaw, Tarrant County, Texas.

From Community Commercial (CC) and Multi-Family (MF1) to Community Commercial (CC), Multifamily (MF2), and Light Industrial (LI), as depicted in Exhibit "C," hereto.

SECTION 2.

Ordinance No. 2002-04, as amended, is hereby amended by rezoning the property described above from Community Commercial (CC) and Multifamily (MF1) to Community Commercial (CC), Multifamily (MF2), and Light Industrial (LI) as shown in Exhibit "B," hereto.

SECTION 3.

The zoning districts as herein established have been made in accordance with a Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals, and general welfare of the community.

SECTION 4.

The official zoning map of the City of Saginaw is hereby amended and the City Secretary is hereafter directed to revise the zoning map to reflect zoning classifications as set forth above.

SECTION 5.

The City Secretary is directed to revise the Future Land Use Map to reflect the revised land use designations as set forth above.

SECTION 6.

The use of the property described above shall be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Saginaw.

SECTION 7.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Saginaw, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 8.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences,

clauses, and phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 9.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense

SECTION 10.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance No. 2002-04, as amended, or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11.

The City Secretary of the City of Saginaw is hereby directed to publish in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Texas Local Government Code.

SECTION 12.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____ 2020.

_____
MAYOR, TODD FLIPPO

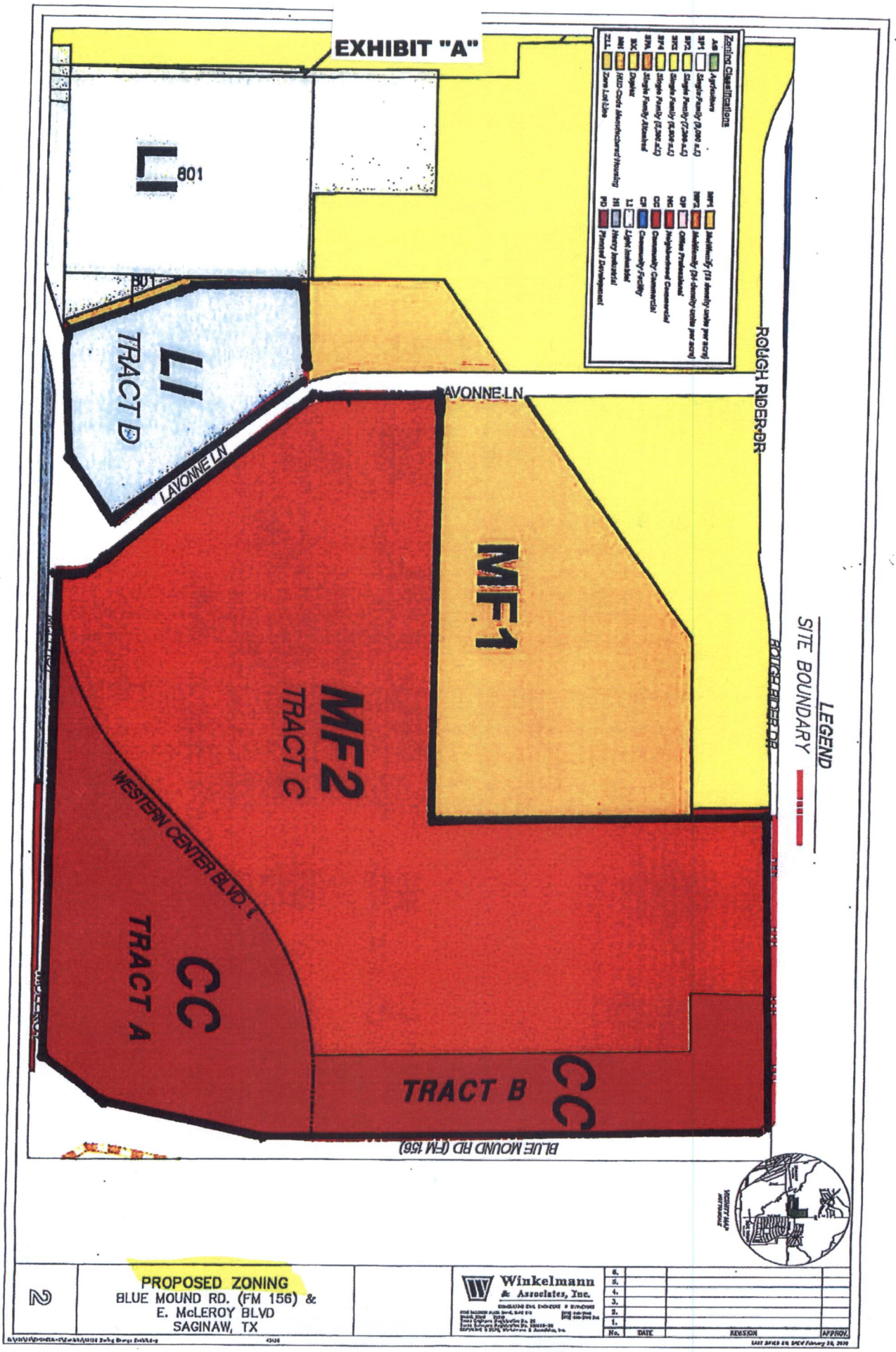
ATTEST:

_____
CITY SECRETARY, JANICE ENGLAND

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

_____
CITY ATTORNEY, BRYN MEREDITH



PROPOSED ZONING
BLUE MOUND RD. (FM 156) &
E. McLEROY BLVD
SAGINAW, TX

Winkelmann & Associates, Inc.

No.	DATE	REVISION	APPROV.
8.			
5.			
4.			
3.			
2.			
1.			

EXHIBIT "B"

PROPERTY DESCRIPTION
TRACT A

STATE OF TEXAS §
COUNTY OF TARRANT §

BEING a tract of land situated in the J. WALKER SURVEY, ABSTRACT NO. 1602 and the J.A. BRADFORD SURVEY, ABSTRACT NO. 183, City of Saginaw, Tarrant County, Texas and being a portion of a tract of land as described in deed to The Cheri Elaine Walker Trust and The Judy Lynn Hartt Trust, recorded in County Clerk's File Number D209025164, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a Mag-Nail with shiner stamped "W.A.I. R.P.L.S. 5714" found for the Southeast corner of said Cheri Elaine Walker & Judy Lynn Hartt tract and the Southwest corner of a corner clip at the intersection of the West right-of-way of Blue Mound Road (F.M. 156), a variable width right-of-way, and the North right-of-way of McLeroy Boulevard, a variable width right-of-way;

THENCE North 89 deg 16 min 11 sec West, along the North right-of-way of said McLeroy Boulevard and the Southerly line of said Cheri Elaine Walker & Judy Lynn Hartt tract, a distance of 1,391.79 feet to a point for corner, said point being the beginning of a non-tangent curve to the left, with a radius of 800.00 feet, a central angle of 44 deg 21 min 00 sec, a chord bearing of North 68 deg 14 min 17 sec East, and a chord length of 603.90 feet;

THENCE departing the North right-of-way of said McLeroy Boulevard and over and across said Cheri Elaine Walker & Judy Lynn Hartt tract the following:

Along said non-tangent curve to the left, an arc distance of 619.24 feet to a point for corner:

North 46 deg 02 min 01 sec East, a distance of 482.68 feet to a point for corner, said point being the beginning of a curve to the right, with a radius of 800.00 feet, a central angle of 44 deg 45 min 06 sec, a chord bearing of North 68 deg 24 min 34 sec East, and a chord length of 609.09 feet;

Along said curve to the right, an arc distance of 624.85 feet to a point for corner;

South 89 deg 12 min 53 sec East, a distance of 155.62 feet to a point for corner, said point being situated in the West right-of-way of said Blue Mound Road (F.M. 156) and the Easterly line of said Cheri Elaine Walker & Judy Lynn Hartt tract;

THENCE along the West right-of-way of said Blue Mound Road (F.M. 156) and the East line of said Cheri Elaine Walker & Judy Lynn Hartt tract the following:

South 00 deg 50 min 30 sec East, a distance of 43.78 feet to a 5/8-inch iron rod with yellow plastic cap stamped "SAMLLC" found for corner;

South 10 deg 52 min 15 sec West, a distance of 574.10 feet to a 5/8-inch iron rod found for the Northerly corner of said corner clip;

THENCE South 34 deg 24 min 27 sec West, continuing along said corner clip, a distance of 231.68 feet to the POINT OF BEGINNNIG.

CONTAINING within these metes and bounds 15.025 acres or 654,502 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 13th day of June, 2019, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS network.

PROPERTY DESCRIPTION
TRACT B

STATE OF TEXAS §
COUNTY OF TARRANT §

BEING a tract of land situated in the J. WALKER SURVEY, ABSTRACT NO. 1602 and the J.A. BRADFORD SURVEY, ABSTRACT NO. 183, City of Saginaw, Tarrant County, Texas and being a portion of a tract of land as described in deed to The Cheri Elaine Walker Trust and The Judy Lynn Hartt Trust, recorded in County Clerk's File Number D209025164, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with orange plastic cap stamped "MLS 5799" found at the Northwest end of a corner clip at the intersection of the South right-of-way line of Rough Rider Drive (variable width right-of-way) and the West right-of-way line of Blue Mound Road (variable width right-of-way);

THENCE South 45 deg 59 min 44 sec East, along said corner clip, a distance of 35.41 feet to a 1/2-inch iron rod with orange plastic cap stamped "MLS 5799" found for corner, said iron rod being situated in said West right-of-way line and the East line of said Cheri Elaine Walker & Judy Lynn Hartt tract;

THENCE South 00 deg 50 min 30 sec East, along the West right-of-way line of said Blue Mound Road and the East line of said Cheri Elaine Walker & Judy Lynn Hartt tract, a distance of 1,321.18 feet to a point for corner;

THENCE departing the West right-of-way line of said Blue Mountain Road and over and across said Cheri Elaine Walker & Judy Lynn Hartt tract the following:

North 89 deg 12 min 53 sec West, a distance of 155.62 feet to a point for corner, said point being the beginning of a curve to the left, with a radius of 800.00 feet, a central angle of 08 deg 37 min 55 sec, a chord bearing of South 86 deg 28 min 10 sec West, and a chord length of 120.41 feet;

Along said curve to the left, an arc distance of 120.52 feet to a point for corner;

North 00 deg 50 min 30 sec West, a distance of 1,124.68 feet to a point for corner;

South 89 deg 05 min 11 sec West, a distance of 153.53 feet to a point for corner;

North 00 deg 50 min 30 sec West, a distance of 222.40 feet to a point for corner, said point being situated in the Southerly right-of-way of said Rough Rider Drive;

North 89 deg 05 min 11 sec East, along the Southerly right-of-way of said Rough Rider Drive, a distance of 404.25 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 9.283 acres or 404,387 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 13th day of June, 2019, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS network.

PROPERTY DESCRIPTION
TRACT C

STATE OF TEXAS §
COUNTY OF TARRANT §

BEING a tract of land situated in the J. WALKER SURVEY, ABSTRACT NO. 1602 and the J.A. BRADFORD SURVEY, ABSTRACT NO. 183, City of Saginaw, Tarrant County, Texas and being a portion of a tract of land as described in deed to The Cheri Elaine Walker Trust and The Judy Lynn Hartt Trust, recorded in County Clerk's File Number D209025164, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a Mag-Nail with shiner stamped "W.A.I. R.P.L.S. 5714" found at the intersection of the North right-of-way of McLeroy Boulevard and the Northeasterly right-of-way of Lavonne Lane, a 68-foot right-of-way, said iron rod being situated in the Southerly line of said Cheri Elaine Walker & Judy Lynn Hartt tract;

THENCE departing the North right-of-way of said McLeroy Boulevard and along the Northeasterly right-of-way of said Lavonne Lane and over and across said Cheri Elaine Walker & Judy Lynn Hartt tract the following:

North 00 deg 43 min 49 sec East, a distance of 49.81 feet to a 1/2-inch iron rod with orange plastic cap stamped "MLS 5799" found for corner, said iron rod being the beginning of a curve to the left, with a radius of 168.00 feet, a central angle of 40 deg 25 min 39 sec East, a chord bearing of North 19 deg 28 min 55 sec West, and a chord length of 116.10 feet;

Along said curve to the left, an arc distance of 118.54 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for corner;

North 39 deg 41 min 48 sec West, a distance of 602.37 feet to a 1/2-inch iron rod with orange plastic cap stamped "MLS 5799" found for corner, said iron rod being the beginning of a curve to the right, with a radius of 416.00 feet, a central angle of 39 deg 02 min 13 sec, a chord bearing of North 20 deg 10 min 42 sec West, and a chord length of 277.98 feet;

Along said curve to the right, an arc distance of 283.43 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for corner;

North 00 deg 39 min 36 sec West, a distance of 225.27 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for the Southwest corner of Lot 1, Block 1, Eagle Mountain-Saginaw ISD Elementary and Middle School Addition, an addition to the City of Saginaw, Tarrant County, Texas, according to the plat thereof recorded in County Clerk's Instrument Number D211200490, Official Public Records, Tarrant County, Texas;

THENCE South 89 deg 45 min 01 sec East, departing the Easterly right-of-way of said Lavonne Lane and continuing over and across said Cheri Elaine Walker & Judy Lynn

Hartt tract, a distance of 1,246.96 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for the Southeast corner of said Lot 1;

THENCE North 00 deg 50 min 30 sec West, along the East line of said Lot 1 and continuing over and across said Cheri Elaine Walker & Judy Lynn Hartt tract, a distance of 1,009.30 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for corner, said iron rod being situated in the Southerly right-of-way of Rough Rider Drive, a variable width right-of-way;

THENCE North 89 deg 05 min 11 sec East, departing the Easterly line of said Lot 1 and continuing over and across said Cheri Elaine Walker & Judy Lynn Hartt tract and along the Southerly right-of-way of said Rough Rider Drive, a distance of 470.40 feet to a point for corner;

THENCE departing the Southerly right-of-way of said Rough Rider Drive and continuing over and across said Cheri Elaine Walker & Judy Lynn Hartt tract the following:

South 00 deg 50 min 30 sec East, a distance of 222.40 feet to a point for corner,

North 89 deg 05 min 11 sec East, a distance of 153.53 feet to a point for corner;

South 00 deg 50 min 30 sec East, a distance of 1,124.68 feet to a point for corner, said point being the beginning of non-tangent curve to the left, with a radius of 800.00 feet, a central angle of 36 deg 07 min 11 sec, a chord bearing of South 64 deg 05 min 37 sec West, and a chord length of 496.02 feet;

Along said non-tangent curve to the left, an arc distance of 504.33 feet to a point for corner;

South 46 deg 02 min 01 sec West, a distance of 482.68 feet to a point for corner, said point being the beginning of a curve to the right, with a radius of 800.00 feet, a central angle of 44 deg 21 min 00 sec, a chord bearing of South 68 deg 14 min 17 sec West, and a chord length of 603.90 feet;

Along said curve to the right, an arc distance of 619.24 to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 44.993 acres or 1,959,897 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 13th day of June, 2019, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS network.

PROPERTY DESCRIPTION
TRACT D

STATE OF TEXAS §
COUNTY OF TARRANT §

BEING a tract of land situated in the J. WALKER SURVEY, ABSTRACT NO. 1602 and the J.A. BRADFORD SURVEY, ABSTRACT NO. 183, City of Saginaw, Tarrant County, Texas and being a portion of a tract of land as described in deed to The Cheri Elaine Walker Trust and The Judy Lynn Hartt Trust, recorded in County Clerk's File Number D209025164, Deed Records, Tarrant County, Texas, and being more particularly described as follows: and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being the Northeasterly corner of a non-tangent curving corner clip to the right, at the intersection of the Westerly right-of-way line of Lavonne Lane and the Northerly right-of-way line of McLeroy Boulevard (variable width right-of-way), said non-tangent curve to the right, having a radius of 1,199.19 feet, a central angle of 16 deg 14 min 46 sec, a chord bearing of South 60 deg 22 min 57 sec West and a chord length of 338.89 feet;

THENCE along said non-tangent curving corner clip and said curve to the right, an arc distance of 340.03 feet to a MAG nail with shiner stamped "W.A.I. R.P.L.S. 5714" set for corner, said MAG nail being situated in the approximate centerline of said McLeroy Boulevard;

THENCE North 89 deg 16 min 11 sec West, along said approximate centerline, a distance of 255.21 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being the Southeast corner of a tract of land as described in deed to Bana, Inc., recorded in County Clerk's File No. D216107091, Deed Records, Tarrant County, Texas;

THENCE North 20 deg 07 min 00 sec West, departing said approximate centerline and along the Easterly line of said Bana, Inc. tract, a distance of 377.94 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner;

THENCE North 00 deg 49 min 13 sec West, departing the North line of said Bana, Inc. tract, a distance of 356.73 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner;

THENCE North 89 deg 55 min 47 sec East, a distance of 266.02 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being situated in the Westerly right-of-way line of said Levonne Lane and being the beginning of a non-tangent curve to the left having a radius of 484.00 feet, a central angle of 19

deg 24 min 51 sec, a chord bearing of South 29 deg 59 min 23 sec East and a chord length of 163.22 feet;

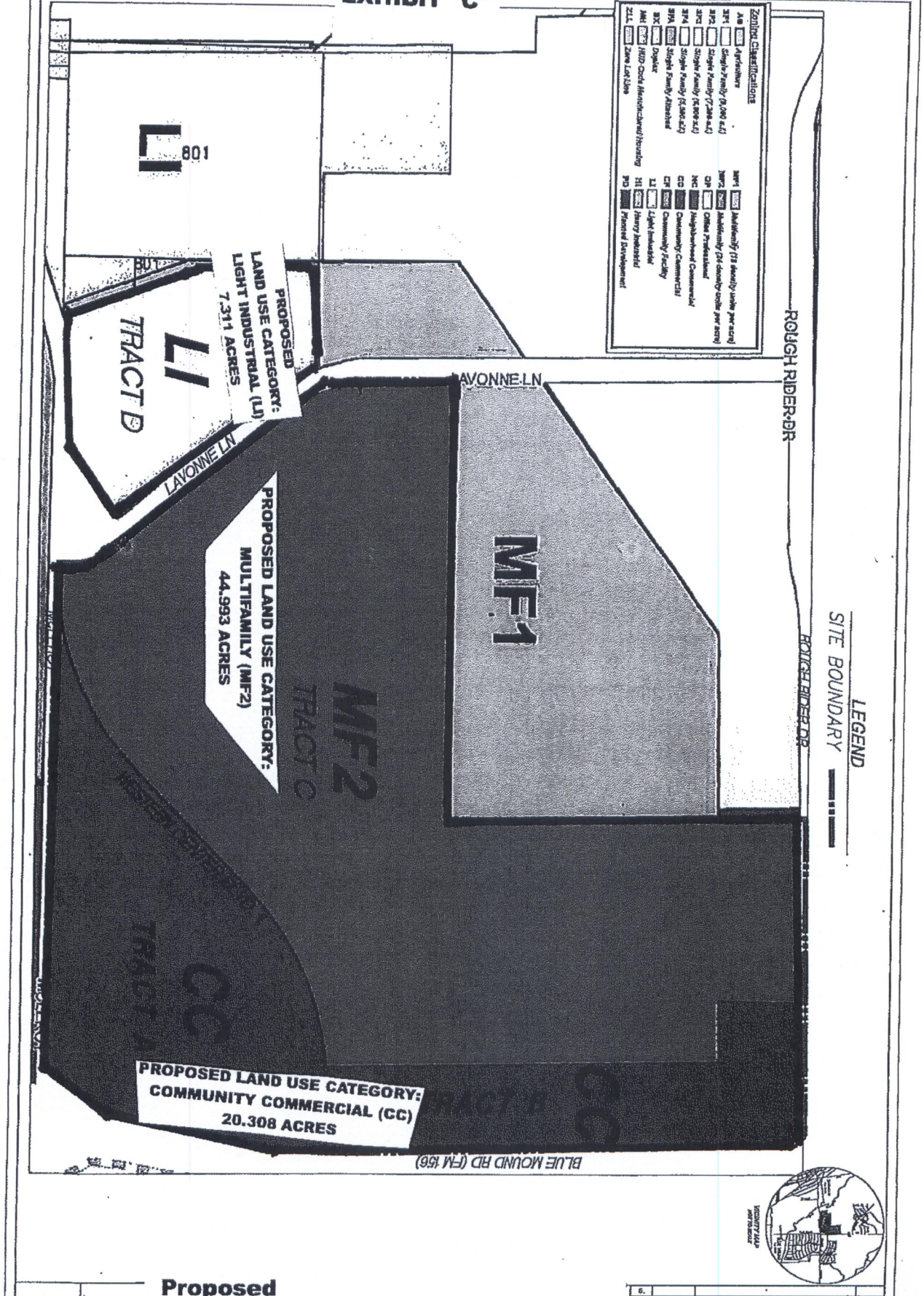
THENCE along said Westerly right-of-way line and said non-tangent curve to the left, an arc distance of 164.00 feet to a 1/2-inch iron rod with orange plastic cap stamped "MLS 5799" found for corner;

THENCE South 39 deg 41 min 48 sec East, along said Westerly right-of-way line, a distance of 528.07 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 7.311 acres or 318,451 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 13th day of June, 2019, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS network.

EXHIBIT "C"



Proposed

Saginaw, Texas

ULTIMATE LAND USE PLAN

No.	DATE	REVISION	APPROV.
6.			
5.			
4.			
3.			
2.			
1.			