



**CITY OF**  
**SOUTHLAKE**

*Department of Planning & Development Services*

**STAFF REPORT**

May 11, 2016

**CASE NO:**               **ZA16-034**

**PROJECT:**               **Zoning Change and Site Plan for Christ Our King Church**

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**EXECUTIVE  
SUMMARY:**

Christ Our King Church is requesting approval of a Zoning Change and Site Plan from “S-P-1” Detailed Site Plan District with “CS” Community Service District Uses to “S-P-1” Detailed Site Plan District with “CS” Community Service District Uses and other church related uses in order to remove the required landscaping in the north, south, and east bufferyards and the mechanical screening from the previously approved site plan on approximately 3.93 acres located at 595 S. Kimball Avenue. **SPIN Neighborhood # 8**

**DETAILS:**

Christ Our King Church is requesting approval of a Zoning Change and Site Plan to revise the landscaping plan from the approved site plan to remove the landscape bufferyards requirements on the north, south, and east property lines and the required mechanical screening west of the building currently under construction. Four additional trees will be placed in the rear parking lot in tree wells within the parking lot. The applicant is seeking approval for a regulation to allow for screening of mechanicals and transformer to be achieved with 8’ staggered wood fence and landscape planting as shown in Attachment C, page 8. The approved site plan (ZA14-028) required a masonry wall with gate matching the building masonry. The applicant is seeking relief to the Zoning Ordinance, Section 42, Bufferyards under Section 42.12:

Contractual Reduction of Bufferyard abutting vacant land – When a land use is proposed adjacent to vacant land, and the owner of the vacant land enters into a contractual relationship with the owner of the developing land use, a reduced bufferyard may be provided by that first use, provided that the contract contains a statement by the owner of the vacant land of an intent to develop at no greater intensity than specified in the agreed upon zoning category; and an agreement by that vacant landowner to assume all responsibility for additional bufferyards if needed at the time of development of the vacant land. The applicant has provided letters from the north and south adjacent property owners for the elimination of the bufferyard landscaping in Attachment C, pages 4 and 5. All other landscaping will be installed according to the approved landscape plan.

Site Data Summary Chart (no changes from ZA14-028):

<b>Christ Our King Church</b>		
	Previously Approved(ZA14-028)	Proposed
Gross Acreage	3.93	3.93
Existing Zoning	S-P-1	S-P-1

Proposed Zoning	S-P-1	S-P-1
Impervious Coverage	44%	44%
Open Space (%)	47%	47%
Existing Tree Cover on Site (%)	20.5%	20.5%
Number of Lots	1	1
Number of Buildings	2	2
Church Floor Area	10,588 sq. ft.	10,588 sq. ft.
Maximum Storage Building Floor Area	1,000 square ft.	1,000 square ft.
Parking Calculation	1 space for 3 seats in sanctuary/auditorium	1 space for 3 seats in sanctuary/auditorium
Provided Parking	100 spaces	100 spaces
Maximum Seating Permitted	300 Seats in sanctuary/auditorium	300 Seats in sanctuary/auditorium

Listed below are the approved development regulations for the site under planning case ZA14-028 with the proposed development regulation changes shown in red lettering for the current zoning change and site plan request:

This property shall follow the “CS” zoning district uses limited to religious institutions with the following exceptions:

- Allow for a non-occupied accessory use storage building near the east end of the property.
- Allow for an occupied structure (church) to be located on a property that falls within the 75 LDN corridor (ref. ordinance No. 479) provided that the occupied structure itself does not encroach the 75 LDN corridor.
- Permit programs outside normal services and Sunday school to include daycare and programs like Mother’s Day Out.
- Vary from property setback slope restrictions as shown on plan.
- Vary from 8’ fence along residential adjacency to allow for screening as shown on landscape plan and as agreed to by current adjacent owners. All existing fencing to remain.
- Vary from bufferyard requirements on the north, east and south property lines.
- Allow for screening of mechanicals and transformer to be achieved with 8’ wood fence and landscape planting.

The Bufferyard Chart (ZA14-028) is shown below with the proposed changes to the previously approved development regulations in red lettering:

Summary Chart - Bufferyards								
Location		Length	Width/Type	Canopy Trees	Accent Trees	Shrubs	Fence/Screening	Comments
North	Required	819.92'	10' - C	25	33	98	None	5 Existing trees, existing natural buffer
	Provided	819.92'		7	2	0	None	
East	Required	208.70'	10' - C	6	8	25	8' Fence	Natural vegetation per agreement with adjacent land owner
	Provided	208.70'		0	0	0	None	
South	Required	819.92'	10' - C	25	33	98	8' Fence	Natural vegetation per agreement with adjacent land owner. Existing trees, existing buffer
	Provided	819.92'		0	0	0	None	
West	Required	208.70'	10' - E	2	4	17	None	Existing natural buffer
	Provided	208.70'		0	0	0	None	

**ACTION NEEDED:** Consider a Zoning Change and Site Plan

**ATTACHMENTS:** (A) Background Information  
(B) Vicinity Map  
(C) Plans and Support Information – [Link to PowerPoint Presentation](#)  
(D) Site Plan Review Summary No. 2, dated May 11, 2016  
(E) Surrounding Property Owners Map  
(F) Surrounding Property Owners Responses  
(G) Ordinance No. 480-661a

**STAFF CONTACT:** Dennis Killough 817-748-8072  
Patty Moos 817-748-8269

## BACKGROUND INFORMATION

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<b>OWNER:</b>	Christ Our King Church
<b>APPLICANT:</b>	Christ Our King Church
<b>PROPERTY SITUATION:</b>	595 S. Kimball Ave.
<b>LEGAL DESCRIPTION:</b>	Lot 5, Meadow Oaks Subdivision
<b>LAND USE CATEGORY:</b>	Mixed Use
<b>CURRENT ZONING:</b>	"S-P-1" Detailed Site Plan District with "CS" Community Service District Uses
<b>REQUESTED ZONING:</b>	"S-P-1" Detailed Site Plan District with "CS" Community Service District Uses
<b>HISTORY:</b>	<p>According to Tarrant Appraisal District, a single family home was constructed on the subject lot in 1984.</p> <p>In July of 1979 a plat was filed with Tarrant County for Meadow Oaks Subdivision which included the subject lot.</p> <p>April 15, 2014; City Council approved (7-0) pursuant to site plan review summary No. 3 dated March 14, 2014 approval of driveway centerline spacing variance noting the accessory building will be constructed of the same building materials as the sanctuary building any future access shown on the site plan will require separate easement agreements and access agreements for adjacent parcels and including the ornamental iron fencing as noted on the site plan to enclose the playground. (ZA14-028)</p>
<b>CITIZEN INPUT:</b>	No SPIN meeting was held for this request.
<b>SOUTHLAKE 2030:</b>	<p><b><u>Mobility Master Plan</u></b></p> <p>On the City's Thoroughfare Plan within the Mobility Master Plan, S. Kimball Avenue is shown to be a 88-foot, 4-lane divided arterial (A4D) and is built as such today.</p> <p>The Active Transportation section of the City's Mobility Master Plan recommends an 8-foot or less sidewalk along S. Kimball Avenue. The applicant will be constructing the 6-foot sidewalk along S. Kimball Avenue with the current construction project.</p>
<b>TREE PRESERVATION:</b>	There was approximately 44% tree coverage on this site prior to development. The applicant indicated that they will preserve 20% of the existing tree cover on site (ZA14-028) and has removed approximately 55% of existing tree cover. The "S-P-1" zoning district does not require the applicant to preserve any minimum amount of trees, but rather makes their tree preservation plan subject to City Council's approval.

The applicant is not proposing any changes to the tree preservation.

**UTILITIES:**

**Water**

The site has access to an existing 6-inch water line stub available along S. Kimball Avenue.

**Sewer**

The site has access to an 8-inch sewer line that runs along S. Kimball Avenue.

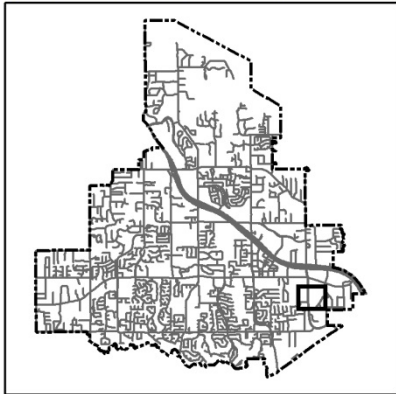
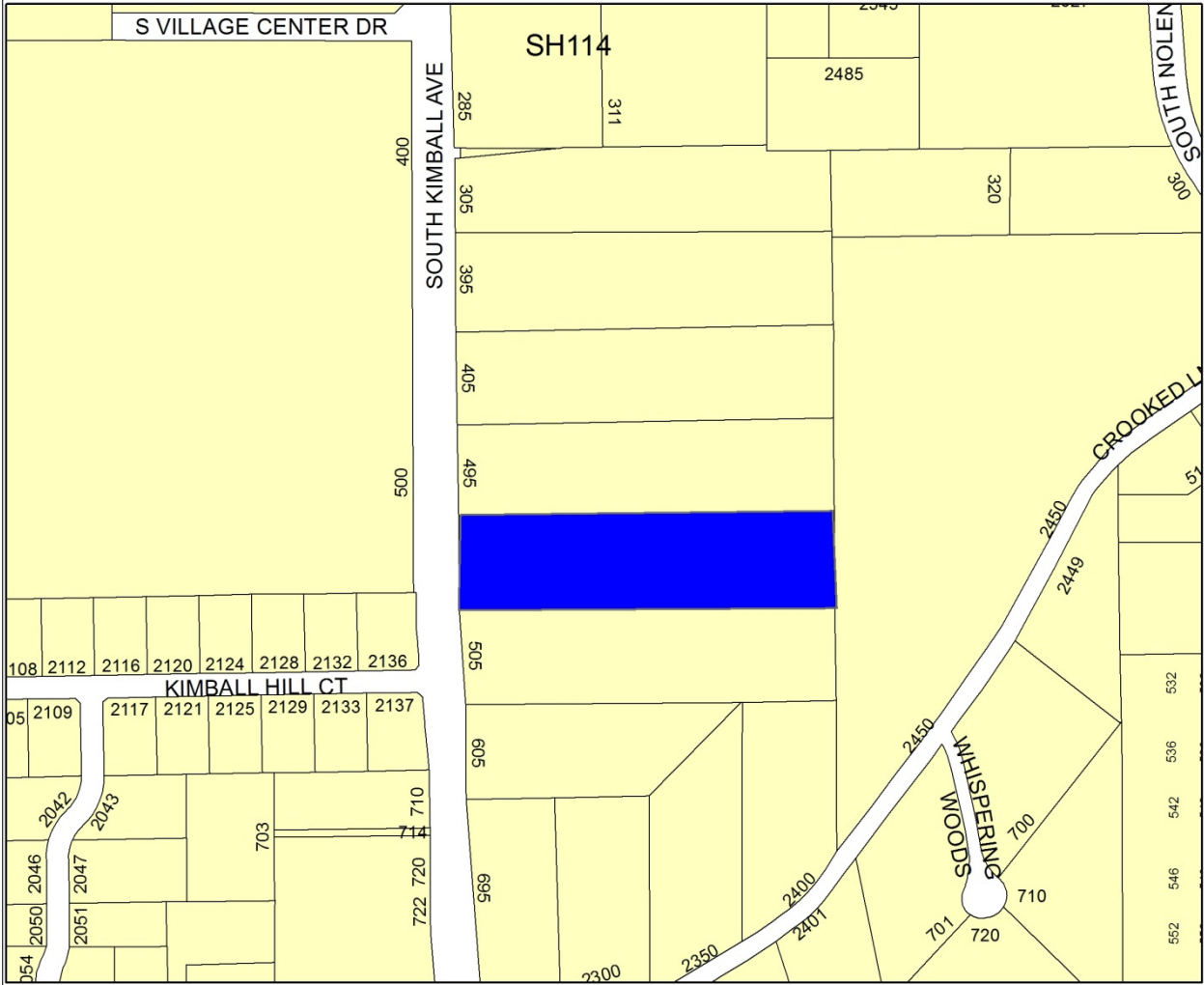
**STAFF COMMENTS:**

Attached is Site Plan Review Summary No. 2, dated May 11, 2016.

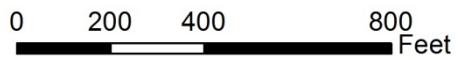
*\\SLKSV1057\THLocal\Community Development\MEMO\2016 Cases\034 - ZSP - The Church of Christ Our King\Staff Report*

# Vicinity Map

## Church of Christ Our King



## ZA16-034 Zoning Change and Site Plan





## Narrative



May 2, 2016

City of Southlake  
Department of Planning & Development Services  
1400 Main Street, Suite 310  
Southlake, TX 76092

Re: **Christ our King Church**  
ACEI Project No: 2013.282.02 / City of Southlake case number ZA16-034

This request is to revise the current SP-1 zoning on Lot 5 of the Meadow Oaks subdivision. The owner has an agreement with the two adjacent land owners to eliminate the buffer yard plantings on the north, east and south sides of the church properties. Additionally the owner request to use a combination of 8' wood fence and landscape to screen the mechanical and transformer pad on the buildings west side.

Christ our King Church is currently located at the southwest corner of Kimball Avenue and Southlake Boulevard. The Church is looking to relocate and build a new church in response to the interest by developers to purchase and develop on their current location. The new site for the church is currently zoned SF 1A and is shown on the future land use map to be part of a mixed-use district.

As part of the request for a zoning change and site plan approval we also request a variance to the Driveway Ordinance No. 634 regarding driveway spacing to allow a spacing as shown on the Site Plan.

### **Proposed Permitted Uses and Development Regulations for "SP-1" Zoning**

#### **Permitted Uses:**

In accordance with the City zoning ordinance Section 8 permitted uses with the CS zoning district include:

- Religious institutions: churches and facilities for worship, fellowship and education.

#### **Development Regulations:**

This property shall follow the "CS" zoning district uses limited to religious institutions with the following exceptions:

- Allow for a non-occupied accessory use storage building near the east end of the property
- Allow for an occupied structure (church) to be located on a property that falls within the 75 ldn corridor (ref. ordinance No. 479) provided that the occupied structure itself does not encroach the 75 ldn corridor.
- Permit programs outside normal services and Sunday school to include daycare and programs like Mother's Day Out.
- Vary from property setback slope restrictions as shown on plan.
- Vary from 8' fence along residential adjacency to allow for screening as shown on landscape plan and as agreed to by current adjacent owners. All existing fencing to remain.
- Vary from bufferyard requirements on the north, east and south property lines.
- Allow for screening of mechanicals and transformer to be achieved with 8' wood fence and landscape planting.

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8951 Cypress Waters Blvd Ste. 150 • Dallas, Texas 75019  
817.328.3200 • FAX 817.328.3299  
TBPE Reg. No. F-1002; [www.adams-engineering.com](http://www.adams-engineering.com)



**Use and Operation:**

The project overview entails new church building proposed to be 10,588sf. The size has been determined from a desire to seat a sanctuary of less than 200 worshipers. Office, meeting and other educational spaces will be located within the building. Outdoor spaces include a play area, water feature and outdoor amenity area.

It is anticipated that the church will generally have a full time staff of 4 people. All uses and hours are consistent with those of most churches in the area. Christ our King currently holds Sunday morning and Sunday evening services, Sunday school classes as well as other church activities on Wednesday evenings. Parking for the church is calculated at one space per 3 people in the sanctuary. With seating for 200 this would require 60 parking spaces. The concept plan provides for 100 parking spaces.

We request the zoning change and site plan submittal be placed on the City Council meeting agenda for approval. Thank you for your time and consideration regarding this project. Please do not hesitate to contact me regarding any questions.

Sincerely,  
Adams – Engineering and Development Consultants

Jimmy Fechter, RLA

## Letters

Richard Muller and Melissa Muller  
2400 Crooked Lane  
Southlake, TX 76092

May 9, 2016

To: City of Southlake

Subject: Change in landscape plan as originally submitted by the architect for the Church

The landscape plan as submitted by Christ Our King Church to the City of Southlake showed the South fencerow planted with a contiguous row of new trees.

The property south and east of the church is owned by my wife and me. The plan, as submitted, is not acceptable to us. The present screen, as it exists, contains trees and shrubs and is acceptable. The plan, as submitted, would require destruction of the existing screen.

We ask the city to not require any changes to the landscape screen on the border between our property and the church. This request is consistent with prior discussions with the church, and their Board is in full agreement.



Richard Muller



Melissa Muller

API-SOUTH NOLEN, L.P.

495 South Kimball Ave., Southlake, Texas 76092  
(817) 251-1001, [jcw@argosyusa.com](mailto:jcw@argosyusa.com)

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February 16, 2015

Pastor David Whittington  
Christ Our King Church  
Southlake, Texas 76092

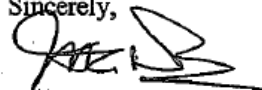
Dear Pastor Whittington,

We have no objection to your proposal of planting fewer, not totally eliminating, canopy trees along the north boundary of your new development.

Dense vegetation is a wonderful screening between a non-residential development and homes. However, it is very unlikely that our property will be redeveloped for any residential uses, due to the restriction of Southlake Airport Ordinance 479. Reducing the number of new trees along our common lot line, particularly near the future common drive between our lots, may bring in a more cohesive feel to both of our properties when our lot is redeveloped in the future.

Please feel free to contact me if you have any questions.

Sincerely,



Jeff C. Wang  
Managing Partner

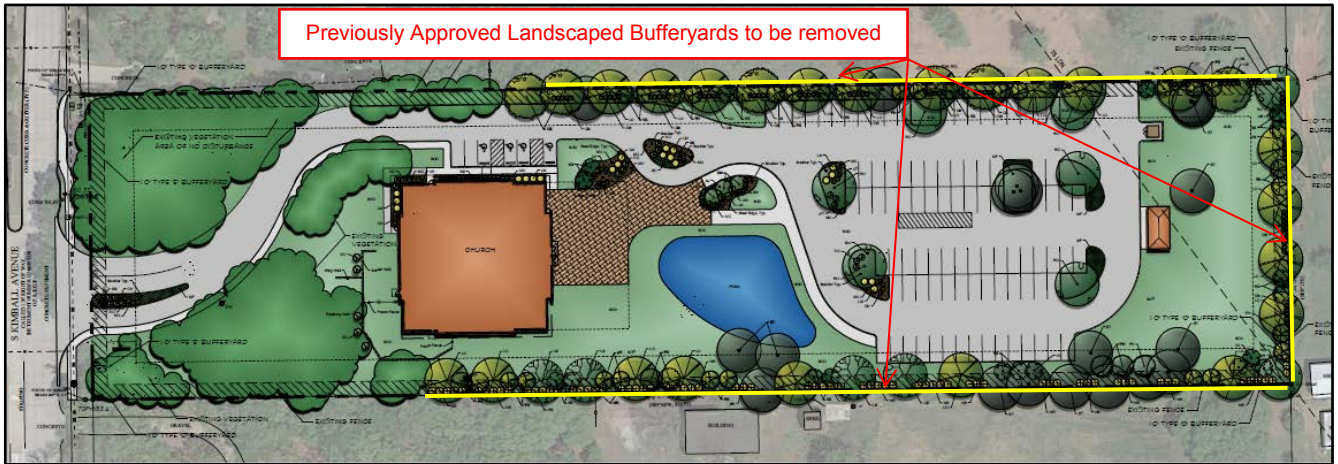
Approved Landscape Plan (ZA14-028)



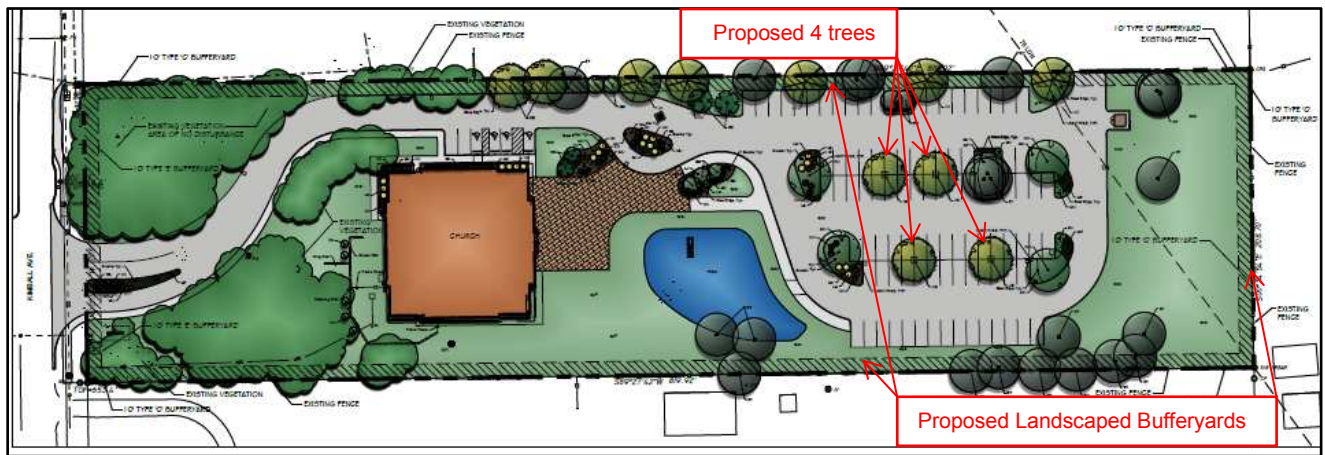


**Approved Landscape Plan (ZA14-028) and Proposed Landscape Plan Comparison (ZA16-034)**

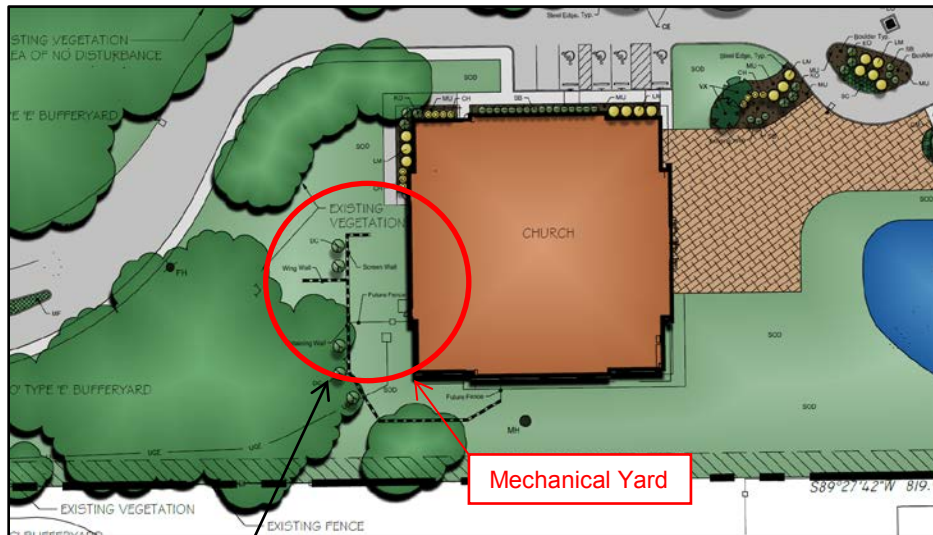
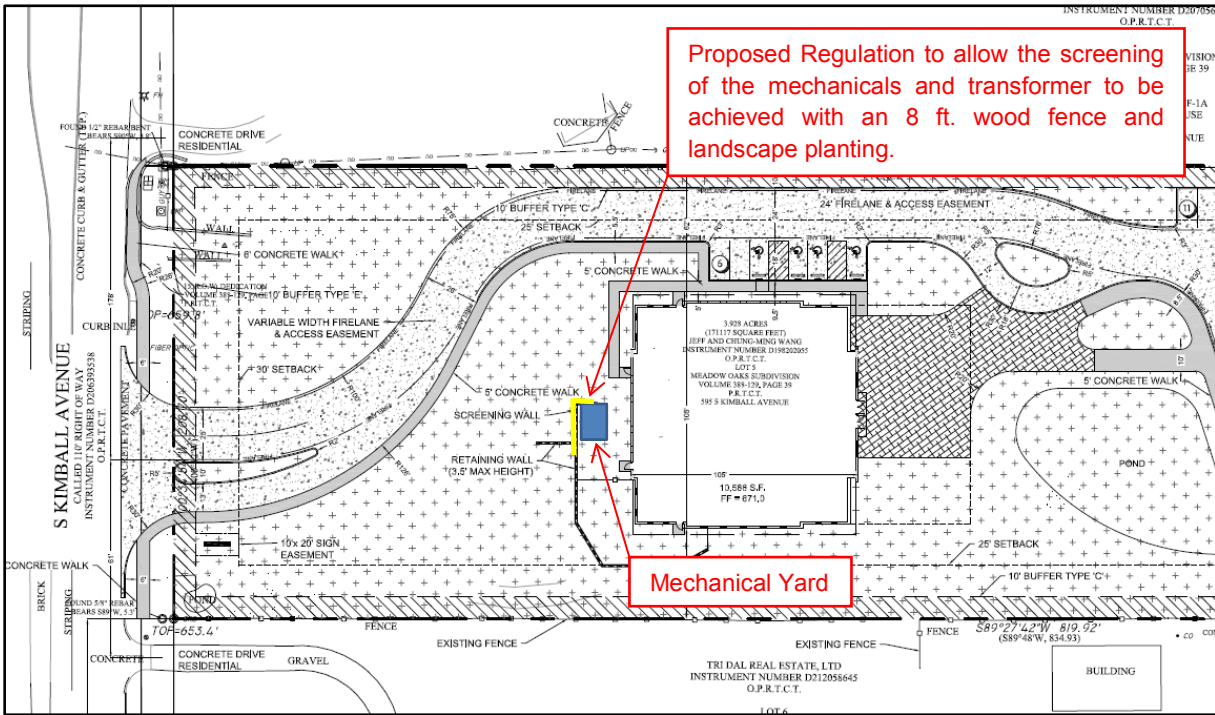
**Approved Site Plan (ZA14-028)**



**Proposed Site Plan (ZA16-034)**

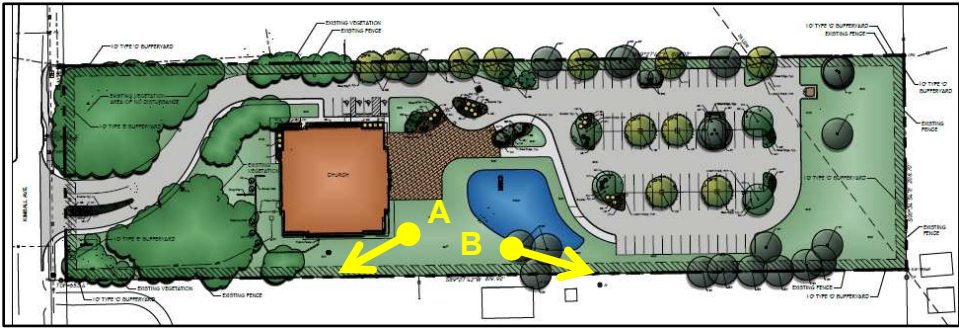


# Mechanical Screening Wall Regulation



Proposed 8 ft. staggered board wood fence

Site Photographs



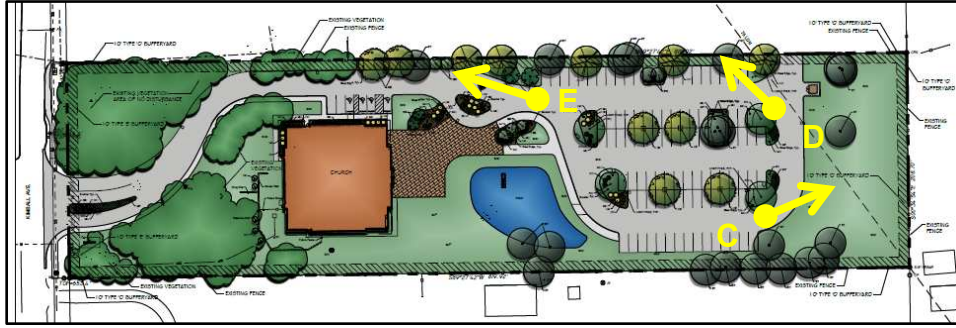
View A: View southwest along south property line



View B: View east along south property line



## Site Photographs



View C: View to the east property line

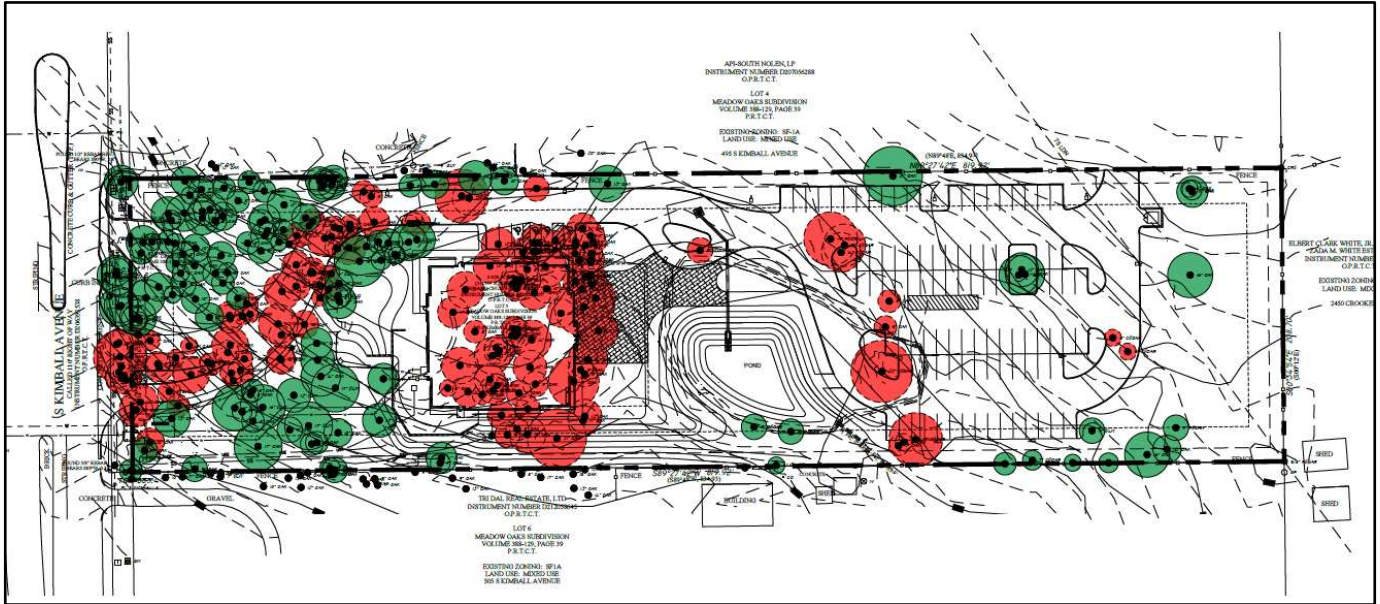


View D: View to the north property line



View E: View to the northwest along the property line

# Tree Preservation Plan (ZA14-028)



TREE PRESERVATION SUMMARY			
		Total Trees	Tree %
Saved Trees	<span style="color: green;">●</span>	0.80 AC	45.0%
Trees to be Removed	<span style="color: red;">●</span>	0.98 AC	55.0%
		1.78 AC	100%

**Existing Tree Cover:**

- Percentage of site with existing tree cover pre-improvements : 44.29%
- Percentage of site with existing tree cover post-improvements: 20.45%

## SITE PLAN REVIEW SUMMARY

Case No.: **ZA16-034**

Review No.: **Two**

Date of Review: **5/11/2016**

**Project Name: Site Plan for Church of Christ Our King Church**

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**APPLICANT: Church of Christ Our King**

David Whittington

2140 E. Southlake Blvd., Suite L-530

Southlake, TX 76092

Phone: (817) 481-8691

Email: davidwcok@verizon.net

**OWNER: Church of Christ Our King**

David Whittington

2140 E. Southlake Blvd., Suite L-530

Southlake, TX 76092

Phone: (817) 481-8691

Email: davidwcok@verizon.net

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CITY STAFF HAS REVIEWED THE ABOVE REFERENCED PROJECT RECEIVED BY THE CITY ON 5/2/2016 AND WE OFFER THE FOLLOWING STIPULATIONS. THESE STIPULATIONS ARE HEREBY MADE CONDITIONS OF SITE PLAN APPROVAL UNLESS SPECIFICALLY AMENDED BY THE CITY COUNCIL. IF YOU HAVE ANY QUESTIONS OR NEED FURTHER CLARIFICATION, PLEASE CONTACT THE APPROPRIATE STAFF MEMBER.

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### Planning Review

Patty Moos

Planner I

Phone: (817) 748-8269

Email: [pmoos@ci.southlake.tx.us](mailto:pmoos@ci.southlake.tx.us)

1. A monument sign application has been submitted to the City with the monument sign located in the driveway median (monument shown on the site plan as south of the driveway). If this is the designated location, please revise the median landscape plan.

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### Tree Conservation/Landscape Review

Keith Martin

Landscape Administrator

Phone: (817) 748-8229

E-mail: [kmartin@ci.southlake.tx.us](mailto:kmartin@ci.southlake.tx.us)

**TREE CONSERVATION COMMENTS:**

- \* The Tree Conservation Plan is proposed to remain unchanged. No protected trees are proposed to be removed for the approved landscape revisions.

**LANDSCAPE COMMENTS:**

- \* The applicant is requesting a revision to the required bufferyards landscaping as approved. The interior landscape is remaining almost unchanged except four (4) additional trees are proposed to be provided in small tree wells within the rear parking lot area.

The proposed changes to the plant material within the bufferyards are as follows;

Summary Chart - Bufferyards								
Location		Length	Width/ Type	Canopy Trees	Accent Trees	Shrubs	Fence/ Screening	Comments
North	Required	819.92'	10' - C	25	33	98	None	5 Existing trees, existing natural buffer
	Provided	819.92'		7	2	0	None	
East	Required	208.70'	10' - C	6	8	25	8' Fence	Natural vegetation per agreement with adjacent land owner
	Provided	208.70'		0	0	0	None	
South	Required	819.92'	10' - C	25	33	98	8' Fence	Natural vegetation per agreement with adjacent land owner. Existing trees, existing buffer
	Provided	819.92'		0	0	0	None	
West	Required	208.70'	10' - E	2	4	17	None	Existing natural buffer
	Provided	208.70'		0	0	0	None	

1. Please submit the contractual agreements from the adjacent land owners.

CONTRACTUAL REDUCTION OF BUFFERYARD ABUTTING VACANT LAND – When a land use is proposed adjacent to vacant land, and the owner of the vacant land enters into a contractual relationship with the owner of the developing land use, a reduced bufferyard may be provided by that first use, provided that the contract contains a statement by the owner of the vacant land of an intent to develop at no greater intensity than specified in the agreed upon zoning category; and an agreement by that vacant landowner to assume all responsibility for additional bufferyards if needed at the time of development of the vacant land.

- \* Indicates informational comment.
- # Indicates required items comment.

### Public Works/Engineering Review

Steve Anderson, P.E.  
 Civil Engineer  
 Phone: (817) 748-8101  
 E-mail: [sanderson@ci.southlake.tx.us](mailto:sanderson@ci.southlake.tx.us)

No comments.

### Fire Department Review

Kelly Clements  
 Fire Marshal  
 Phone: (817) 748-8671  
 E-mail: [kclements@ci.southlake.tx.us](mailto:kclements@ci.southlake.tx.us)

### GENERAL COMMENTS:

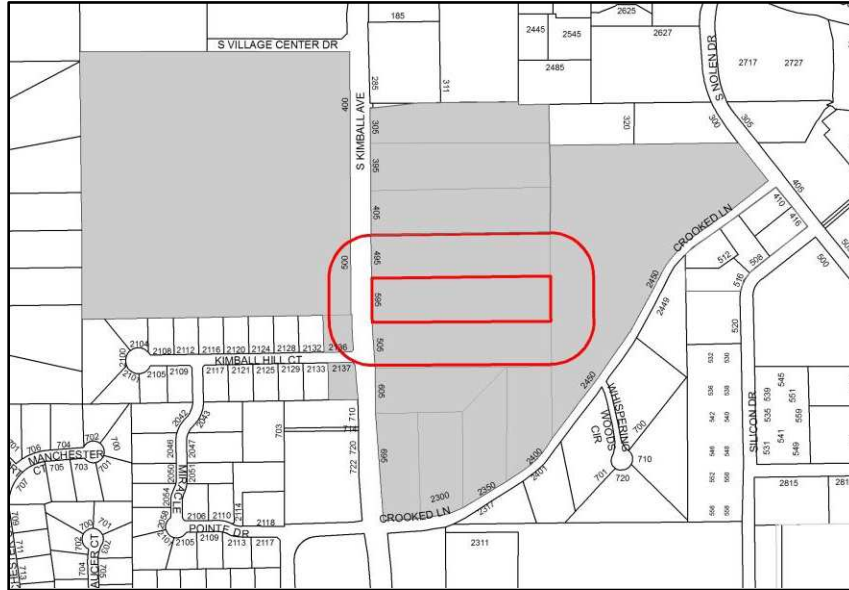
No comments based on ZA16-034 Zoning Change Site Plan only.

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### General Informational Comments

- \* Staff strongly recommends contacting Daniel Cortez in the City Manager's Office to schedule a SPIN meeting. Daniel can be contacted by phone at (817) 748-8029 or by e-mail at [dcortez@ci.southlake.tx.us](mailto:dcortez@ci.southlake.tx.us).
- \* No review of proposed signs is intended with this site plan. A separate building permit is required prior to construction of any signs.
- \* All mechanical equipment must be screened of view from right-of-ways and residential properties in accordance with the Zoning Ordinance No. 480, as amended.
- \* All lighting must comply with the Lighting Ordinance No. 693, as amended.
- \* All development must comply with the Drainage Ordinance No. 605 and the Erosion and Sediment Control Ordinance No. 946, as amended.
- \* It appears that this property lies within the **65 or 75** LDN D/FW Regional Airport Overlay Zone and will require construction standards that meet requirements of the Airport Compatible Land Use Zoning Ordinance No. 479.
- \* Development must comply with all requirements in Zoning Ordinance No. 480, Section 43, Overlay Zones.
- \* Denotes Informational Comment

**SURROUNDING PROPERTY OWNERS MAP & RESPONSES**  
Christ Our King Church



SPO#	Owner Name	Zoning	Address	Acreage	Response
1.	KOLLAR, GEORGE M	SF20A	2137 KIMBALL HILL CT	0.51	NR
2.	THOMPSON, TERESA JANE	SF1-A	395 S KIMBALL AVE	4.09	NR
3.	PO, CHIN	SF1-A	305 S KIMBALL AVE	3.51	NR
4.	PEARSON, CAREY	SF1-A	695 S KIMBALL AVE	2.08	NR
5.	PEARSON, CAREY	SF1-A	2300 CROOKED LN	2.22	NR
6.	FOX, TODD	SF1-A	605 S KIMBALL AVE	2.41	NR
7.	WOOD, CHARLES W	SF1-A	2350 CROOKED LN	2.30	NR
8.	MULLER, RICHARD J	SF1-A	2400 CROOKED LN	2.16	NR
9.	TRI DAL REAL ESTATE LTD	SF1-A	505 S KIMBALL AVE	4.03	F
10.	THOMPSON, WM B	SF1-A	405 S KIMBALL AVE	3.95	NR
11.	JAISWAL, NITIN	SF20A	2136 KIMBALL HILL CT	0.52	NR
12.	WHITE, ELBERT CLARK	AG	2450 CROOKED LN	15.85	NR
13.	API-SOUTH NOLEN LP	SF1-A	495 S KIMBALL AVE	3.89	NR
14.	CHURCH OF CHRIST OUR KING	SP1	595 S KIMBALL AVE	3.96	NR

15.	CARROLL, ISD	CS	400 S KIMBALL AVE	35.39	NR
16.	Superintendent of Carroll ISD				NR
17.	Superintendent of Grapevine Colleyville ISD				NR
18.	Superintendent of Northwest ISD				NR
19.	Superintendent of Keller ISD				NR

**F: In Favor**

**O: Opposed To**

**U: Undecided**

**NR: No Response**

**Notices Sent:** Eighteen (18)  
**Responses Received:** In Favor: One (1)

Responses

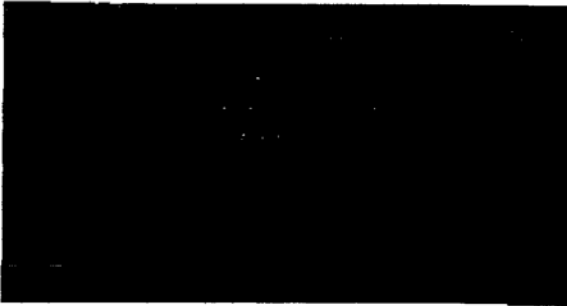
May. 9. 2016 5:30PM

No. 3084 P. 1

Notification Response Form

ZA16-034

Meeting Date: May 19, 2016 at 6:30 PM



TRI DAL REAL ESTATE LTD  
540 COMMERCE ST  
SOUTHLAKE, TX 78092

PLEASE PROVIDE COMPLETED FORMS VIA MAIL, FAX OR HAND DELIVERY  
BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

Being the owner(s) of the property so noted above, are hereby

in favor of      opposed to      undecided about

(circle or underline one)

the proposed Zoning Change and Site Plan referenced above.

Space for comments regarding your position:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: Richard Muller      Date: 5/9/2016

Additional Signature: \_\_\_\_\_      Date: \_\_\_\_\_

Printed Name(s) Richard Muller  
Must be property owner(s) whose name(s) are printed at top. Otherwise contact the Planning Department. One form per property.

Phone Number (optional): \_\_\_\_\_



**CITY OF SOUTHLAKE, TEXAS  
ORDINANCE NO. 480-661a**

**AN ORDINANCE AMENDING ORDINANCE NO. 480, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SOUTHLAKE, TEXAS; GRANTING A ZONING CHANGE ON A CERTAIN TRACT OR TRACTS OF LAND WITHIN THE CITY OF SOUTHLAKE, TEXAS BEING DESCRIBED AS LOT 5, MEADOW OAKS SUBDIVISION, AN ADDITION TO THE CITY OF SOUTHLAKE, TARRANT COUNTY, TEXAS, BEING APPROXIMATELY 4.0 ACRES, AND MORE FULLY AND COMPLETELY DESCRIBED IN EXHIBIT "A" FROM "SF-1A" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "S-P-1" DETAILED SITE PLAN DISTRICT AS DEPICTED ON THE APPROVED SITE PLAN ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "B", SUBJECT TO THE SPECIFIC REQUIREMENTS CONTAINED IN THIS ORDINANCE; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; DETERMINING THAT THE PUBLIC INTEREST, MORALS AND GENERAL WELFARE DEMAND THE ZONING CHANGES AND AMENDMENTS HEREIN MADE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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 Southlake, 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 Texas Local Government Code; and,

**WHEREAS**, pursuant to Chapter 211 of the Local Government Code, the City has the authority to adopt a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential and other purposes, and to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and,

**WHEREAS**, the hereinafter described property is currently zoned as "SF-1A" Single-Family Residential District under the City's Comprehensive Zoning Ordinance; and,

**WHEREAS**, a change in the zoning classification of said property was requested by a person or corporation having a proprietary interest in said property; and,

**WHEREAS**, the City Council of the City of Southlake, Texas, at a public hearing called by the City Council did consider the following factors in making a determination as to whether these 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 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, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the over-crowding of the land; effect on the concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and,

**WHEREAS**, the City Council of the City of Southlake, Texas, further considered among other things the character of the districts and their peculiar suitability for particular uses and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and,

**WHEREAS**, the City Council of the City of Southlake, Texas, does find that there is a public necessity for the zoning changes, that the public demands them, that the public interest clearly requires the amendments, and that the zoning changes do 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 Southlake, Texas, does find that the changes in zoning lessen the congestion in the streets, helps secure safety from fire, panic, and other dangers, promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and,

**WHEREAS**, the City Council of the City of Southlake, Texas, has determined that there is a necessity and need for the changes in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the tract or tracts of land requested for a change since the tract or tracts of land were originally classified and therefore feels that the respective changes in zoning classification for the tract or tracts of land are needed, are called for, and are in the best interest of the public at large, the citizens of the city of Southlake, Texas, and helps promote the general health, safety and welfare of the community.

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

**SECTION 1.**

That Ordinance No. 480, the Comprehensive Zoning Ordinance of the City of Southlake, Texas, passed on the 19th day of September, 1989, as originally adopted and amended, is hereby amended so that the permitted uses in the hereinafter described areas be altered, changed and amended as shown and described below:

Being legally described as Lot 5, Meadow Oaks Subdivision, an addition to the City of Southlake, Tarrant County, Texas, being approximately 4.0 acres, and

described in Exhibit "A" from "SF-1A" Single-Family Residential District to "S-P-1" Detailed Site Plan District as depicted on the approved Site Plan attached hereto and incorporated herein as Exhibit "B," and subject to the following conditions:

- 1) Subject to Site Plan review Summary No. 3 dated March 14, 2014;
- 2) Approval of driveway center line spacing variance;
- 3) Noting the accessory building will be constructed of the same building materials as the sanctuary building;
- 4) Any future access shown on the site plan will require separate easement agreements and access agreements for adjacent parcels;
- 5) And, including the ornamental iron fencing as note on the site plan to enclose the playground.

**Reserved for City Council motion**

#### **SECTION 2.**

That the City Manager is hereby directed to correct the Official Zoning map of the City of Southlake, Texas, to reflect the herein changes in zoning.

#### **SECTION 3.**

That in all other respects the use of the tract or tracts of land herein above described shall be subject to all the applicable regulations contained in said Zoning Ordinance and all other applicable and pertinent ordinances for the City of Southlake, Texas. All existing sections, subsections, paragraphs, sentences, words, phrases and definitions of said Zoning Ordinance are not amended hereby, but remain intact and are hereby ratified, verified, and affirmed.

#### **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 the 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 provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of 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.**

That this ordinance shall be cumulative of all other ordinances of the City of Southlake, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances 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 said tract or tracts of land described herein.

#### **SECTION 7.**

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 8.**

All rights and remedies of the City of Southlake are expressly saved as to any and all violations of the provisions of Ordinance No. 480, as amended, or any other ordinances affecting zoning which 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 9.**

The City Secretary of the City of Southlake is hereby directed to publish the proposed ordinance in its entirety on the City website together with a notice setting out the time and place for a public hearing thereon at least ten (10) days before the second reading of this ordinance, and if this ordinance provides for the imposition of any penalty, fine or forfeiture for any violation of any of its provisions, then the City Secretary shall additionally publish this ordinance in the official City newspaper one time within ten (10) days after passage of this ordinance, as required by Section 3.13 of the Charter of the City of Southlake.

## **SECTION 10.**

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

**PASSED AND APPROVED** on the 1<sup>st</sup> reading the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

**PASSED AND APPROVED** on the 2<sup>nd</sup> reading the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CITY ATTORNEY

DATE: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

**Exhibit 'A'**

**RESERVED FOR METES AND BOUNDS DESCRIPTION**



**Exhibit 'B'**

**RESERVED FOR APPROVED SITE PLAN**