

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING ORDINANCE NO. 2019-07, AS AMENDED, WHICH CREATED THE SQUARE PLANNED DEVELOPMENT DISTRICT, BY AMENDING THE DEVELOPMENT PLAN ON APPROXIMATELY 4.9 ACRES OF LAND KNOWN AS TRACT 3B03, A TRACT OUT OF THE BENJAMIN THOMAS SURVEY, ABSTRACT 1497, CITY OF SAGINAW, TARRANT COUNTY, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas (the "City") 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; and

WHEREAS, the City Council of the City (the "City Council") has previously adopted the Zoning Regulations of the City of Saginaw, as amended, which 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; and

WHEREAS, in accordance with Section 7-1 of the Zoning Regulations, the owners of certain property comprising 4.9 acres out of The Square Planned Development District ("The Square"), such 4.9 acres being a portion of Tract 3B03, a tract out of the Benjamin Thomas Survey, Abstract 1497 of the City of Saginaw, Tarrant County, Texas, as more fully described on Exhibit A attached hereto and incorporated herein, have filed an application to amend Ordinance No. 2019-07, as amended by Ordinance Nos. 2021-23 and 2023-15, which created The Square, by updating the development plan for a portion of The Square to be known as The Shoppes; and

WHEREAS, the Planning and Zoning Commission of the City held a public hearing on December 12, 2023, and the City Council held a public hearing on January 2, 2024, with respect to the proposed zoning amendment as described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code and all other laws and regulations dealing with notice, publication, and procedural requirements for the approval of an amendment to the zoning on the property; and

WHEREAS, the City Council finds that amendment of the Zoning Regulations and Ordinance No. 2019-07, as amended, as outlined herein is in the best interest of the City and will promote the health, safety, and general welfare of the citizens of the City and the general public.

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

SECTION 1.

The Square Planned Development District, Ordinance No. 2019-07, as amended, is hereby amended on the hereinafter described property and area as follows:

That certain land comprising 4.9 acres out of Tract 3B03, a tract of land situated in the Benjamin Thomas Survey, Abstract No. 1497, City of Saginaw, Tarrant County, Texas, and more fully described in Exhibit "A" attached hereto and incorporated herein.

- A. The use of the property described above shall remain subject to all restrictions, terms, and conditions contained in Exhibit B of Ordinance No. 2019-07, as amended, for The Square Planned Development District, attached hereto as Exhibit "B" and incorporated herein, as well as the Zoning Regulations and all other applicable and pertinent ordinances of the City as amended by this planned development district.
- B. Exhibit C of Ordinance No. 2019-07, as amended, the Development Plan for The Square Planned Development District, is hereby amended by amending the previously approved Development Plan for said portion of The Square to include a new page three (3), as shown in Exhibit "C" attached hereto and incorporated herein.

SECTION 2.

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 3.

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 phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

All rights or remedies of the City are expressly saved as to any and all violations of the Saginaw City Code or any amendments thereto regarding 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 or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

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 deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Saginaw City Code. Each day that a violation is permitted to exist shall constitute a separate offense.

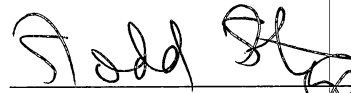
SECTION 6.

The City Secretary of the City is hereby directed to publish at least twice in the official newspaper of the City the caption and the penalty clause of this Ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 7.

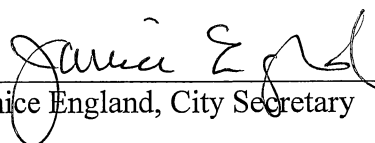
This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the 2nd day of January, 2024.



Todd Flippo, Mayor

ATTEST:



Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Bryn Meredith, City Attorney

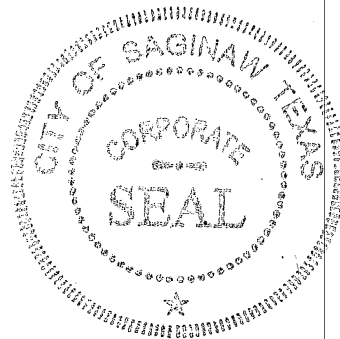


EXHIBIT A

**EXHIBIT A
ZONING DESCRIPTION
TRACT 1**

**STATE OF TEXAS §
COUNTY OF TARRANT §**

BEING a tract of land situated in the Benjamin Thomas Survey, Abstract No. 1497, City of Fort Worth, Tarrant County, Texas, and being a portion of the same tract of land as described in deed to John and Vivian Pak, recorded in Volume 10963, Page 1971, Deed Records, Tarrant County, Texas (D.R.T.C.T.), and being more particularly described as follows:

COMMENCING at a point for corner at the Northwest corner of a tract of land described in deed to John and Vivian Pak, recorded in Volume 10437, Page 1728, Deed Records, Tarrant County, Texas (D.R.T.C.T.) and being situated in the northeast right-of-way line of Old Decatur Road (variable width right-of-way);

THENCE North 89 deg 22 min 59 sec East, along the Northerly line of said John and Vivian Pak tract, Volume 10437, Page 1728, a distance of 1,065.82 feet to a point for corner, said point being the Southeasterly corner of Lot 1, Block 1, Old Decatur Addition, according to the plat thereof recorded in Cabinet B, Slide 873, Plat Records Tarrant County, Texas and the Southwesterly corner of said John and Vivian Pak tract, Volume 10963, Page 1971;

THENCE North 89 deg 39 min 08 sec East, along the Northerly line of said John and Vivian Pak tract, Volume 10437, Page 1728, a distance of 91.17 feet to the POINT OF BEGINNING, said point being the beginning of a non-tangent curve to the left with a radius of 200.00 feet, a central angle of 34 deg 08 min 44 sec, a chord bearing of North 38 deg 53 min 20 sec East, and a chord length of 117.43 feet;;

THENCE over and across said John and Vivian Pak tract, Volume 10963, Page 1971, the following courses and distances:

Along said non-tangent curve to the left, an arc distance of 119.19 feet to a point for corner, said point being the beginning of a curve to the right with a radius of 300.00 feet, a central angle of 29 deg 01 min 58 sec, a chord bearing of North 36 deg 19 min 57 sec East, and a chord length of 150.39 feet;

Along said curve to the right, an arc distance of 152.02 feet to a point for corner;

North 39 deg 09 min 04 sec West, a distance of 154.70 feet to a point for corner, said point being the beginning of a non-tangent curve to the right with a radius of 1225.27 feet, a central angle of 14 deg 07 min 27 sec, a chord bearing of North 56 deg 58 min 46 sec East, and a chord length of 301.28 feet;

Along said non-tangent curve to the right, an arc distance of 302.04 feet to a point for corner;

North 65 deg 26 min 06 sec East, a distance of 69.09 feet to a point for corner;

North 34 deg 32 min 21 sec East, a distance of 40.83 feet to a point for corner;

North 31 deg 34 min 46 sec West, a distance of 27.83 feet to a point for corner, said point being situated in the Northerly line of said John and Vivian Pak tract, Volume 10963, Page 1971, and the Southerly line of the remainder of a tract of land described in deed to B.N.M. Properties, recorded in Volume 13998, Page 569, Deed Records, Tarrant County, Texas;

THENCE North 88 deg 59 min 42 sec East, along the Northerly line of said John and Vivian Pak tract, Volume 10963, Page 1971, and the Southerly line of said B.N.M. tract, a distance of 260.88 feet to a point for corner, said point being the Northeasterly corner of said John and Vivian Pak tract, Volume 10963, Page 1971, said point being situated in the Westerly right-of-way of U.S. Highway 287 Business, a variable width right-of-way;

THENCE South 37 deg 01 min 54 sec East, along the Easterly line of said John and Vivian Pak tract, Volume 10963, Page 1971, and the Westerly right-of-way of said U.S. Highway 287 Business, a distance of 722.73 feet to a point for corner, said point being the most easterly corner of said John and Vivian Pak tract, Volume 10963, Page 1971,;

THENCE South 89 deg 24 min 24 sec West, departing the Westerly right-of-way of said U.S. Highway 287 Business, and along the Southerly line of said John and Vivian Pak tract, Volume 10963, Page 1971, a distance of 953.97 feet to a point for corner, said point being the Northeasterly corner of said John and Vivian Pak tract, Volume 10437, Page 1728, and the Northwesterly corner of Lot 2R-A, Block A, Saginaw Retail Center Addition, and addition to the City of Fort Worth, according to the plat thereof recorded in Cabinet A, Slide 10040, Plat Records, Tarrant County, Texas;

THENCE South 89 deg 39 min 08 sec West, continuing along the Southerly line of said John and Vivian Pak tract, Volume 10963, Page 1971, and along the Northerly line of said John and Vivian Pak tract, Volume 10437, Page 1728, a distance of 85.08 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds, 8.859 acres or 385,884 square feet of land, more or less.

EXHIBIT B

Exhibit "B" Zoning Exhibit

Tract 1 – LAND USE AND DEVELOPMENT STANDARDS

Tract 1 Community Commercial CC

A. Permitted Uses. All uses permitted in Community Commercial "CC" District with the following exceptions:

1. Lots 1,2 and 3, per Exhibit C having frontage on Saginaw Boulevard, shall conform to the land use and development standards provided for in the Community Commercial (CC) District except that the following additional uses shall be prohibited:
 - a. Auto Service Station
 - b. Auto Rental
 - c. Cosmetic Tattoo Establishment
2. The remainder of Tract 1 shall allow all uses permitted in Community Commercial "CC" District except that the following uses shall be prohibited:
 - a. Auto Repair Garage
 - b. Auto Sales
 - c. Auto Service Station
 - d. Auto Rental
 - e. Cosmetic Tattoo Establishment
 - f. Non-Depository Financial Institution
 - g. Rental Store
 - h. Repair, Small Engine

B. Regulations

1. Front Building Setback
 - a. Twenty-five feet (25') on Business 287
 - b. Fifteen feet (15') on Saginaw Square Boulevard
2. Rear Building Setback
 - a. Ten feet (10')
3. Side Building Setback
 - a. There shall be no side yard building setback

C. Building materials and design. All buildings shall comply with the following:

- a. *Building façade materials.* A minimum of 75% of each exterior wall shall be of masonry construction as defined in Section 12-2 and glass, except that concrete may only be used as an exterior material on the rear of buildings not visible from public streets. A maximum of 10% of any exposed exterior wall may be finished with exterior insulation and finish systems (EIFS).
- b. *Building façade design.* The following articulation standards shall apply to all building facades that face public streets:
 - (1) *Horizontal articulation.* No building façade shall extend for a distance greater than three times its average height without a perpendicular offset. The depth of an offset may vary but shall be a minimum of 15% of the average building height. The minimum length of an offset shall be equal to 10% of the entire façade.
 - (2) As an alternative to the articulation requirement in (1) above, one-story commercial storefronts designed for multiple tenants with a minimum of 60% glass may utilize a minimum of four of the following architectural details along 100% of facades that face public streets:
 - (a) Canopies or awnings
 - (b) Pilasters
 - (c) Recessed entries
 - (d) Ornamental cornices
 - (e) Façade material change
 - (f) Color change
 - (g) Repetitive decorative applied features and/or decorative lighting
 - (3) *Vertical articulation.* No wall shall extend horizontally for a distance greater than three times its average height without a change in elevation. An elevation change shall be a minimum 15% of the average building height and shall extend for a distance of at least 10% of the entire façade.
- c. *Roofs.* Flat roofs and parapet walls around flat roofs shall have a cornice, cap or other detail with a vertical dimension equal to at least three percent of the height of the building.

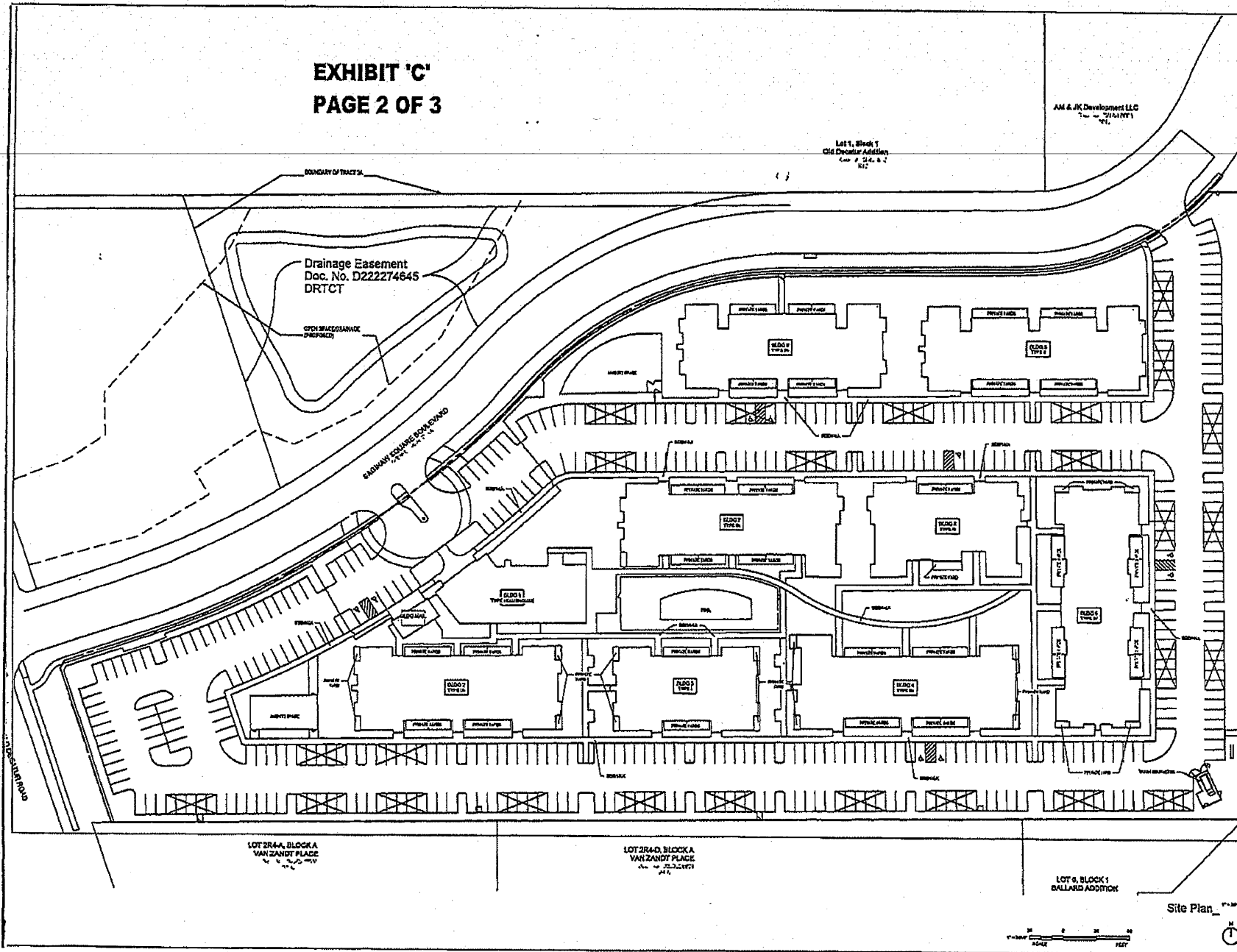
D. Landscaping.

1. An average fifteen feet (15') wide landscape buffer shall be required adjacent to Business 287. Average width shall be calculated by taking the total landscape area between Right-of-Way and back of curb and dividing by the length of the Right-of-Way frontage less driveway areas.

2. An average ten feet (10') wide landscape buffer shall be required adjacent to Saginaw Square Boulevard. Average width shall be calculated by taking the total landscape area between Right-of-Way and back of curb and dividing by the length of the Right-of-Way frontage less driveway areas.
 3. No landscape buffer or strip shall be required at "interior" property lines between lot and parcels.
- E. Parking.** As many of the sites have dual frontage the requirement for 75% of the required parking to be in the front shall be defined as facing either street.
- F. Signage.** One Multi-Family sign will be allowed at the intersection of Business-287 and Saginaw Square Boulevard and at the intersection of Old Decatur Road and Saginaw Square Boulevard. These signs shall allow for Signage from Tenants located on tracts 1 through 5. Each tract shall also have the right to install an individual monument sign along Saginaw Square Boulevard in accordance with City sign ordinance. "For shopping centers and other multi-tenant uses, one multi-purpose sign of a monument style shall be allowed per street frontage (Saginaw Blvd. and Old Decatur). Multi-purpose monument signs shall not exceed 12 feet in height with a maximum overall square footage of 225 square feet. However, the copy area of the sign shall not exceed 150 square feet, leaving a base area of 75 square feet". Each sign, if constructed, shall be in a private easement with defined maintenance responsibility.
- G. PLANNED DEVELOPMENT SITE PLAN REQUIRED.** A Planned Development Site Plan shall be approved prior to issuance of a building permit.
1. Development shall occur in substantial accordance with the approved Exhibit "C". Site plan submittals that are deemed to require a variance to the regulations and provisions contained herein shall require review and approval by the Planning and Zoning Commission and City Council.
 2. Completed Site Plan submittals that are deemed to be in substantial conformance with the regulations and provisions contained herein shall be administratively approved by the City Staff.

EXHIBIT C

EXHIBIT 'C'
PAGE 2 OF 3



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Email: edt@edtintl.com

ALPINE START DEVELOPMENT
Alpine Start Development
10000 Van Zandt Place
Houston, TX 77057
Project No. 10000
Site Plan
Exhibit C
2 OF 3

