

ORDINANCE NO. 1520-10-2022

AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM SINGLE FAMILY TWO DISTRICT (SF-2) ZONING TO A HIGH DENSITY MULTI-FAMILY (MF-2) ZONING OF PLUS OR MINUS 32.37 ACRES OUT OF THE WILLIAM HAWKINS AND B.F. CARPENTER SURVEYS, PARCEL ID NUMBERS 22059, 130423 AND 130422, AS REQUESTED BY SPENCER WINSTON; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AND OPEN MEETING FINDING.

WHEREAS, the plus or minus 32.37 acres, Cooke County Appraisal District parcel ID numbers 22059, 130423 and 130422– are currently zoned Single Family Two District (SF-2), and are located on West California Street opposite of One Horse Lane in the William Hawkins and B.F. Carpenter surveys; and

WHEREAS, Spencer Winston requests rezoning the property to a High Density Multi-Family (MF-2) zoning district; and,

WHEREAS, the Planning and Zoning Commission of the City of Gainesville, Texas, held an open public hearing on September 13, 2022, following notices as required by law, on the request for the zoning district change, at which time all persons interested were given an opportunity to be heard; and the Planning and Zoning Commission of the City of Gainesville filed its report of the findings; and

WHEREAS, the Planning and Zoning Commission, by a count of 4 NAY and 2 AYE did not vote in favor of recommending to City Council approval the zoning district change; and

WHEREAS, public notice, as required by law, was given of the public hearing before the City Council of the City of Gainesville on this date for the rezoning, at which time all persons present were given an opportunity to be heard; and

WHEREAS, the Comprehensive Land Use Plan calls for this section of land to be multi-family; and

WHEREAS, the City Council of the City of Gainesville has duly considered the Planning and Zoning Commission report, findings, and recommendations.

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

That the City Council of the City of Gainesville has approved the zoning district changes for the 32.37 acres as follows:

SECTION ONE: REZONING 32.37 ACRES, PARCEL IDS 22059, 130423, AND 130422

The plus or minus 32.37 acre property, identified as Parcel ID 22059, 130423 and 130422, located on W California Street opposite One Horse Lane has been rezoned from a single family (SF-2) zoning district to a high density multi-family (MF-2) for the land.

SECTION TWO: AMENDMENT OF THE ZONING MAP

The official zoning map of the City of Gainesville, Cooke County, Texas, shall hereby be amended to reflect the rezoning to a high density multi-family zoning district (MF-2) in Section One of this Ordinance.

SECTION THREE: SEVERABILITY

If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstance, if for any reason held to be unconstitutional, void, or invalid (or for any reason unenforceable), the validity of the remaining portion of this Ordinance or its application to other person or sets of circumstances shall not be affected thereby, it being the intention of the City Council and of the Mayor of the City of Gainesville in adopting and approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by any reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

SECTION FOUR: EFFECTIVE DATE

This ordinance shall be effective upon passage and publication.

SECTION FIVE: OPEN MEETING FINDING

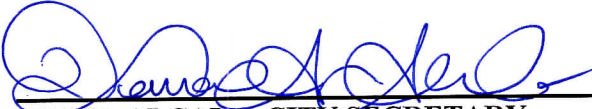
That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

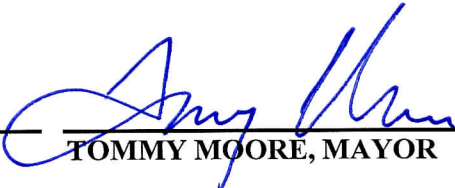
INTRODUCTION, FIRST READING, CHARTER SUSPENSION

INTRODUCED AND READ FOR THE FIRST TIME BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 4TH DAY OF OCTOBER 2022, AT WHICH THE CHARTER PROVISION OF THE CITY OF GAINESVILLE REQUIRING THE READING OF THE ORDINANCE ON THREE SEPARATE OCCASION WAS SUSPENDED BY A VOTE:

7 AYES 0 NAYS 0 ABSENCES, AND 0 ABSTENTIONS

ATTEST:


DIANA ALCALA, CITY SECRETARY


TOMMY MOORE, MAYOR

ADOPTION

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 4TH DAY OF OCTOBER 2022.

6 AYES 1 NAYS 0 ABSENCES, AND 0 ABSTENTIONS

ATTEST:


DIANA ALCALA, CITY SECRETARY


TOMMY MOORE, MAYOR



ATTACHMENT A

Being a 32.37 acre tract or parcel of land situated in the William J. Hawkins Survey, Abstract Number 497 and the B. F. Carpenter Survey, Abstract No. 228 in the City of Gainesville Cooke County, Texas and being the remainder portion of a called 32.6 acre tract of land described in the deed to B. N. Watts, recorded in Volume 379, Page 413 of the Deed Records of Cooke County, Texas, all of a called 1.38 acre tract of land described in the deed to B. N. Watts, recorded in Volume 391, Page 364 of the Deed Records of Cooke County, Texas and all of a tract of land conveyed to Gene L. Watts and wife Maurine Watts, recorded in Volume 448, Page 415 of the deed records of Cooke County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the Northwest corner of said 32.6 acre tract and in the East right-of-way line of Farm to Market Road 51 and being in a creek;

THENCE South 67°22'08" East, with the North line of said 32.6 acre tract along or near the center of said creek, a distance of 1117.26 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the Northeast corner of said 32.6 and being on the West bank of the Elm Fork of Trinity River;

THENCE South 07°26'37" East, with the East line of said 32.6 acre tract and along or near the West bank of said Elm Fork of Trinity River, a distance of 279.35 feet to the Southeast corner of said 32.6 acre tract;

THENCE South 62°37'52" West, passing at a distance of 70.06 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the Northeast corner of said 2-1/2 acre tract, and continuing with the South line of said 32.6 acre tract, in all a total distance of 788.11 feet to a 4" wood fence post found;

THENCE South 01°02'54" East, with the South line of said 32.6 acre tract, a distance of 177.94 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set in the West line of said State of Texas tract;

THENCE with the South line of said 32.6 acre tract the following courses and distances:

With a curve to the right having a radius of 904.93 feet, a delta angle of 02°54'16", a chord bearing and distance of South 51°39'13" West, 45.87 feet and an arc length of 45.87 feet to a concrete monument found; South 53°03'43" West, a distance of 280.90 feet to a concrete monument found; With a curve to the left having a radius of 1004.93 feet, a delta angle of 09°24'07", a chord bearing and distance of South 48°21'46" West, 164.72 feet and an arc length of 164.90 feet to a concrete monument found; South 43°39'43" West, a distance of 461.72 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set in the South line of said 32.6 acre tract;

THENCE South 89°37'52" West, with the South line of said 32.6 acre tract, a distance of 133.75 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the Southwest corner of said 32.6 acre tract and the common Southeast corner of a tract of land conveyed to the City of Gainesville, recorded in Volume 436, Page 423 of the Deed Records of Cooke County, Texas;

THENCE North 00°22'08" West, with the West line of said 32.6 acre tract and the common East line of said City of Gainesville tract, passing at a distance of 192.21 feet a 3" metal fence post found at the Northeast corner of said City of Gainesville tract and the common Southeast corner of a tract of land described in the deed to Robin Sparks, recorded in Volume 2050, Page 692 of the Deed Records of Cooke County, Texas, passing at a distance of 331.20 feet a 3" metal fence post found at the Northeast corner of said Robin Sparks tract and the common Southeast corner of a tract of land conveyed to Carolyn Sue Hammer, recorded in Volume 730, Page 475 of the Deed Records of Cooke County, Texas, passing at a distance of 424.90 feet an axle found at the Northeast corner of said Carolyn Sue Hammer tract and the common Southeast corner of a called 0.765 acre tract of land described in the deed to Gene Herzog and wife Janette Herzog, recorded in Volume 802, Page 652 of the Deed Records of Cooke County, Texas and continuing on said course and with the West line of said 32.6 acre tract and the common East line of said 0.765 acre tract, a total distance of 645.34 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the Northeast corner of said 0.765 acre tract and being in the South line of a tract of land described in the deed to Gene Herzog, et. ux., recorded in Volume 2350, Page 329 of the Deed Records of Cooke County, Texas;

THENCE South 58°39'26" East, with the South line of said Gene Herzog, et. ux. tract, a distance of 24.90 feet to a capped 1/2" iron rod stamped "R.P.L.S. 1896" found at the South corner of said Gene Herzog, et. ux. tract;

THENCE North 24°51'33" East with the East line of said Gene Herzog, et. ux. Tract, passing at a distance of 9.82 feet a capped 1/2" iron rod stamped "R.P.L.S. 1896" found at the East corner of said Gene Herzog, et. ux. Tract and

the common South corner of a called 0.527 acre tract of land described in the deed to Caleb Gene Kyle, recorded in Volume 2350, Page 396 of the Deed Records of Cooke County, Texas, continuing on said course and with the East line of said 0.527 acre tract, a total distance of 187.65 feet to a capped 1/2" iron rod stamped "R.P.L.S. 1896" found at the East corner of said 0.527 acre tract and being in the South line of Collage View Subdivision a unrecorded Plat;

THENCE South 55°05'25" East, with the South line of said Collage View Subdivision, a distance of 16.99 feet to a 1/2" iron rod found at the South corner of said Collage View Subdivision;

THENCE North 24°57'06" East, with the East line of said Collage View Subdivision, a distance of 423.32 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the East corner of said Collage View Subdivision;

THENCE North 64°59'56" West, with the North line of said Collage View Subdivision a distance of 140.04 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the North corner of said Collage View Subdivision and being in the West line of said 32.6 acre tract and the common East right-of-way line of said Farm to Market Road 51;

THENCE North 24°57'06" East, with the West line of said 32.6 acre tract and the common East right-of-way line of said Farm to Market Road 51, a distance of 132.22 feet a mag nail set at the Southwest corner of a the said Gene L. Watts and wife Maurine Watts tract, recorded in Volume 448, Page 415 of the deed records of Cooke County, Texas and continuing with west line thereof, part of the way, in all, a total distance of 720.03 feet to the **POINT OF BEGINNING** and containing 32.37 acres of land more or less.