

## ORDINANCE NO. 2016-07

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010.013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "RE" (SINGLE FAMILY RESIDENTIAL) TO "CG" (GENERAL COMMERCIAL) ON A 0.6236 ACRE AREA OF LAND DESCRIBED HEREIN LOCATED WITHIN THE JOHN R. BILLINGSLEY SURVEY, ABSTRACT NO. 80, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010.013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "RE" (Single Family Residential) to "CG" (General Commercial); and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4<sup>TH</sup> day of April 2016, at 6:00 P.M. and a public hearing was held by the City Council on the 11<sup>th</sup> day of April 2016, at 6:30 P.M. with respect to the proposed change in zoning.

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

**SECTION 1.** The legal description of the property zoned herein is approximately 0.6236 acres in the John R. Billingsley Survey, Abstract 80, Ellis County, Texas, and being a portion of a called 124.850-acre tract of land as described in Volume 2105, Page 1989 of the Official Public Records of Ellis County, Texas (OPRECT) and being more particularly described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF THIS TRACT IN THE WEST LINE OF SAID 124.850-ACRE TRACT AND THE OCCUPIED WEST LINE OF SAID JOHN R. BILLINGSLEY SURVEY AND THE EAST LINE OF A CALLED 13.998-ACRE TRACT OF LAND DESCRIBED IN VOLUME 2601, PAGE 1498 OPRECT AND THE OCCUPIED EAST LINE OF THE WILLIAM BILLINGSLEY SURVEY, ABSTRACT NO. 81, IN THE CENTERLINE OF BRYSON LANE, SAID CORNER BEARS N 01\*11'05" W, 49.86 FEET FROM A 60D NAIL FOUND AT THE CENTERLINE INTERSECTION OF BRYSON LANE AND SHILOH ROAD, BOTH PUBLIC ROADS, AT THE SOUTHEAST CORNER OF SAID 13.998-ACRE TRACT AND BEING THE OCCUPIED SOUTHEAST CORNER OF SAID WILLIAM BILLINGSLEY SURVEY AND THE OCCUPIED SOUTHWEST CORNER OF THE JOHN R. BILLINGSLEY SURVEY, ABSTRACT NO. 80, (WITH THE BEARING BASIS FOR THIS DESCRIPTION FROM GPS OBSERVATION, TEXAS CO-ORDINATE SYSTEM, NORTH CENTRAL ZONE, AND SAID 60D NAIL AT CENTERLINE INTERSECTION HAVING A CO-ORDINATE OF: NORTHING = 6874870.527, EASTING = 2459177.954, AND A SCALE FACTOR OF: 0.9999602), AND ALSO BEING THE SOUTHWEST CORNER OF SAID 124.850-ACRE TRACT;

THENCE N 01\*11'05" W, 608.65 FEET ALONG THE WEST LINE OF SAID 124.850-ACRE TRACT AND THE EAST LINE OF SAID 13.998-ACRE TRACT AND ALONG SAID COMMON JOHN R. BILLINGSLEY-WILLIAM BILLINGSLEY SURVEY AND ALONG SAID BRYSON LANE TO A MAG NAIL SET FOR THE NORTH CORNER OF THIS TRACT IN THE SOUTHWEST LINE OF THE FUTURE 100' WIDE RIGHT OF WAY OF BRYSON LANE;

THENCE THROUGH SAID 124.850-ACRE TRACT AND ALONG THE SOUTHWEST LINE OF SAID FUTURE 100' WIDE RIGHT OF WAY OF BRYSON LANE AS FOLLOWS:

S 10\*41'29" E, 343.87 FEET TO THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 800.00 FEET;

SOUTHEASTERLY, 139.63 FEET ALONG THE ARC OF SAID CURVE (CENTRAL ANGLE=10\*00'00" AND LONG CHORD=S 05\*41'29" E, 139.45 FEET);

**ORDINANCE NO. 2016-07**

S 00°41'29" E, 101.06 FEET TO THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 30.00 FEET;

SOUTHWESTERLY, 47.12 FEET ALONG THE ARC OF SAID CURVE (CENTRAL ANGLE = 90°00'00" AND LONG CHORD = 44°18'31" W, 42.43 FEET);

S 89°18'31" W, 36.63 FEET ALONG THE SOUTH LINE OF THIS TRACT TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 0.6236 ACRE OF LAND.

**SECTION 2.** The zoning classification of the above described property is hereby changed from "RE" (Single Family Residential) to "CG" (General Commercial) and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

**SECTION 3.** The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the 11 day of APRIL, 2016.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary



APPROVED AS TO FORM:



Ron G. MacFarlane, Jr., City Attorney





**City of OVILLA Planning & Zoning Commission  
Recommendation**

**Case No. PZ16.02.** A request filed by Midlothian Independent School District, authorized representative for Massey Shaw, owner of property for **change in zoning** from "RE" (Single Family Residential District I – acre minimum) to "CG" (General Commercial) on 0.6236-acre tract of land, more or less, out of the John R. Billingsley Survey Abstract No. 80, Ellis County, Texas and being generally located north of Shiloh Road and west of Bryson Lane in the city limits of the City of Ovilla.

**ITEM 2. DISCUSSION/ACTION** – Consideration of and action on a zoning classification change filed by Midlothian Independent School District, authorized representative for Massey Shaw, owner of property, from "RE", Single Family Residential District, 1-acre minimum to "CG", General Commercial on a 0.6236 acre tract of land more or less, located in the John R. Billingsley Survey Abstract No. 80, Ellis County, Texas and being generally located north of Shiloh Road and west of Bryson Lane in the City limits of the City of Ovilla and forward recommendation to the Ovilla City Council.

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**PLANNING AND ZONING Members present, and upon a record vote of:**

PL 1 Jungman Absent  
PL2 Yordy AYE  
PL3 Lynch AYE  
PL4 Whittaker AYE

PL5 Zabochnik AYE  
PL6 Hart AYE  
PL7 Zimmermann Absent

5 FOR  
0 AGAINST  
0 ABSTAIN

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C. Lynch  
Presiding Officer of P&Z

4/7/16  
Date

J. Mueller  
Board Secretary

4/7/16  
Date

