

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2006-024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR THE CREEKWOOD UNITED METHODIST CHURCH, CONSISTING OF 28.4 ACRES OF LAND, LOCATED AT THE SOUTHWEST CORNER OF STACY ROAD (FM 2786) AND COUNTRY CLUB ROAD (FM 1378), AND ZONED ONE-ACRE RANCH ESTATE ZONE (RE-1).

WHEREAS, notice of a public hearing before the Planning and Zoning Commission was sent to real property owners within 500 feet of the property herein described at least ten (10) days before such hearing; and

WHEREAS, notice of a public hearing before the Town Council was published in a newspaper of general circulation in the Town of Fairview at least sixteen (16) days before such hearing; and

WHEREAS, public hearings to adopt zoning on the property herein described were held before both the Planning & Zoning Commission and the Town Council, and the Planning & Zoning Commission has heretofore made a recommendation concerning the zoning; and

WHEREAS, the Town Council finds that the zoning herein effectuated furthers the purpose of zoning in the town and that it is in the public interest to approve said zoning described herein; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. That the Comprehensive Zoning Ordinance and the zoning map of the Town of Fairview are hereby amended by granting a Conditional Use Permit for the Creekwood United Methodist Church, consisting of 28.4 acres of land, located at the southwest corner of Stacy Road (FM 2786) and Country Club Road (FM 1378), and zoned One-Acre Ranch Estate Zone (RE-1) and further shown on Exhibit "A", described on Exhibit "B", and with the conditions stated on Exhibit "C", which is attached hereto and fully incorporated herein.

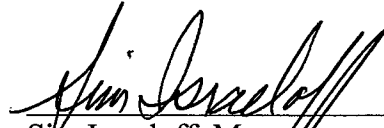
Section 2. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Fairview Code of Ordinances.

Section 3. That the sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby

declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. That this ordinance shall take effect upon passage and publication, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 5th day of September, 2006.



Sim Israeloff, Mayor
Town of Fairview

ATTEST:

Carolyn Jones, Town Secretary

CREEKWOOD UNITED
METHODIST CHURCH
CONDITIONAL USE PERMIT

STACY RD (FM 2786)

FM 1378

N

1140

270

600

590

580

570

591

581

571

261

251

241

231

200

111

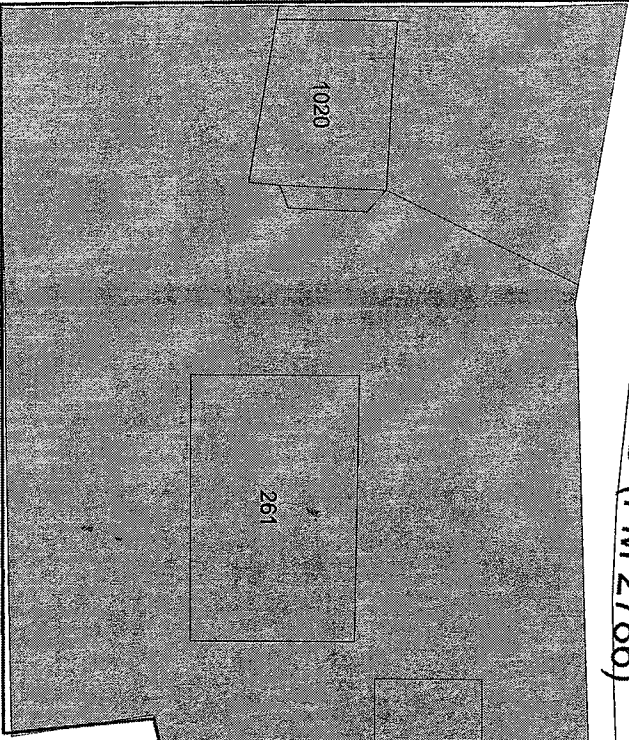
WYNDHAM CT

CAMBRIDGE DR

FM 1378

WINSUM DR

STACY RD (FM 2786)



1020

261

280

290

300

280

290

301

291

281

HAMPTON

290

300

LORRAINE AVE

LORRAINE AVE

ARMSTRONG DR

BALTIMORE DR

SAN CARLOS AVE

TEASBEND LN

TURNBERRY

MOSSBROOK LN

"Xhibit A"

DESCRIPTION, of a 28.442 acre tract of land situated in the Gabriel Fitzhugh Survey, Abstract No. 318 and the George Fitzhugh Survey, Abstract No. 320, Collin County, Texas; said tract being all of Lot 1 and Lot 2, Pannell Addition, an addition to the Town of Fairview, Texas according to the plat recorded in Volume J, Page 21, of the Plat Records of Collin County, Texas; said tract also being all of those certain tracts of land described in Warranty Deeds with Vendor's Lien to Creekwood United Methodist Church recorded in Document No. 2001-0154926 and Document No. 2004-0021146 of the Official Public Records of Collin County, Texas; said 28.442 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "Collis 1764" cap found for corner in the south right-of-way line of Stacy Road (F.M. 2786, a variable width right-of-way); said point also being the northwest corner of said Lot 2 and the northeast corner of Common Open Space 1, Block K, Stacy Ridge Estates, Phase I, an addition to the City of Allen, Texas according to the plat recorded in Volume M, Page 195 of said Plat Records;

THENCE, along the said south line of Stacy Road, the following three (3) calls:

South 79 degrees, 32 minutes, 43 seconds East, a distance of 466.59 feet to a concrete right-of-way monument found at an angle point;

South 87 degrees, 44 minutes, 07 seconds East, a distance of 449.19 feet to 1/2-inch iron rod found at an angle point;

South 89 degrees, 45 minutes, 35 seconds East, a distance of 361.34 feet to a concrete right-of-way monument found for corner at the north end of a right-of-way corner clip at the intersection of the said south line of Stacy Road and the west right-of-way line of Country Club Road (F.M. 1378, a variable width right-of-way);

THENCE, South 47 degrees, 08 minutes, 16 seconds East, departing the said south line of Stacy Road and along the said corner clip, a distance of 73.09 feet to a concrete right-of-way monument found for corner in the said west line of Country Club Road at the south end of said corner clip; said point also being the beginning of a non-tangent curve to the left;

THENCE, departing the said corner clip and along the said west line of Country Club Road, the following two (2) calls:

In an southerly direction, along said curve to the left, having a central angle of 06 degrees, 06 minutes, 57 seconds, a radius of 3395.90 feet, a chord bearing and distance of South 09 degrees, 35 minutes, 25 seconds East, 362.30 feet, an arc distance of 362.48 feet to a 5/8-inch iron rod with "Probeck 5187" cap found at the end of said curve;

South 12 degrees, 45 minutes, 23 seconds East, a distance of 225.19 feet to a "+" mark on a telephone pedestal found for corner at the most easterly southeast corner of the first referenced Church tract; said point also being the northeast corner of that certain tract of land described in Deed to Lovejoy Independent School District recorded in Volume 232, Page 641 of the Deed Records of Collin County, Texas;

THENCE, South 76 degrees, 57 minutes, 41 seconds West, departing the said west line of Country Club Road and along the north line of said School tract, a distance of 285.85 feet to a 1/2-inch iron rod found for corner; said point also being the northwest corner of said School tract and a reentrant corner of the first referenced Church tract;

THENCE, South 12 degrees, 39 minutes, 28 seconds East, departing the said north line of the School tract and along the west line of said School tract, a distance of 226.91 feet to a 5/8-inch iron rod with "Probeck 5187" cap found for corner; said point also being the southwest corner of said School tract, the most southerly southeast corner of the first referenced Church tract, the northwest corner of that certain tract of land described in Warranty Deed to Lovejoy Independent School District recorded in Volume 4331, Page 788 of said Deed Records and the northeast corner of that certain tract of land described in Deed to Lovejoy Independent School District recorded in Volume 880, Page 203 of said Deed Records;

THENCE, South 89 degrees, 46 minutes, 16 seconds West, departing the said west line of the first referenced School tract and along the north line of the third referenced School tract and the north line of Lots 30, 31 and 32, Block D, Country Brook Estates Phase I, an addition to the City of Allen according to the plat recorded in Volume L, Page 428 of said Plat Records, a distance of 1206.94 feet to a 1/2-inch iron rod found for corner in the east line of Lot 5, Block K of said Stacy Ridge Estates, Phase I; said point also being the northwest corner of said Lot 32;

THENCE, departing the said north line of Lot 32 and along the said east line of Block K, Stacy Ridge Estates, the following three (3) calls:

North 00 degrees, 02 minutes, 58 seconds West, a distance of 587.39 feet to a 1/2-inch iron rod found at an angle point;

North 00 degrees, 28 minutes, 46 seconds East, a distance of 433.08 feet to a 5/8-inch iron rod with "Probeck 5187" cap found at an angle point;

North 08 degrees, 14 minutes, 50 seconds West, a distance of 0.79 feet to the POINT OF BEGINNING;

CONTAINING, 1,238,928 square feet or 28.442 acres of land, more or less.

The following shall be conditions of approval regarding the Conditional Use Permit for the Creekwood United Methodist Church:

1. The location and footprint of the bell tower is approved, with the height, noise, and sound system of the bell tower to be addressed at a later time in the development process before the planning and zoning commission;
2. Final review and approval of water utilities and fire hydrant location by the City of Allen;
3. Establishment of a developer's agreement regarding timing and payment of the 10' trail requirement;
4. All conditions subject to the administrative approval of the town staff, except the height, noise and sound system;
5. All conditions of approval must be stated as notes on the Site Development Plan, or as a separate sheet attachment.