

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM RURAL RESIDENTIAL (RR) DISTRICT TO HEAVY INDUSTRIAL (HI) DISTRICT ON APPROXIMATELY 21.800 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SPRING SIDE ROAD AND CORBIN ROAD, IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; ADOPTING AN AMENDMENT TO THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (Z25-0004a)

WHEREAS, Nathan Tune with QB Bros 73 LLC has submitted a request to rezone approximately 21.800 acres of land from Rural Residential (RR) to Heavy Industrial (HI) District, legally described in Exhibit "A", attached hereto and depicted as Exhibit "B" and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on July 23, 2025, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded full and fair hearings to all property owners interested in this regard, and have recommended approval (3 - 1) of the request; and

WHEREAS, on August 19, 2025, the City Council likewise conducted a public hearing as required by law, and finds that the request meets and complies with all substantive and procedural standards set forth in Section 2.7.2 of the Denton Development Code, and is consistent with the Denton 2040 Comprehensive Plan and the Denton Development Code; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Denton, in considering the application for establishing the requested zoning district for the Property, have determined that the proposed use is in the best interest of the health, safety, and general welfare of the City of Denton, and accordingly, the City Council of the City of Denton is of the opinion and finds that said zoning change is in the public interest and should be granted as set forth herein; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. The zoning district and use classification for the Property is hereby changed to Heavy Industrial (HI) District.

SECTION 3. The City's official zoning map is hereby amended to show the established zoning district and use classification.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 6. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [____ - ____]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzie Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____

Exhibit A

Legal Description

TRACT 1:

FIELD NOTES TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. DALTON SURVEY, ABSTRACT NUMBER 353, DENTON COUNTY, TEXAS AND BEING ALL OF A 3.00 ACRE TRACT OF LAND CONVEYED TO SHERRY HERNANDEZ, JEANNIE HOWELL, CORINA MAXSON, JONATHAN WHITWORTH, MICHAEL WHITWORTH & SARAH WHITWORTH BY DEED OF RECORD IN DOCUMENT NUMBER 2018-70424, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD SET WITH A CAP MARKED "KAZ" FOR THE NORTHEAST CORNER OF SAID 3.00 ACRE TRACT, IN THE INTERSECTION OF THE SOUTH LINE OF SPRING SIDE ROAD AND THE WEST LINE OF CORBIN ROAD;

THENCE SOUTH 00 DEGREES 07 MINUTES 58 SECONDS WEST, ALONG THE EAST LINE OF SAID 3.00 ACRE TRACT AND THE WEST LINE OF SAID CORBIN ROAD, A DISTANCE OF 351.23 FEET TO A 1/2 INCH IRON ROD FOUND MAINTAINING THE SOUTHEAST CORNER OF SAID 3.00 TRACT AND THE NORTHEAST CORNER OF A 7.867 ACRE TRACT OF LAND CONVEYED TO SHERRY HERNANDEZ, JEANNIE HOWELL, CORINA MAXSON, JONATHAN WHITWORTH, MICHAEL WHITWORTH & SARAH WHITWORTH BY DEED OF RECORD IN DOCUMENT NUMBER 2018-70423 OF SAID REAL PROPERTY RECORDS;

THENCE NORTH 89 DEGREES 53 MINUTES 58 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 3.00 ACRE TRACT AND THE NORTH LINE OF SAID 7.867 ACRE TRACT, A DISTANCE OF 375.62 FEET TO A 4 INCH METAL FENCE CORNER POST MAINTAINING THE SOUTHWEST CORNER OF SAID 3.00 ACRE TRACT, THE NORTHWEST CORNER OF SAID 7.867 ACRE TRACT AND IN THE EAST LINE OF A 3.00 ACRE TRACT 3 OF LANDS CONVEYED TO WHITWORTH FAMILY TRUST BY DEED OF RECORD IN DOCUMENT NUMBER 1998-63165 OF SAID REAL PROPERTY RECORDS;

THENCE NORTH 00 DEGREES 02 MINUTES 49 SECONDS WEST, ALONG THE WEST LINE OF SAID 3.00 ACRE TRACT AND THE EAST LINE OF SAID 3.00 ACRE TRACT 3, A DISTANCE OF 350.47 FEET TO A 1/2 INCH IRON ROD FOUND IN A TREE ROOT MAINTAINING THE NORTHWEST CORNER OF SAID 3.00 ACRE TRACT, THE NORTHEAST CORNER OF SAID 3.00 ACRE TRACT 3, AND IN THE SOUTH LINE OF SAID SPRING SIDE ROAD;

THENCE NORTH 89 DEGREES 59 MINUTES 04 SECONDS EAST, ALONG THE

NORTH LINE OF SAID 3.00 ACRE TRACT AND THE SOUTH LINE OF SAID SPRING SIDE ROAD, A DISTANCE OF 376.72 FEET TO THE POINT OF BEGINNING, AND CONTAINING 3.030 ACRES OF LAND, MORE OR LESS.

TRACT 2:

FIELD NOTES TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. DALTON SURVEY, ABSTRACT NUMBER 353, DENTON COUNTY, TEXAS AND BEING ALL OF A 7.867 ACRE TRACT OF LANDS CONVEYED TO SHERRY HERNANDEZ, JEANNIE HOWELL, CORINA MAXSON, JONATHAN WHITWORTH, MICHAEL WHITWORTH & SARAH WHITWORTH BY DEED OF RECORD IN DOCUMENT NUMBER 2018-70423, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND MAINTAINING THE NORTHEAST CORNER OF SAID 7.867 ACRE TRACT, THE SOUTHEAST CORNER OF A 3.00 ACRE TRACT OF LAND CONVEYED TO SHERRY HERNANDEZ, JEANNIE HOWELL, CORINA MAXSON, JONATHAN WHITWORTH, MICHAEL WHITWORTH & SARAH WHITWORTH BY DEED OF RECORD IN DOCUMENT NUMBER 2018-70424 OF SAID REAL PROPERTY RECORDS, AND IN THE WEST LINE OF CORBIN ROAD;

THENCE SOUTH 00 DEGREES 07 MINUTES 58 SECONDS WEST, ALONG THE EAST LINE OF SAID 7.867 ACRE TRACT AND THE WEST LINE OF SAID CORBIN ROAD, A DISTANCE OF 916.04 FEET TO A 6 INCH METAL FENCE CORNER POST MAINTAINING THE SOUTHEAST CORNER OF SAID 7.867 ACRE TRACT, AND THE NORTHEAST CORNER OF A 3.00 ACRE TRACT OF LAND CONVEYED TO WALLACE H. JR. AND BARBARA A. WHITWORTH BY DEED OF RECORD IN VOLUME 1070, PAGE 188 OF SAID REAL PROPERTY RECORDS;

THENCE SOUTH 88 DEGREES 57 MINUTES 09 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 7.867 ACRE TRACT AND THE NORTH LINE OF SAID 3.00 ACRE TRACT, A DISTANCE OF 372.80 FEET TO A 1/2 INCH IRON ROD FOUND MAINTAINING THE SOUTHWEST CORNER OF SAID 7.867 ACRE TRACT AND THE SOUTHEAST CORNER OF A 7.887 ACRE TRACT 2 OF LANDS CONVEYED TO WHITWORTH FAMILY TRUST BY DEED OF RECORD IN DOCUMENT NUMBER 1998-63165 OF SAID REAL PROPERTY RECORDS;

THENCE NORTH 00 DEGREES 02 MINUTES 49 SECONDS WEST, ALONG THE WEST LINE OF SAID 7.867 ACRE TRACT AND THE EAST LINE OF SAID 7.887 ACRE TRACT 2, PASSING A 1/2 INCH IRON ROD MAINTAINING THE EASTERNMOST NORTHEAST CORNER OF SAID TRACT 2 AT A DISTANCE OF 900.61 FEET, AND CONTINUING ON SAID COURSE A TOTAL DISTANCE OF 923.51 FEET TO A 4 INCH METAL FENCE CORNER POST MAINTAINING THE NORTHWEST CORNER OF SAID 7.867 ACRE TRACT, THE SOUTHWEST CORNER OF SAID 3.00 ACRE TRACT, AND IN THE EAST LINE OF A 3.00 ACRE TRACT 3 OF

LANDS CONVEYED TO WHITWORTH FAMILY TRUST BY DEED OF RECORD IN DOCUMENT NUMBER 1998-63165 OF SAID REAL PROPERTY RECORDS;

THENCE SOUTH 89 DEGREES 53 MINUTES 58 SECONDS EAST, ALONG THE NORTH LINE OF SAID 7.867 ACRE TRACT AND THE SOUTH LINE OF SAID 3.00 ACRE TRACT, A DISTANCE OF 375.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.901 ACRES OF LAND, MORE OR LESS.

TRACT 3:

FIELD NOTES TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. DALTON SURVEY, ABSTRACT NUMBER 353, DENTON COUNTY, TEXAS AND BEING ALL OF A 7.887 ACRE TRACT 2 OF LANDS CONVEYED TO WHITWORTH FAMILY TRUST BY DEED OF RECORD IN DOCUMENT NUMBER 1998-63165, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 4 INCH METAL FENCE CORNER POST MAINTAINING THE NORTHWEST CORNER OF SAID 7.887 ACRE TRACT 2, THE NORTHEAST CORNER OF A 5.00 ACRE TRACT OF LAND CONVEYED TO JOHN AND DANA GANDY REVOCABLE LIVING TRUST BY DEED OF RECORD IN DOCUMENT NUMBER 2005-136596 OF SAID REAL PROPERTY RECORDS, AND IN THE SOUTH LINE OF SPRING SIDE ROAD, FROM WHICH A 1/2 INCH IRON ROD BEARS SOUTH 89 DEGREES 59 MINUTES 04 SECONDS WEST A DISTANCE OF 338.72 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 04 SECONDS EAST, ALONG THE NORTH LINE OF SAID 7.887 ACRE TRACT 2 AND THE SOUTH LINE OF SAID SPRING SIDE ROAD, A DISTANCE OF 30.01 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP MARKED "KAZ" FOR THE NORTHERNMOST NORTHEAST CORNER OF SAID 7.887 ACRE TRACT 2 AND THE NORTHWEST CORNER OF A 3.00 ACRE TRACT 3 OF LANDS CONVEYED TO WHITWORTH FAMILY TRUST BY DEED OF RECORD IN DOCUMENT NUMBER 1998-63165 OF SAID REAL PROPERTY RECORDS;

THENCE SOUTH 01 DEGREES 20 MINUTES 00 SECONDS EAST, ALONG AN EAST LINE OF SAID 7.887 ACRE TRACT 2 AND THE WEST LINE OF SAID 3.00 ACRE TRACT 3, A DISTANCE OF 373.40 FEET TO A 1/2 INCH IRON ROD FOUND MAINTAINING AN INSIDE ELL CORNER OF SAID 7.887 ACRE TRACT 2 AND THE SOUTHWEST CORNER OF SAID 3.00 ACRE TRACT 3;

THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST, ALONG A NORTH LINE OF SAID 7.887 ACRE TRACT 2 AND THE SOUTH LINE OF SAID 3.00 ACRE TRACT 3, A DISTANCE OF 346.48 FEET TO A 1/2 INCH IRON ROD FOUND MAINTAINING THE EASTERNMOST NORTHEAST CORNER OF SAID 7.887 ACRE TRACT 2, THE SOUTHEAST CORNER OF SAID 3.00 ACRE TRACT 3, AND IN THE WEST LINE OF A 7.867 TRACT OF LAND CONVEYED TO SHERRY HERNANDEZ,

JEANNIE HOWELL, CORINA MAXSON, JONATHAN WHITWORTH, MICAH EL WHITWORTH & SARAH WHITWORTH BY DEED OF RECORD IN DOCUMENT NUMBER 2018-70423 OF SAID REAL PROPERTY RECORDS;

THENCE SOUTH 00 DEGREES 02 MINUTES 49 SECONDS EAST, ALONG THE EAST LINE OF SAID 7.887 ACRE TRACT 2 AND THE WEST LINE OF SAID 7.867 ACRE TRACT, A DISTANCE OF 900.61 FEET TO A 1/2 INCH IRON ROD FOUND MAINTAINING THE SOUTHEAST CORNER OF SAID 7.867 TRACT 2, THE SOUTHWEST CORNER OF SAID 7.887 ACRE TRACT, AND IN THE NORTH LINE OF A 3.00 ACRE TRACT OF LAND CONVEYED TO WALLACE H. JR AND BARBARA A. WHITWORTH BY DEED OF RECORD IN VOLUME 1070, PAGE 188 OF SAID REAL PROPERTY RECORDS;

THENCE SOUTH 88 DEGREES 44 MINUTES 16 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 7.887 ACRE TRACT 2 AND THE NORTH LINE OF SAID 3.00 ACRE TRACT, A DISTANCE OF 356.17 FEET TO A 4 INCH METAL FENCE CORNER POST MAINTAINING THE SOUTHWEST CORNER OF SAID 7.887 ACRE TRACT 2, THE SOUTHEAST CORNER OF A 5.00 ACRE TRACT OF LAND COVNEYED TO KEVIN AND SHERRI McKINNEY BY DEED OF RECORD IN DOCUMENT NUMBER 2013-110355 OF SAID REAL PROPERTY RECORDS, AND IN THE NORTH LINE OF A 7.822 ACRE TRACT OF LAND CONVEYED TO WALLACE H. JR. AND BARBARA A. WHITWORTH BY DEED OF RECORD IN VOLUME 1070, PAGE 192 OF SAID REAL PROPERTY RECORDS;

THENCE NORTH 01 DEGREES 20 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF SAID 7.887 ACRE TRACT 2 AND THE EAST LINE OF SAID 5.00 ACRE TRACT, A DISTANCE OF 1282.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.864 ACRES OF LAND, MORE OR LESS.

TRACT 4:

FIELD NOTES TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. DALTON SURVEY, ABSTRACT NUMBER 353, DENTON COUNTY, TEXAS AND BEING ALL OF A 3.00 ACRE TRACT 3 OF LANDS CONVEYED TO WHITWORTH FAMILY TRUST BY DEED OF RECORD IN DOCUMENT NUMBER 1998-63165, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND IN A TREE ROOT MAINTAINING THE NORTHEAST CORNER OF SAID 3.00 ACRE TRACT 3, THE NORTHWEST CORNER OF A 3.00 ACRE TRACT OF LAND CONVEYED TO SHERRY HERNANDEZ, JEANNIE HOWELL, CORINA MAXSON, JONATHAN WHITWORTH, MICAH EL WHITWORTH & SARAH WHITWORTH BY DEED OF RECORD IN DOCUMENT NUMBER 2018-70424 OF SAID REAL PROPERTY RECORDS, AND IN THE SOUTH LINE OF SPRING SIDE ROAD;

THENCE SOUTH 00 DEGREES 02 MINUTES 49 SECONDS EAST, ALONG THE EAST LINE OF SAID 3.00 ACRE TRACT 3 AND THE WEST LINE OF SAID 3.00 TRACT,

PASSING A 4 INCH METAL FENCE CORNER POST MAINTAINING THE SOUTHWEST CORNER OF SAID 3.00 ACRE TRACT, AND CONTINUING ON SAID COURSE A TOTAL DISTANCE OF 373.37 FEET TO A 1/2 INCH IRON ROD FOUND MAINTAINING THE SOUTHEAST CORNER OF SAID 3.00 ACRE TRACT 3, THE EASTERNMOST NORTHEAST CORNER OF A 7.887 ACRE TRACT 2 OF LANDS CONVEYED TO WHITWORTH FAMILY TRUST BY DEED OF RECORD IN DOCUMENT NUMBER 1998-63165 OF SAID REAL PROPERTY RECORDS AND IN THE WEST LINE OF A 7.867 ACRE TRACT OF LAND CONVEYED TO SHERRY HERNANDEZ, JEANNIE HOWELL, CORINA MAXSON, JONATHAN WHITWORTH, MICHAEL WHITWORTH & SARAH WHITWORTH BY DEED OF RECORD IN DOCUMENT NUMBER 2018-70423;

THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 3.00 ACRE TRACT 3 AND A NORTH LINE OF SAID 7.887 ACRE TRACT 2, A DISTANCE OF 346.48 FEET TO A 1/2 INCH IRON ROD FOUND MAINTAINING THE SOUTHWEST CORNER OF SAID 3.00 ACRE TRACT 3 AND AN INSIDE ELL CORNER OF SAID 7.887 ACRE TRACT 2;

THENCE NORTH 01 DEGREES 20 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF SAID 3.00 ACRE TRACT 3 AND AN EAST LINE OF SAID 7.887 ACRE TRACT 2, A DISTANCE OF 373.40 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP MARKED "KAZ" FOR THE NORTHWEST CORNER OF SAID 3.00 ACRE TRACT 3, THE NORTHERNMOST NORTHEAST CORNER SAID 7.887 ACRE TRACT 2, AND IN THE SOUTH LINE OF SAID SPRING SIDE ROAD;

THENCE NORTH 89 DEGREES 59 MINUTES 04 SECONDS EAST, ALONG THE NORTH LINE OF SAID 3.00 ACRE TRACT 3 AND THE SOUTH LINE OF SAID SPRING SIDE ROAD, A DISTANCE OF 354.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.005 ACRES OF LAND, MORE OR LESS.

Exhibit B

Site Location Map

