

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM AN EMPLOYMENT CENTER INDUSTRIAL (EC-I) DISTRICT AND USE CLASSIFICATION TO A COMMERCIAL MIXED USE (CM-G) DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 73 ACRES OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF NORTH LOOP 288 AND EAST MCKINNEY STREET 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. (Z17-0015)

WHEREAS, JV Strange with Axiom Commercial Company, LTD. has applied for a zoning change on approximately 73 acres of land legally described and depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter, "the Property") from an EC-I zoning district and use classification to a CM-G zoning district and use classification; and

WHEREAS, on September 27, 2017, 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 [6-0] of the change in zoning and use classification with; and

WHEREAS, on October 17, 2017, 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 35.3.4 of the Denton Development Code, and is consistent with the Denton 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 an initial zoning classification of the Property, have determined that the proposed use is in the best interest of the health, safety, morals, 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 initial zoning 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 from EC-I District to CM-G District.

SECTION 3. The City's official zoning map is hereby amended to show the 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 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. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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.

PASSED AND APPROVED this the ____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

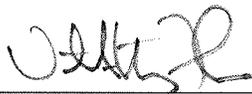
BY:  _____

Exhibit A
Legal Description and Site Location Map

Tract 1

BEING all that certain lot, tract, or parcel of land situated in the M.E.P. and P.R.R. Company Survey Abstract Number 927 in the City of Denton, Denton County, Texas, being a part of that certain tract of land conveyed by deed from Annette Coleman et al to George A. Calhoun and wife, Jannet D. Calhoun recorded in Volume 4268, Page 1357 Real Property Records, Denton County, Texas, and being all that certain tract of land conveyed by deed from Vonnie George to McKinney Mayhill Partners, LLC recorded under Document Number 2016-118062, Real Property Records, Denton County, Texas, and being all that certain tract of land conveyed by deed from Charles David Nelson and wife, Janet L. Nelson to McKinney Mayhill Partners, LLC recorded under Document Number 2016-118061, Real Property Records, Denton County, Texas, and being all and being all that certain "Tract I, Tract II and Tract III" of land conveyed by deed from Kenneth L. Stout and wife, Gladys F. Stout to McKinney Mayhill Partners, LLC recorded under Document Number 2016-118065, Real Property Records, Denton County, Texas, and being all that certain tract of land conveyed by deed from Maroba M. Zoeller and Robert H. Folstadt, III, Executor to McKinney Mayhill Partners, LLC recorded under Document Number 2016-118064, Real Property Records, Denton County, Texas, and being all that certain tract of land conveyed by deed from CCD-RLG to McKinney Mayhill Partners, LLC recorded under Document Number 2016-109777, Real Property Records, Denton County, Texas, and being a part of that certain tract of land conveyed by deed from Foxworth-Galbraith Lumber Company to 100 North Loop 288, LLC recorded under Document Number 2012-147859, Real Property Records, Denton County, Texas, and being all of Lot 1, Block 1, East McKinney Street Industrial Park, an addition to the City of Denton, Denton County, Texas according to the plat thereof recorded in Cabinet D, Page 15, Plat Records, Denton County, Texas, and being all of Lot 1-A, Block A, Oak Hill Business Park, an addition to the City of Denton, Denton County, Texas according to the plat thereof recorded under Document Number 2010-35, Plat Records, Denton County, Texas, and being all of Lot A1, Block 1, G.D.I. Subdivision, an addition to the City of Denton, Denton County, Texas according to the plat thereof recorded in Cabinet I, Page 247, Plat Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at an iron rod marked Arthur found for corner in the south line of that certain tract of land conveyed by deed from Letha Robelle Blasingame et al to 551 Mayhill Joint Venture recorded under Document Number 2005-6231, Real Property Records, Denton County, Texas, said point being the northwest corner of that certain tract of land conveyed by deed to the City of Denton recorded under Document Number 2012-138572, Real Property Records, Denton County, Texas;

THENCE S 01° 22' 37" W, 209.90 feet with the west line of said City of Denton tract to an iron rod found for corner, said point being the northwest corner of that certain tract of land conveyed by deed to the City of Denton recorded under Document number 2012-74708, Real Property Records, Denton County, Texas;

THENCE S 01° 30' 36" W, 205.03 feet with the west line of said City of Denton tract recorded under Document Number 2012-74708 to an iron rod marked Arthur found for corner, said point being the northwest corner of that certain tract of land conveyed by deed to the City of Denton recorded under Document number 2012-100564, Real Property Records, Denton County, Texas;

THENCE S 01° 31' 48" W, 185.45 feet with the west line of said City of Denton tract recorded under Document Number 2012-100564 to an iron rod marked Arthur found for corner, said point being the northwest corner of that certain tract of land conveyed by deed to the City of Denton recorded under Document number 2014-167744, Real Property Records, Denton County, Texas;

THENCE S 01° 03' 18" W, 79.99 feet with the west line of said City of Denton tract recorded under Document Number 2014-16774 to an iron rod found for corner;

THENCE along the arc of a curve to the left having a central angle of 08° 40' 16", a radius of 1067.50 feet, an arc length of 161.55 feet, whose chord bears S 02° 51' 41" E, 161.40 feet with the west line of that certain tract of land conveyed by deed to the City of Denton tract recorded under Document Number 2014-16774 and with the west line of said City of Denton tract recorded under Document Number 2014-16775 to an iron rod found for corner;

THENCE S 07° 14' 07" E, 73.97 feet with the west line of said City of Denton tract recorded under Document Number 2014-16775 to an iron rod found for corner, said point being the northwest corner of that certain tract of land conveyed by deed to the City of Denton recorded under Document number 2014-16777, Real Property Records, Denton County, Texas;

THENCE S 07° 16' 21" E, 102.91 feet with the west line of said City of Denton tract recorded under Document Number 2014-16777 to an iron rod marked Arthur found for corner, said point being the northwest corner of that certain tract of land conveyed by deed to the City of Denton recorded under Document number 2013-134485 Real Property Records, Denton County, Texas, said point also being the northeast corner of the remnant of Block 1, Section Two East McKinney Street Addition, an addition to the City of Denton, Denton County, Texas according to the plat thereof recorded in Cabinet G, Page 378, Plat Records, Denton County, Texas;

THENCE N 88° 59' 20" W, 393.29 feet with the north line of said Section Two of said McKinney Street Addition to a capped iron rod marked RPLS 4561 set, said point being the northwest corner of said Block Two of said McKinney Street Addition;

THENCE S 02° 02' 01" W, 983.83 feet with the west line of said Block Two of said McKinney Street Addition and with the west line of that certain "Tract 17" of land conveyed by deed from Khosrow Sadeghian to Kamy Real Property Trust recorded under Document Number 2014-44831, Real Property Records, Denton County, Texas and with the west line of that certain tract of land conveyed by deed from Robert W. Jones, Jr. to Angel Enriquez and wife, Griselda Enriquez recorded under Document Number 2015-117592, Real Property Records, Denton County, Texas to a point for corner in East McKinney Street, a public roadway having a variable width right-of-way;

THENCE N 73° 47' 14" W, 100.07 feet with said East McKinney Street to a point for corner;

THENCE N 69° 07' 22" W, 100.00 feet with said East McKinney Street to a point for corner;

THENCE N 65° 40' 02" W, 46.81 feet with said East McKinney Street to a point for corner;

THENCE N 67° 28' 24" W, 53.91 feet with said East McKinney Street to a point for corner;

THENCE N 64° 49' 04" W, 100.03 feet with said East McKinney Street to a point for corner;

THENCE N 64° 22' 04" W, 100.03 feet with said East McKinney Street to a point for corner;

THENCE N 63° 55' 04" W, 60.86 feet with said East McKinney Street to a point for corner;

THENCE N 07° 42' 45" E, 56.05 feet with said East McKinney Street to a point for corner;

THENCE N 63° 59' 15" W, 21.14 feet with said East McKinney Street to a point for corner;

THENCE N 63° 12' 55" W, 95.15 feet with said East McKinney Street to an iron rod found for corner;

THENCE N 08° 29' 01" E, 23.76 feet with said East McKinney Street to a capped iron rod marked RPLS 4561 set for corner;

THENCE N 62° 30' 01" W, 346.46 feet with said East McKinney Street to a capped iron rod marked RPLS 4561 set for corner;

THENCE S 01° 49' 12" W, 24.75 feet with said East McKinney Street to an iron rod marked KAZ found for corner;

THENCE N 61° 32' 11" W, 432.81 feet with said East McKinney Street to a point for corner;

THENCE N 58° 06' 05" W, 22.45 feet with said East McKinney Street to an iron rod marked KAZ found for corner,

THENCE N 00° 53' 13" E, 418.29 feet with the east line of that certain tract of land conveyed by deed from 100 North Loop 288, LLC to 7-Eleven, Inc. recorded under Document Number 2015-27554, Real Property Records, Denton County, Texas to a point for corner, said point being the northeast corner of said 7-Eleven tract;

THENCE N 89° 02' 03" W, 305.22 feet with the north line of said 7-Eleven tract to a point for corner in the east line of United States Loop Highway Number 288, a public roadway;

THENCE N 00° 53' 33" E, 881.70 feet with said east line of said United States Loop Highway Number 288 to an iron rod marked KAZ found for corner, said point being the southwest corner of Lot A2, Block 1, G.D.I. Subdivision, an addition to the City of Denton, Denton

County, Texas according to the plat thereof recorded in Cabinet I, Page 247, Plat Records, Denton County, Texas;

THENCE N 89° 44' 39" E, 70.02 feet with the south line of said G.D.I. Subdivision to an iron rod found for corner in the west line of Lot A1, Block 1, of said G.D.I. Subdivision;

THENCE N 01° 12' 53" E, 30.06 feet with said west line of said Lot A1, Block 1 to an iron rod found for corner;

THENCE S 89° 44' 27" W, 70.02 feet with said west line of said Lot A1, Block 1 to an iron rod found for corner in said east line of said U. S. Loop Highway Number 288;

THENCE N 01° 12' 53" E, 339.03 feet with said west line of said U. S. Loop Highway to an iron rod found for corner in the south line of Market Street, a public roadway having a right-of-way of 60.0 feet;

THENCE N 89° 38' 18" E, 544.32 feet with said south line of Market Street to an iron rod found for corner;

THENCE S 00° 54' 12" W, 388.91 feet with the west line of Lot 8R-A, Block B of Greater Denton Industries Subdivision, an addition to the City of Denton, Denton County, Texas according to the plat thereof recorded under Document Number 2013-135, Plat Records, Denton County, Texas to an iron rod found for corner, said point being the southwest corner of said Lot 8R, Block B of said Greater Denton Industries;

THENCE N 89° 52' 20" E, 1127.60 feet with said south line of said Lot 8R-A, Block B of said Greater Denton Industries Subdivision and with the south line of said 551 Mayhill Joint Venture tract to an iron rod found for corner;

THENCE N 89° 40' 19" E, 222.32 feet with said south line of said 551 Mayhill Joint Venture tract to an iron rod found for corner;

THENCE N 89° 57' 38" E, 121.57 feet with said south line of said 551 Mayhill Joint Venture tract to the PLACE OF BEGINNING and containing 70.394 acres of land.

Tract 2

LEGAL DESCRIPTION OF STORE PROPERTY

BEING A 2.157 ACRE TRACT OUT OF THE M.E.P. & P.R.R. CO. SURVEY, ABST. NO. 927, IN THE CITY OF DENTON, DENTON COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT CONVEYED TO 100 NORTH LOOP 288, L.L.C, A TEXAS LIMITED LIABILITY COMPANY, AS RECORDED IN/UNDER INSTR. NO. 2012-147859, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS (RPRDCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH CAP MARKED B&D SURVEYING SET AT THE SOUTHWEST CORNER OF SAID 2.157 ACRE TRACT, BEING IN THE SOUTH LINE OF SAID 100 NORTH LOOP 288 TRACT AND THE NORTHEAST RIGHT-OF-WAY LINE OF MCKINNEY STREET, VARIABLE WIDTH RIGHT-OF-WAY, FROM WHERE A 1/2 INCH IRON ROD FOUND WITH CAP MARKED KAZ BEARS N 55° 55' 11" W, AT A DISTANCE OF 36.16 FEET, BEING THE SOUTHWEST CORNER OF SAID 100 NORTH LOOP 288 TRACT;

THENCE DEPARTING THE NORTHEAST LINE OF SAID MCKINNEY STREET AND THE SOUTHWEST LINE OF SAID 100 NORTH LOOP 288 TRACT, NORTH 27 DEGREES 30 MINUTES 52 SECONDS WEST, TRAVERSING THROUGH SAID 100 NORTH LOOP 288 AND WITH THE WEST LINE OF SAID 2.157 ACRE TRACT, A DISTANCE OF 43.97 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED B&D SURVEYING SET FOR CORNER;

THENCE NORTH 00 DEGREES 53 MINUTES 06 SECONDS EAST, TRAVERSING THROUGH SAID 100 NORTH LOOP 288 TRACT AND WITH THE WEST LINE OF SAID 2.157 ACRE TRACT, A DISTANCE OF 201.61 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED B&D SURVEYING SET FOR THE NORTHWEST CORNER OF SAID 2.157 ACRE TRACT;

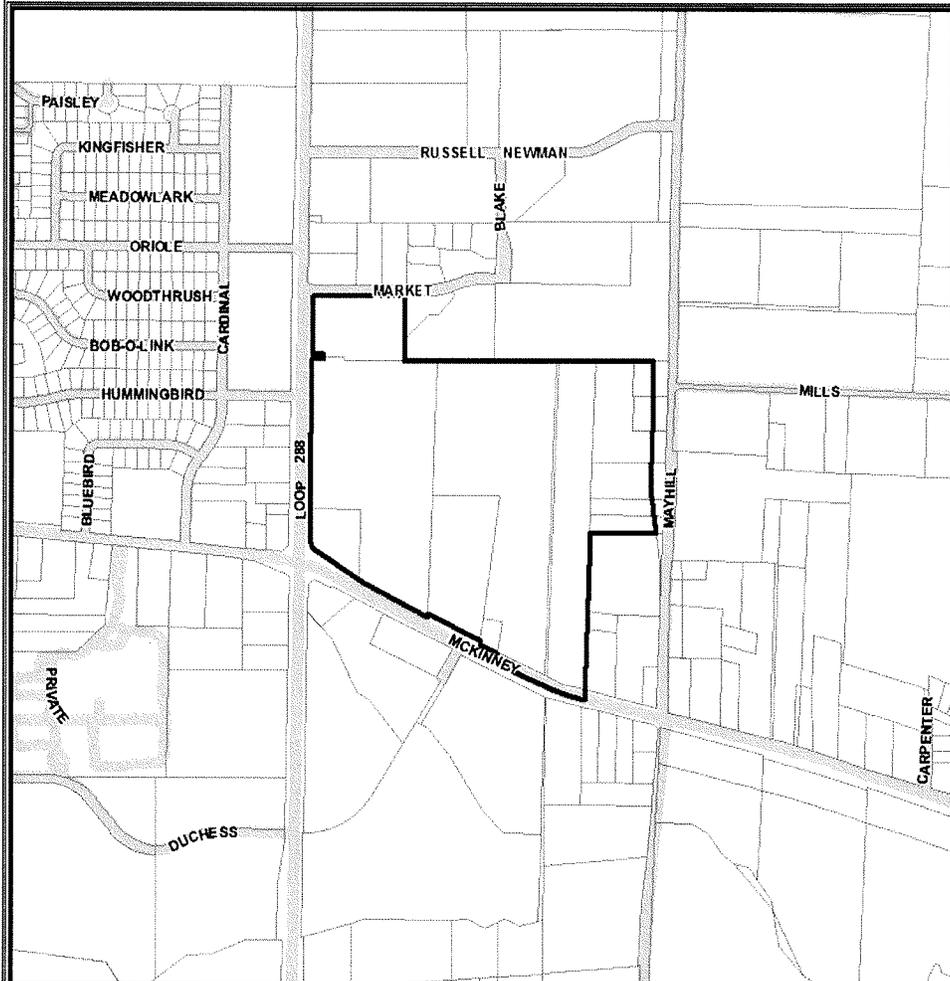
THENCE SOUTH 89 DEGREES 02 MINUTES 09 SECONDS EAST, TRAVERSING THROUGH SAID 100 NORTH LOOP 288 TRACT AND WITH THE NORTH LINE OF SAID 2.157 ACRE TRACT, A DISTANCE OF 293.25 FEET TO A SET "X" IN CONCRETE FOR THE NORTHEAST CORNER OF SAID 2.157 ACRE TRACT;

THENCE SOUTH 00 DEGREES 53 MINUTES 06 SECONDS WEST, TRAVERSING THROUGH SAID 100 NORTH LOOP 288 TRACT AND WITH THE EAST LINE OF SAID 2.157 ACRE TRACT, A DISTANCE OF 412.30 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED B&D SURVEYING SET FOR THE SOUTHEAST CORNER OF SAID 2.157 ACRE TRACT, BEING IN THE SOUTHWEST LINE OF SAID 100 NORTH LOOP 288 TRACT AND BEING IN THE NORTHEAST LINE OF THE AFOREMENTIONED MCKINNEY STREET, FROM WHERE A 1/2 INCH IRON ROD FOUND WITH A CAP MARKED KAZ BEARS SOUTH 58 DEGREES 06 MINUTES 11 SECONDS EAST, AT A DISTANCE OF 25.46 FEET;

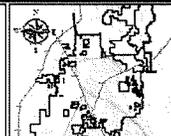
THENCE NORTH 58 DEGREES 06 MINUTES 11 SECONDS WEST, WITH THE NORTHEAST LINE OF SAID MCKINNEY STREET, THE SOUTHWEST LINE OF SAID 100 NORTH LOOP 288 TRACT, ALSO BEING THE SOUTHWEST LINE OF SAID 2.157 ACRE TRACT, A DISTANCE OF 126.64 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED B&D SURVEYING SET FOR CORNER;

THENCE NORTH 55 DEGREES 55 MINUTES 11 SECONDS WEST, WITH THE NORTHEAST LINE OF SAID MCKINNEY STREET, THE SOUTHEAST LINE OF SAID 100 NORTH LOOP 288 TRACT, ALSO BEING THE SOUTH SOUTHWEST LINE OF SAID 2.157 ACRE TRACT, A DISTANCE OF 195.74 FEET TO THE POINT OF BEGINNING, CONTAINING 2.157 ACRE OR 93,951 SQUARE FEET OF LAND, PLUS OR MINUS.

**Z17-0015
Site Location**



-  SITE
-  Parcels
-  Roads



The City of Denton has prepared this map for informational use. These are not official maps of the City of Denton and should not be used for legal or financial purposes. These maps are the property of the City of Denton and have been made available to the public based on the public information act. The City of Denton makes every effort to produce the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein. The City of Denton is not responsible for any errors or omissions in this map, and the user assumes all responsibility for the accuracy of the information.