

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT (2003-325) AMENDMENT TO ALLOW FOR SITE MODIFICATIONS ON APPROXIMATELY 0.89 ACRES OF LAND, GENERALLY LOCATED APPROXIMATELY ONE BLOCK SOUTH OF TEASLEY LANE AND TO THE WEST OF FM 2181/TEASLEY LANE, 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 FOR SEVERABILITY AND AN EFFECTIVE DATE. (S24-0002b, DATCU TEASLEY)

WHEREAS, Homeyer Engineering (the "Applicant") applied for a Specific Use Permit (2003-325) amendment, including, but not limited to, modification to the site plan to reduce drive-through banking lanes and replace with additional parking on approximately 0.89 acres of land within the Mixed-Use Neighborhood (MN) zoning district, legally described in Exhibit "A" (hereinafter, the "Property"); and

WHEREAS, on October 7, 2003, the City Council adopted Ordinance 2003-325, approving a Specific Use Permit for 0.89 acres of land for a drive-thru facility; and

WHEREAS, on May 29, 2024, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, and having held due hearings and afforded full and fair hearings to all property owners interested in this regard, recommended approval (5-0) of the request; and

WHEREAS, on June 18, 2024, the City Council opened the public hearing and continued the hearing to a date certain of July 23, 2024.

WHEREAS, on July 23, 2024, the City Council 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 Subsection 2.5.2 of the Denton Development Code, and is consistent with the Denton Plan and the 2019 Denton Development Code as applicable; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Denton have determined that the proposed amendment to the Specific Use Permit 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 amendment to the Specific Use Permit 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 amended Site Plan and Landscape Plan for SUP 2003-325 attached and incorporated herein as Exhibit “B,” is hereby approved, subject to the following conditions:

1. The attached Site Plan and Landscape Plan reflect an intent to comply with the originally approved site plan and the 2019 DDC to the greatest extent possible.
2. The attached Site Plan and Landscape Plan are incorporated as requirements of the SUP. Staff shall have the ability to approve a reduction in the building coverage and a decrease in the number of parking spaces specified in requirements “a” and “b” below, provided the reductions do not equate to a change of more than 5% of the building square footage or 1 parking space and all applicable requirements of the originally approved site plan and current DDC are met:
 - a. No more than one building with a total building footprint not to exceed 4,116 sq. ft or 10.65% of the lot area.
 - b. A total of nineteen (19) parking spaces and 6 bicycle parking spaces are proposed for the drive-through Financial Institution indicated on the Site Plan.
 - c. No more than 3 drive-through lanes with one by-pass lane to facilitate on-site circulation.
3. Minor alterations to the depicted locations of the building, pedestrian pathways, and parking may be approved by City Staff, provided that the final plan complies with the attached Site Plan in terms of access and internal pedestrian connectivity.
4. Minor alterations to the depicted locations of individual plantings may be approved by City staff, provided that the final landscaping, as planted, complies with the attached Landscape Plan in terms of required landscape elements and overall tree canopy, as well as all applicable requirements of the current DDC.
5. Notwithstanding the limited administrative approvals authorized in the above conditions, the City reserves the right to require approval by ordinance of any amendments or alterations to the SUP, the attached Site Plan, and the attached Landscape Plan.
6. The zoning map shall reflect the Specific Use Permit on the property consistent with the Post-Decision Action Steps for Specific Use Permits in the 2019 DDC.

SECTION 3. Previous Approvals. The provisions of this ordinance, as they apply to the subject site as shown in Exhibit B are herein approved and shall govern and control over any conflicting provision of Ordinance No. 2003-325.

SECTION 4. Failure to Comply. Except as otherwise stated above, all terms of the SUP shall be complied with prior to issuance of a Certificate of Occupancy. Failure to comply with any term or condition of this ordinance will result in the SUP being declared null and void, and of no force and effect. The SUP is issued to the entity named above runs with the land, and is assignable and transferable to subsequent owners of the Property.

SECTION 5. SUP Regulations. Upon notice to the Property owner and a hearing before the City Council, a SUP may be revoked or modified if: 1. There is one or more of the conditions imposed by this ordinance that has not been met or has been violated on the Property; or 2. The SUP was obtained or extended by fraud or deception; or 3. As otherwise permitted by law and/or the current DDC.

SECTION 6. Unlawful use. It shall be unlawful for any person, firm, entity, or corporation to make use of the above-referenced Property in some manner other than as authorized by the current DDC, Code of Ordinances, and this ordinance.

SECTION 7. Severability. 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 8. Penalty. Any person, firm, entity or corporation violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00 for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense. The penal provisions imposed under this ordinance shall not preclude Denton from filing suit to enjoin the violation and it retains all legal rights and remedies available to it under local, state and federal law.

SECTION 9. 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 [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, 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 _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

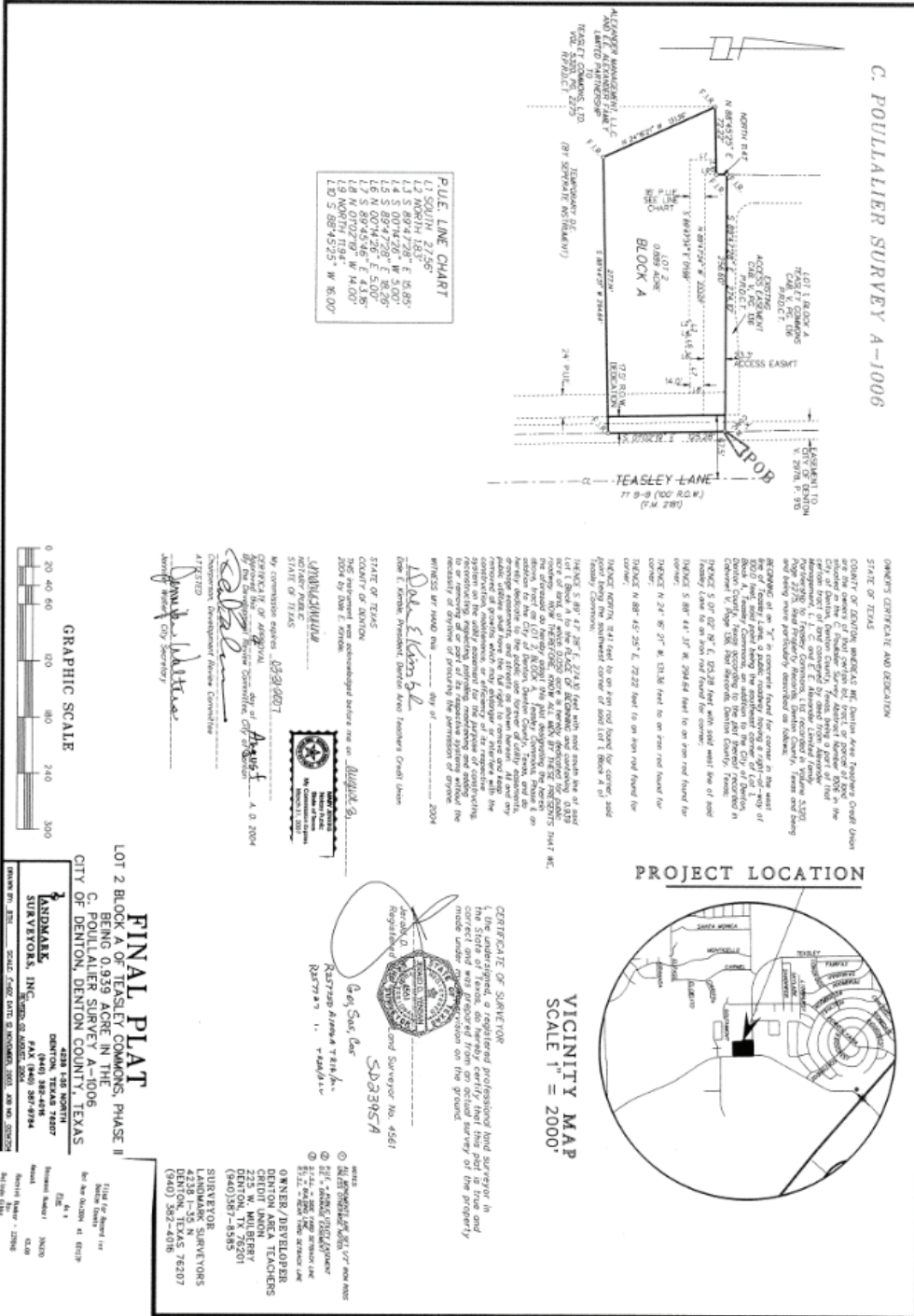
BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____

Exhibit A Legal Description

Lot 2, Block A, of the Teasley Commons, Phase II Addition



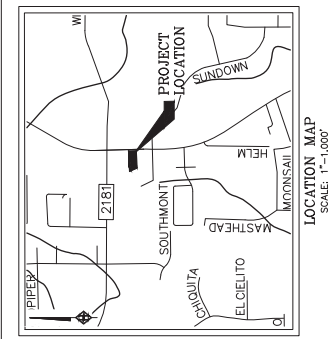
CRP V TRAC 816

DRAWING NUMBER
816

DRAWING NUMBER
V

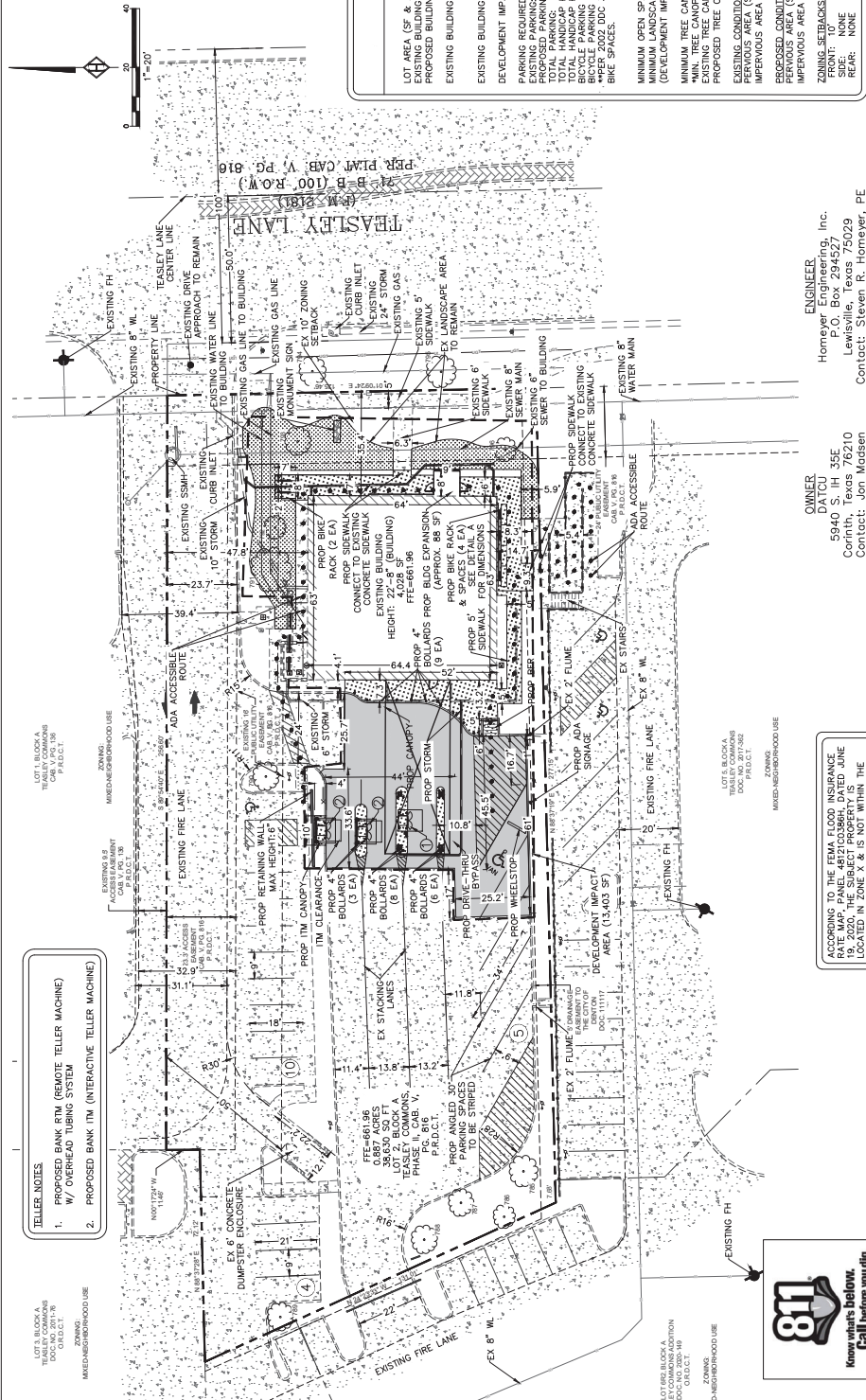
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Exhibit B
Site and Landscape Plans



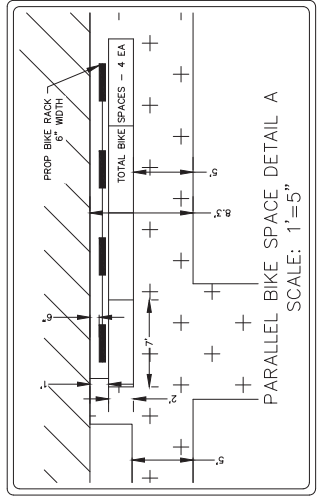
SITE INFORMATION

REQUIRED LOT AREA (SF & ACRES)	25,000 (0.57 AC)	REQUIRED MINIMUM LANDSCAPE AREA (SF & ACRES)	13,403 (0.31 AC)
PROPOSED BUILDING ADDITION (SF)	4,028 (0.09 AC)	MINIMUM OPEN SPACE (SF & %) (DEVELOPMENT IMPACT AREA)	NONE
EXISTING BUILDING HEIGHT (MAX) 65'	28'-8" (TOWER) 22'-8" (BUILDING)	MINIMUM TREE CANOPY (SF & %) (DEVELOPMENT IMPACT AREA)	2,881 SF (20%)
EXISTING BUILDING COVERAGE (MAX) 80%	10.42%	MINIMUM TREE CANOPY (SF & %) (EXISTING TREE CANOPY (SF & %))	15,852 SF (40%)
DEVELOPMENT IMPACT AREA (SF & ACRES)	-	EXISTING TREE CANOPY (SF & %) (PROPOSED TREE CANOPY (SF & %))	15,072 SF (39%) 1,256 SF (3.25%)
PARKING REQUIRED (SUP): 20 SPACES		EXISTING CONDITIONS IMPERVIOUS AREA (SF)	7,416 SF (18.2%)
PARKING REQUIRED (REQ): 14 SPACES		PROPOSED CONDITIONS IMPERVIOUS AREA (SF)	31,222 SF (60.8%)
TOTAL HANDICAP PARKING REQUIRED: 3 SPACES		PERVIOUS AREA (SF)	7,016 SF (13.8%)
TOTAL BIKE SPACES REQUIRED: 2 SPACES		PERVIOUS AREA (SF)	36,636 SF
BICYCLE PARKING PROVIDED: 2 SPACES		ZONING SETBACKS	
IF PER 2022 DING REGULATIONS, THE REQUIRED PARKING IS REDUCED WITH ADDITIONAL BIKE SPACES.		REAR: NONE	



PRELIMINARY PLANS
 THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
 SURFACES: HOMER, PE # 66942
 DATE: 04/23/2024

S24-0002
DATCU DENTON - TEASLEY
 LOT 2, BLOCK A, TEASLEY COMMONS PHASE II
 AREA: 38,630 SF / 0.887 AC
 ZONING: MIXED USE NEIGHBORHOOD (MN-S)
 LAND USE: BANK/FINANCIAL INSTITUTION
 CITY OF DENTON
 DENTON COUNTY, TEXAS



LEGEND

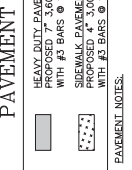
IRON ROD FOUND	POWER POLE
IRON ROD SET	WATER VALVE
OUT X IN CONCRETE	SANITARY SEWER MANHOLE
ASPHALT	FIRE HYDRANT
TELEPHONE MANHOLE	WATER METER
CHAINLINK FENCE	ELECTRIC TRANSFORMER
PIPE & CABLE FENCE	WATER MANHOLE
DEVELOPMENT AREA	BARRIER FREE RAMP
PROPERTY LINE	SETBACK
EXISTING GAS	EXISTING UTILITY
EXISTING SS	EXISTING WATER
PLAT RECORDS, DENTON COUNTY, TEXAS	CABINET
O.A.D.C.T. DENTON COUNTY, TEXAS	PAGE

PAVEMENT LEGEND

HEAVY DUTY PAVEMENT (SEE A.S.L.)
 PROPOSED 7" 5,000 PSI CONC. @ 28 DAYS
 WITH #3 BARS @ 18" O.C.E.W.
 SIDEWALK PAVEMENT (ERUVATE)
 PROPOSED 4" 3,000 PSI CONC. @ 28 DAYS
 WITH #3 BARS @ 18" O.C.E.W.

EAVEMENT NOTES:

- ALL PAVEMENT SUBGRADE SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 6" AND COMPACTED TO A MINIMUM 95% PROCTOR DENSITY AT OR ABOVE OPTIMUM MOISTURE.
- SMOOTH BARS SHALL BE DOWEL & EPOXY #4 X 24" SMOOTH BARS @ 24" CENTERS ALONG ALL PROPOSED TO EXISTING CONCRETE EDGES W/ 3/4" EXPANSION JOINT & SELF-LEVELING JOINT SEALING COMPOUND.
- THE CONTRACTOR SHALL PROVIDE 1" OF EXPANSION JOINT W/ 3/4" SHANT SEALANT COMPOUND BETWEEN THE PROPOSED CONCRETE PAVEMENT AND THE PROPOSED BUILDING.



OWNER
 DATCU
 5940 S. IH 35E
 Corinth, Texas 76210
 Contact: Steve Smith
 Phone: 940-387-8555

ENGINEER
 Homer Engineering, Inc.
 P.O. Box 294527
 Lewisville, Texas 75029
 Contact: Steve Smith
 Phone: 972-906-9985

ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP, PANEL 48121C0386A, DATED JUNE 19, 2020, THE SUBJECT PROPERTY IS IN FLOOD ZONE X AND IS NOT WITHIN THE 100-YR FLOODPLAIN.

- TELLER NOTES**
- PROPOSED BANK RTM (REMOTE TELLER MACHINE) W/ OVERHEAD TUBING SYSTEM
 - PROPOSED BANK ITM (INTERACTIVE TELLER MACHINE)

LOT 2, BLOCK A
 TEASLEY COMMONS
 PHASE II, CAB. V, PG. 016
 O.A.D.C.T.

LOT 2, BLOCK A
 TEASLEY COMMONS
 PHASE II, CAB. V, PG. 016
 O.A.D.C.T.



LANDSCAPE CALCULATIONS - DENTON, TX

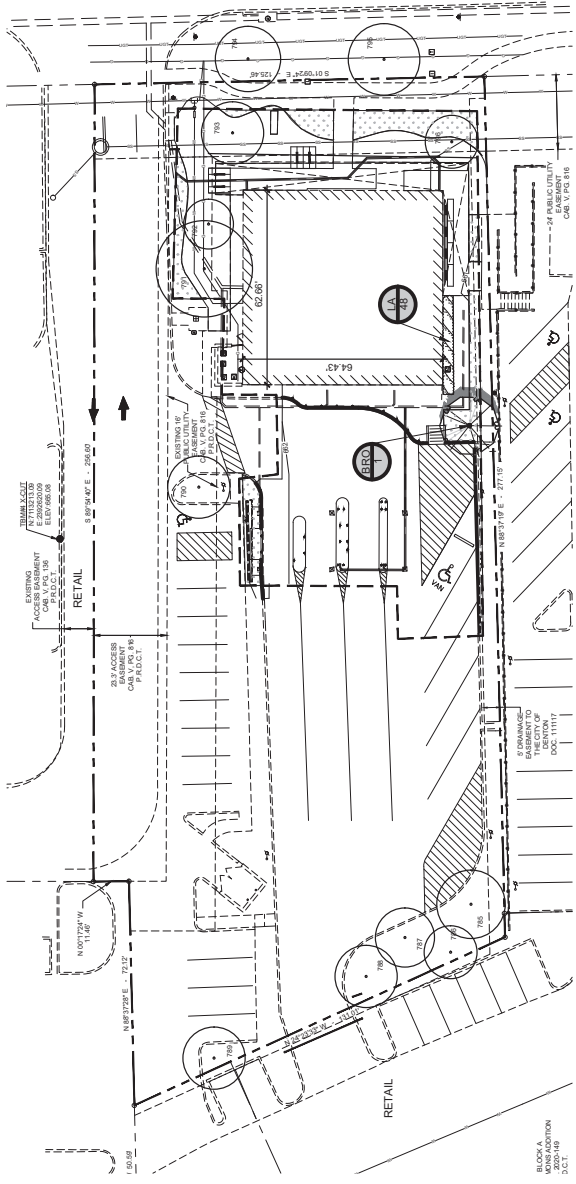
LOT AREA: 38,630 SF
 LANDSCAPE AREA REQUIRED (10%): 3,863 SF (10%)
 LANDSCAPE AREA PROVIDED: 2,368 SF (20%)

TREES
 REQUIRED TREE CANOPY: 15,832 SF (40%)-based on lot area
 PROVIDED TREE CANOPY: 16,328 SF (42%) - 496 SF (+2%)
 12 Existing trees @ 1,368 = 15,072 sf

STREET FRONTAGE
 STREET TREES REQUIRED: 3 TREES (1 TREE PER 45 LF)
 PROVIDED TREE CANOPY: 75 SF (REQUIRED 7%)
 2 TREES EXISTING
 (2 street trees are existing but street trees are outside of the DA scope of review for this project)

PARKING LOT LANDSCAPE
 LANDSCAPE AREA: 1,072 SF
 75 SF REQUIRED (7%)
 161 SF PROVIDED (15%)
 1,266 SF PROVIDED (MINIMUM TEN (10)-FOOT WIDE LANDSCAPE AREA PLANTED WITH ONE (1) LARGE TREE FOR EVERY 40 LINEAR FEET

TEASLEY LANE



PLANT SCHEDULE

CODE	COMMON BOTANICAL NAME	SIZE	CONTAINER	QTY	2024/01/21 10:27
BR0	Burr Oak / Quercus macrocarpa min. 14 ft., parking lot tree	CONT.	4" Cal	1	
LA	Aster Grass / Liriodendron 'Aster'	SIZE	SPACING	QTY	
		1 gal	18" o.c.	48	
CD	Bermuda Grass / Cynodon dactylon 'If 419'	SIZE		QTY	
		soil			as required to provide full coverage per plan
EX	Existing Landscapes to remain				

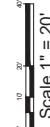


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LAND USE: BANK/FINANCIAL INSTITUTION
CITY OF DENTON
DENTON COUNTY, TEXAS

TPP24-0005; S24-0002
TREE SURVEY:
 Teasley Commons - RCA #R23
 3000 S Hulen St, Denton, TX 76201
 Fort Worth, TX 76109
 817-471-6945
 mc@evgreenhouston.com
 The Dates for this tree table data collection is 12/19/23.

GENERAL GRADING AND PLANTING NOTES

- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS WITH THE ASSOCIATED NOTES, SPECIFICATIONS, AND DETAILS WITH THIS PRODUCT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL EXISTING CURBS UNLESS NOTED TO REMAIN.
- BEFORE PLANTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE PROPOSED GRADING, AND ANY OTHER LANDSCAPE DETAILS, ARE WITHIN A 1" TYPICAL GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTIONS ON GRADING.
- CONTRACTOR SHALL MAINTAIN PROPOSED GRADING AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE TO ADJACENT AREAS OR TO THE STREET. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTIONS ON DRAINAGE.
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BLOCK A
 SECTION
 2024.01.00
 S.C.T.