

ORDINANCE NO. Z20-0001b

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM THE RESIDENTIAL 2 (R2) ZONING DISTRICT AND USE CLASSIFICATION TO THE MIXED-USE NEIGHBORHOOD (MN) ZONING DISTRICT AND USE CLASSIFICATION; ON APPROXIMATELY 3.46 ACRES OF LAND LOCATED ON THE NORTHEAST SIDE OF I-35, APPROXIMATELY 196-FEET NORTHWEST OF THUNDERBIRD DRIVE, 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 ESTABLISHING AN EFFECTIVE DATE. (Z20-0001)

WHEREAS, Allison Engineering, representing South Stemmons Property Group, Ltd., has applied for a zoning change on approximately 3.46 acres of land, from the Residential 2 (R2) zoning classification and use designation to a Mixed-Use Neighborhood (MN) zoning classification and use designation, legally described in Exhibit "A," and depicted on Exhibit "B," attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on March 4, 2020, 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 afforded full and fair hearings to all property owners and citizens interested in this regard, recommended approval of the requested zoning district classification and use designation with conditions by a vote of 5-0; and

WHEREAS, on April 7, 2020, 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 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 a change in the zoning classification and use designation of the property, 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 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 classification and use designation for 3.46 acres of the Property is hereby changed from Residential 2 (R2) zoning classification and use designation to a Mixed-Use Neighborhood (MN) zoning classification and use designation subject to the following conditions:

- a. General Limitations:
  - 1) The uses adjacent to the eastern and southern boundary (residences) shall be restricted to medical offices, medical clinics, professional offices, and residential.
  - 2) The parking on the east side shall be located between the offices and the east boundary to buffer the existing residential to the east.
  - 3) The medical offices, medical clinics, professional offices, and residences along the east and south side shall be limited to one-story.
  - 4) Access to Colonial Drive shall be restricted to emergency access only.
  
- b. Prohibited Uses:

The following uses are prohibited on the Property:

  - 1) Multifamily Dwelling
  - 2) Chapter House
  - 3) Community Home
  - 4) Dormitory
  - 5) Homeless Shelter
  - 6) Bar, Tavern or Lounge
  - 7) Mobile Food Court
  - 8) Hotel
  - 9) Automotive Fuel Sales
  - 10) Food Processing
  - 11) Liquor Stores

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

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 remaining 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. 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 limited purpose.

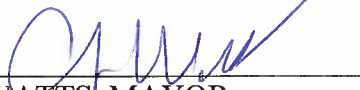
SECTION 7. In compliance with Section 2.09(c) of the Denton Charter, this ordinance

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.

The motion to approve this ordinance was made by KEELY BRIGGS and seconded by PAUL MELTZER, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Chris Watts:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerard Hudspeth, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Keely G. Briggs, District 2:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jesse Davis, District 3:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ryan, District 4:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deb Armintor, At Large Place 5:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul Meltzer, At Large Place 6:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

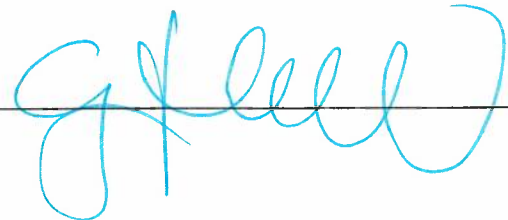
PASSED AND APPROVED this, the 5th day of May, 2020.

  
 \_\_\_\_\_  
 CHRIS WATTS, MAYOR

ATTEST:  
 ROSA RIOS, CITY SECRETARY

BY:  \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
 AARON LEAL, CITY ATTORNEY

BY:  \_\_\_\_\_



## EXHIBIT A

BEING all that certain tract of land situated in the FRANCIS BATSON SURVEY, ABSTRACT NO. 43, in the City and County of Denton, Texas, and being a part of the called 33.578 acre tract described in the Deed from Dorcell Young to John W. Porter, recorded in Volume 591, Page 9 of the Deed Records of Denton County, Texas, and as recognized and occupied on the ground, the subject tract being more particularly described as follows:

BEGINNING for the Southwest corner of the tract being described herein at an iron rod found for the Southwest corner of said Porter Tract in the monumented East right-of-way line of I.H. 35, said iron rod also being the Northwest corner of Lot 7 in Block 6 of GREENWAY CLUB ESTATES, an Addition in said City, according to the Plat recorded in Volume 4, Page 27 of the Plat Records of Denton County, Texas;

THENCE North 15 degrees 45 minutes 55 seconds West, with the East line said highway as monumented, a distance of 279.98 feet to a wood right-of-way marker at the beginning of a curve to the right having a radius of 5583.58 feet;

THENCE, along the arc of said curve along said highway, an arc distance of 191.69 feet (chord bearing of North 14 degrees 51 minutes 14 seconds, a distance of 191.68 feet) to an iron rod set for the Northwest corner of the herein described tract;

THENCE North 74 degrees 03 minutes 43 seconds East. with the South line of a called 30.124 acre tract described in the instrument recorded in Volume 1080, Page 238 said Deed Records, a distance of 316.69 feet to an iron rod found for the Northwest corner of Lot 2 in Block 7 said Greenway Club Estates;

THENCE South 16 degrees 01 minutes 01 seconds East, with the West line thereof a distance of 470.09 feet to an iron rod found for the most Southerly Southeast corner of said Porter tract and the Northeast corner of Lot 10 in said Block 7;

THENCE South 73 degrees 47 minutes 17 seconds West, with the South line said Porter Tract and the North line said Greenway Club Estates, a distance of 321.81 feet to the PLACE OF BEGINNING and enclosing 3.463 acres of land.

Exhibit B

