

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM RESIDENTIAL 3 (R3) DISTRICT TO A PLANNED DEVELOPMENT – RESIDENTIAL 6 (PD-R6) DISTRICT ON APPROXIMATELY 12.1 ACRES OF LAND GENERALLY LOCATED NORTH OF EAST MCKINNEY STREET, SOUTH OF PAISLEY STREET, APPROXIMATELY 1,200 FEET EAST OF THE INTERSECTION OF EAST MCKINNEY STREET AND MACK 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 A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (PD24-0004b, VILLAGES ON MCKINNEY)

WHEREAS, Aspire Real Estate Services LLC and OMA Denton LLC have requested a zoning change from Residential 3 (R3) to Planned Development – Residential 6 (PD-R6) District on approximately 12.1 acres of land, legally described in Exhibit “A” (hereinafter, the “Property”); and

WHEREAS, on October 9, 2024, 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 _____ (#-#) of the amendment; and

WHEREAS, on _____, 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 for a zoning change to a Planned Development (PD) District set forth in Section 2.7.3 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 a change in the 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 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 from Residential 3 (R3) to Planned Development – Residential 6 (PD-R6) District. The Development Standards for the Property are described in Exhibit “B” attached hereto and incorporated herein by reference, and the PD Development Plans depicting the proposed development layout for the Property is provided in Exhibit “C” attached hereto and incorporated

herein by reference. Development of the Property shall be in accordance with the Development Standards in Exhibit “B” and the Development Plans in Exhibit “C”.

SECTION 3. The City’s official zoning map is hereby amended to show the change in 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. 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

12.070 Acres

BEING all of that certain tract of land situated in the M.E.P. & P.R.R. Co. Survey, Abstract No.'s 1473 and 1475, City of Denton, Denton County, Texas, and being all of a called 10.80 acre tract of land described as Tract 1, a called 0.419 acre tract of land described as Tract 3 and a tract of land described as Tract 4 in the deed to Aspire Real Estate Service, LLC, recorded in Instrument No. 20210602000740, Official Public Records of Denton County, Texas, and all of Lot 1X, Open Space, Block E of Summer Oaks Addition, an addition to the City of Denton, Texas, according to the plat thereof recorded in Instrument No. 2014-154, Plat Records of Denton County, Texas, and being more particularly described as follows

BEGINNING at a 1/2-inch iron rod with a cap stamped "BISON CREEK" found in the northerly right-of-way line of Paisley Street for the southwest corner of said Lot 1X and at the beginning of a curve to the left;

THENCE with the southerly right-of-way line and the northerly line of said Lot 1X, the following courses:

1. Northeasterly with said curve to the left having a radius of 530.00 feet, a delta angle of $16^{\circ}17'32''$, an arc length of 150.71 feet, a chord bearing of North $82^{\circ}19'05''$ East and chord distance of 150.20 feet to a 5/8-inch iron rod with cap stamped "PELETON" found at the beginning of a curve to the right;
2. Northeasterly with said curve to the right having a radius of 470.07 feet, a delta angle of $15^{\circ}01'36''$, an arc length of 123.28 feet, a chord bearing of North $81^{\circ}40'56''$ East and chord distance of 122.93 feet to a 5/8-inch iron rod with cap stamped "PELETON" found at the end of said curve;
3. North $89^{\circ}21'59''$ East, a distance of 25.98 feet to a point for the northeast corner of said Lot 1X, common to the northwest corner of Maple Leaf Homes Addition, an addition to the City of Denton, Texas, according to the plat thereof recorded in Instrument No. 2005-68567, said Plat Records, from which a 5/8-inch iron rod with cap stamped "PELETON" found bears South $74^{\circ}24'37''$ West, a distance of 0.54 feet;

THENCE South $01^{\circ}14'36''$ West, with the easterly line of said Lot 1X and the westerly line of said Maple Leaf Homes Addition, passing at a distance of 60.58 feet a 1/2-inch iron rod with a cap stamped "BISON CREEK" found for the southeast corner of said Lot 1X, common to the northeast corner of said Tract 1, continuing on said course with the easterly line of said Tract 1, passing at a distance of 1,529.61 feet a 1/2-inch iron rod found for the southwest corner of said Maple Leaf Homes Addition, common to the northwest corner of a called 3.800 acre tract of land described in the deed to Realton Ventures LLC, recorded in Instrument No. 2022-65315, said Official Public Records, continuing on said course with the westerly line of said 3.800 acre tract, passing at a distance of 1,867.70 feet a 1/2-inch iron rod found for the southeast corner of said Tract 1, common to the northeast corner of said Tract 4, continuing on said course with the easterly line of said Tract 4, a total distance of 2,076.94 feet to point in the northerly right-of-way line of E. McKinney Street (Farm to Market 426) for the southeast corner of said Tract 4;

THENCE North 73°59'00" West, with the northerly right-of-way line of said E. McKinney Street and the southerly line of said Tract 4, a distance of 143.62 feet to a 1/2-inch iron rod found for the southwest corner of said Tract 4, common to the southeast corner of said Tract 3;
THENCE North 73°18'35" West, continuing with the northerly right-of-way line of said E. McKinney Street and with the southerly line of said Tract 3, a distance of 108.67 feet to a point for the southwest corner of said Tract 3,

THENCE North 00°46'01" East, with the westerly line of said Tract 3, passing at a distance of 8.69 feet a 1/2-inch iron rod with a cap stamped "KERN" found for the southeast corner of Lot 1, Block A of Fountains of Denton, an addition to the City of Denton, Texas, according to the plat thereof recorded in Instrument No. 99-R01027333, said Plat Records, continuing on said course with the easterly lines of said Lot 1, Block A, Summerwind, Phase 1, an addition to the City of Denton, Texas, according to the plat thereof recorded in Cabinet F, Page 66, said Plat Records, and said Summer Oaks Addition, for a total distance of 2,014.61 feet to a 1/2-inch iron rod found for the northwest corner of said Tract 1, common to the a re-entrant corner of said Summer Oaks Addition and the southwest corner of said Lot 1X;

THENCE North 02°45'24" West, with the westerly line of said Lot 1X, a distance of 14.44 feet to the POINT OF BEGINNING and enclosing 12.070 acres (525,781 square feet) of land, more or less.

Exhibit B

Exhibit C