

ORDINANCE NO. PD24-0005c

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 52.589 ACRES OF LAND FROM THE RESIDENTIAL 6 (R6) DISTRICT TO AN OVERLAY PLANNED DEVELOPMENT – LIGHT INDUSTRIAL (PD-LI) DISTRICT. THE SITE IS GENERALLY LOCATED NORTH OF BLAGG ROAD, APPROXIMATELY 800 FEET EAST OF GEESLING 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 FOR SEVERABILITY AND AN EFFECTIVE DATE. (PD24-0005c, Walker Geesling)

WHEREAS, Aimee Bissett with 97 Land Company, applied on behalf of the property owner, John Walker Et. Al., for a zoning change from the Residential 6 (R6) District to an Overlay Planned Development – Light Industrial (PD-LI) District on approximately 52.589 acres, legally described and depicted in Exhibit “A” (hereinafter, the “Property”); and

WHEREAS, on June 26, 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, and have recommended approval (4-1) of the amendment; and

WHEREAS, on July 16, 2024, 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 an Overlay 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 in 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 the Residential 6 (R6) District to an Overlay Planned Development – Light Industrial (PD-LI) District. The Development Standards for the Property are described in Exhibit “B” attached hereto and incorporated herein by reference. Development of the Property shall be in accordance with the Development Standards in Exhibit “B” and the Denton Development Code, as amended.

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, entity 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 [ \_\_\_ - \_\_\_ ]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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 – Zoning Legal Description

BEING a tract of land situated in the Moreau Forrest Survey, Abstract No. 417, City of Denton, Denton County, Texas and being a portion of a called 97.277-acre tract of land described in a deed to Federal Deposit Insurance Corporation (50% interest) and John Powell Walker (50% interest), recorded in Document No. 93-0034125, Official Records, Denton County, Texas, and being the same land described in a deed to John Powell Walker (25% interest), recorded in Document No. 2017-38283, said Official Records, and being the same land described in a deed to Martin Acquisitions, LLC (25% interest), recorded in Document No. 2017-38284, said Official Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped “DUNNAWAY” found for the southerly, southwest corner of said 97.277-acre tract and the southeast corner of a called 0.838-acre tract of land described in a deed to Oncor Electric Delivery Company, LLC, recorded in Document No. 2019-42665, Official Records, Denton County, Texas, same being on the northerly right-of-way line of Blagg Road (variable width right-of-way);

THENCE North 01°59'12" East, departing the northerly right-of-way line of said Blagg Road and along the easterly line of said 0.838-acre tract, a distance of 364.89 feet to a 5/8-inch iron rod with plastic cap stamped “DUNNAWAY” found for corner;

THENCE North 88°00'48" West, along the northerly line of said 0.838-acre tract, a distance of 100.00 feet to a 5/8-inch iron rod with plastic cap stamped “DUNNAWAY” found for the northwest corner of said 0.838-acre tract, common to the northeast corner of a called 2.430-acre tract of land described in a deed to Texas Power & Light Company, recorded in Volume 1027, Page 163, said Official Records, same being an angle point in the a westerly line of said 97.277-acre tract;

THENCE North 88°00'48" West, along the common line of said 97.277-acre tract and said 2.430-acre tract, a distance of 36.41 feet to a 5/8-inch iron rod with plastic cap stamped “KHA” set for the easternmost southeast corner of a called 3.02-acre tract of land described in a deed to Texas Municipal Power Agency, recorded in Volume 1149, Page 494, said Deed Records;

THENCE North 48°09'44" East, departing the northerly line of said 2.430-acre tract and along the common line of said 97.277-acre tract and said 3.02-acre tract, a distance of 45.59 feet to a 5/8-inch iron rod with plastic cap stamped “TNP” found for the easternmost northeast corner of said 3.02-acre tract, common to the southeast corner of ARCO Substation Addition, an Addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2015-103, said Plat Records;

THENCE North 1°56'46" East, along the common line of said 97.277-acre tract and said ARCO Substation Addition, a distance of 652.34 feet to a 5/8-inch iron rod with plastic cap stamped “TNP” found for the northeast corner of said ARCO Substation Addition;

THENCE South 87°53'02" East, departing the common line of said 97.277-acre tract and said ARCO Substation Addition, crossing said 97.277-acre tract, a distance of 294.19 feet to a point for corner;

THENCE North 02°06'58" East, continuing across said 97.277-acre tract, a distance of 65.00 feet to a point for corner;

THENCE South 87°53'02" East, continuing across said 97.277-acre tract, a distance of 51.02 feet to a point for corner;

THENCE North 35°42'38" East, continuing across said 97.277-acre tract, a distance of 496.48 feet to a point for corner;

THENCE North 41°51'49" East, continuing across said 97.277-acre tract, a distance of 649.24 feet to a point for corner on the northerly line of said 97.277-acre tract and the southerly line of a called 28-acre tract of land described in a deed to T.B. Bullard, recorded in Volume 432, Page 149, Deed Records, Denton County, Texas;

THENCE South 87°58'52" East, along said common line and along the southerly line of a said 28-acre tract and the southerly line of a called 78.0050-acre tract of land described in a deed to Ralph T. Bullard, recorded in Volume 1521, Page 948, said Deed Records, a distance of 1,120.87 feet to a 1/2-inch iron rod found for the southeast corner of said 78.0050-acre tract, common to the easternmost northeast corner of said 97.277-acre tract, same being the southwest corner of a tract of land described in a deed to Ralph Bullard, recorded in Document No. 93-001536, said Official Records, same also being the northwest corner of Lakeview Ranch Phase 1, an Addition to the City of Denton, Texas, according to the plat thereof recorded in Cabinet P, Page 363, Plat Records, Denton County, Texas, from which a 1/2-inch iron rod with plastic cap (ILLEGIBLE) found for witness bears South 21°03'00" East, 0.56 feet;

THENCE South 02°08'44" West, along the common line of said 97.277-acre tract and said Lakeview Ranch Phase 1, a distance of 379.85 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE South 1°35'08" West, continuing along said common line, a distance of 664.20 feet to a 1/2-inch iron rod found for the easternmost southeast corner of said 97.277-acre tract, common to the northeast corner of B.F.E. Systems Addition, Lots 5R-1 and 5R-2, an Addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2015-412, said Plat Records;

THENCE North 88°05'39" West, departing the westerly line of said Lakeview Ranch Phase 1 and along a southerly line of said 97.277-acre tract and along the northerly line of said B.F.E. Systems Addition (Lots 5R-1 & 5R-2) and along the northerly line of B.F.E. Systems Addition, Lots 1-A, 2-A & 5-A, an Addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2014-125, said Plat Records, a distance of 712.73 feet to a point for corner;

THENCE North 87°26'39" West, continuing along a southerly line of said 97.277-acre tract and the northerly line of said B.F.E. Systems Addition (Lots 1-A, 2-A & 5-A) and along the northerly line of Sierra Oaks Addition, an Addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2016-186, said Plat Records, and along the northerly line of Jurado Addition, an Addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2015-297, said Plat Records, a distance of 729.22 feet to a 1/2-inch iron rod found for the northwest corner of said Jurado Addition;

THENCE South 1°46'04" West, along the common line of said 97.277-acre tract and said Jurado Addition and along the northerly right-of-way line of Blagg Road (variable width right-of-way), a distance of 985.12 feet to a 1/2-inch iron rod found for the southernmost southeast corner of said 97.277-acre tract, common to the southeast corner of said Jurado Addition;

THENCE North 88°04'31" West, along the common line of said 97.277-acre tract and said Blagg Road, a distance of 619.58 feet to the POINT OF BEGINNING and containing 52.589 acres (2,290,756 square feet) of land, more or less.

## **Exhibit B – Planned Development Standards**

PD24-0005

Walker Geesling – Planned Development (PD) District

General Planned Development Standards  
For 52.6 Acres  
City of Denton, Denton County, Texas

### **SECTION 1: Purpose.**

The regulations set forth in these development standards are for the Overlay Planned Development (PD) District as defined in Denton Development Code (DDC) Section 2.7.3C.1. The PD encompasses a total of 52.6-acres described in Exhibit A (“Property”), Zoning Legal Description.

### **SECTION 2: Use Regulations.**

The permitted uses shall be in accordance with the Light Industrial (LI) District, per the City of Denton Development Code (DDC) Table 5.2.-A, as amended with the following exceptions:

The following uses are prohibited:

- Automotive Fuel Sales
- Automotive Repair, Major
- Automotive Repair, Minor
- Travel Plaza
- Hotel
- Motel
- Parking Lot as a Principal Use

### **SECTION 3: Development Standards.**

Development within this PD shall comply with the Development Standards applicable to the LI Zoning District as provided for in the Denton Development Code, as amended. Additionally, all development within this PD shall comply with the following:

#### **Landscaping & Screening**

A minimum 50-foot-wide landscape buffer shall be required adjacent to Blagg Road, the existing residentially zoned properties, and properties in the City’s extraterritorial jurisdiction located to the east and south as illustrated in Figure 1. This buffer shall contain 50 points worth of buffer planting or screening elements selected from Table 7.G in the DDC. An 8’ tall masonry screening wall, if provided, may receive credit for buffer points even if it is located further than 50’ from Blagg Road, the existing residentially zoned properties, and properties in the City’s extraterritorial jurisdiction (as shown in Figure 1), if the wall is located to provide screening between development on the subject property and those residential properties shown in Figure 1. Any screening wall constructed shall be outside of any Environmentally Sensitive Areas, and the wall shall be located far enough from all healthy trees located within the 50-foot buffer such that the wall footing and



construction do not impact the critical root zone of all healthy trees within the buffer being preserved.

### Site & Building Design

All buildings shall be setback a minimum of 250 feet from Blagg Road, the existing residentially zoned properties, and properties in the City's extraterritorial jurisdiction located to the east and south as illustrated in the Figure 1.

No structures shall exceed 55 feet in height.

Figure 1



### Access & Circulation

Driveways connecting to Blagg Road may be permitted; however, said driveways shall be limited to personal vehicle access only; no commercial vehicles such as box trucks, semi-tractor/trailers or similar size vehicles shall be allowed access. Signage indicating this restriction must be installed internally on the property at least 50 feet in advance of the driveway approach to notify commercial vehicle operators to not exit the site onto Blagg Road.



**ESAs Procedures**

The ESA compliance review for proposed developments within this PD District shall be performed as part of a zoning compliance plan application pursuant to DDC, Subsection 2.5.1: Zoning Compliance Plan Review.