

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REPEALING ZONING ORDINANCE (Z20-0001b) FOR 3.185 ACRES OF LAND ZONED MIXED-USE NEIGHBORHOOD WITH OVERLAY CONDITIONS; AND ADOPTING A NEW ZONING DESIGNATION OF PLANNED DEVELOPMENT-MIXED-USE NEIGHBORHOOD (PD-MN) DISTRICT FOR 3.185 ACRES GENERALLY LOCATED EAST OF I-35N, APPROXIMATELY 1,078 FEET SOUTH OF WINDSOR 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. (PDA24-0002a; ELITE HOSPITALITY PICKLEBALL AND RESTURANT)

WHEREAS, Aimee Bisset, of 97 Land Company, on behalf of the developer Elite Hospitality Services, LLC, applied for a zoning change to the existing Overlay Planned Development (PD-MN) on approximately 3.18 acres of land legally described in Exhibit “A,” and depicted in Exhibit “B” attached hereto and incorporated herein by reference (hereinafter, the “Property”) to; and

WHEREAS, on April 7, 2020, the City Council adopted Ordinance Z20-0001b, approving a rezoning request from Residential 2 (R2) to Mixed Use Neighborhood (MN) with overlay conditions, as more particularly described therein and subsequently designated as PD-MN on the zoning atlas; and

WHEREAS, on November 13, 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 held a public hearing for all property owners interested in this regard, and have recommended approval (3-1) of the request; and

WHEREAS, on December 3, 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 rezoning to an Overlay Planned Development zoning district as set forth in Section 2.7.3.D of the 2019 Denton Development Code; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Denton, have determined that the requested zoning to Planned Development-Mixed-Use Neighborhood (PD-MN) 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 Overlay Planned Development 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 Planned Development-Mixed-Use Neighborhood (PD-MN) district is hereby approved, subject to the following:

a) Land uses.

1. Permitted land uses shall be in accordance with the Mixed-Use Neighborhood (MN) zoning district as provided for in the 2019 Denton Development Code (DDC) and as amended, except as prohibited in 2. below.

2. Prohibited land uses shall include:

- a. Multi-Family
- b. Chapter House / Dorm
- c. Bar, Tavern, or Lounge
- d. Mobile Food Court
- e. Fuel Sales (Gas Stations)
- f. Food Processing
- g. Hotel
- h. Homeless Shelter
- i. Community Home
- j. Liquor Stores

b) The following overlay conditions shall apply to the overall site design regardless of the land use developed on the subject property.

1. Access to Colonial Drive shall be restricted to emergency access only.

2. Maximum building height shall not exceed one story and shall be limited to 36-feet at the roof's highest projecting element on the structure. The exceptions to building height in DDC Subsection 3.7.5 shall not be applied to gain additional height.

3. A minimum 20-foot width landscape buffer shall be provided along the east property line, which shall include a minimum of 30 points from DDC Table 7.G Buffer Points. One of the following three buffer elements shall be incorporated within the buffer along any portion of the property line that is not opaquely screened by an existing fence of at least 8 feet in height:

- a. A solid, opaque screening fence, minimum 8 feet in height, single-faced; or
- b. A vinyl, composite, double-faced solid wood, or similar non-masonry screening fence, minimum 8 feet in height; or
- c. A solid masonry wall, minimum 8 feet in height.

4. The building setback from the south property line shall be a minimum of 35 feet.

5. A minimum 15-foot width landscape buffer shall be provided along the south property line and the north property line adjacent to single-family residential land uses, which shall include an 8-foot tall solid masonry wall as one of the elements used to achieve the required 30 points of buffer elements.
6. Refuse enclosure shall be located on the west side of the property to maximize distance from the eastern property line. The refuse container shall not be located directly in front of any building and shall be opaquely screened from the right-of-way in accordance with DDC Subsection 7.7.8E.
7. The following building design standards shall apply only to an indoor recreation use. Any other permitted land use that may develop on the property shall follow the building design standards in DDC Section 7.10. Building design for an indoor recreation use shall be exempt from DDC Section 7.10.5.G.2a and b, and these subsections shall be replaced in their entirety with the following enhanced architectural requirements:
 - a. A butterfly roof element shall be provided to break up the façade and provide architectural relief. Butterfly roof shall be defined as a roof that is characterized by its distinctive V-shaped profile, featuring two opposing slopes that meet at a central point as depicted in Exhibit “D”.
 - b. Buildings shall have no more than 30 continuous linear feet without a horizontal or vertical break along the western building façade, facing I-35 N. Such breaks may include extended roof overhangs, windows, doors, material changes, roofline variations, ornamental features, and elevation changes.

SECTION 3. If the site is to develop as an indoor recreation use, the site plan (or zoning compliance plan) shall substantially conform to the site layout design depicted on the conceptual site plan attached as Exhibit “C” in terms of building location, parking lot layout, and access in addition to complying with the conditions in Section 2 above.

SECTION 4. The provisions of this ordinance, as they apply to the subject site are herein approved and shall govern, and this ordinance shall repeal and replace Ordinance No. Z20-0001b.

SECTION 5. 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 6. 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 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 _____ and seconded by _____, the ordinance was passed and approved by the following vote [___ - ___]:

Gerard Hudspeth, Mayor:	_____	_____	_____	_____
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

BEING all that certain lot, tract, or parcel of land situated in the F. Batson Survey Abstract Number 43 in the City of Denton, Denton County, Texas, being all that certain tract of land conveyed by deed from South Stemmons Property Group, Ltd. to Windsor Farms Partners, L.P. recorded under Document 2020-167190, Real Property Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for corner in the south line of Lot 11, Block G of Windsor Farms Phase I, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet V, Page 761, Plat Records, Denton County, Texas, said point being the northwest corner of Lot 2, Block 7 of Greenway Club Estates, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Volume 4, Page 27, Plat Records, Denton County, Texas;

THENCE S 16° 38' 05" E, 469.74 feet with the west line of said Block 7 of said Greenway Club Estates to an iron rod found for corner, said point being the northeast corner of Lot 10, Block 7 of said Greenway Club Estates;

THENCE S 73° 10' 12" W, 315.85 feet with the north line of said Lot 10 and with the north line of Lot 7, Block 6 of said Greenway Club Estates to a capped iron rod marked TXDOT found for corner, said point being the southeast corner of that certain tract of land conveyed to the State of Texas (Interstate Highway Number 35) recorded under Document Number 2021-22853, Real Property Records, Denton County, Texas;

THENCE along the arc of a curve to the right having a central angle of 02° 05' 26", a radius of 1975.00 feet, an arc length of 72.06 feet, whose chord bears N 12° 17' 21" W, 72.06 feet with the east line of said State of Texas (Interstate Highway Number 35) tract to a capped iron rod marked TXDOT found for corner;

THENCE N 11° 14' 42" W, 401.29 feet with said east line of said State of Texas (Interstate Highway Number 35) tract to a capped iron rod marked TXDOT found for corner at the southeast corner of that certain tract of land conveyed to the State of Texas recorded under Document Number 2020-76315, Real Property Records, Denton County, Texas;

THENCE N 73° 28' 50" E, 272.70 feet with south line of the remnant of that certain tract of land conveyed by deed from Farina Trust '92 et al to Windsor Farms Partners, L.P. recorded in Volume 5418, Page 2116, Real Property Records, Denton County, Texas and with the south line of said Block G of said Windsor Farms Phase I to the PLACE OF BEGINNING and containing 3.185 acres of land.

**Exhibit B
Site Location**

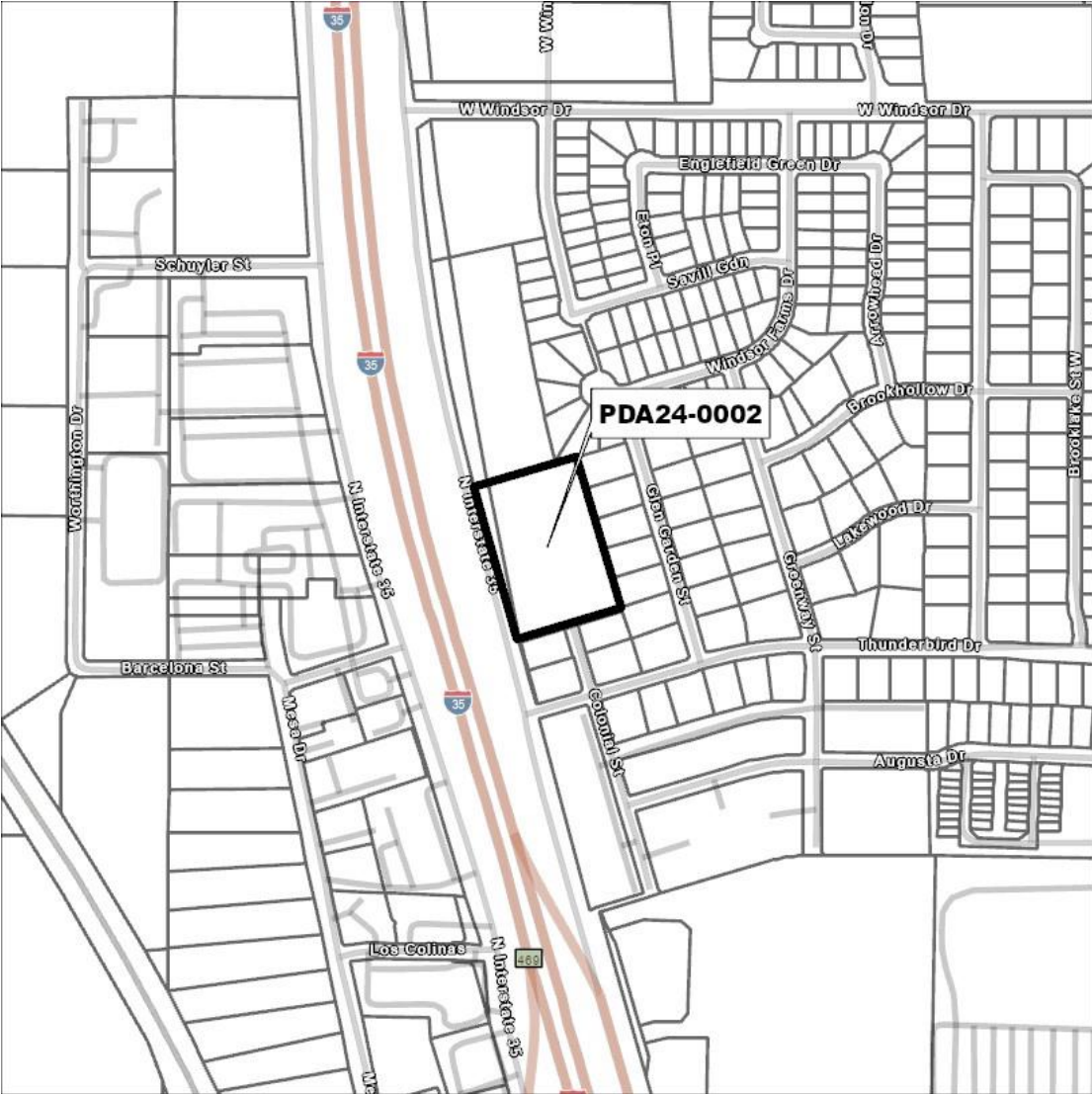


Exhibit C Conceptual Plan

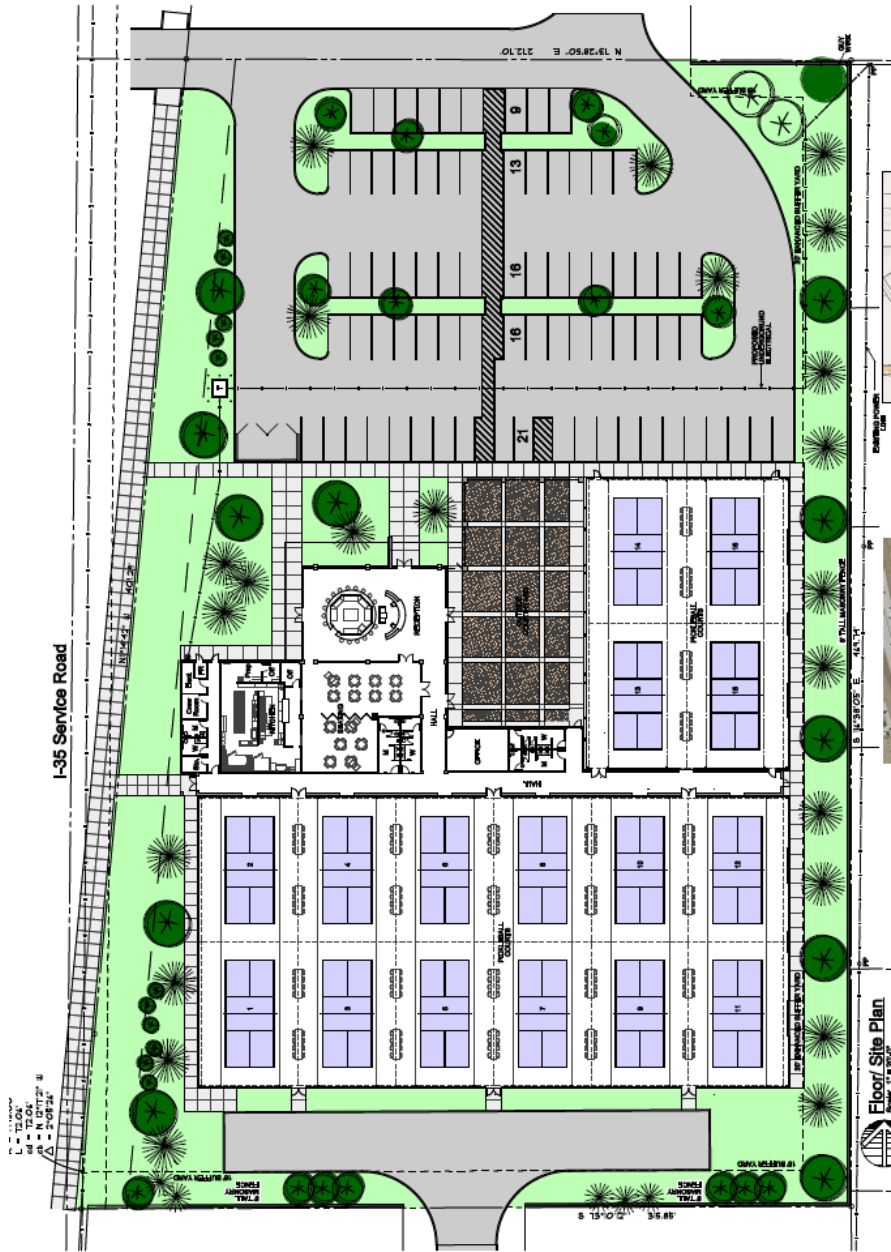


Exhibit D
Butterfly Roof Example

