

99-317

Other

[illegible]

Note Amended by Ordinance No 99-318

Note Amended by Ordinance No. 2002-147

ORDINANCE NO 99-317

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING ORDINANCE NO 91-034 TO PROVIDE FOR THE APPROVAL OF AN AMENDED CONCEPT PLAN FOR PLANNED DEVELOPMENT 139 (PD-139) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR 401 23 ACRES OF LAND LOCATED BETWEEN BONNIE BRAE ROAD AND INTERSTATE 35W AT FM 2449 (PONDER ROAD), PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000 00 FOR VIOLATIONS THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE (Z-99-010)

WHEREAS, on March 5, 1991, by Ordinance 91-034 the City Council approved a change in zoning for 450 6 acres of landed to Planned Development 139 (PD-139) Zoning District, as more particularly described therein, and

WHEREAS, Denton/CJW Partners, LTD, has applied for an amendment to the concept plan for Planned Development 139 (PD-139) containing 401 23 acres of land, and

WHEREAS, on August 11, 1999, the Planning and Zoning Commission recommended approval of the amendment to the concept plan, and

WHEREAS, the City Council finds that the new concept plan will be in compliance with the 1988 Denton Development Plan, the 1998 Denton Plan Policies, and the 1999 Growth Management Strategies and Plan, NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS

SECTION 1 That Ordinance 91-034, providing approval for the rezoning of 450 6 acres to Planned Development 139 (PD-139) zoning district and the original concept plan for said district, is amended by the approval of a new Concept plan attached hereto as Exhibit "B" and incorporated herein by reference, and more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, subject to the following conditions

A Non-residential lighting on the property shall be designed and maintained so as not to shine on or otherwise disturb, surrounding residential property or to shine and project upward to prevent the diffusion into the night sky

B Access to Bonnie Brae including construction access will not be permitted until such time that Bonnie Brae on either side of Ponder Road is either closed, or substantially improved to include City of Denton standard pavement section and 100 year bridge improvements

C No development other than the single family detached and one convenience store may occur until the Interchange at I-35 and Ponder Road is reconstructed as a standard diamond configuration, or Ponder Road is extended to Hwy 377 and Ponder Road through the development is constructed with 2 lanes in each direction

D Access locations to Ponder Road will be determined at detail plan submittal. References to landscaped points of entry on the concept plan are merely to indicate that there will be access points and that they will be landscaped.

E The Concept Plan is subject to expiration per the table below.

Concept Plan Expiration Requirements

Phases A/E, C, D, G, H, I & M shall be considered subject to expiration requirements. Phases B, F, J, K & L shall not be considered subject to expiration requirements. At least one phase (subject to expiration), selected by the developer, must have an approved Detailed Plan by the end of the year 2000, with recorded final plat by the end of the year 2002. At least one subsequent phase must have an approved Detailed Plan by the end of the year 2004, with a recorded final plat by the end of the year 2006, etc. Failure to comply with minimum time limits set forth in this section shall result in the expiration of the Concept Plan and the developer must obtain new approval of a Concept Plan that in the discretion of the City Council may be changed from the zoning uses provided in the original Concept Plan.

Phase	Approved Detailed Plan	Recorded Final Plat By Year
1	2000	2002
2	2004	2006
3	2008	2010
4	2012	2014
5	2016	2018
6	2020	2022
7	2024	2026

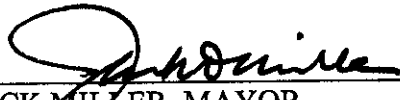
SECTION 2 That the provisions of this ordinance, including Exhibit B shall govern and control over any conflicting provisions of Ordinance 91-034, but all provisions of Ordinance 91-034 as they apply to the remaining portion of the PD-139 zoning district land use regulations not herein amended, shall continue in full force and effect.

SECTION 3 That a copy of this ordinance shall be attached to Ordinance 91-034 showing the amendment herein approved.

SECTION 4 That any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

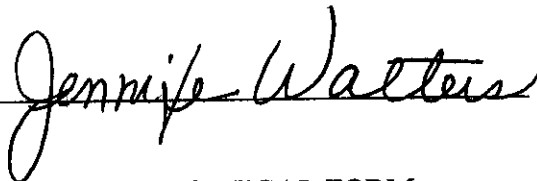
SECTION 5 That this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage

PASSED AND APPROVED this the 7th day of September, 1999



JACK MILLER, MAYOR

ATTEST
JENNIFER WALTERS, CITY SECRETARY

BY 

APPROVED AS TO LEGAL FORM
HERBERT L. PROUTY, CITY ATTORNEY

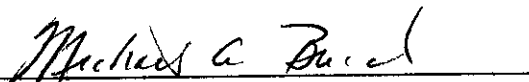
BY 

EXHIBIT "A"

BEING a tract of land which is all of the James Edmonson Survey, Abstract No 401 and the James L. Harris Survey, Abstract No. 555 and a part of the S A. Pritchett Survey, Abstract No 1021 Denton County, Texas, and embracing Parcel No 1 described in deed to Southwest Denton Joint Venture recorded in Clerks Document No. 094865 of the Denton County, Deed Records and being more particularly described as follows

BEGINNING at the Southeast corner of the said James Edmonson Survey in the middle of a County Road for the Southeast corner, from which an 8" pipe post bears N88°50'30"W 30 50 feet,

THENCE N88°50'30"W, to and along a fence for the South line of said tract, 2,658 80 feet to a 1" iron on the West side of a corner post of a fence, for the Southwest corner of said Edmonson Survey and the Southeast corner of said S A Pritchett Survey and the Southerly Southwest corner of said tract of land,

THENCE N00°33'E, along the common line of said Edmonson and Pritchett Surveys for the Southerly West line of said tract of land, 2,217 50 feet to a 1" iron on the East side of an old 10" Oak corner post of a fence for a reentrant corner of said tract of land,

THENCE N 89°07' W, along a South line of said tract of land, 1,997 50 feet to a 5/8" iron for the Westerly Southwest corner of said tract of land and the Southerly southeast corner of the 42.526 acres tract described in the deed to the State of Texas for highway right-of-way recorded in Volume 529, Page 538 of the Deed Records of Denton County, Texas,

THENCE Northerly along the Westerly line of said tract of land and the Easterly line of the said State of Texas tract the following calls and distances,

N 27°24' E, 67 40 feet,

N 30°31' E, 599 90 feet to a damaged highway monument,

N 77°38' E 312 50 feet to a highway monument,

N 27°43' E, 644 50 feet to a highway monument,

N 17°37' W, 183 10 feet to a damaged highway monument,

N 62°28' W, 139 20 feet to a highway monument,

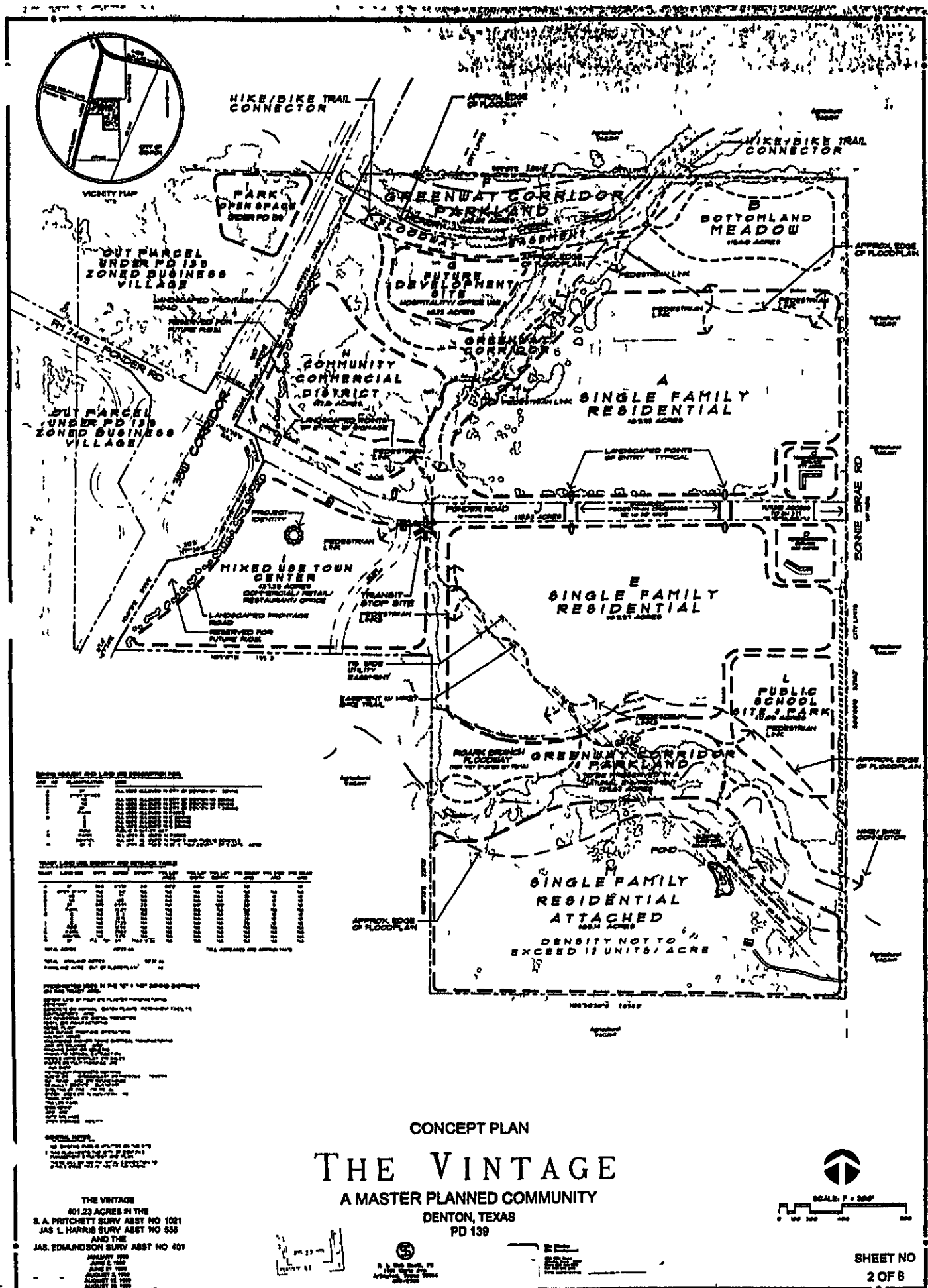
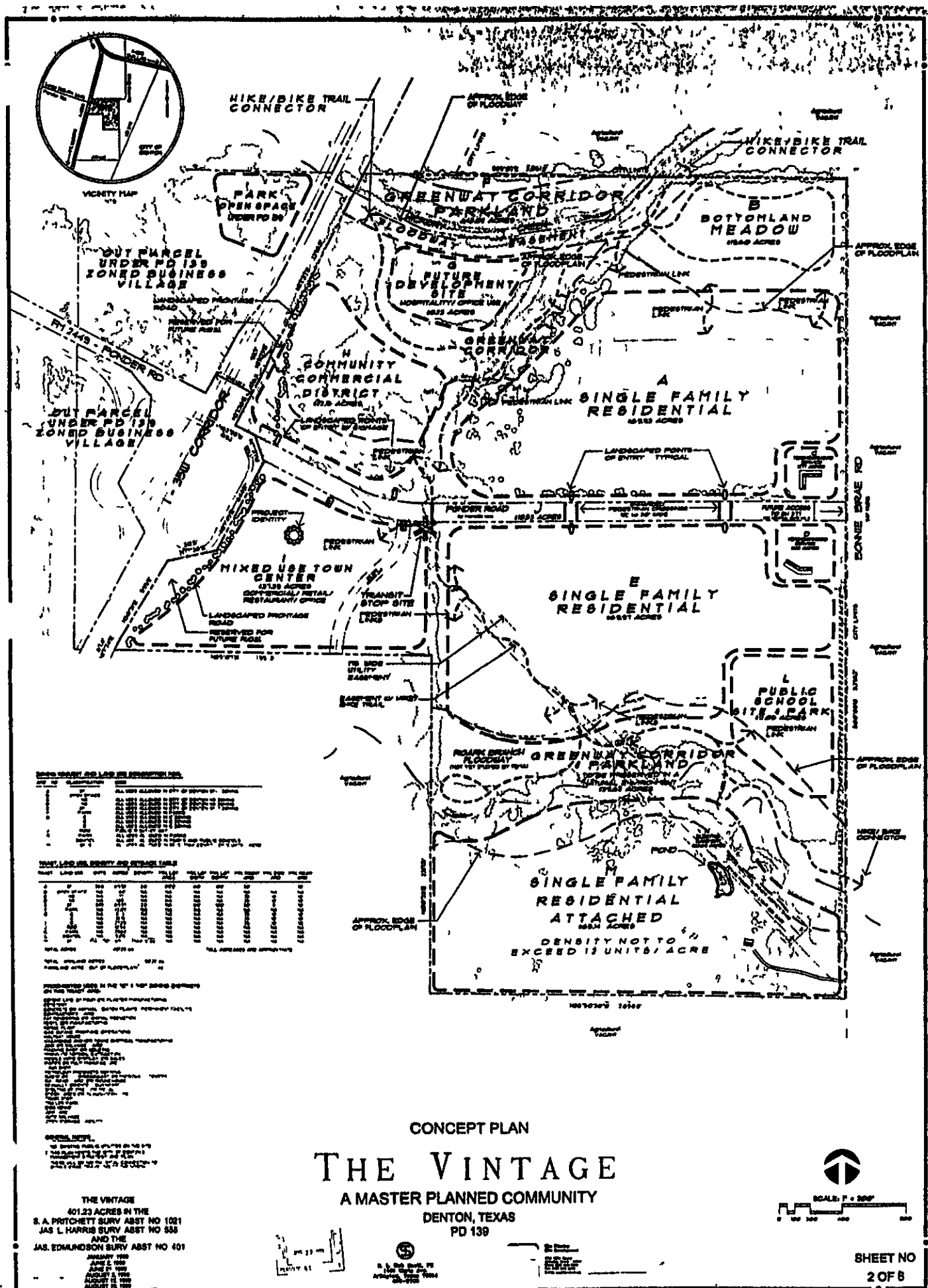
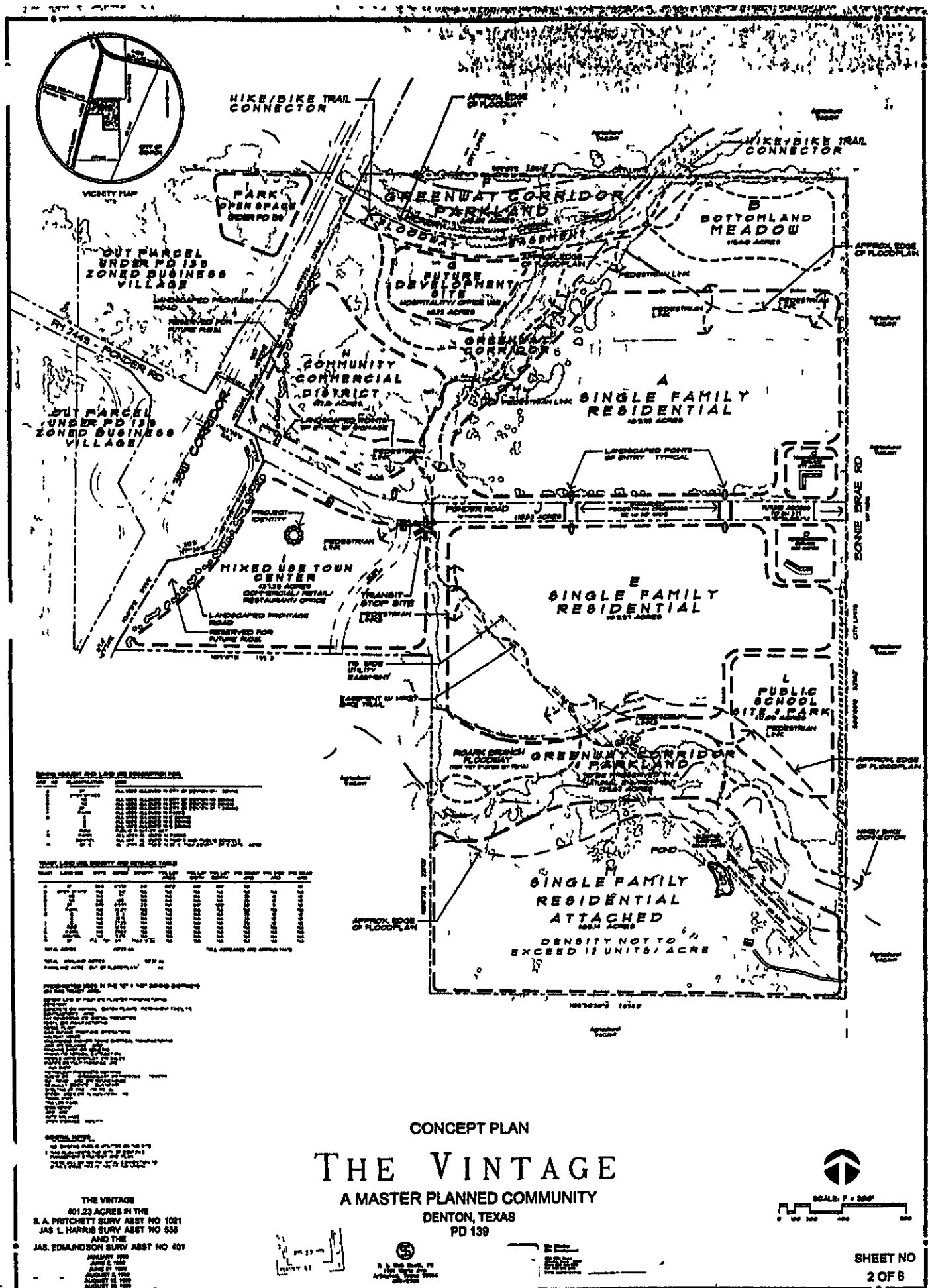
N 27°28' E, 426 00 feet to a highway monument,

N 22°23' E, 99 70 feet to a damaged highway monument,

N 27°37' E, 1,270 50 feet to a 1" iron in the North line of the said Pritchett Survey and for the Northwest corner of this tract of land,

THENCE S 89°02' E, along the said North line of the Pritchett Survey, to and along the North line of said Harris Survey, For the North line of said tract of land, 3,061 80 feet to a 1" iron for the Northeast corner of said Harris Survey and this tract of land,

THENCE S 00°08' W, to and along the said middle of County Road, being also along the East line of said Harris Survey, to and along the East line of said Edmonson Survey for the East line of this tract of land a distance of 5,299 20 feet to the POINT OF BEGINNING and containing 401.23 acres of land, more or less



ORDINANCE NO 2002-147

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING ORDINANCES 91-034 AND 99-317, TO CHANGE THE PERMITTED LAND USES FOR THE PLANNED DEVELOPMENT 139 (PD-139) ZONING DISTRICT AND LAND USE CLASSIFICATION TO ALLOW AMENITY CENTERS AND THE DRILLING, COMPLETING, OPERATING, REWORKING, RECOMPLETING AND PRODUCING OF NATURAL GAS, SAID PD139 CONTAINS APPROXIMATELY 401 ACRES AND IS COMMONLY KNOWN AS THE VINTAGE, PROVIDING FOR A SAVING CLAUSE, PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000 00 FOR VIOLATIONS THEREOF, PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE (Z01-0048)

WHEREAS, on March 5, 1991, by Ordinance 91-034 the City Council approved a change in zoning for 450 6 acres of land to Planned Development 139 (PD-139) zoning district, as more particularly described therein, and

WHEREAS, on September 7, 1999, by Ordinance 99-317 the City Council approved an amendment to the Concept Plan of Planned Development 139 (PD-139) zoning district, as more particularly described therein, and

WHEREAS, Denton CJW Partner, Ltd, has applied for an amendment to the concept plan for Planned Development 139 (PD-139) containing 401 23 acres of land as more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property"), and

WHEREAS, on March, 27, 2002, the Planning and Zoning Commission concluded a public hearing as required by law, and recommended approval with conditions of the requested amendment to the concept plan, and

WHEREAS, the City Council finds that the amendment to the concept plan is consistent with the Comprehensive Plan, NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS

SECTION 1 Ordinances No 91-034 and No 99-317, providing approval for the rezoning of 450 6 acres to Planned development 139 (PD-139) and the original concept plan, and the amended concept plan for the Property, are amended to allow gas well development and amenity center has permitted uses, subject to the following conditions

- 1 Gas well development shall comply with Subchapter 35 22 of the Development Code
- 2 The location of any structure or apparatus related to gas well operations, within dedicated parkland, shall be compatible with future plans for the parkland area

- 3 Location of gas wells shall be disclosed to any prospective homebuyers
- 4 Amenity centers shall not be located in a floodplain area

SECTION 2 The provisions of this ordinance as they apply to the amendments herein approved, shall govern and control over any conflicting provisions of Ordinances No 91-034 and No 99-317, but all the provisions of Ordinances No 91-034 and No 99-317 as they apply to the regulations of the district not herein amended, shall continue in force and effect and shall apply to the remainder of said district

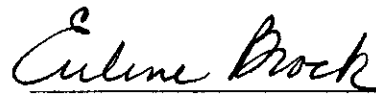
SECTION 3 A copy of this ordinance shall be attached to Ordinances No 91-034 and No 99-317 showing the amendment herein approved

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 other provisions or applications, and to this end the provisions of this ordinance are severable

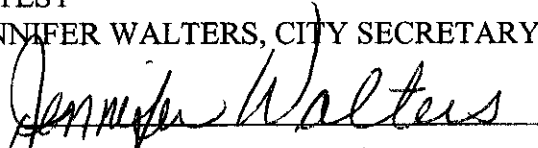
SECTION 5 Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000 00 Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense

SECTION 6 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

PASSED AND APPROVED this the 14th day of May, 2002


EULINE BROCK, MAYOR

ATTEST
JENNIFER WALTERS, CITY SECRETARY

BY 

APPROVED AS TO LEGAL FORM
HERBERT L. PROUTY, CITY ATTORNEY

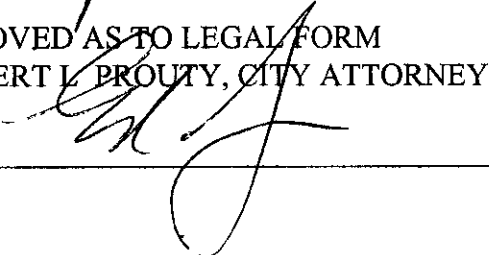
BY 

Exhibit "A"

All of the James Edmonson Survey, Abstract No 401 and the James L Harris Survey, Abstract No 555 and a part of the S A Pritchett Survey, Abstract No 1021, situated about 4 miles south 35 degrees west from the courthouse in Denton County, Texas, and embracing all of Parcel No 1 described in the deed to Denton CJW Partners, LTD , recorded in Clerks Document No 98-R0036601 of the Denton County, Deed Records

Beginning at the southeast corner of said James Edmonson Survey in the middle of a County Road for the southeast corner of said Parcel No 1, from which an 8" pipe post bears north 88 degrees-50 minutes 30-seconds west 30-5/10 feet

Thence north 88 degrees-50 minutes-30 seconds west, to and along a fence for the south line of said Parcel No 1, a distance of 2658-69/100 feet to a 1" iron on the west side of a corner post of a fence, for the southwest corner of said Edmonson Survey and the southeast corner of said S A Pritchett Survey and southerly southwest corner of said Parcel No 1

Thence north no degrees-33 minutes-20 seconds east, along the common line of said Edmonson and Pritchett Surveys for the southerly west line of said Parcel No 1, a distance of 2217-66/100 feet to a 1" iron on the east side of an old 10" Oak corner post of a fence for a reentrant corner of said Parcel No 1

Thence north 89 degrees-06 minutes-19 seconds west, along a south line of said Parcel No 1, a distance of 1997-71/100 feet to a 1" iron for the westerly southwest corner of said Parcel No 1 and the southerly southeast corner of the 42-526/1000 acres tract described in the deed to the State of Texas for highway right of way recorded in volume 529, page 538 of the said Deed Records

Thence northerly along the westerly line of said Parcel No 1 and easterly line of said State of Texas tract

north 27 degrees-24 minutes east, 67-4/10 feet to a 5/8" iron set,
north 30 degrees-30 minutes-19 seconds east, 599-93/100 feet to a damaged highway monument,
north 77 degrees-36 minutes-05 seconds east, 312-4/10 feet to a highway monument,
north 27 degrees-46 minutes-04 seconds east, 644-48/100 feet to a highway monument,
north 17 degrees-40 minutes-05 seconds west, 183-48/100 feet to a damaged highway monument,
north 62 degrees-19 minutes-40 seconds west, 138-75/100 feet to a highway monument,
north 27 degrees-26 minutes-28 seconds east, 425-07/100 feet to a highway monument,
north 22 degrees-24 minutes-56 seconds east, 100-27/100 feet to a damaged highway monument,
north 27 degrees-39 minutes-15 seconds east, 1271-27/100 feet to a 1" iron in the north line of said Pritchett Survey and for the northwest corner of the said Parcel No 1

Thence south 89 degrees-01 minutes-54 seconds east, along the said north line of Pritchett Survey, to and along the north line of said Harris Survey, for the north line of said Parcel No 1, a distance of 3059-35/100 feet to a 1" iron for the northeast corner of said Harris Survey and said Parcel No 1

Thence south no degrees-07 minutes-20 seconds west, to and along the said middle of County Road, being along the east line of said Harris Survey, to along the east line of said Edmonson Survey for the east line of said Parcel No 1, a distance of 5300-12/100 feet to the place of beginning and containing 401-203/100 acres of which 3-96/100 acres lie within said County Road, leaving 397-243/1000 acres exclusive of said Road

Basis for bearings is deed call along the east line of Parcel No 1