

ORDINANCE NO. 2003-325

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR A DRIVE-THRU FACILITY ON APPROXIMATELY 8.3 ACRES OF LAND GENERALLY LOCATED APPROXIMATELY ONE BLOCK SOUTH OF TEASLEY LANE AND TO THE WEST OF FM 2181, WITHIN A NEIGHBORHOOD RESIDENTIAL MIXED USE ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE. (Z03-0013)

WHEREAS, Denton Area Teachers Credit Union has applied for a specific use permit for a drive-thru facility within a Neighborhood Residential Mixed Use zoning district classification and use designation on approximately 8.3 acres of land generally located approximately one block south of Teasley Lane and to the west of FM 2181, as more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property"); and

WHEREAS, on August 27, 2003, the Planning and Zoning Commission recommended approval of a Specific Use Permit for a drive-thru facility; and

WHEREAS, the City Council finds that the Specific Use Permit is consistent with The Denton Plan; and

WHEREAS, in accordance with Subchapter 6 of the Development Code of the City of Denton, Texas, the City Council finds that all of the following conditions exist:

The specific use will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within the immediate vicinity; and

The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding property; and

Adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided; and

The design, location, and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments; and

Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration; and

Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and

There is sufficient landscaping and screening to ensure harmony and compatibility

with adjacent property;

Adequate capacity of infrastructure can and will be provided to and through the subject property; and

The specific use is compatible with and will not have an adverse impact on the surrounding area; 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.

SECTION 2. A specific use permit is hereby approved within a Neighborhood Residential Mixed Use zoning district classification and use designation on the Property to allow a drive-thru facility for a lending institution in accordance with the site plan attached hereto and made a part hereof by reference as Exhibit "B".

SECTION 3. Notwithstanding the description of the Property, the property being rezoned includes all property to the centerline of all adjacent street rights-of-way.

SECTION 4. The City's official zoning map is amended to show the change in zoning district classification.

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.

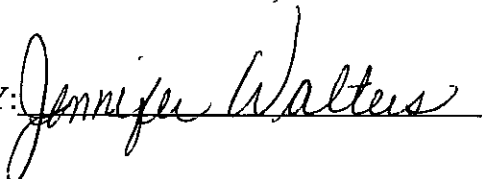
SECTION 5. This ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten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

PASSED AND APPROVED this the 7th day of October, 2003.



EULINE BROCK, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

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

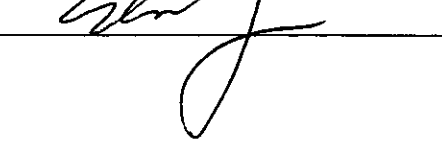
BY:  _____

Exhibit 'A'

BEING all that certain lot, tract or parcel of land situated in the C. POUILLALIER SURVEY, ABSTRACT NUMBER 1006 in the City of Denton, Denton County, Texas, being a part of that certain tract of land conveyed by deed from Alexander Management L. L. C. and E. B. Alexander Family Limited Partnership to Teasley Commons, Ltd., recorded in Volume 5320, Page 2275, Real Property Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set for corner in the West line of Teasley Lane, a public roadway having a right-of-way of 100.0 feet, the Southeast corner of Lot 1, Block A of Teasley Commons, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet V, Page 136, Plat Records, Denton County, Texas, bears North 89° 47' 28" West, 17.50 feet;

THENCE South 01° 02' 19" East, 125.28 feet with said West line of said Teasley Lane to an iron rod set for corner;

THENCE South 88° 44' 31" West, 294.64 feet to an iron rod set for corner;

THENCE North 24° 16' 21" West, 131.36 feet to an iron rod set for corner;

THENCE North 88° 45' 25" East, 72.22 feet to an iron rod set for corner;

THENCE North, 11.41 feet to an iron rod set for corner, said point being the Southwest corner of said Lot 1, Block A of said Teasley Commons;

THENCE South 89° 47' 28" East, 274.10 feet with the South line of said Lot 1, Block A of said Teasley Commons to the PLACE OF BEGINNING and containing 0.939 acre of land.

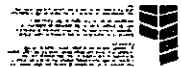
NOTE: The Company is prohibited from insuring the area or quantity of the land described on Schedule A hereof. Any statement in such legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for information and/or identification purposes and does not override Item 2 of Schedule B hereof.

Exhibit B

A New Branch Facility for
BENTON AREA TEACHERS CREDIT UNION



Construction By
IIBF Financial Facilities
Project at 1000 University, 1000 East Broadway, St. Louis, MO
Project No. 07-000



1-30-03

A-2

SHEET NO. OF

