

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM RESIDENTIAL 2 (R2) DISTRICT TO AN OVERLAY PLANNED DEVELOPMENT WITH A BASE ZONING OF MIXED USE NEIGHBORHOOD (PD-MN) AND PUBLIC FACILITIES (PD-PF) ON APPROXIMATELY 195 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE I35-W AND CORBIN ROAD INTERSECTION 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. (PD23c-0001).

WHEREAS, Denton 195 Partners, LLC., property owner, requested to rezone approximately 195 acres of land from Residential 2 (R2) District to Overlay Planned Development on a total of 195 Acres, legally described in Exhibit "A;" the Overlay Planned Development has a base zoning of Mixed Use Neighborhood (PD-MN) on Tracts A, B, and C, and Public Facilities (PD-PF) on Tracts D and E, depicted in Exhibit "B" attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on April 9, 2025, 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 approval (0-0) of the request; and

WHEREAS, on \_\_\_\_, 2025, 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 set forth in Section 2.7.2 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 establishing a zoning district change for 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 to Overlay Planned Development with a base zoning of Mixed-Use Neighborhood (PD-MN) on Tracts A, B, and C and Overlay Planned Development with a base zoning of Public Facilities (PD-PF) on Tract D as shown in Exhibit "B". The Development Standards for the Property are

described in Exhibit “C” attached hereto and incorporated herein by reference. Development of the Property shall be in accordance with the Development Standards in Exhibit “C” and the Denton Development Code, as amended.

**SECTION 3.** The City’s official zoning map is hereby amended to show the established 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 [\_\_\_\_ - \_\_\_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
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 \_\_\_\_\_, 2025.

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 William Sajvis 160 acre Preemption Survey, Abstract Number 1174 and the Samuel A. Pritchett Survey, Abstract Number 1004, City of Denton, Denton County, Texas, and being part of that certain called 195.673 acre tract of land described as Tract 1 in deed in favor of 195 Denton Partners, LLC, recorded in Document Number 2016-33855 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar recovered in Corbin Road (a public roadway, no record found) at the northeast corner of said 195.673 acre tract, being called the northeast corner of said Sajvis Survey, same being a reentrant corner in the south line of the Del S. Brewster Survey, Abstract Number 56, and being on the south line of a 30' right-of-way dedication as evidenced by the plat of Solar Way Addition, Section Two, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet C, Page 142 of the Plat Records of Denton County, Texas;

THENCE S 00°53'00" E, with the easterly line of said 195.673 acre tract, passing at 16.0 feet the northeast corner of Lot 1, Block A, Gary Addition an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet V, Page 124 of the Plat Records of Denton County, Texas, continuing with the west line thereof, passing at 361.4 feet a 2" pipe fence corner post on the southwest corner thereof, being the northwest corner of Lot 1, Block A, Liverpool Addition an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet U, Page 543 of the Plat Records of Denton County, Texas, continuing with the west line thereof, passing at 800.1 feet a 1/2" capped rebar recovered (RPLS 4561) at the southwest corner thereof, being the northwest corner of Lot 1R, Block A, Don Barber Addition an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Document Number 2013-250 of the Plat Records of Denton County, Texas, continuing with the west line thereof, passing at 1,113.2 feet a 1/2" capped rebar recovered (RPLS 4561) at the southwest corner thereof, being the northwest corner of that certain called 0.079 acre tract of land described as Tract Two (Easement Estate) in the aforementioned deed in favor of 195 Denton Partners, LLC, recorded in Document Number 2016-33855 of the Real Property Records of Denton County, Texas, continuing with the west line thereof a total distance of 1,142.52 feet to a 5/8" rebar recovered at the most easterly southeast corner of said 195.673 acre tract, being the northeast corner of that certain called 12.62 acre tract of land described in deed in favor of the Veteran's Land Board, recorded in Volume 989, Page 401 of the Deed Records of Denton County, Texas;

THENCE S 89°27'00" W, 600.0 feet continuing with the easterly line of said 195.673 acre tract and the north line of said 12.62 acre tract to a 1/2" capped rebar set (MCADAMS) at the northwest corner of said 12.62 acre tract, being the northerly reentrant corner in the easterly line of said 195.673 acre tract;

THENCE S 25°36'25" W, 1,686.94 feet continuing with the easterly line of said 195.673 acre tract and the west line of said 12.62 acre tract to a 1/2" capped rebar set (MCADAMS) at the southwest corner of said 12.62 acre tract, being a salient corner in the easterly line of said 195.673 acre tract, and being on the north line of that certain called 21 acre tract of land described in deed in favor of Joe M. Erwin recorded in Volume 610, Page 125 of the Deed Records of Denton County, Texas, from which a 1" pipe recovered at the most southerly southeast corner of that certain called 13.33 acre tract of land described in deed

in favor of Asa W. Yount and wife Charlene Yount recorded in Volume 929, Page 734 of the Deed Records of Denton County, Texas, bears N 89°38'15" E, 1,017.0 feet;

THENCE S 89°38'15" W, 336.12 feet continuing with the easterly line of said 195.673 acre tract and the north line of said 21 acre tract to a 1/2" rebar recovered at the northwest corner of said 21 acre tract, being the southerly reentrant corner in the easterly line of said 195.673 acre tract;

THENCE S 00°40'10" E, continuing with the easterly line of said 195.673 acre tract and the west line of said 21 acre tract, passing 944.0 feet to the channel of Hickory Creek, being the southwest corner of said 21 acre tract and the northwest corner of that certain called 33.034 acre tract of land described as Tract 1 and the northeast corner of that certain called 2.604 acre tract of land described as Tract 2 in deed in favor of Floyd Smith Concrete Inc., recorded in Document Number 2016-54479 of the Real Property Records of Denton County, Texas, also being the northeast corner of that certain called 2 3/4 acre tract of land described in deed in favor of W. A. Ponder recorded in Volume 87, Page 7 of the Deed Records of Denton County, Texas, continuing a total distance of 1,304.89 feet to a 1/2" capped rebar set (MCADAMS) at the southwest corner of said 33.034 acre tract and the southeast corner of said 2.604 acre tract;

THENCE S 89°36'50" W, with the south line of said 195.673 acre tract and the north line of said 401.203 acre tract, a total distance of 2,422.00 feet to a 1" rebar recovered on the east line of I.H. 35W at the southwest corner of said 195.673 acre tract and the northwest corner of said 401.203 acre tract, being the southeast corner of that certain called 39.419 acre tract of land described in Judgement styled The State of Texas v. Grant H. Messinger, et al, recorded in Volume 556, Page 2 of the Deed Records of Denton County, Texas, and being the northeast corner of that certain called 42.526 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 529, Page 538 of the Deed Records of Denton County, Texas;

THENCE N 26°19'30" E, 3,977.97 feet with the east line of said I.H. 35W, the east line of said 39.419 acre tract and the west line of said 195.673 acre tract to a 1/2" capped rebar set (MCADAMS) at the most westerly northwest corner of said 195.673 acre tract;

THENCE N 56°13'30" E, continuing with the east line of said I.H. 35W, the east line of said 39.419 acre tract and the west line of said 195.673 acre tract, passing at 28.0 feet a 1/2" capped rebar recovered (TXDOT) for witness, continuing a total distance of 624.83 feet to the remnants of a concrete TXDOT monument recovered;

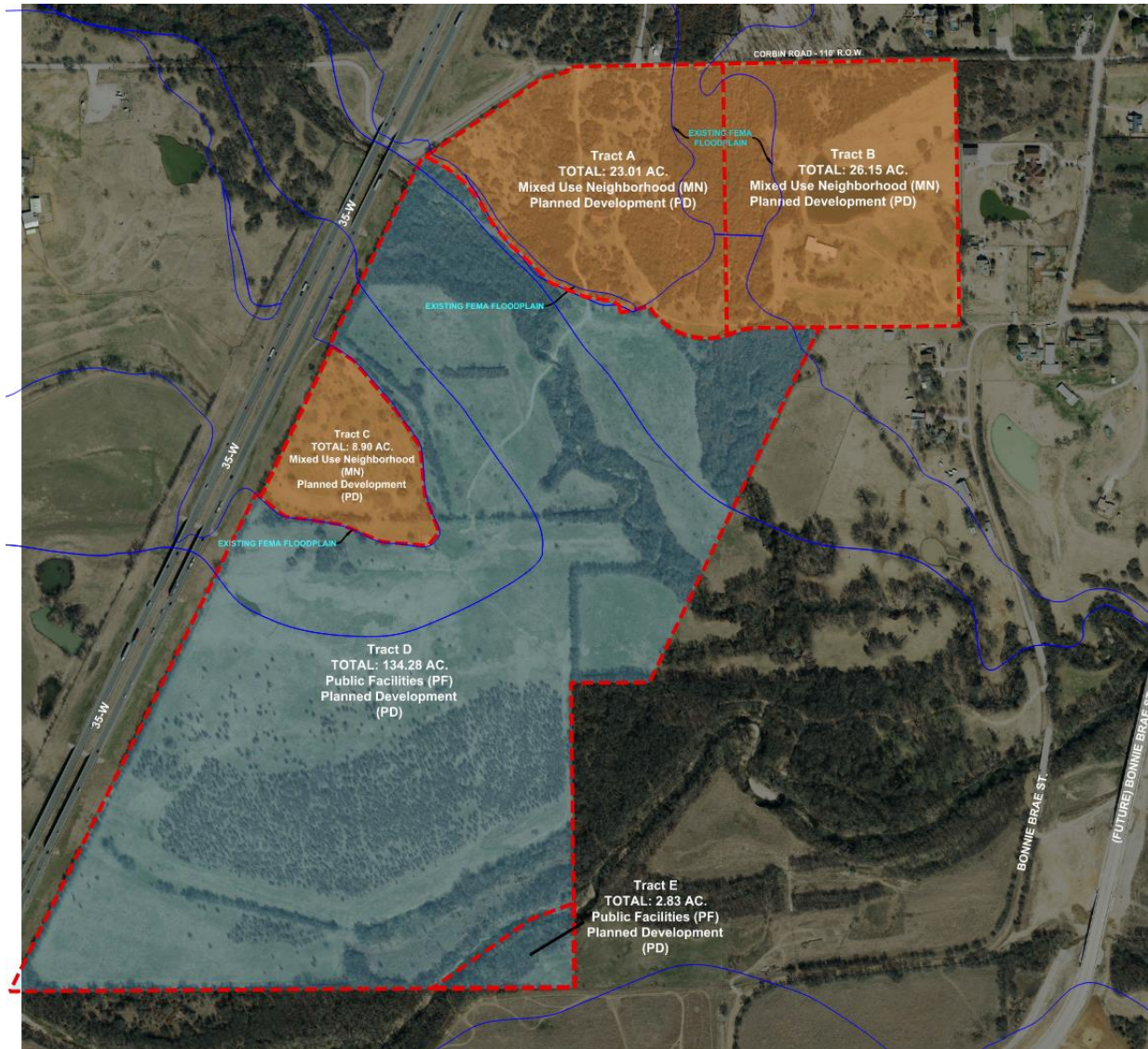
THENCE N 75°52'00" E, 114.17 feet continuing with the east line of said I.H. 35W, the east line of said 39.419 acre tract and the west line of said 195.673 acre tract to a 1/2" capped rebar set (MCADAMS);

THENCE N 01°49'40" W, 19.86 feet to a 1/2" rebar recovered in the north line of said 195.673 acre tract and the south line of said 30' right-of-way dedication;

THENCE N 88°53'30" W, 1,661.04 feet with the north line of said 195.673 acre tract and the south line of said 30' right-of-way dedication to the POINT OF BEGINNING and containing approximately 195.172 acres of land.

Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.

## Exhibit B Site and Parcel Location



## **Exhibit C – Planned Development Standards**