

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION PLANNED DEVELOPMENT 142, HILLCREST CENTER, TO PLANNED DEVELOPMENT – GENERAL OFFICE (PD-GO) DISTRICT INCLUDING BUT NOT LIMITED TO ESTABLISHING USES AND STANDARDS ON APPROXIMATELY 68 ACRES OF LAND GENERALLY LOCATED EAST OF NORTH INTERSTATE 35, NORTH OF LOOP 288, AND SOUTHWEST OF HIGHWAY 77 (NORTH ELM STREET) 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. (Z25-0008a)

WHEREAS, Mack Mattke with Kimley-Horn and Associates, applied on behalf of the property owner, CATDENTON FIVE, Inc., for a zoning change from the Planned Development 142, Hillcrest Center, to Planned Development – General Office (PD-GO) District on approximately 68 acres, legally described and depicted in **Exhibit “A”** (hereinafter, the “Property”); and

WHEREAS, on August 27, 2025, 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 (4-0) of the amendment; and

WHEREAS, on September 16, 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 for a zoning change to an Overlay Planned Development (PD) District – General Office (PD-GO) 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 zoning change 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 Planned Development 142, Hillcrest Center, to Planned Development – General Office (PD-GO) 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:	_____	_____	_____	_____
Suzi Rumohr, 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:
INGRID REX, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____

Exhibit A

PROPERTY DESCRIPTION

BEING a tract of land situated in the Alexander White Survey, Abstract No. 1406 and the Nathan Wade Survey, Abstract No. 1407, City of Denton, Denton County, Texas, and being a portion of a called 78.486-acre tract of land, described in a General Warranty Deed to Catdenton 35 Five, Inc., as recorded in Instrument No. 2013-145670 of the Official Public Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set on the west line of said 78.486-acre tract and intersection of the east right of way line of Interstate Highway 35, a variable width right of way, with the northerly right of way line of State Highway Loop 288, a variable width right of way, described as Parcel 30 (called 10.405-acres), in a deed to the State of Texas, as recorded in Instrument No. 2023-118441 of the Official Public Records of Denton County, Texas, from which, a brass disk TXDOT right of way monument found for the southwest corner of said 78.786-acre tract, bears South 03°19'12" East, a distance of 544.70 feet;

THENCE North 03°19'12" West (called N02°03'17" West), along the west line of said 78.486-acre tract and the east right of way line of said Interstate Highway 35, a distance of 895.56 feet to a point for the westerly, northwest corner of said 78.486-acre tract, from which, a found 1/2-inch iron rod bears South 04°29' West, 1.70 feet;

THENCE South 89°09'07" East (called South 87°53'04" East), departing the east right of way line of said Interstate Highway Highway 35, along a northerly line of said 78.486-acre tract and generally along a barbed wire fence, a distance of 1,023.63 feet (called 1,023.57 feet) to a fence corner post found for a corner, from which, a 1/2-inch iron rod with an illegible plastic cap found for the southeast corner of Lot 1, Block A of Denton Travel Center, an addition to the City of Denton, according to the final plat, recorded in Document No. 2009-21 of the Plat Records of Denton County, Texas, bears North 45°45' West, 2.06 feet;

THENCE North 00°01'29" East (called North 01°17'32" East), along a westerly line of said 78.486-acre tract, a distance of 421.82 feet (called 446.24 feet) to a point for the southwest corner of Parcel 4 Part 1, described in a deed to the State of Texas, as recorded in Volume 4843, Page 2093 of the Official Public Records of Denton County, Texas, same being on the southerly right of way line of North Elm Street (U. S. Highway 77), a called 160' wide right of way;

THENCE South 58°45'45" East (called South 55°33'16" East), along the southerly line of said Parcel 4 Part 1 and said North Elm Street (U. S. Highway 77), a distance of 116.02 feet (called 115.73 feet) to an aluminum disk TXDOT right of way marker found on an easterly line of said

78.486-acre tract for the southeast corner of said Parcel 4 Part 1, same being the southwest corner of Parcel 5A, described in a deed to the State of Texas, as recorded in Volume 4903, Page 2743 of the Official Public Records of Denton County, Texas, same also being on the west line of Lot 1R2, Block A of Baruch Addition, an addition to the City of Denton, according to the final plat, recorded in Document No. 2013-320 of the Plat Records of Denton County, Texas;

THENCE South 00°13'06" West (called South 01°23'42" West), departing the southerly right of way line of said North Elm Street (U. S. Highway 77), along an easterly line of said 78.486-acre tract and the westerly line of said Lot 1R2, passing at a distance of 542.17 feet, a 1/2-inch iron rod found at a fence corner post for the southwest corner of said Lot 1R2 and the northwest corner of Lot 1R1, Block A of said Baruch Addition, continuing along the west line of said Lot 1R1, a total distance of 914.51 feet (called 936.41 feet) to a 1/2-inch iron rod found for the southwest corner of Lot 1R1;

THENCE South 89°20'44" East (called South 88°05'15" East), along a northerly line of said 78.486-acre tract, the south line of said Lot 1R1 and generally along a barbed wire fence, passing at a distance of 464.46 feet, a 1/2-inch iron rod with an illegible plastic cap found for the southeast corner of Lot 1R1 and the southwest corner of a called 7.511-acre tract of land, described in a deed to Inland Truck Parts Co., as recorded in Instrument No. 2005-137844 of the Official Public Records of Denton County, Texas, continuing along the south line of said 7.511-acre tract, for a total distance of 1,318.21 feet (called 1,316.47 feet) to a 1/2-inch iron rod with a plastic cap, stamped "WIER ASSOC INC" found for the southeast corner of said 7.511-acre tract;

THENCE North 00°38'54" East (called North 03°02'54" East), along a westerly line of said 78.486-acre tract and the east line of said 7.511-acre tract, a distance of 131.32 feet (called 131.77 feet) to an aluminum disk TXDOT right of way marker found on the southerly right of way line of aforesaid North Elm Street (U. S. Highway 77), same being the southwest corner of Parcel 4 Part 2, as described in a deed to the State of Texas, as recorded in aforesaid Volume 4843, Page 2093 of the Official Public Records of Denton County, Texas;

THENCE South 58°45'45" East (called South 57°31'25" East), along a northerly line of said 78.486-acre tract, the southerly line of said Parcel 4 Part 2 and said North Elm Street (U. S. Highway 77), a distance of 446.33 feet (called 446.33 feet) to an aluminum disk TXDOT right of way marker found for the southeast corner of said Parcel 4 Part 2;

THENCE South 00°39'29" West (called South 02°11'49" West), departing the southerly right of way line of said North Elm Street (U. S. Highway 77), along the easterly line of said 78.486-acre tract, the westerly line of a tract of land described in a deed to Debra Johnson Morgan, Trustee of the Hazel K. King Land Trust, as recorded in Volume 3245, Page 809 of the Official Public Records of Denton County, Texas, and generally along a barbed wire fence, a distance of 681.86 feet to a 1/2-inch iron rod with a plastic cap, stamped "AAS 4857" found for the northeast corner of aforesaid Parcel 30 (called 10.405-acres), same being on the north right of way line of aforesaid State Highway Loop 288, and being at the beginning of a non-tangent curve to the right with a radius of 3,500.00 feet, a central angle of 04°25'46", and a chord bearing and distance of South 76°07'23" West, 270.51 feet;

THENCE in a westerly direction, along the north right of way line of said State Highway Loop 288 as described in said Parcel 30 (called 10.405-acres), and generally along a barbed wire fence, the following:

With said non-tangent curve to the right, an arc distance of 270.58 feet to a 1/2-inch iron rod with a plastic cap, stamped "AAS 4857" found at the beginning of a non-tangent curve to the right with a radius of 1,422.00 feet, a central angle of $20^{\circ}58'53''$, and a chord bearing and distance of South $86^{\circ}45'02''$ West, 517.82 feet;

In a westerly direction, with said non-tangent curve to the right, an arc distance of 520.73 feet to a 1/2-inch iron rod found at the beginning of a reverse curve to the left with a radius of 1,378.00 feet, a central angle of $07^{\circ}11'56''$, and a chord bearing and distance of North $86^{\circ}21'29''$ West, 173.02 feet;

In a westerly direction, with said reverse curve to the left, an arc distance of 173.14 feet to a 1/2-inch iron rod with a plastic cap, stamped "AAS 4857" found for corner;

North $89^{\circ}57'27''$ West, a distance of 1,324.84 feet to a 1/2-inch iron rod with a plastic cap, stamped "AAS 4857" found at the beginning of a non-tangent curve to the right with a radius of 1,271.00 feet, a central angle of $33^{\circ}36'37''$, and a chord bearing and distance of North $41^{\circ}10'20''$ West, 734.94 feet;

In a northerly direction, with said non-tangent curve to the right, an arc distance of 745.58 feet to the POINT OF BEGINNING and containing 68.175 acres (2,969,685 square feet) of land, more or less.

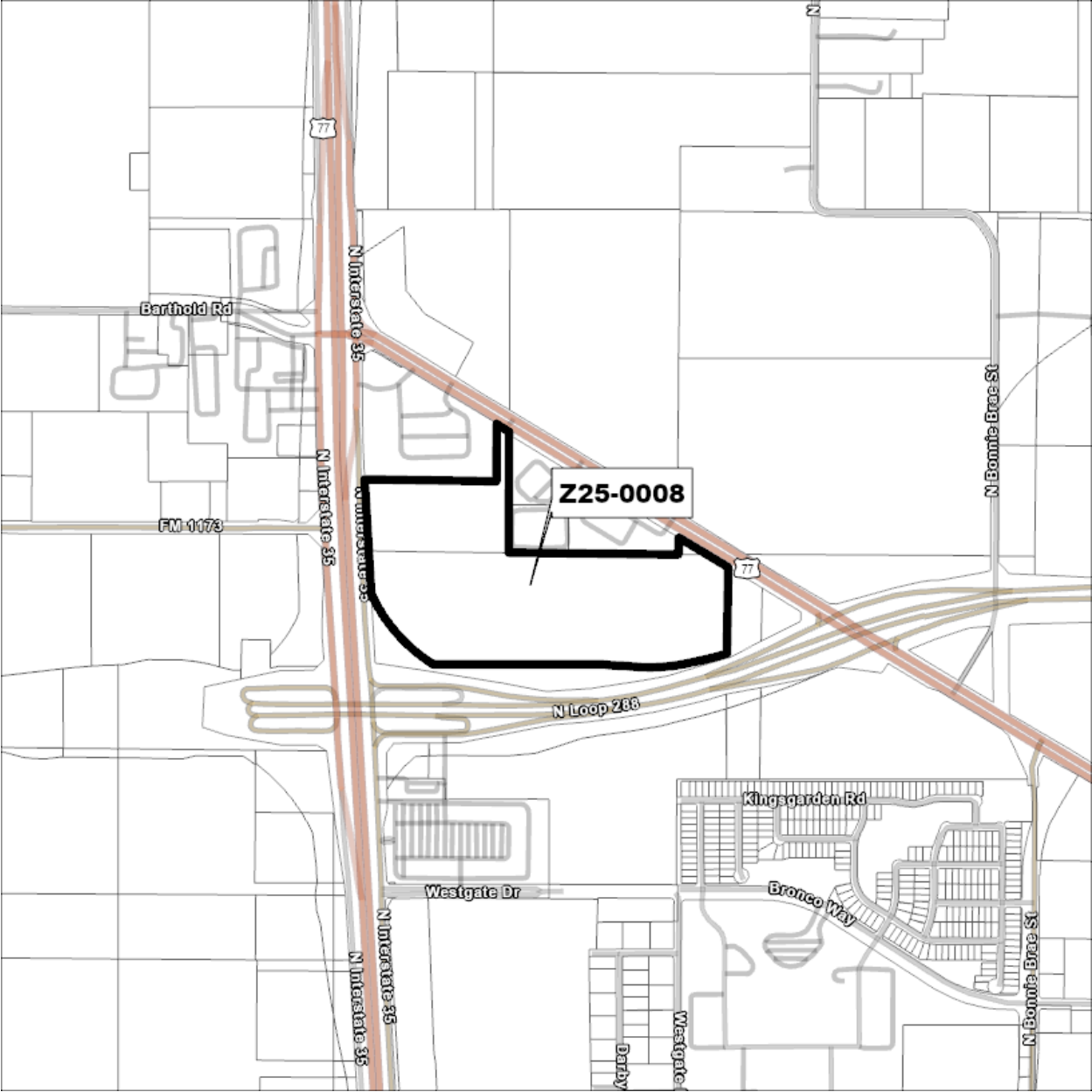


Exhibit B

Overlay Planned Development Standards

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 Subsection 2.7.3C.1. The PD encompasses a total of 68.17-acres described in Exhibit A (“Property”), Zoning Legal Description. The subject site is generally located east of North Interstate 35, north of Loop 288, and southwest of Highway 77 (North Elm Street). The base zoning district for the PD shall be General Office (GO) District, with the use and development standard modifications as provided for herein this ordinance.

SECTION 2: Use Regulations.

The permitted uses for “Property” shall be in accordance with GO Zoning District, per the City of Denton Development Code (DDC) Table 5.2.-A, as amended.

The Use-Specific Standards for Outdoor Storage, Accessory below, shall replace those in DDC Subsection 5.4.4D:

In addition to complying with all EPA regulations, the International Fire Code, and all other applicable ordinances, statutes, rules and regulations, outdoor storage:

1. Shall be limited to materials sold or used on the premises as part of the principal use of the property.
2. Materials other than trailer parking shall not be stored in areas intended for vehicular or pedestrian circulation.
3. Materials other than trailer parking shall be located within designated truck courts only and shall be limited to a maximum of 30% of the truck court area.
4. Where not already screened by buildings, shall be opaquely screened from all adjacent properties with a minimum eight (8) foot tall masonry wall.
5. Outside Storage is not allowed between buildings and any public right-of-way.
6. Designated Outdoor Storage, Accessory, areas must be depicted on the Zoning Compliance Plan as required in DDC Subsection 2.5.1, as amended. No Outdoor Storage, Accessory will be allowed outside of the designated areas. Alterations to a designated Outdoor Storage, Accessory area that affects more than 30 percent of the square feet of that designated area shall require review and approval of a revised Zoning Compliance Plan.

SECTION 3: Development Standards.

Except as modified herein, development within this PD shall comply with the Development Standards applicable to the GO Zoning District as provided for in the Denton Development Code, as amended.

Landscaping and Screening

1. A minimum 30-foot-wide landscape buffer is required along Loop 288 and North Elm Street (Highway 77). The landscape buffer shall begin at the right-of-way and can overlap the 20-foot public utility easement running parallel to the right-of-way. Right-

- of-way screening as required in DDC Subsection 7.7.5F.4.b.i, as amended, shall be provided in the 30-foot-wide landscape buffer.
2. A minimum 35-foot-wide landscape buffer is required along the I-35 Frontage Road. The landscape buffer shall begin at the right-of-way and can overlap the 20-foot public utility easement running parallel to the right-of-way. Between the front-most row of parking and the street, the following right-of-way screening shall be provided:
 - a. For areas adjacent to more than two rows of parking between the building and the right-of-way, parking shall be screened with the following:
 - i. A minimum three-foot high continuous masonry wall
 - ii. Three small accent trees clustered every 30 linear feet. Trees shall be evergreen.
 - b. For areas adjacent to two rows of parking or no parking, right-of-way screening shall be provided as required in DDC Subsection 7.7.5F.4.b.i, as amended.
 3. Street trees along Loop 288 and North Elm Street (Highway 77) as required by DDC Subsection 7.7.7D.1 shall be planted within 100 feet of the right-of-way. Street trees shall be in addition to internal landscape islands, endcaps, or medians as required by DDC Subsection 7.7.5F.4.b.ii.
 4. Street trees along the I-35 Frontage Road as required by DDC Subsection 7.7.7D.1 shall be planted within between the front-most row of parking and the street.
 5. In addition to any compatibility buffers required by DDC Subsection 7.7.6, a 10-foot-wide buffer is required along the easternmost property line of the Planned Development District. The buffer must include a minimum of 30 points from Table 7.G.
 6. Automobile parking and maneuvering areas shall provide internal landscape islands, endcaps, and/or medians as required in DDC Subsection 7.7.5F.4.b.ii. Loading areas, truck courts, and trailer parking are exempt from internal landscape islands, endcaps, or medians as required in DDC Subsection 7.7.5F.4.b.ii. Any loading, truck court, or trailer parking areas restriped for automobile parking shall be exempt from internal landscape islands, endcaps, or medians.

Parking

1. DDC Subsection 7.9.4B is amended for Manufacturing and Processing Use Types and Storage and Warehousing Use Types to limit the maximum parking to one space per 500 square feet gross floor area.
2. Table 7.9-I Minimum Required Off-Street Parking is amended as follows: Manufacturing and Processing Use Types and Storage and Warehousing Use Types require a minimum of one space per 2000 square feet gross floor area.
3. Along I-35 frontage road, development shall be limited to no more than four rows of parking between the front building façade and the adjacent street frontage.
4. For each proposed use, the Director is authorized to reduce or increase the required off-street parking based on a parking demand study per 7.9.4.E of the DDC.

Site and Building Design

1. The design and orientation of the building(s) shall minimize the exposure of loading and trash collection areas from adjacent rights-of-way and properties.
 - a. No dock doors shall directly face the public right of way.

- b. Loading areas, truck courts, trailer parking, and trash collection areas are prohibited in the front yard(s) adjacent to each right-of-way.
 - c. All loading areas visible from the public right of way must be screened from the right-of-way by screening walls, building projections, wing walls, retaining walls, or similar structures. Screening structures must be architecturally compatible (as defined in the DDC Subchapter 9) with the associated building, a minimum of 8 feet tall, and extend the entire length of the loading area.
- 2. Front facades oriented toward the street shall be enhanced with 30% minimum window glazing, beginning at the primary entrance and extending 100 feet in either direction.
 - 3. Buildings shall have no more than 100 continuous feet without a horizontal and vertical break of at least 3 feet. Such breaks may include recesses, projections, change in materials, change in building plane, change in building height, change in color, building reveals, or architectural features to provide visual interest and relief.

SECTION 4: Definitions.

Except as modified herein, development within this PD shall comply with Rules of Construction and Definitions as outlined in Subchapter 9 of the Denton Development Code, as amended.

Definitions

Truck Court: area next to a structure's docks which include both the loading areas and truck maneuvering zones. Trailer parking areas are excluded from the definition of a truck court.