ORDINANCE NO. S23-0005b

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR A MULTIFAMILY DWELLING USE ON APPROXIMATELY 22.81 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTH SIDE OF DUCHESS DRIVE, APPROXIMATELY 742 FEET TO THE WEST OF LOOP 288 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 FOR SEVERABILITY AND AN EFFECTIVE DATE. (\$23-0005b, Olivo Apartments)

WHEREAS, The Trumont Group has requested a Specific Use Permit (SUP) for a proposed Multifamily Dwelling use on approximately 22.81 acres within the Suburban Corridor (SC) zoning district, legally described in Exhibit "A" (hereinafter, the "Property"); and

WHEREAS, on October 11, 2023, 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, recommended approval (4-2) of the requested SUP subject to the site plan, landscape plan, and elevations attached as Exhibit B; and

WHEREAS, on October 24, 2023, 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 2.5.2 of the Denton Development Code, and is consistent with the Denton Plan and the Denton Development Code; and

WHEREAS, the City Council of the City of Denton have determined that it will be beneficial to Denton and its citizens to grant the SUP; and such grant will not be detrimental to the health, safety, morals, and general welfare of the City of Denton, and that the SUP 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 SUP to permit the proposed Multifamily Dwelling use on the Property as shown on the Site Plan, Landscape Plan, and Conceptual Elevations attached and incorporated herein as Exhibit "B," is hereby approved, subject to the following conditions:

- 1. The attached Site Plan and Landscape Plan reflect an intent to comply with the 2019 Denton Development Code (DDC), as amended.
- 2. The attached Site Plan and Landscape Plan are incorporated as requirements of the SUP. Staff shall have the ability to approve a reduction in the building coverage, an increase in the landscape area, and a decrease in the number of dwelling units with

associated parking of up to 5% of any of the amounts specified in requirements "a" and "b" below, provided all applicable requirements of the DDC are met:

- a. No more than 262 one-, two-, and/or three-bedroom units in townhome-style cottages and four three-story buildings with a total building footprint not to exceed 89,160 sq. ft.
- b. A minimum total landscape area of 505,512 square feet. Of the total landscaped area, 367,472 square feet is to remain undisturbed as shown on the site plan in Exhibit B. At minimum, on-site amenities shall include an indoor amenity center, an outdoor pool, and two dog parks enclosed with perimeter fencing.
- c. 6.7 acres of parkland dedication to the City of Denton as depicted in Exhibit B. If the parkland dedication is not accepted, the 6.7 acres shall remain an area of undisturbed ESA to be owned and maintained by the property owner.
- d. Four hundred forty-eight (448) parking spaces and 114 bicycle parking spaces are proposed for the multi-family development indicated on the site plan. Parking may shift to accommodate a change in the unit mixture but shall be in accordance with the requirements of the DDC and within the range of staff approvability.
- e. A minimum of two (2) vehicular access points onto Duchess Drive shall be provided.
- 3. Minor alterations to the depicted locations of buildings, pedestrian pathways, and parking may be approved by City Staff, provided that the final plan complies with the attached site plan in terms of access and internal pedestrian connectivity.
- 4. Minor alterations to the depicted locations of individual plantings may be approved by City staff, provided that the final landscaping, as planted, complies with the attached landscape plan in terms of required landscape elements, open space, overall tree canopy, as well as all elements of the DDC.
- 5. Building architecture shall be consistent in style and detailing to the attached conceptual elevations and must conform to DDC Section 7.10.
- 6. Notwithstanding the limited administrative approvals authorized in conditions 2, 3, and 4, the City reserves the right to require approval by ordinance of any amendments or alterations to the SUP, the attached site plan, and the attached landscape plan.
- 5. Approval of this SUP does not constitute actual or implied approval for any land-disturbing activity, construction, grading, and/or removal of tree and understory vegetation (except for the limited administrative approvals authorized in DDC Section 7.4.7A) within the confirmed Environmentally Sensitive Areas. Any land-disturbing activity, construction, grading, and/or removal of tree and understory vegetation may require separate approval through the Alternative ESA Plan process prior to approval of the Final Plat.
- 6. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

SECTION 3. Failure to Comply. Except as otherwise stated above, all terms of the SUP shall be complied with prior to issuance of a Certificate of Occupancy. Failure to comply with any term or condition of this ordinance will result in the SUP being declared null and void, and of no force and effect. The SUP is issued to the entity named above runs with the land, and is assignable and transferable to subsequent owners of the Property.

SECTION 4. SUP Regulations. Upon notice to the Property owner and a hearing before the City Council, a SUP may be revoked or modified if: 1. There is one or more of the conditions imposed by this ordinance that has not been met or has been violated on the Property; or 2. The SUP was obtained or extended by fraud or deception; or 3. As otherwise permitted by law and/or the DDC.

<u>SECTION 5.</u> <u>Unlawful use.</u> It shall be unlawful for any person, firm, entity, or corporation to make use of the above-referenced Property in some manner other than as authorized by the DDC, Code of Ordinances, and this ordinance.

<u>SECTION 6.</u> Severability. 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 7. Penalty. Any person, firm, entity or corporation violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00 for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense. The penal provisions imposed under this ordinance shall not preclude Denton from filing suit to enjoin the violation and it retains all legal rights and remedies available to it under local, state and federal law.

SECTION 8. 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 or				and
the following vote [4 - 2]:		the ordinance	was passed and	approved by
	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:				
Vicki Byrd, District 1:				
Brian Beck, District 2:		V		
Paul Meltzer, District 3:				

Joe Holland, District 4:				
Brandon Chase McGee, At Large Place 5:				
Chris Watts, At Large Place 6:	_/			
PASSED AND APPROVED this the 24'	day of	Octobe/	, 2023.	
		all/	2	
	GEF	RARD HUDSPETI	H, MAYOR	
ATTEST:				
JESUS SALAZAR, CITY SECRETARY				

THE TON. TEXTING

APPROVED AS TO LEGAL FORM: MACK REINWAND, CITY ATTORNEY

Susan _{BY:} Keller Digitally signed by Susan Keller
DN: dc=com, dc=cityofdenton,
dc=codad, ou=Department Users and
Groups, ou=General Government,
ou=Legal, cn=Susan Keller,
email=Susan.Keller@cityofdenton.com
Date: 2023.10.19 15:26:49 -05'00'

Exhibit A Legal Description

BEING a 18.897 acre tract of land situated in the Mary L. Austin Survey, Abstract No. 4, Denton County Texas, being part of Tract 1, a called 22.8092 acre tract of land described in deed to K & C Triple Crown Partners, LP, recorded in Document Number 2012-147876, Official Public Records, Denton County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the west line of said Tract I, being the northeast corner of Eagle Cove, an addition to the City of Denton according to the plat recorded in Document No. 2021-269, O.P.R.D.C.T., also being in the south right-of-way line of Duchess Drive (60' right-of-way), according to the right-of-way document recorded in Document No. 2002-R0113760, O.P.R.D.C.T.;

THENCE along the south right-of-way of said Duchess Drive, the following courses:

North 89 Degrees 25 Minutes 11 Seconds East, a distance of 270.82 feet to a 5/8 inch iron rod found at the beginning of a tangent curve to the right;

Southeasterly, along said tangent curve to the right having a central angle of 51 Degrees 22 Minutes 22 Seconds, a radius of 270.00 feet, an arc distance of 242.09 feet and a chord bearing and distance of South 64 Degrees 53 Minutes 39 Seconds East, 234.06 feet to a 5/8" iron rod found for corner;

South 39 Degrees 12 Minutes 28 Seconds East, a distance of 264.15 feet to a 5/8 inch iron rod found at the beginning of a tangent curve to the left;

Southeasterly, along said tangent curve to the left having a central angle of 50 Degrees 47 Minutes 20 Seconds, a radius of 330.00 feet, an arc distance of 292.52 feet and a chord bearing and distance of South 64 Degrees 36 Minutes 08 Seconds East, 283.04 feet to a 1/2" iron rod found on the east line of the aforementioned Tract 1, being the northeast corner of said 18.897 acre tract;

THENCE South 00 Degrees 39 Minutes 05 Seconds West, departing the south right-of-way line of said Duchess Drive, along said east line of said Tract I, at a distance of 65.98 passing a 1/2" iron rod found for the northwest corner of Tract II, a called 11.2380 acre tract of land described in deed to K & C Triple Crown Partners, LP, recorded in Document Number 2012-147876, O.P.R.D.C.T., and continuing along the common line between said Tract I and said Tract II, a distance of 660.80 feet to the center of Pecan Creek;

THENCE along the center of said Pecan Creek, the following courses:

South 65 Degrees 24 Minutes 45 Seconds West, a distance of 22.30 feet;
South 83 Degrees 36 Minutes 34 Seconds West, a distance of 31.09 feet;
South 41 Degrees 38 Minutes 09 Seconds West, a distance of 94.16 feet;
North 52 Degrees 34 Minutes 20 Seconds West, a distance of 32.76 feet;
North 80 Degrees 54 Minutes 34 Seconds West, a distance of 36.06 feet;
North 61 Degrees 33 Minutes 29 Seconds West, a distance of 50.72 feet;
North 69 Degrees 24 Minutes 28 Seconds West, a distance of 39.15 feet;
South 89 Degrees 06 Minutes 44 Seconds West, a distance of 47.25 feet;
North 37 Degrees 09 Minutes 55 Seconds West, a distance of 41.09 feet;
North 17 Degrees 33 Minutes 06 Seconds West, a distance of 31.36 feet;
North 28 Degrees 05 Minutes 22 Seconds West, a distance of 62.15 feet;
North 41 Degrees 55 Minutes 43 Seconds West, a distance of 41.87 feet;
South 82 Degrees 14 Minutes 19 Seconds West, a distance of 82.11 feet;

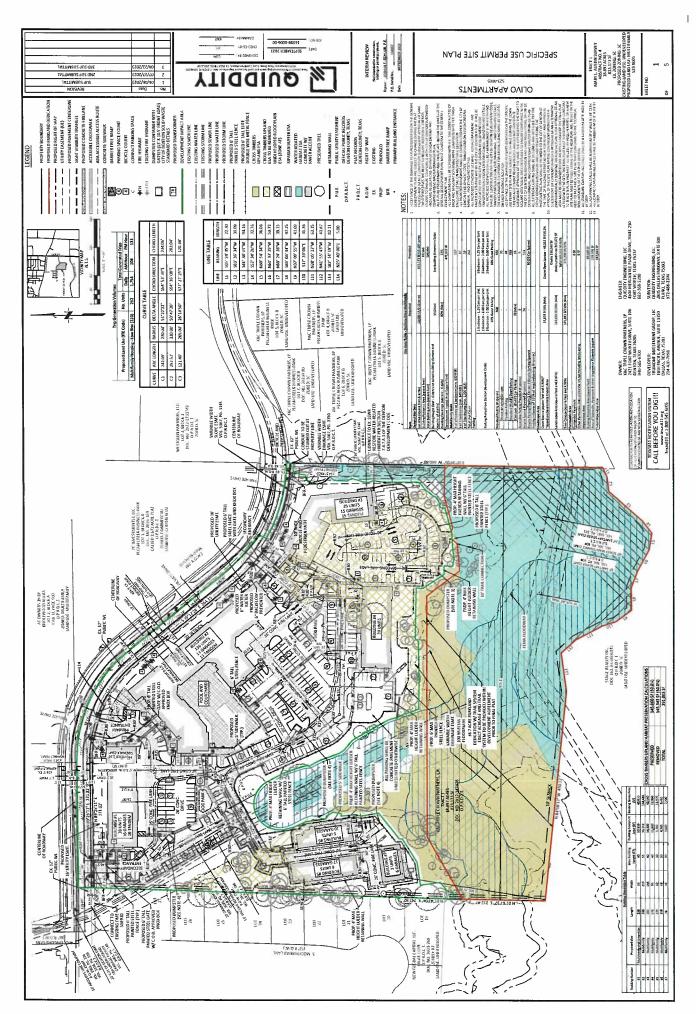
THENCE North 84 Degrees 08 Minutes 12 Seconds West, departing the center of said Pecan Creek, along the remains of a wire fence, at a distance of 442.06 feet passing a found PK Nail in fence post, and continuing for a total distance of 450.12 feet to a point for corner;

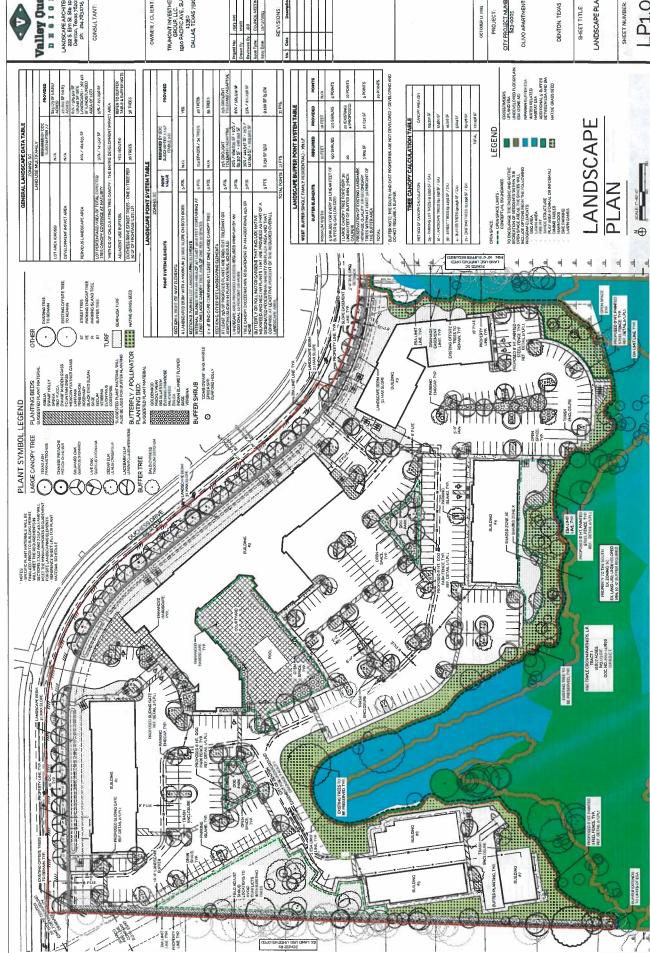
THENCE North 01 Degrees 07 Minutes 37 Seconds East, along the west line of said Tract I, at a distance of 6.58 feet passing a found PK Nail in fence post, along the remains of a wire fence, continuing for a total distance of 212.47 feet to a PK Nail found in fence post found at the southeast corner of the aforementioned Eagle Cove subdivision;

THENCE North 01 Degrees 43 Minutes 04 Seconds East, along the west line of said Tract I and the east line of said Eagle Cove subdivision, a distance of 747.92 feet to the **POINT OF BEGINNING** and containing 18.897 acres more or less.

Bearings are based on the Texas State Plane Coordinate System, NAD 83, North Central Zone 4202.

Exhibit B Site Plan, Landscape Plan, and Conceptual Elevations







LANDSCAPE ARCHITECTS 222 S. Elm St. Sta. 102 Denton, Texas 75201 ph: 214,783,1715

TRUMONT INVESTMENT GROUP, LLC. 1910 PACIFIC AVE., SUITE 13360 DALLAS, TEXAS 78201

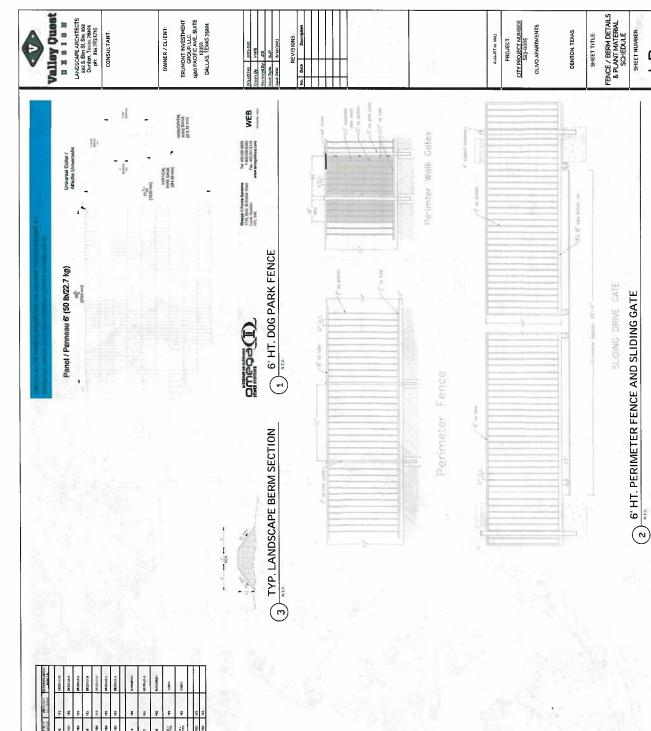
CITY PROJECT NUMBER \$23-0005 PROJECT:

DENTON, TEXAS

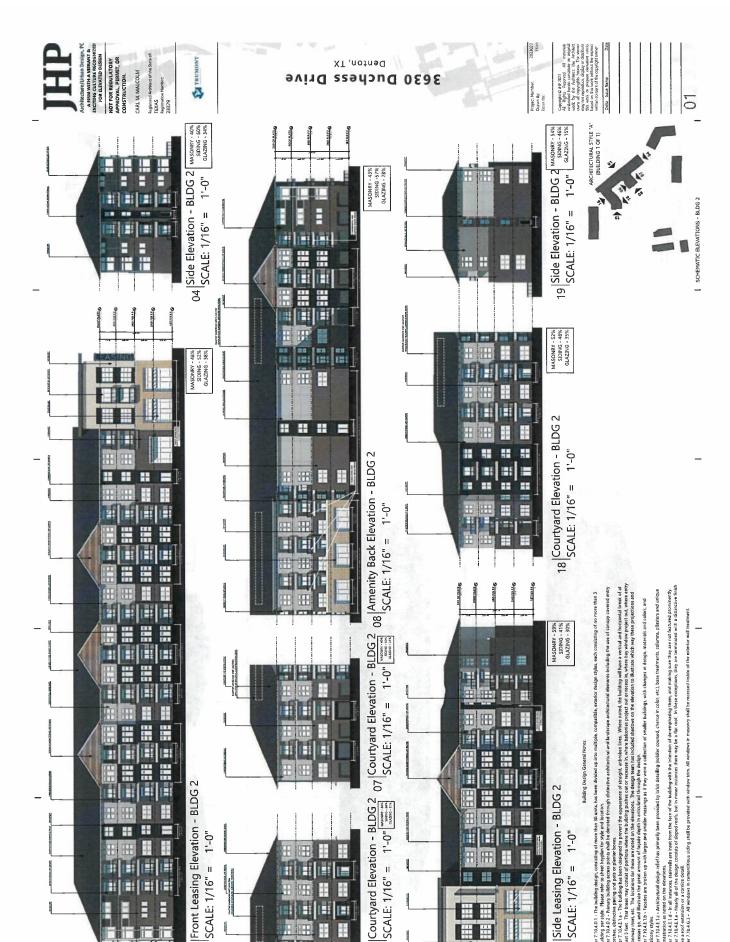
SHEET TITLE

LANDSCAPE PLAN

LP1.0 SHEET NUMBER:



LP1.1



3630 Duchess Drive

NOT FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION.

CARL M. MALCOLM

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MASONRY - 48% SIDING - 52% GLAZING - 23%

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MASONRY - 71% SIDING - 29% GLAZING - 18%

16 Side Elevations - BLDG 3 SCALE: 1/16" = 1'-0"

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MASONRY - 56% SIDING - 44% GLAZING - 22%

MASONRY - 52% SIDING - 48% GLAZING - 21%

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CARL M. MALCOLM

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SCHEMATIC ELEVATIONS - BLDG 3

3630 Duchess Drive

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CARL M. MALCOLM

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Back Elevation - BLDG 4 SCALE: 1/16" = 1'-0"

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CARL M. MALCOLM

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MASONRY - 88% SIDING - 11% GLAZING - 28%

08 Front Elevation - BLDG 7

MASONRY - 77% SIDING - 23% GLAZING - 33%

01 Front Elevation - BLDG 5

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MASONRY - 54% SIDING -46% GLAZING - 17%



MASONRY - 45% SIDING - 55% GLAZING -15% 13 | Back Elevation - BLDG 7 | SCALE: 1/16" = 1'-0"

MASONRY - 54% SIDING - 46% GLAZING - 16%

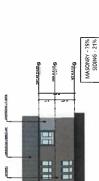
11 Back Elevation - BLDG 5 SCALE: 1/16" = 1'-0"

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14 | Side Elevations - BLDG 7 | SCALE: 1/16" = 1'-0" |



18 Side Elevations - BLDG 7 SCALE: 1/16" = 1'-0"

MASONRY ~ 97% SIDING - 3% GLAZING - 11%

MASONRY - 85% SIDING - 15% GLAZING - 16%

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16 Side Elevations - BLDG 5 SCALE: 1/16" = 1'-0"

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SCHEMATIC ELEVATIONS - BLDG 5 & 7