

PDA23-00054

____ Additional File Contains Records Not Public, According to the Public Records Act

[illegible]

ORDINANCE NO. PDA23-0005a

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A PLANNED DEVELOPMENT AMENDMENT FOR APPROXIMATELY 4.291 ACRES OUT OF PLANNED DEVELOPMENT 139, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF VINTAGE BOULEVARD AND I-35W, 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 SAVINGS AND SEVERABILITY CLAUSES AND AN EFFECTIVE DATE. (PDA23-0005a, Gateway of Denton)

WHEREAS, Reece Flanagan, on behalf of the property owner, Hickory Venture Group, applied for a planned development amendment for Planned Development 139 (PD-139) on approximately 4.291 acres of land legally described in Exhibit "A," attached hereto and incorporated herein by reference (hereinafter, the "Property") to; and

WHEREAS, on March 5, 1991, the City Council adopted Ordinance 91-034, approving a change in zoning for 450 acres of land to Planned Development 139 (PD-139) Zoning District, including the Property, as more particularly described therein; and

WHEREAS, on September 7, 1999, the City Council adopted Ordinance 1999-317, approving an amendment to the concept plan for 401.23 acres of land in Planned Development 139 (PD-139) Zoning District, including the Property, as more particularly described herein; and

WHEREAS, on May 14, 2002, the City Council adopted Ordinance 2002-147, approving an amendment to the concept plan for 401 acres of land in Planned Development 139 (PD-139) Zoning District, including the Property, as more particularly described herein; and

WHEREAS, on February 1, 2022, the City Council adopted Ordinance PD21-0004b, approving a detailed development plan for approximately 12 acres of land in Planned Development 139 (PD-139) Zoning District, including a portion of the Property, as more particularly described herein; and

WHEREAS, on May 29, 2024 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 held a public hearing for all property owners interested in this regard, and have recommended approval (5-0) of the request; and

WHEREAS, on June 18, 2024 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 Planned Development Amendment set forth in Section 2.7.3 of the Denton Development Code; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Denton, have determined that the proposed Planned Development Amendment is in the best interest of the health, safety, morals, and general welfare of the City of Denton 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 Development Plan Map for PD-139 is hereby amended as shown in Exhibit "B," with the following conditions:

1. Use of the west driveway connection to I-35W shall be restricted to emergency vehicles only. Signage indicating this restriction must be installed at least 50 feet in advance of the driveway in accordance with TxDOT requirements if located within TxDOT right-of-way or on private property in accordance with the City's sign ordinance, prior to the issuance of a Certificate of Occupancy for any commercial uses. Upon the reconstruction of the abutting I-35W frontage road and upon receipt of TxDOT review and approval, the Director may allow for full access at this drive.
2. The following right-of-way improvements shall be reviewed and approved during the City's review of Civil Engineering Plans and constructed prior to the issuance of a Certificate of Occupancy for any commercial use:
 - a. An eastbound right-turn deceleration lane shall be required within Vintage Boulevard to serve the westernmost drive,
 - b. A westbound left-turn lane shall be required within Vintage Boulevard to serve the easternmost drive, and
 - c. A median opening shall be required within Vintage Boulevard to serve the easternmost drive.
3. The attached site plan and landscape plan reflect an intent to comply with the applicable development requirements for parking, street trees, minimum landscape and tree plantings, and landscape screening. Minor alterations to the depicted locations of individual plantings may be approved by City staff, provided the final landscaping, as planted, complies with the attached landscape plan in terms of the general location of required landscape elements, number of trees, and a minimum landscape percentage.

SECTION 3. the provisions of this ordinance, as they apply to the portion of PD-139 shown in Exhibit A are herein approved and shall govern and control over any conflicting provision of Ordinances No. 91-034, 1999-317, 2002-147, and PD21-0004b, but all provisions of Ordinances No. 91-034, 1999-317, 2002-147, and PD21-0004b as they apply to that remaining portion of the PD District not herein affected shall continue in force and effect and apply to the remainder of the PD District.

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 Jill Jester and seconded by Brian Beck, the ordinance was passed and approved by the following vote [7 - 0]:

| | Aye | Nay | Abstain | Absent |
|--|----------|---------------|---------------|---------------|
| Mayor Gerard Hudspeth: | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |
| Vicki Byrd, District 1: | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |
| Brian Beck, District 2: | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |
| Paul Meltzer, District 3: | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |
| Joe Holland, District 4: | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |
| Brandon Chase McGee, At Large Place 5: | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |
| Jill Jester, At Large Place 6: | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |

PASSED AND APPROVED this the 18th day of June, 2024.


GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY



BY: Helay Negon

Exhibit A

METES AND BOUNDS DESCRIPTION

BEING a 4.291 acre tract of land situated in the S. A. Pritchett Survey, Abstract Number 1021, Denton County, Texas, in the City of Denton, being a portion of the tract of land described in the instrument to Hickory Venture Group recorded in Document Number 2007-110095, Official Public Records of Denton County, Texas, said 4.291 acre tract of land being more particularly described as follows:

BEGINNING at a ½ inch iron rod with a yellow plastic cap stamped "RPLS 4818" found for the point of intersection of the easterly right-of-way line of Interstate Highway 35W (a variable width right-of-way) as described in the instrument to the State of Texas recorded in Volume 529, Page 538, Deed Records of Denton County, Texas with the southerly right-of-way line of Vintage Boulevard (a 120 foot wide right-of-way) for the northwesterly corner of said Hickory Venture Group tract;

THENCE with the southerly right-of-way line of Vintage Boulevard the following:

South 64° 08' 35" East a distance of 439.55 feet to a ½ inch iron rod found for the point of curvature of a curve to the left having a radius of 1,560.00 feet;

Southeasterly along said curve through a central angle of 02° 56' 56" an arc distance of 80.29 feet with a chord bearing of South 65° 37' 03" East and a chord distance of 80.28 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Dunaway Assoc" set for the most northerly northwest corner of the tract of land described in the instrument to the Housing Authority of the City of Denton recorded in Document Number 2022-143311, Official Public Records of Denton County, Texas;

THENCE departing the southerly right-of-way line of Vintage Boulevard with the common line of said Hickory Venture Group tract and said Housing Authority of the City of Denton tract the following:

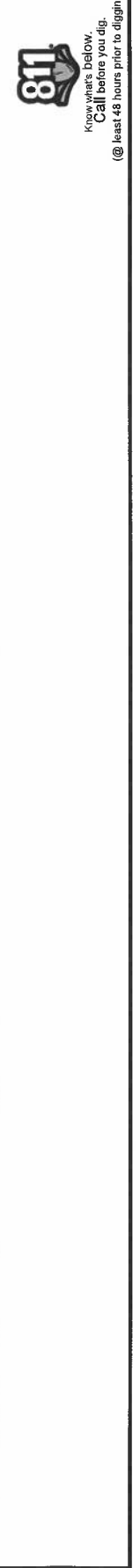
South 14° 59' 50" West a distance of 209.40 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Dunaway Assoc" set for corner;

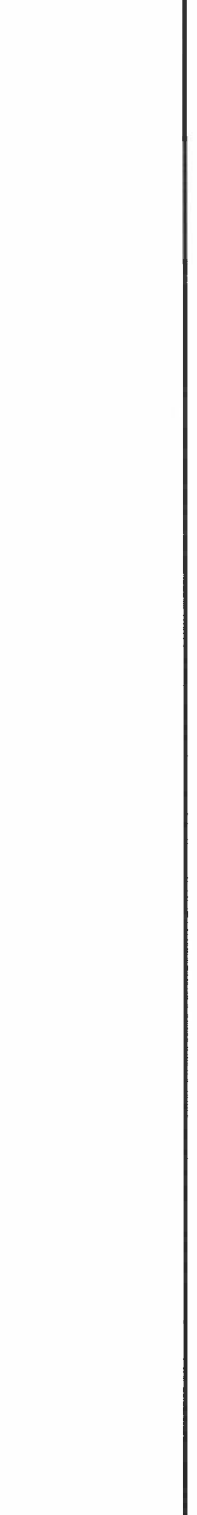
West a distance of 626.99 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Dunaway Assoc" found in the easterly right-of-way line of Interstate Highway 35W for the common westerly corner of said Hickory Venture Group tract and said Housing Authority of the City of Denton tract;

THENCE with the easterly right-of-way line of Interstate Highway 35W North 26° 27' 10" East a distance of 477.05 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 4.291 acres (186,902 square feet) of land.







RIGHT TURN LANE PLAN - GRADING
(GRADING DESIGN TO BE COMPLETED UPON
RECEIPT OF SURVEY DATA)