

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM RESIDENTIAL 1 (R1) TO A OVERLAY PLANNED DEVELOPMENT WITH A BASE ZONING OF SUBURBAN CORRIDOR (PD-SC) DISTRICT ON APPROXIMATELY 2.633 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF US 377 AND BRUSH CREEK ROAD, 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. (PD25-0004a, Brush Creek Center)

WHEREAS, Trey Jacobson, of Momentum Advisory Services, applied on behalf of the property owner, Deno Maggi, to rezone approximately 2.633-acres from Residential 1 (R1) District to an Overlay Planned Development Suburban Corridor (PD-SC) District, legally described and depicted in **Exhibit "A"** (hereinafter, the "Property"); and

WHEREAS, on October 22, 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, have held due hearings and afforded full and fair hearings to all property owners interested in this regard, and have recommended approval (7-0) of the amendment; and

WHEREAS, on November 18, 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 Planned Development (PD) District 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 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 from Residential 1 (R1) Districts to an Overlay Planned Development Suburban Corridor (PD-SC) 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"**.

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, 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 [____ - ____]:

	Aye	Nay	Abstain	Absent
Gerard Hudspeth, Mayor:	_____	_____	_____	_____
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"

2.633 - Acres

J. Severe Survey, Abstract No. 1164 and the BBBB &C RR, Survey No. 160,
Denton, Denton County, Texas

BEING a 2.633 - acre tract of land located in the J. Severe Survey, Abstract No. 1164 and the BBBB &C RR Survey, Abstract No. 160, Denton, Denton County, Texas, being part of Tract 2 as described in Warranty Deed with Vendor's Lien to MMRQ Land L.P. recorded in Instrument No. 2014-93723, Official Records Denton County, Texas and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod for the northeast corner of Tract 1 of said Deed, being the northwest corner of Lot 7, Block A, Kiowa Trail Estates, an Addition to the City of Denton, Denton County Texas, as recorded in Cabinet F, Page 277, Plat Records Denton County Texas (PRDCT) and being on the southerly line of Bassinger Addition, an Addition to Denton, Texas as recorded in Document No. 2014-204, PRDCT;

THENCE S 07°01'55" W with the west line of Kiowa Trail Estates, at a distance of 612.66 feet pass a found 1/2-inch iron rod for the southwest corner of said Addition, at a distance of 1041.47 feet pass a found iron rod, continuing for a total distance of 1064.77 feet to a point for the southeast corner of said Tract 2, in Brush Creek Drive (variable width prescriptive roadway);

THENCE N 89°41'02" W with the south line of the said Tract 2 and said roadway, a distance of 532.18 feet to the POINT OF BEGINNING;

THENCE continuing with the south line of the said Tract 2 and said roadway as follows:

N 89°41'02" W, a distance of 22.67 feet to a point for corner;

N 01°05'58" E, a distance of 6.94 feet to a point for corner;

N 88°21'02" W, a distance of 285.57 feet to a point for the intersection of said roadway and the east right of way line of US Highway 377 (variable width right of way);

THENCE northerly with said east right of way line as follows:

N 29°05'18" W, a distance of 108.30 feet to a point for corner;

N 27°38'58" E, a distance of 197.83 feet to a found TxDOT concrete monument;

N 21°55'58" E, a distance of 168.29 feet to a point for corner;

THENCE S 62°29'06" E leaving said right of way line, a distance of 69.24 feet to a point for corner;

THENCE S 00°14'40" E, a distance of 33.26 feet to a point for corner;

THENCE S 89°45'20" E, a distance of 142.92 feet to a point for corner;

THENCE S 00°14'40" E, a distance of 376.69 feet to the POINT OF BEGINNING, containing 2.633 – acres of land, more or less.

Bearings heron determined by GPS observation, giving the monumented east line of the subject parcel a bearing of S 07°01'55" W.

Exhibit "A"

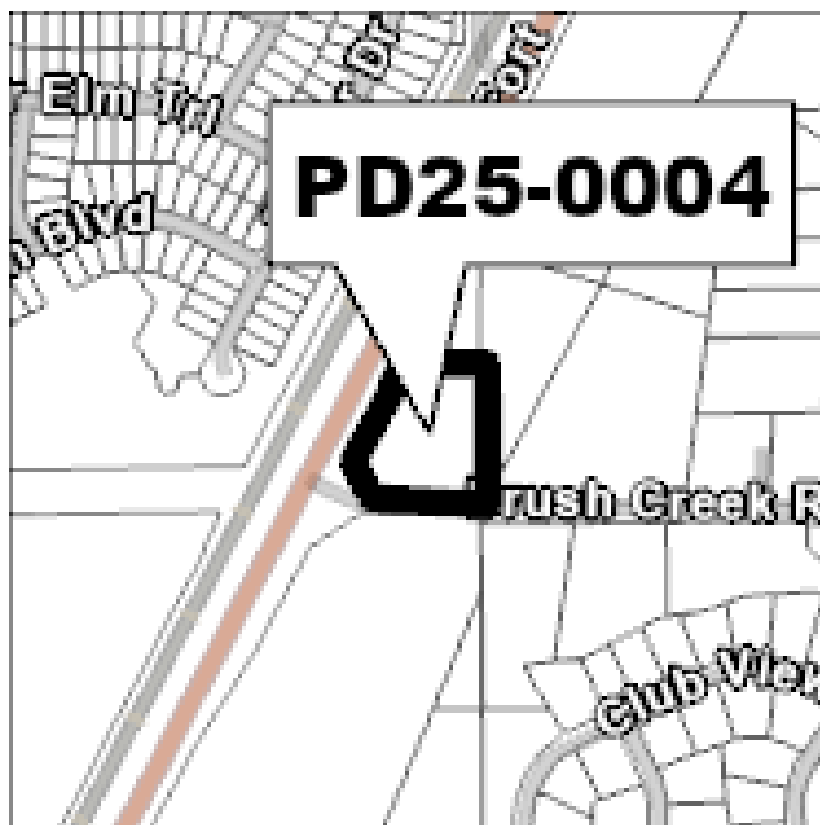


Exhibit “B” – Development Standards

PD25-0004

Brush Creek Center

PD-SC– 2.633 acres

Northeast Corner of US 377 and Brush Creek Road

City of Denton, Denton County, Texas

SECTION 1: Purpose Statement

The regulations set forth in these development standards are for an Overlay Planned Development (PD) District as defined in Denton Development Code (DDC) Section 2.7.3C.1. The Overlay PD consists of approximately 2.633 total acres described in Exhibit A and attached to this PD Ordinance.

The purpose of this PD is to facilitate the development of a commercial center on 2.633 acres. The PD is intended to allow for development of an approximately 13,500 square foot commercial center while mitigating potential adverse impacts to nearby properties. The base zoning district for the PD shall be Suburban Corridor (SC) District, with the use and development standard modifications as provided for in this ordinance.

SECTION 2: Use Regulations

Permitted land uses shall be in accordance with the Suburban Corridor (SC) zoning district as provided in DDC Table 5.2-A, as amended, except for the following uses, which shall be prohibited:

- a. Multifamily Dwelling
- b. Elderly Housing
- c. Outdoor Recreation Facility
- d. Laundry Facility, Self-Service
- e. Building Materials and Supply Store
- f. Smoke Shop
- g. Major Automotive Repair facility
- h. Craft Alcohol Production Facility
- i. Artisan Manufacturing
- j. Food Processing (less than and greater than 2,500 square feet)
- k. Low-Impact Manufacturing
- l. Self-Storage
- m. Warehouse and Wholesale Facility
- n. Temporary Storage of Shipping Containers
- o. Concrete Batch Plant
- p. Special Event Use

SECTION 3: Development Standards and Conditions

Development within this PD shall comply with the Development Standards applicable to the SC zoning district as provided for in the Denton Development Code, as amended, except as modified herein. Additionally, all development within this PD shall comply with the following:

3.1 Landscape Standards

All requirements of DDC Subchapter 7.7 Landscaping, Screening, Buffering, and Fences, as amended, applicable to the SC zoning district shall apply to development within this PD District except as modified herein.

- a. In order to accommodate all required street trees and right-of-way screening elements, the applicant shall provide a minimum 10-foot-wide landscape buffer along the northbound shoulder of US 377. The buffer shall be parallel to and outside of the TxDOT right-of-way and public utility easements.

3.2 Site Design Standards

All development within this PD District shall comply with the development standards listed in this Section below. Otherwise, all site and building design requirements of Subchapter 7 of the DDC, as amended, shall apply except as modified herein.

- a. Refuse enclosures shall be situated on the subject property such that enclosures are not located within seventy-five (75) feet of a single-family residential structure. The refuse container shall not be located directly in front of the building and shall be opaquely screened from the right-of-way in accordance with DDC Subsection 7.7.8E.
- b. The applicant shall maintain a minimum 9-foot-wide shared-use path within the northbound shoulder of US 377 from Brush Creek Road traversing the length of the western property boundary.