

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A REGIONAL CENTER COMMERCIAL DOWNTOWN (RCC-D) ZONING DISTRICT AND USE CLASSIFICATION TO A REGIONAL CENTER RESIDENTIAL 2 (RCR-2) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 20.49 ACRES OF LAND GENERALLY LOCATED AT 2100 MAYHILL ROAD AND AT THE END OF HUDSONWOOD DRIVE 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. (Z16-0027)

WHEREAS, J. Brandon Hancock of Ojala Holdings has applied for a zoning change on approximately 20.49 acres of land legally described in Exhibit "A" and depicted in Exhibit B, attached hereto and incorporated herein by reference (hereinafter, the "Property") from a RCC-D zoning district and use classification to a RCR-2 zoning district and use classification; and

WHEREAS, on March 8, 2017, 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 [6-0] of the change in zoning district and use classification; and

WHEREAS, on March 21, 2017, 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 35.3.4 of the Denton Development Code, and is consistent with the Denton Plan and the Denton Development Code;

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 RCC-D to RCR-2.

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 remaining 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. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: 

Exhibit A
Legal Description

LEGAL DESCRIPTION

20.49 ACRES

BEING a tract of land situated in the David Hough Survey, Abstract No.646, City of Denton, Denton County, Texas and being part of a tract of land described as Tract 1 in Special Warranty Deed to Richard A. Greb and Nancy A. Greb recorded in Document Number 2006-100770, Official Public Records, Denton County, Texas, and being a part of a 7.628 acre tract of land described in Special Warranty Deed to The City of Denton, recorded in Document No. 2014-26435, Official Public Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner found in the south line of a tract of land described in Deed to Mason A. Haggard & wife, Wilma Haggard, recorded in Volume 337, Page 430, Deed Records, Denton County, Texas, and being the northeast corner of Lot 1, Block C, of Quail Creek Addition, an addition to the City of Denton, Texas, according to the plat thereof recorded in Cabinet U, Page 468, Plat Records, Denton County, Texas;

THENCE with the south line of said Haggard tract, North 87°51'30" East, a distance of 705.10 feet to a point for corner;

THENCE departing said south line, the following courses and distances, to wit:

South 1°57'09" West, a distance of 699.81 feet to a point for corner;
North 88°00'40" East, a distance of 321.36 feet to a point for corner;
South 1°57'09" West, a distance of 412.09 feet to a point for corner in the north line of Lot 1R, Block F, of Providence Place II, an addition to the City of Denton, Texas, according to the plat thereof recorded in Cabinet X, Page 905, Plat Records, Denton County, Texas;

THENCE with the north line of said Lot 1R, South 88°00'40" West, passing the southwest corner of said 7.628-acre tract at a distance of 70.44 feet and continuing in all a total distance of 1026.33 feet to an inner el corner of Lot 1, Block E, of said Providence Place II;

THENCE with the east lines of said Lot 1, Block E, North 1°57'09" East, passing at a distance of 438.23 feet the southeast corner of said Lot 1, Block C, continuing with the east line of said Lot 1, Block C, in all a total distance of 1080.01 feet to the **POINT OF BEGINNING** and containing 20.49 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and

interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Exhibit B
Property Location

Z16-0027
Site Location

