

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM RESIDENTIAL 2 (R2) DISTRICT TO SUBURBAN CORRIDOR (SC) DISTRICT ON APPROXIMATELY 13.07 ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH LOCUST STREET AND HERCULES LANE, 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. (Z22-0008c)

WHEREAS, Asbury United Methodist Church has submitted a request to rezone approximately 13.07 acres of land from Residential 2 (R2) District to Suburban Corridor (SC) District, legally described in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on August 10, 2022, 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 (4-1) of the request; and

WHEREAS, on August 16, 2022, 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 2.7.2 of the Denton Development Code, and is consistent with the Denton Plan 2030 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 establishing an initial zoning district for 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 to Suburban Corridor (SC) District.

SECTION 3. The City's official zoning map is hereby amended to show the established 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:	_____	_____	_____	_____
Jessie Davis, District 3:	_____	_____	_____	_____
Alison Maguire, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

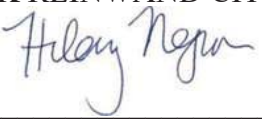
PASSED AND APPROVED this the _____ day of _____, 2022.

GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND CITY ATTORNEY

 Hilary Negron
2022.08.11 10:10:22
-05'00'

BY: _____

Exhibit A
Legal Description



SUBJECT TRACT DESCRIPTION:

Being 13.0718 acres (569,406 square feet) of land, all of Tract I: Lot 2, Block "A", Asbury United Methodist Church, recorded under Cabinet V, Page 796 Plat Records of Denton County, Texas (P.R. D.C.T.) and Tract II: a called 9.41 acres, conveyed to Asbury United Methodist Church, by deed recorded under County Clerk's File Number (C.F.N.) 2011-101609 Official Public Records of Denton County, Texas (O.P.R. D.C.T.), said 13.0718 acre tract lying in the Thomas Toby Survey, Abstract 1288 and being more particularly described by metes and bounds as follows:

COMMENCING at a found 5/8 inch iron rod with cap, marking an angle point of said Lot 2 and said 9.41 acres and the southwest corner of a Lease Site;

THENCE South 59°17'53" West, along the common line of said Lot 2 and said 9.41 acres, a distance of 381.99 feet to a found 5/8 inch iron rod with cap, marking an angle point of said Lot 2 and said 9.41 acres;

THENCE South 00°59'49" West, continuing along said common line of said Lot 2 and said 9.41 acres, a distance of 214.34 feet to a point for corner in the north right-of-way (R.O.W.) line of Hercules, public R.O.W. varies, marking the southwest corner of said Lot 2, also being a point in east line of said 9.41 acres and the POINT OF BEGINNING, from which a found 5/8 inch iron rod with cap, bears North 18°32'28" East, a distance of 0.45 feet;

THENCE South 00°57'08" West, a distance of 31.09 feet to a calculated point in the center of said Hercules, marking an external corner of the herein described tract;

THENCE North 89°57'09" West, along said center line, a distance of 110.01 feet to a calculated point in the east R.O.W. line of North Locust Street, marking the southwest corner of said 9.41 acres and the herein described tract;

THENCE North 01°08'46" East, along said east line, a distance of 721.70 feet to a calculated point, marking the southwest corner of a called 53.93 acres, conveyed to Melvin Haisler, by deed recorded under C.F.N. 98-R0113462 O.P.R. D.C.T., also being northwest corner of said 9.41 acres and the herein described tract, from which a found 1/2 inch iron rod, bears South 24°06'28" East, a distance of 11.11 feet;

THENCE South 78°22'14" East, along the south line of said 53.93 acres, a distance of 466.70 feet to a calculated point, marking an angle point of said 53.93 acres, said 9.41 acres and the herein described tract;



THENCE South $53^{\circ}50'14''$ East, continuing along said south line of said 53.93 acres, a distance of 1008.40 feet to a point for corner, marking an angle point of said 53.93 acres, said 9.41 acres and the herein described tract, from which a found 1/2 inch iron rod, bears North $59^{\circ}01'30''$ East, a distance of 0.64 feet;

THENCE South $00^{\circ}02'46''$ West, a distance of 33.50 feet to a point for corner in the center line of said Hercules Road, marking the most easterly southwest corner of said 53.93 acres, also being the southeast corner of said 9.41 acres and the herein described tract;

THENCE North $89^{\circ}57'09''$ West, along said center line, a distance of 710.60 feet to a calculated point, marking the external corner of said 9.41 acres and the herein described tract;

THENCE North $00^{\circ}59'49''$ East, a distance of 26.74 feet to a point for corner in the north R.O.W. line of said Hercules Road, marking the southeast corner of said Lot 2, also being an internal corner of the herein described tract, from which a found 1/2 inch iron rod, bears North $13^{\circ}24'21''$ West, a distance of 0.43 feet;

THENCE North $89^{\circ}25'01''$ West, along said north R.O.W. line of Hercules Road, a distance of 465.01 feet to the POINT OF BEGINNING and containing a computed 13.0718 acres (569,406 square feet) of land.

A handwritten signature in black ink, appearing to read "Clemente Turrubiarres Jr.".

Clemente Turrubiarres Jr., R.P.L.S. 6657
Core Land Surveying
TBPLS Reg. No. 10194560
Job No. 21-00078T
Issue Date: June 20, 2022



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