

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM A MIXED-USE REGIONAL (MR) ZONING DISTRICT TO A LIGHT INDUSTRIAL (LI) ZONING DISTRICT ON APPROXIMATELY 53.681 ACRES OF LAND, GENERALLY LOCATED SOUTH OF BARTHOLD ROAD, NORTH OF FM 1173, APPROXIMATELY 712 FEET WEST OF THE INTERSECTION OF FM 1173 AND NORTH I-35E, 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 ESTABLISHING AN EFFECTIVE DATE. (Z22-0011b)

WHEREAS, the applicant Todd Finley of CLX Ventures, LLC, on behalf of property owner, The Deeper Life Bible Church, has submitted a request to rezone approximately 53.681 acres of land from a Mixed-Use Regional (MR) Zoning District to a Light Industrial (LI) Zoning District, legally described in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on October 12, 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 7-0 of the request; and

WHEREAS, on November 1, 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 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 zoning change for the Property, have determined that the proposed zoning district and use classification 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 Light Industrial (LI) Zoning 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:	_____	_____	_____	_____
Jesse 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
2022.11.01 13:56:28
-05'00'

BY: _____

Exhibit A

Legal Description 53.681 ACRES

53.681 ACRE TRACT

B.B.B. & C. RR CO. Survey, Abstract No. 141
City of Denton, Denton County, Texas

DESCRIPTION, of a 53.681-acre tract of land situated in the B.B.B. & C. RR CO. Survey, Abstract No. 141, City of Denton, Denton County, Texas; said tract being part of that tract of land described in Warranty Deed with Vendor's Lien to the Deeper Life Bible Church, Inc. recorded in Document No. 2018-15756 and that tract of land described in Warranty Deed with Vendor's Lien to the Deeper Life Bible Church recorded in Document No. 2009-56655, both of the Official Records of Denton County, Texas; said 53.681 acre tract being more particularly described as follows (bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (Adjustment Realization 2011), Texas North Central Zone 4202. Distances reported have been scaled by applying the Denton County TxDOT surface adjustment factor of 1.000150630:

BEGINNING, at a 1/2-inch iron rod found in the north right-of-way line of Farm-to-Market Highway 1173 (F.M. 1173, a variable width right-of-way); said point being the southeast corner of the first referenced Deeper Life Bible Church, Inc. tract and the southwest corner of that tract of land described in General Warrant Deed to Westglen Partners, Ltd. recorded in Document No. 2015-71907 of said Official Records;

THENCE, in a westerly direction, along the said north line of said F.M. 1173 and the south line of the first referenced Deeper Life Bible Church, Inc. tract, the following six (6) calls:

North 89 degrees, 48 minutes, 59 seconds West, a distance of 1,408.35 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for an angle point;
North 86 degrees, 55 minutes, 28 seconds West, a distance of 100.16 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for an angle point;
South 89 degrees, 52 minutes, 37 seconds West, a distance of 155.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for an angle point;
North 88 degrees, 06 minutes, 30 seconds West, a distance of 242.80 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for an angle point;
South 88 degrees, 59 minutes, 00 seconds West, a distance of 99.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for an angle point;
North 88 degrees, 05 minutes, 40 seconds West, a distance of 29.00 feet to a wood fence post found for the southwest corner of the first referenced Deeper Life Bible Church, Inc. tract and the southeast corner of that tract of land described as Tract Two - A in Warranty Deed to Evelyn Maria Barthold recorded in Document No. 1994-89284 of said Official Records;

THENCE, in a northerly direction, along the east line of said Tract Two - A and the west line of the first referenced Deeper Life Bible Church, Inc. tract, the following two (2) calls:

North 00 degrees, 11 minutes, 58 seconds East, a distance of 853.78 feet to a 1/2-inch iron rod found for an angle point;

North 00 degrees, 23 minutes, 35 seconds East, at a distance of 698.10 feet passing a 5/8-inch iron rod with "TxDOT ROW" cap found in the proposed south right-of-way line of

Barthold Road (a variable width right-of-way, apparent prescriptive right-of-way at this point), continuing in all a total distance of 775.54 feet to a point for corner in the south line

of that tract of land described in General Warranty Deed to Arthur Smuck and Kathryn Smuck recorded in Document No. 2018-61600 of said Official Records; said point being the northwest corner of the first referenced Deeper Life Bible Church, Inc. tract and the northeast corner of said Tract Two – A;

THENCE, South 89 degrees, 38 minutes, 02 seconds East, along the said south line of the Smuck tract and the north line of the first referenced Deeper Life Bible Church, Inc. tract, at a distance of 120.12 feet passing a point for the southeast corner of said Smuck tract and the southwest corner of that tract of land described as Tract 3 in Special Warranty Deed with Vendor's Lien to Harlan Properties, Inc. in Document No. 1999-24422 of said Official Records, continuing long the south line of said Tract 3 and the said north line of the first referenced Deeper Life Bible Church, Inc. tract, in all a total distance of 1,031.93 feet to a point for the northeast corner of the first referenced Deeper Life Bible Church, Inc. tract and the northwest corner of that tract of land described in Warranty Deed with Vendor's Lien to Deeper Life Bible Church, Inc. recorded in Document No. 2016-116825 of said Official Records;

THENCE, South 00 degrees, 14 minutes, 19 seconds West, departing the said south line of Tract 3, along the east line of the first referenced Deeper Life Bible Church, Inc. tract and the west line of the third referenced Deeper Life Bible Church, Inc. tract, at a distance of 31.17 feet passing a 5/8-inch iron rod with "TxDOT ROW" cap found in the said proposed south line of Barthold Road, at a distance of 778.14 feet passing a metal fence post found for the southwest corner of the third referenced Deeper Life Bible Church, Inc. tract and a reentrant corner of the first referenced Deeper Life Bible Church, Inc. tract, continuing into the first referenced Deeper Life Bible Church, Inc. tract, in all a total distance of 974.23 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner;

THENCE, South 89 degrees, 41 minutes, 08 seconds East, at a distance of 386.64 feet passing an east line of the first referenced Deeper Life Bible Church, Inc. tract and a west line second referenced Deeper Life Bible Church, Inc. tract, continuing into and over the second referenced Deeper Life Bible Church, Inc. tract, in all a total distance of 694.38 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner; said point being in the west line of that tract of land described General Warranty Deed to Love's Travel Stops & Country Store, Inc. recorded in Document No. 2018-10900 of said Official Records;

THENCE, South 00 degrees, 10 minutes, 05 seconds West, along said west line of the Love's Travel Stops & Country Store, Inc. tract, a distance of 49.52 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner; said point being the southwest corner of said Love's Travel Stops & Country Store, Inc. tract;

THENCE, South 89 degrees, 45 minutes, 41 seconds East, along the south line of said Love's Travel Stops & Country Store, Inc. tract, a distance of 306.25 feet to a 5/8-inch iron rod with "CEI" cap found for corner in the west line of Lot 1, Block A, Love's Travel Stop Addition, an addition to the City of Denton, Texas according to the plat recorded in Document No. 2017-23 of said Official Records and the east line the second referenced Deeper Life Bible Church, Inc. tract; said point being the southeast corner of said Love's Travel Stops & Country Store, Inc. tract;

THENCE, South 00 degrees, 03 minutes, 30 seconds West, along said west line of Lot 1, Block A and said east line of the second referenced Deeper Life Bible Church, Inc. tract, a distance of 111.31 feet to a 1/2-inch iron rod with "ESLLC 1869/5627" cap found for the southwest corner of said Lot 1, Block A and the northwest corner of that tract of land described in General Warranty Deed with Vendor's Lien to Westglen Partners, LTD recorded in Document No. 2020-14280 of said Official Records;

THENCE, South 00 degrees, 17 minutes, 16 seconds West, along the west line of the second referenced Westglen Partners, LTD tract and said east line of the second referenced Deeper Life Bible Church, Inc. tract, at a distance of 177.84 feet passing the southeast corner of the second referenced Deeper Life Bible Church, Inc. tract and the easternmost northeast corner of the first referenced Deeper Life Bible Church, Inc. tract, and at a distance of 252.81 feet passing a 3/4-inch iron rod found of the southwest corner of the second referenced Westglen Partners, LTD tract and the northwest corner of the first referenced Westglen Partners, LTD tract, continuing along the west line of the first referenced Westglen Partners, LTD tract and said east line of the first referenced Deeper Life Bible Church, Inc. tract, in all a total distance of 501.71 feet to the **POINT OF BEGINNING**;

CONTAINING: 2,338,345 square feet or 53.681 acres of land, more or less.