

ORDINANCE NO. PD22-0010d

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 12.77 ACRES OF LAND FROM A PLANNED DEVELOPMENT – MIXED-USE NEIGHBORHOOD (PD-MN) DISTRICT TO AN OVERLAY PLANNED DEVELOPMENT – SUBURBAN CORRIDOR (PD-SC) DISTRICT. THE SITES ARE GENERALLY LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF TEASLEY LANE (F.M. 2181) AND HUNTER 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 FOR SEVERABILITY AND AN EFFECTIVE DATE. (PD22-0010a, Denton West Joint Venture)

WHEREAS, Greg Johnson with Verus Commercial, applied on behalf of the property owner, Denton West Joint Venture, for a zoning change from a Planned Development – Mixed-Use Neighborhood (PD-MN) District to an Overlay Planned Development – Suburban Corridor (PD-SC) District on approximately 12.77 acres, legally described and depicted in Exhibit “A” (hereinafter, the “Property”); and

WHEREAS, on March 29, 2023, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, and having held due hearings and afforded full and fair hearings to all property owners interested in this regard, and have recommended approval ( \_ - ) of the amendment; and

WHEREAS, on April 4, 2023, 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 an Overlay 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 in 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 a Planned Development - Mixed-Use Neighborhood (PD-MN) District to an Overlay Planned Development – Suburban (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” and the Denton Development Code, as amended.

SECTION 4. The City’s official zoning map is hereby amended to show the change in the zoning district and use classification.

SECTION 5. 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 6. Any person, firm, entity 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 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.

The motion to approve this ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the ordinance was passed and approved by the following vote [\_\_\_ - \_\_\_]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
VACANT, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
ROSA RIOS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY: \_\_\_\_\_

## Exhibit A – Legal Description

### TRACT 1

**BEING** a tract of land situated in the J. Fisher Survey, Abstract No. 421, and being a portion of a called 56.014 acre tract of land as described in a Warranty Deed to Denton West Joint Venture as recorded in Instrument No. 2011-114170 of the Official Records of Denton County, Texas, same being all of Lot 1, Block A of Denton West Joint Venture Addition, according to the Conveyance Plat thereof recorded in Document No. 2020-8 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a 5/8 inch iron rod with plastic cap stamped "KHA set for the northernmost corner of said Lot 1, common to the most easterly corner of Lot 1X HOA, Block E of Teasley Trails Phase III, according to the Minor Amending Plat thereof recorded in Document No. 2017-95 of the Plat Records of Denton County, Texas, same being on the westerly right-of-way line of F.M. Highway No. 2181 (Teasley Lane), a variable width right-of-way, and the westerly line of a called 1.2355 acre tract of land described as Parcel 32 in a deed to State of Texas, as recorded in Instrument No. 2011-73414 of the Official Records of Denton County, Texas;

**THENCE** departing the easterly line of said Lot 1X, along the easterly line of said Lot 1, the westerly right-of-way line of said F.M. Highway No. 2181 (Teasley Lane) and the westerly line of said Parcel 32, the following:

South 20°46'59" East, a distance of 232.03 feet to a TXDoT right-of-way monument found at the beginning of a tangent curve to the left having a central angle of 5°48'41", a radius of 2934.79 feet, a chord bearing and distance of South 23°41'20" East, 297.54 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 297.67 feet to a TXDoT right-of-way monument found for corner;

South 21°35'01" West, a distance of 19.94 feet to a TXDoT right-of-way monument found at the beginning of a non-tangent curve to the left having a central angle of 0°10'55", a radius of 2949.68 feet, a chord bearing and distance of South 26°56'38" East, 9.37 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 9.37 feet to an "X" cut set for the southeast corner of said Lot 1, common to the intersection of the westerly right-of-way line of said F.M. Highway No. 2181 with the northerly right-of-way line of Hunter's Creek, a variable width right-of-way;

**THENCE** departing the westerly right-of-way line of said F.M. Highway No. 2181 (Teasley Lane) and the westerly line of said Parcel 32, and along the southerly line of said Lot 1 and the northerly right-of-way line of said Hunter's Creek, the following:

South 67°16'29" West, a distance of 129.40 feet to a mag nail set at the beginning of a tangent curve to the right having a central angle of 22°40'23", a radius of 367.50 feet, a chord bearing and distance of South 78°36'41" West, 144.48 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 145.43 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

**TRACT 2**

**BEING** a tract of land situated in the J. Fisher Survey, Abstract No. 421, and being a portion of a called 56.014 acre tract of land as described in a Warranty Deed to Denton West Joint Venture as recorded in Instrument No. 2011-114170 of the Official Records of Denton County, Texas, same being all of Lot 2, Block A of Denton West Joint Venture Addition, according to the Conveyance Plat thereof recorded in Document No. 2020-8 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at an "X" cut in concrete found for the northernmost southeast corner of said Lot 2, common to the southwest corner of a called 1.2355 acre tract of land described as Parcel 32 in a deed to State of Texas as recorded in Instrument No. 2011-73414 of the Official Records of Denton County, Texas, the northwest corner of a called 0.1047 acre tract of land described as Parcel 34 in a deed to State of Texas as recorded in Instrument No. 2011-74805 of the Official Records of Denton County, Texas, being on the westerly right-of-way line of F.M. Highway No. 2181 (Teasley Lane), a variable width right-of-way, and on the southeasterly line of said 56.014 acre tract, and the northwesterly line of Lot 1, Block A of Lakewood Convenient Addition, according to the plat thereof recorded in Cabinet N, Page 51 of the Plat Records of Denton County, Texas;

**THENCE** South 55°32'12" West, departing the westerly right-of-way line of said F.M. Highway No. 2181 (Teasley Lane), along the southeasterly line of said Lot 2 and the northwesterly line of said Lot 1, a distance of 378.50 feet to the southernmost southeast corner of said Lot 2, being in an asphalt road, known as Ryan Road, and the northerly line of a called 13.158 acre tract of land described in a deed to Lockard Denton, LLC (d/b/a Lockard Denton Holdings, LLC), as recorded in Instrument No. 2013-67764 of the Official Records of Denton County, Texas, from which, a mag nail found for witness bears South 42°04' East, 0.3 feet;

**THENCE** South 88°45'51" West, along the southerly line of said Lot 2, the northerly line of said 13.158 acre tract, the northerly line of Hickory Creek Heights according to the Final Plat thereof recorded in Cabinet N, Page 101 of the Plat Records of Denton County, Texas, and along said Ryan Road, a distance of 499.93 feet to a mag nail set for the southwest corner of said Lot 2, common to the southeast corner of Lot 3, Block A of said Denton West Joint Venture Addition;

**THENCE** departing the northerly line of said Hickory Creek Heights and said Ryan Road, and along the westerly line of said Lot 2 and the easterly line of said Lot 3, the following:

North 0°44'31" West, a distance of 74.60 feet to a point for corner;

North 40°09'01" East, a distance of 105.89 feet to a point for corner;

North 22°59'38" East, a distance of 90.75 feet to a point for corner;

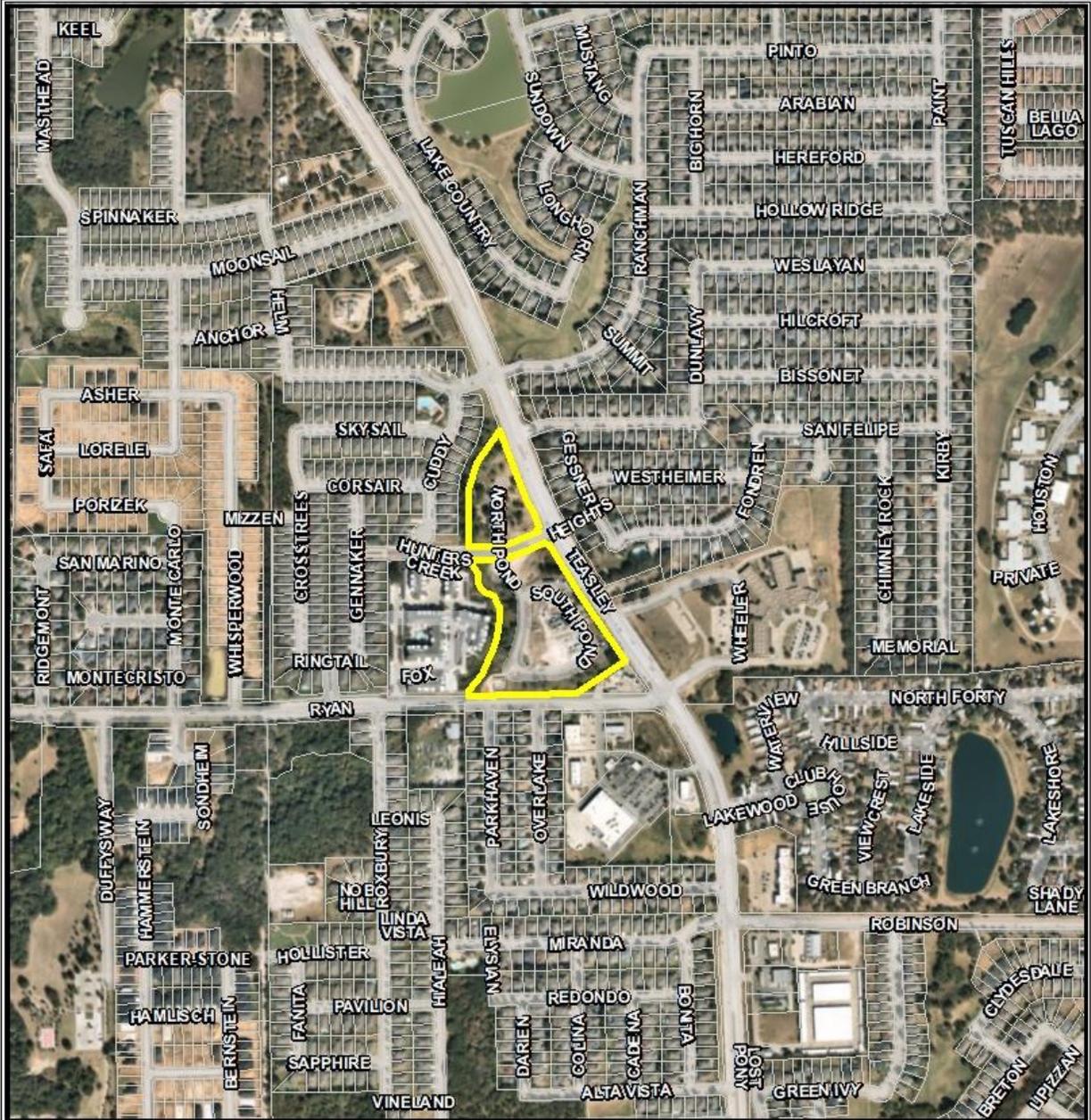
North 31°21'21" East, a distance of 50.47 feet to a point for corner;

North 13°53'08" East, a distance of 57.59 feet to a point for corner;

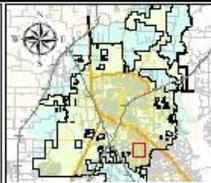
North 10°31'02" East, a distance of 108.30 feet to a point for corner;

North 3°51'07" West, a distance of 59.87 feet to a point for corner;

PD22-0010  
Site Location



- SITE
- Parcels
- Roads



0 205 410 820  
feet

DENTON  
Development Services - GIS  
Date: 10/2023

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Although every effort was made to ensure the accuracy of this data, no such guarantee is given or implied. Utilization of this map indicates the understanding that there is no guarantee to the accuracy of this data.

## **Exhibit B – Planned Development Standards**

PD22-0010

Denton West Joint Venture – Planned Development (PD) District

General Planned Development Standards

For 12.77 Acres

City of Denton, Denton County, Texas

### **SECTION 1: Purpose.**

The regulations set forth in these development standards are for the Overlay Planned Development (PD) District as defined in Denton Development Code Section 2.7.3C.1. The PD encompasses a total of 12.77-acres described in Exhibit A (“Property”), Zoning Legal Description. Tract 1, an approximately 3.16-acre tract, is located at the northwest corner of Teasley Lane and Hunters Creek Road. Tract 2, an approximately 9.61-acre tract, is located at the southwest corner of Teasley Lane and Hunters Creek Road.

### **SECTION 2: Use Regulations.**

The permitted uses shall be in accordance with Suburban Corridor (SC) District, per the City of Denton Development Code (DDC) Table 5.2.-A, as amended, with the following exceptions:

The following uses are prohibited:

- Multifamily Dwelling
- Work/Live Dwelling
- Club or Lodge
- Funeral and Internment Facility
- Business or Trade School
- Hospital Services
- Medical uses over 25,000 Square Feet
- Kennel
- Urban Farm
- Amenity Center
- Outdoor Recreation Facility
- Bar, Tavern, or Lounge
- Mobile Food Court
- Private Club
- Credit Access Business
- Printing, Copying, and Publishing Establishment
- Laundry Facility
- Tattoo and Body Piercing Parlor
- Smoke Shop
- Boarding or Rooming House
- Hotel
- Motel

- Auto Wash
- Automotive Repair Shop, Major & Minor
- Automotive Fuel Sales
- Parking Lot as Principal Use
- Craft Alcohol Production
- Food Processing, Less than 2,500 Square Feet
- Food Processing, More than 2,500 Square Feet
- Gas Well
- Artisan Manufacturing
- Low-Impact Manufacturing
- Data Center, Warehouse
- Self-Service Storage
- Warehouse and Wholesale Facility
- Accessory Uses
  - Home Occupation
  - Outdoor Storage, Accessory
  - Sale of Produce & Plants Raised on Premises
  - Solar Collector, Ground Mounted
  - Wind Energy Conversion System
- Temporary Uses
  - Temporary Storage Containers
  - Concrete or Asphalt Batching Plant
  - Portable Wireless Telecommunications Tower

Drive-through facilities shall only be permitted on Tract 1, north of Hunters Creek Road. No more than 2 drive-through facilities shall be permitted by right. Additional drive-through facilities may be permitted with approval of a Specific Use Permit pursuant to the Denton Development Code, Section 2.5.2: *Specific Use Permit (SUP)*.

### **SECTION 3: Development Standards.**

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. Additionally, all development within this PD shall comply with the following:

#### **Landscaping & Screening**

A minimum of three Right-of-Way Elements must be selected from DDC Table 7.E, Section A along all property lines abutting Hunters Creek Road. The following buffers shall be required:

##### Tract 1

Along all property lines shared with the single-family subdivision to the west, a minimum 30-foot-wide landscape buffer shall be provided and must include 30 Buffer Points selected from DDC Table 7.G. Existing tree canopy may count towards the required buffer elements.

A fence shall be constructed between the landscape buffer and all development on this Tract designed pursuant to DDC Section 7.7.8: *Wall, Fences, and Screening*.

Tract 2

Along all property lines shared with the multifamily development to the west, a minimum 30-foot-wide landscape buffer shall be provided and must include 30 Buffer Points selected from DDC Table 7.G. Existing tree canopy may count towards the required buffer elements.

**Site & Building Design**

Where sidewalks and pedestrian paths traverse driveways, the sidewalk or pedestrian path shall be designed with patterned and/or colored concrete or pavers.

No menu boards or speakers shall be located between a primary structure and Hunters Creek Road.

All building-mounted light fixtures must be installed so that light is directed downward.

Parking and vehicular maneuvering areas shall be set back at no less than 25 feet from all property lines adjacent to Teasley Lane and no less than 15 feet from Hunters Creek Road.

**Signage**

Free standing signs shall be limited to monument signs. Monument signs shall be no taller than 8 feet in height.