

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A NEIGHBORHOOD RESIDENTIAL 2 (NR-2) ZONING DISTRICT AND USE CLASSIFICATION AND A NEIGHBORHOOD RESIDENTIAL MIXED USE (NRMU) ZONING DISTRICT AND USE CLASSIFICATION TO A COMMUNITY MIXED USE GENERAL (CM-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 80.49 ACRES OF LAND AND PROVIDING AN INITIAL ZONING DISTRICT AND USE CLASSIFICATION FROM A RURAL RESIDENTIAL (RD-5X) DESIGNATION TO A CM-G ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 1.67 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF TEASLEY LANE APPROXIMATELY 825 FEET SOUTH OF MONTECITO 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. (Z16-0010)

WHEREAS, Applicant Denton ISD, property owner, has applied for a zoning change on approximately three parcels of land as follows: (1) an approximate 76.913 acre tract located at 7501 Teasley Lane, Denton, Texas ("Parcel 1"); (2) an approximate 1.3348 acre tract located at 7695-a Teasley Lane, Denton, Texas ("Parcel 2"); and (3) an approximate 3.244 acre tract located at A0047a J. Baker, Tr 8(pt) ("Parcel 3"), which parcels combine to operate Guyer High School and are more particularly described as indicated in Exhibit A, and depicted in Exhibit B, Parcels 1, 2 and 3, respectively, attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Applicant has requested to rezone Parcel 1 from a Neighborhood Residential 2 (NR-2) zoning district and use classification to a Community Mixed Use General (CM-G) zoning district and use classification; rezone Parcel 2 from a Neighborhood Residential Mixed Use (NRMU) zoning district and use classification to a CM-G zoning district and use classification; partially rezone Parcel 3 from a Neighborhood Residential 2 (NR-2) zoning district and use classification to a CM-G zoning district and use classification; and to initially zone of part of Parcel 3 from Rural Residential (RD-5X) to a CM-G zoning district and use classification; and

WHEREAS, the purpose of Applicant's request is to obtain uniform zoning on the Property to manage municipal standards more effectively; and

WHEREAS, on August 10, 2016, 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 (5-0) of the change in zoning district and use classification; and

WHEREAS, on September 20, 2016, 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 as follows: Parcel 1 from Neighborhood Residential 2 (NR-2) to Community Mixed Use General (CM-G); Parcel 2 from Neighborhood Residential Mixed Use (NRMU) to Community Mixed Use General (CM-G); a part of Parcel 3 as indicated from Neighborhood Residential 2 (NR-2) to Community Mixed Use General (CM-G); and an initial zoning on a part of Parcel 3 as indicated from RD-5X to Community Mixed Use General (CM-G).

SECTION 3. The City's official zoning map is hereby amended to show the change in the zoning district and use classification for the Property.

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. That 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

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

APPROVED AS TO LEGAL FORM:  
ANITA BURGESS, CITY ATTORNEY

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

*Jennifer W. Walters*  
*Deputy City Attorney*



## Exhibit A

### Legal Description

FIELD NOTES to all that certain tract of land situated in the J. C. Baker Survey Abstract Number 47, City of Denton, Denton County, Texas and being all of Lot 1, Block A, Teasley Lane High School Addition as shown by the replat thereof recorded in Cabinet V, Page 763 of the Plat Records of Denton County, Texas; all of the called 1.419 acre tract described in the deed from Wild Mustang Crossing, LTD to Denton Independent School District recorded in Document Number 2015-119668 of the Real Property Records of Denton County, Texas; and all of the called 3.244 acre tract described in the deed from Jessie C. Evans et ux to Denton Independent School District recorded in Document Number 2015-125302 of the said Real Property Records; the subject tract being more particularly described as follows:

BEGINNING for the Northwest corner of the tract being described herein, at a 1/2 inch rod found near a fence post at the Northwest corner of the said Lot 1, Block A on the dedicated East right-of-way of F. M. 2181;

THENCE South 89 Degrees 36 Minutes 01 Seconds East along a wire fence with the North line of Lot 1, Block A, a distance of 1,631.34 feet to a 1/2 inch iron rod found at a fence corner post at the Northeast corner thereof;

THENCE South 00 Degrees 39 Minutes 08 Seconds West with the East line of Lot 1, Block A, a distance of 2,123.93 feet to a 1 inch iron rod found at the Southeast corner thereof;

THENCE South 89 Degrees 39 Minutes 24 Seconds West with the South line of Lot 1, Block A, a distance of 650.71 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "COLEMAN RPLS 4001" found at the Northeast corner of the said 3.244 acre tract;

THENCE South 04 Degree 27 Minutes 14 Seconds East with the East line of the 3.244 acre tract a distance of 443.38 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "COLEMAN RPLS 4001" found at the Southeast corner thereof on the North right-of-way line of F. M. 2181;

THENCE Northwesterly with the North right-of-way line of F.M. 2181 and the South line of the 3.244 acre tract, along an arc to the right having a radius of 1,084.93 feet, passing at an arc length of 424.46 feet an aluminum right-of-way monument found at the Southwest corner thereof and the Southeast corner of the said 1.419 acre tract and continuing along the same course, in all, a total arc length of 874.10 feet to an aluminum right-of-way monument found at the Southwest corner thereof;

THENCE North 89 Degrees 44 Minutes 18 Seconds East with the North line of the 1.419 acre tract a distance of 11.18 feet to an aluminum right-of-way monument found at the Southwest corner of Lot 1, Block A;

THENCE Northerly with the dedicated East right-of-way of F. M. 2181 and the West line of Lot 1, Block A the following four calls:

1. Along the arc of a curve to the right having a radius of 1,078.78 feet, an arc length of 586.60 feet (chord bearing North 20 Degrees 41 Minutes 15 Seconds West a distance of 579.40 feet) to a 1/2 inch iron rod found at the end of the said curve;
2. North 05 Degrees 06 Minutes 36 Seconds West a distance of 602.44 feet to a 1/2 inch iron rod found at the beginning of a curve to the right having a radius of 2,938.04 feet;
3. Along the arc of the said curve, an arc length of 250.97 feet (chord bearing North 02 Degrees 39 Minutes 48 Seconds West a distance of 250.89 feet) to a 1/2 inch iron rod found at the end of the said curve;
4. North 01 13 59 Seconds West a distance of 749.96 feet to the PLACE OF BEGINNING and enclosing 81.48 acres of land.

## **Exhibit B**

### **Map**



# 216-0010 Site Location

