

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, PROVIDING A REZONING FROM PLANNED DEVELOPMENT 138 (PD-138) DISTRICT TO REGIONAL CENTER COMMERCIAL NEIGHBORHOOD (RCC-N) DISTRICT ON APPROXIMATELY 3 ACRES, GENERALLY LOCATED ON THE EAST OF I-35 W, APPROXIMATELY 710 FEET NORTH OF CRAWFORD ROAD, IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (Z16-0009)

WHEREAS, Chris Franke, on behalf of the property owner, CHP Holdings LLC, has applied for a zoning change for an approximately 2.823 acre property located at A0994a E. Pizano, Tr 13, R154914, and legally described in Exhibit A which is attached hereto and incorporated by reference herein (hereinafter, the "Property"), from a PD-138 zoning district and use classification to an RCC-N zoning district and use classification; and

WHEREAS, the owner desires to develop a hospital use on the Property and the new zoning and use classification would make the Property more consistent with adjacent properties, and blend with the character of the area, while being peculiarly suitable for this use and existing between two zoning categories in the Future Land Use element of the Denton Plan; 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 generally 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 district 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 PD-138 to RCC-N.

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 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

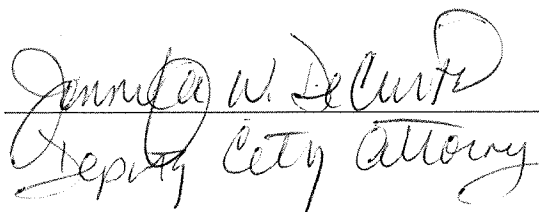
BY: 
Deputy City Attorney

Exhibit A

Legal Description

BEING A TRACT OF LAND SITUATED IN THE E. PIZANO SURVEY, ABSTRACT NUMBER 994, DENTON COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED BY DEED TO PETRUS INVESTMENT, L.P., RECORDED IN INSTRUMENT NUMBER 98-0117450, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUND AS FOLLOWS:

BEGINNING AT A 6 INCH STEEL POST, FOUND AT THE SOUTHEAST CORNER OF SAID PETRUS INVESTMENT TRACT, BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED TO CHP HOLDING, LLC, RECORDED IN INSTRUMENT NUMBER 2015-93741, SAID REAL PROPERTY RECORDS;

THENCE N 87°53'28"W, 359.50 FEET, WITH THE COMMON LINE OF SAID PETRUS INVESTMENT TRACT AND SAID CHP HOLDINGS TRACT, TO A CONCRETE MONUMENT, FOUND BROKEN IN THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35 WEST (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE WITH SAID EASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35 WEST THE FOLLOWING BEARINGS AND DISTANCES:

N 29°29'37"E, 154.42 FEET, TO A CONCRETE MONUMENT FOUND, BROKEN;

N 26°30'55"E, 500.53 FEET, TO A CONCRETE MONUMENT FOUND, BROKEN;

N 29°21'56"E, 107.05 FEET, TO A 1 INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF THE AFOREMENTIONED PETRUS INVESTMENT TRACT, AND BEING THE WESTERLY NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED TO WYNNE / JACKSON LAKES DEVELOPMENT, L.P., RECORDED IN INSTRUMENT NUMBER 2013-12981, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE S 00°36'22"E, 688.84 FEET, DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 122,987 SQUARE FEET OR 2.823 ACRES OF LAND MORE OR LESS.