

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM A NEIGHBORHOOD RESIDENTIAL MIXED USE (NRMU) DISTRICT TO A COMMUNITY MIXED USE GENERAL (CM-G) DISTRICT ON APPROXIMATELY 3.64 ACRES OF LAND AND A CHANGE IN THE ZONING CLASSIFICATION FROM A NEIGHBORHOOD RESIDENTIAL 6 (NR-6) DISTRICT TO A CM-G DISTRICT ON APPROXIMATELY 0.73 ACRES, BOTH GENERALLY LOCATED AT THE NORTHEAST CORNER OF COUNTRY CLUB ROAD AND HOBSON LANE IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; ADOPTING AN AMENDMENT TO THE CITY'S OFFICAL 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. (Z16-0029)

WHEREAS, Allen Perez of John Thomas Engineering ("Applicant") has applied for a zoning change on approximately 3.64 acres of land legally described and depicted in **Exhibit A**, attached hereto and incorporated herein by reference (hereinafter, "Property A") from a NRMU zoning district and use classification to a CM-G zoning district and use classification; and

WHEREAS, Applicant has also requested a zoning change on approximately 0.73 acres of land legally described and depicted in **Exhibit B**, attached hereto and incorporated herein by reference (hereinafter, "Property B") from a NR-6 zoning district to a CM-G zoning district and use classification; and

WHEREAS, on February 22, 2017, 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 change in zoning district and use classification for both Property A and Property B; and

WHEREAS, on March 21, 2017, the City Council likewise conducted a public hearing as required by law, and finds that the requests concerning Property A and Property B meet and comply 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 Property A and Property B, 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 changes are 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 Property A is hereby changed from a NRMU District to a CM-G District and the zoning district and use classification for Property B is hereby changed from a NR-6 District to a CM-G District.

SECTION 3. The City's official zoning map is hereby amended to show the changes in the zoning district and use classifications for Property A and Property B.

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 _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY


BY:  _____

Exhibit A
Property A Legal Description and Site Location Map

METES AND BOUNDS DESCRIPTION
ZONING TRACT – 3.6355 ACRES
IN THE W. DANIEL SURVEY, A-378
CITY OF DENTON, DENTON COUNTY, TEXAS

All that certain 3.6355 acres of land, out of the 27.32 acre tract described in the deed to Vandessmith Developers, Ltd., recorded in Document Numbers 02-82528 and 02-82529, in the Public Records of Denton County, Texas (P.R.D.C.T.), in the W. Daniel Survey, A-378, City of Denton, Denton County, Texas and more particularly described by metes and bounds as follows: (All bearings based on the "Notice of Lis Pendens" State of Texas - Parcel 19, recorded in Document Number 2013-145593 P.R.D.C.T.)

Commencing at a 1/2" iron found for the northwest corner of Lot 6, Block A, The Villas of Forest Glen, recorded in Cabinet V, Slide 441 P.R.D.C.T., in the north line of said 27.32 acre tract, common to the south line of the Third Tract described in the deed to Ronnie Lee Hilliard and David Fulton, recorded in Document Number 95-0030415 P.R.D.C.T., from which a 1/2" iron rod with a cap found for the southwest corner of said Lot 6 bears South 00° 13' 24" East – 415.10', then North 89° 20' 48" West – 798.93' along the common line of said Third Tract and said 27.32 acre tract to the POINT OF BEGINNING and northeast of the herein described tract;

THENCE South 00° 29' 20" East - 72.02' to a point for corner of the herein described tract;

THENCE South 44° 30' 40" West - 127.62' to a point for corner of the herein described tract;

THENCE South 00° 29' 20" East - 323.75' to the southeast corner of the herein described tract, in the south line of said 27.32 acre tract, called to be the center of Hobson Lane (R.O.W. Varies);

THENCE South 89° 30' 40" West - 339.63' along the south line of said 27.32 acre tract, to the southwest corner of the herein described tract, common to the southwest corner of said 27.32 acre tract, in the east right-of-way line of Country Club Road (also known as F.M. 1830, R.O.W. Varies);

THENCE North 00° 38' 25" West along the east right-of-way line of said Country Club Road, passing at a distance of 54.93' the southwest corner of said Parcel 19, continuing along said east right-of-way line of said Country Club Road for a total distance of 187.04' to the southeast right-of-way intersection of said Country Club Road and Fort Worth Drive (also known as Highway 377, R.O.W. Varies), which is a point on a curve to the left, having a central angle of 05° 34' 34", a radius of 3334.03' and a chord bearing and distance of North 20° 31' 10" East - 324.35';

THENCE along said curve to the left, along the southeast right-of-way line of said Fort Worth Drive, passing at an arc distance of 266.65' a TXDOT Monument found for the north corner of said Parcel 19, continuing along southeast right-of-way line of said Fort Worth Drive for a total arc distance of 324.48' to a point on a curve to the left, having a central angle of 00° 03' 18", a radius of 3334.03' and a chord bearing and distance of North 40° 47' 48" East – 3.20';

THENCE along said curve to the left, continuing along the southeast right-of-way line of said Fort Worth Drive, an arc distance of 3.20' to the northwest corner of the herein described tract, common to the northwest 27.32 acre tract, and common to the southwest corner of said Third Tract;

THENCE South 89° 20' 48" East – 312.03' along the common line of said 27.32 acre tract and said Third Tract to the POINT OF BEGINNING and containing 3.6355 acres of land.

THIS METES AND BOUNDS DESCRIPTION IS ISSUED FOR THE ATTACHMENT TO A ZONING CHANGE SUBMITTAL PACKET. THIS DESCRIPTION IS NOT INTENDED FOR TITLE TRANSFER.

SPRY SURVEYORS

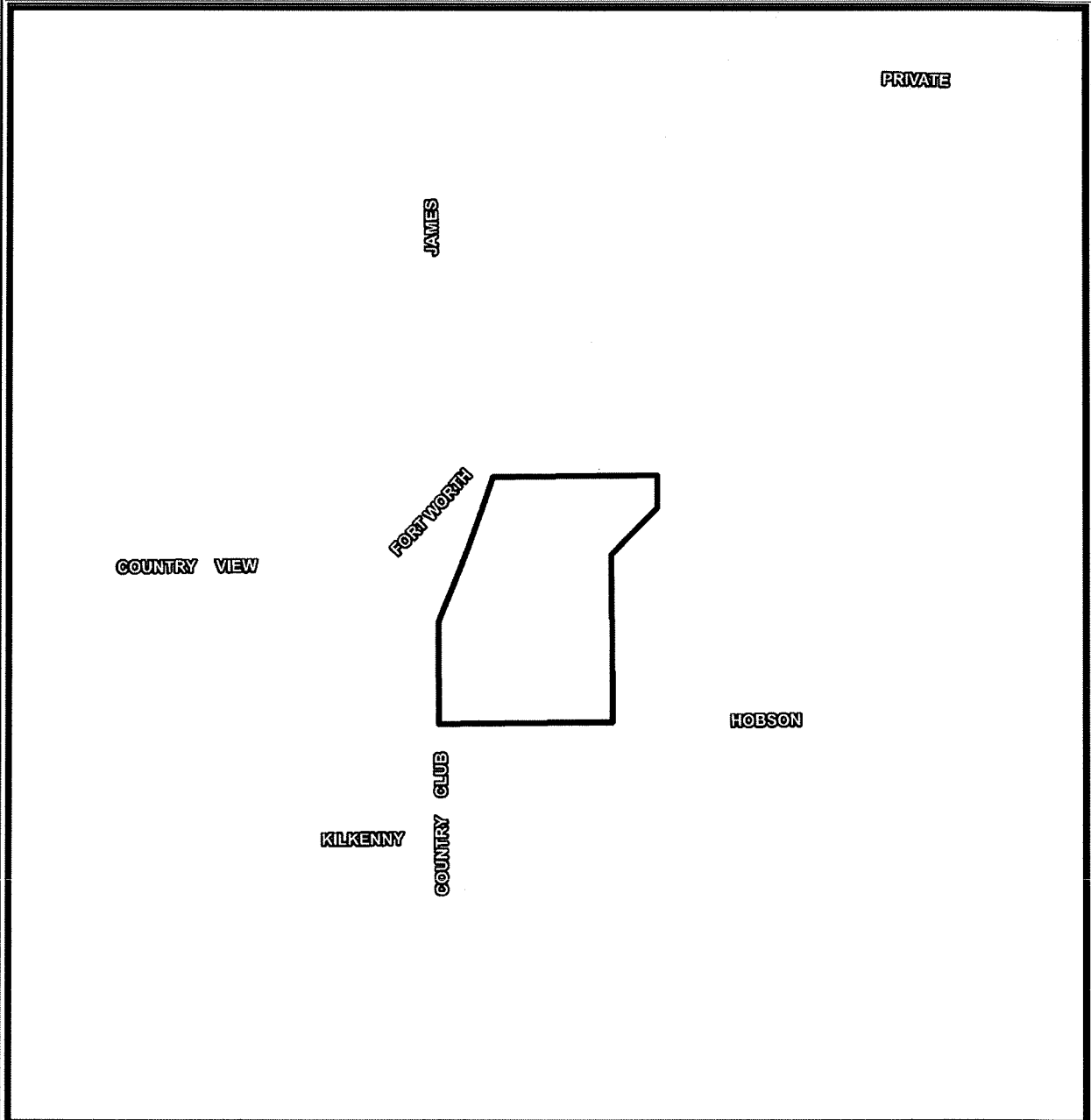
Project Number: 095-007-50 • Issue Date: March 03, 2017
Certificate Date: December 7, 2016 • Firm Reg No. 10112000
8241 Mid-Cities Blvd., Suite 100 • North Richland Hills, TX 76182
Phone 817-776-4049 • email: spry@sprysurveyors.com




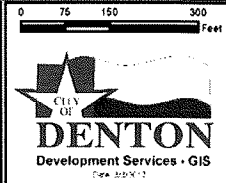
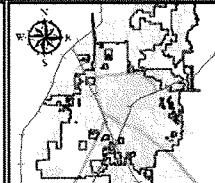
 3/3/2017
David Lewis

R.P.L.S. NO. 5647

Z16-0029 Site Location



-  SITE
-  Parcels
-  Roads



The City of Denton has prepared maps for departmental use. These are not official maps of the City of Denton and should not be used for legal, engineering or surveying purposes but rather for reference purposes. These maps are the property of the City of Denton and have been made available to this public based on the Public Information Act. The City of Denton makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of this map indicates understanding and acceptance of this statement.

Exhibit B
Property B Legal Description and Site Location Map

METES AND BOUNDS DESCRIPTION
ZONING TRACT – 0.7335 ACRE
IN THE W. DANIEL SURVEY, A-378
CITY OF DENTON, DENTON COUNTY, TEXAS

All that certain 0.7335 of an acre of land, and out of the Third Tract described in the deed to Ronnie Lee Hilliard and David Fulton, recorded in Document Number 95-0030415 in the Public Records of Denton County, Texas (P.R.D.C.T.), in the W. Daniel Survey, A-378, City of Denton, Denton County, Texas and more particularly described by metes and bounds as follows: (All bearings based on the "Notice of Lis Pendens" State of Texas - Parcel 19, recorded in Document Number 2013-145593 P.R.D.C.T.)

Commencing at a 1/2" iron found for the northwest corner of Lot 6, Block A, The Villas of Forest Glen, recorded in Cabinet V, Slide 441 P.R.D.C.T., in the north line of the 27.32 acre tract described in the deed to Vandemith Developers, Ltd., recorded in Document Numbers 02-82528 and 02-82529, P.R.D.C.T., common to the south line of said Third Tract, from which a 1/2" iron rod with a cap found for the southwest corner of said Lot 6 bears South 00° 13' 24" East – 415.10', then North 89° 20' 48" West – 798.93' along the common line of said Third Tract and said 27.32 acre tract to the POINT OF BEGINNING and southeast corner of the herein described tract;

THENCE North 89° 20' 48" West – 312.03' along the common line of said 27.32 acre tract and said Third Tract, to the southeast corner of the herein described tract, in the southeast right-of-way line of Fort Worth Drive (also known as Highway 377, R.O.W. Varies), which is a point on a curve to the left, having a central angle of 02° 42' 01", a radius of 3334.03' and a chord bearing and distance of North 39° 28' 09" East – 157.11';

THENCE with along said curve to the left, along the southeast right-of-way line of said Fort Worth Drive, an arc length of 157.12' to the northwest corner of the herein described tract, common to the northwest corner of said Third Tract and common to the southwest corner of the Second Tract, described in the deed to Clearman – Owens, Inc. recorded in Volume 657, Page 394 P.R.D.C.T.;

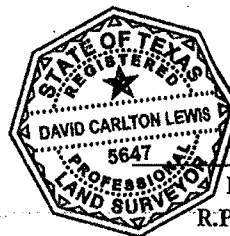
THENCE South 89° 20' 48" East - 211.22' along the common line of said Third Tract and said Second Tract, to the northeast corner of the herein described tract;

THENCE South 00° 29' 20" East - 122.52' to the POINT OF BEGINNING and containing 0.7355 of an acre of land.

THIS METES AND BOUNDS DESCRIPTION IS ISSUED FOR THE ATTACHMENT TO A ZONING CHANGE SUBMITTAL PACKET. THIS DESCRIPTION IS NOT INTENDED FOR TITLE TRANSFER.

SPRY  SURVEYORS

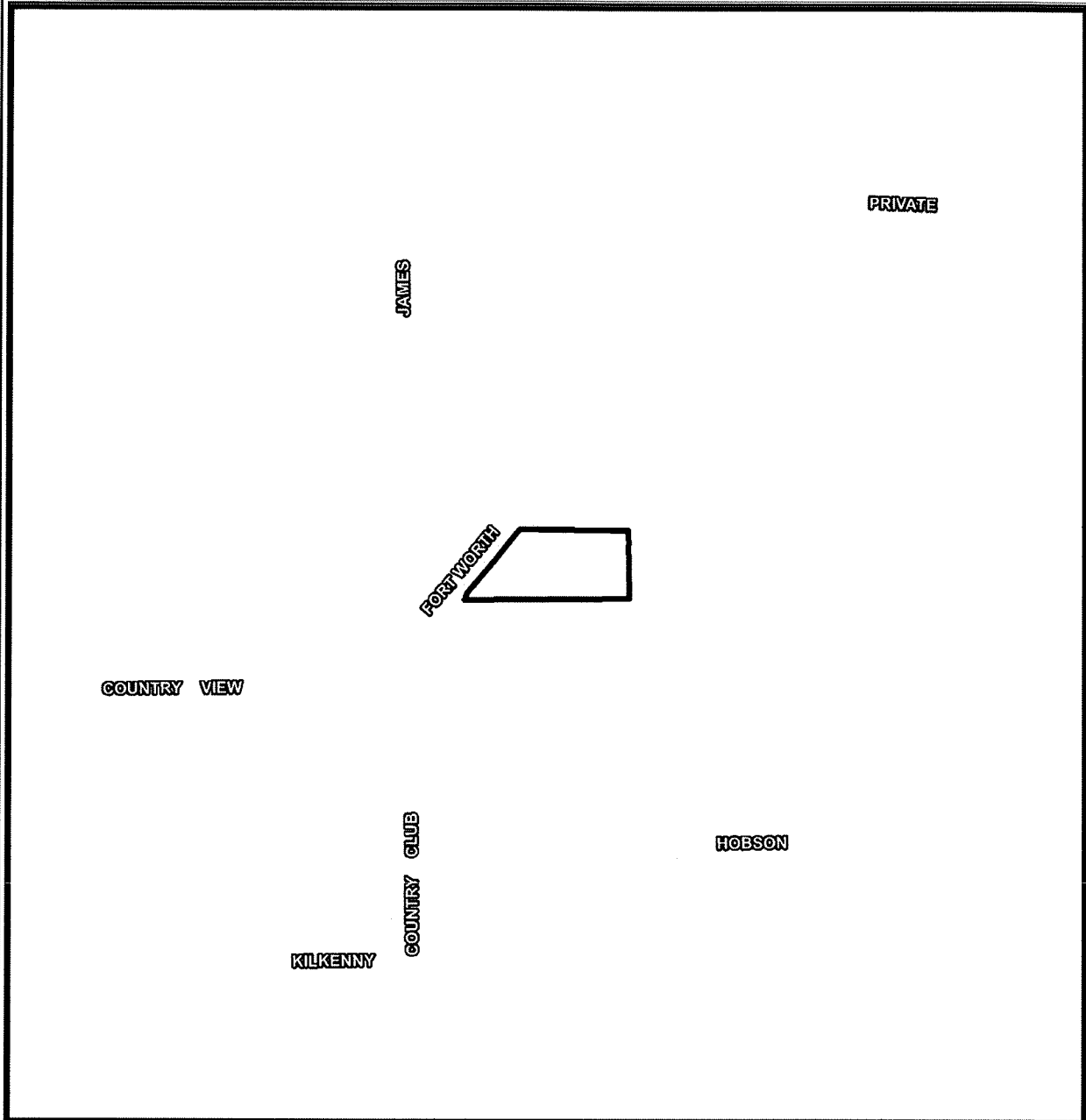
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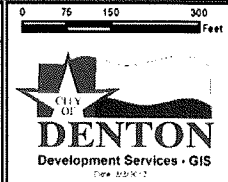
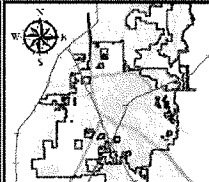
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Z16-0029
Site Location



-  SITE
- Parcels
- Roads



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