

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A DOWNTOWN RESIDENTIAL 2 (DR-2) ZONING DISTRICT AND USE CLASSIFICATION TO AN DOWNTOWN COMMERCIAL GENERAL (DC-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 1.39 ACRES OF LAND GENERALLY LOCATED 185 FEET SOUTH OF THE SCRIPTURE STREET AND NORMAL STREET INTERSECTION 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. (Z16-0023)

WHEREAS, Majid Hemmasi, Beta Mu, LLC, and Swan-Wells P/S, Ltd., the owners of approximately 3 acres of property legally described in **Exhibit A** and depicted in **Exhibit B** (hereinafter, the "Property"), have requested a change in the zoning district and use classification on 1.39 acres of the Property from a DR-2 District to a DC-G District in order to have a homogenous set of zoning criteria, to include building height, across the entire Property; and

WHEREAS, on March 8, 2017, the Planning and Zoning Commission, in compliance with the laws of the State of Texas and after giving the requisite notices by publication and otherwise, have held due hearings and afforded full and fair hearings to all property owners interested in this regard, and have recommended DENIAL (5-2) of the change in zoning district and use classification; and

WHEREAS, on April 4, 2017, the City Council likewise conducted a public hearing as required by law, and by supermajority vote hereby 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 district and use 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 by supermajority 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 for approximately 1.39 acres from Downtown Residential 2 (DR-2) District to Downtown Commercial General (DC-G) District.

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 _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: _____

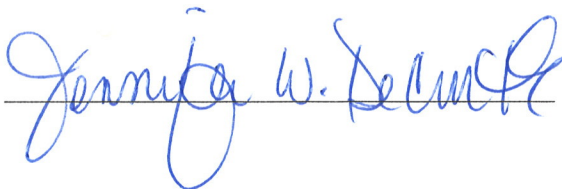


Exhibit A

Legal Description
Z16-0023

Being a 1.242 acre tract or parcel of land lying and situated in the E. Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas, being part of a tract of land conveyed to Bryan Property Investments, Ltd. In a Special Warranty Deed, as recorded in File No. 200400000612 of the Real Property Records of Denton County, Texas

And Being all that certain lot, parcel, or tract of land situated in the E. Puchalski Survey, Abstract Number 996, City of Denton, Denton County, Texas, being a resurvey, as occupied and monumented on the ground, of that tract of land described by Deed to Bobby G. Morris, as recorded in Volume 1690, Page 529, of the Deed Records of Denton County, Texas.

And Being all that certain tract, lot or parcel of land situated in the E. Puchalski Survey, Abstract Number 996, City and County of Denton, Texas, being all of 2 tracts: a called 60X115 foot lot described in a deed from Edith L. Clark to T.M. Cunningham on June 5, 1944 and recorded in Volume 306, Page 337, and the adjacent West ½ of an abandoned 20 foot alley described in a deed from the City of Denton to T.M. Cunningham on October 16, 1969 and recorded in Volume 593, Page 90, Deed Records of said County.

BEGINNING at the Northwest corner of a called 1.242 acre tract of land thence North 90 degrees 00 minutes 00 seconds East a distance of 263.67 feet;

Thence South 00 degrees 00 minutes 00 seconds East a distance of 10.02;

Thence North 90 degrees 00 minutes 00 seconds East a distance of 104.16;

Thence South 00 degrees 25 minutes 28 seconds East a distance of 73.47;

Thence South 89 degrees 32 minutes 13 seconds West a distance of 175.81;

Thence South 00 degrees 22 minutes 13 seconds East a distance of 126.66;

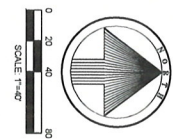
Thence North 90 degrees 00 minutes 00 seconds West a distance of 189.40;

Thence North 01 degrees 04 minutes 45 seconds West a distance of 211.59 feet to the **PLACE OF BEGINNING** and enclosing 1.242 acres of land more or less.

Exhibit B

Plotted By: Jason Monk
Plot Date: Wednesday, March 22, 2017 8:47:22 AM

Plot Style Table: Allison.ctb



PARK 7 GROUP PRELIMINARY PLAT STUDENT HOUSING CITY OF DENTON, DENTON COUNTY, TEXAS SITE BOUNDARIES	THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, PERMITTING, ETC.	Allison Engineering Group Planning Communities - Designing the Systems That Serve Them	4401 N. I-35, SUITE 102 DENTON, TEXAS 76207 Phone (940) 380-9453 FAX (940) 380-9431 Texas Board of Professional Engineers Registration Number: F-7898 info@ae-grp.com
	Drawn by: JLM Checked by: JLM	SHEET 1 OF 1	SHEET 1 OF 1
	Job: EXP1001	SHEET 1 OF 1	SHEET 1 OF 1
	1	SHEET 1 OF 1	SHEET 1 OF 1