

ORDINANCE NO. 99-277

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A PRIVATE SCHOOL ON 9.578 ACRES OF LAND LOCATED AT 1910 E. UNIVERSITY DRIVE ON THE SOUTH SIDE OF EAST UNIVERSITY DRIVE, BETWEEN NOTTINGHAM DRIVE AND SHAWNEE STREET, WITHIN A SINGLE-FAMILY 7 (SF-7) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE. (Z-99-054)

WHEREAS, Dewayne Reeder, on behalf of Calvary Preparatory School, has applied for a specific use permit to allow the operation of a private school on 9.578 acres of land located on the south side of East University Drive, between Nottingham Drive and Shawnee Street, within a Single-family 7 (SF-7) zoning district classification and use designation; and

WHEREAS, the applicant has indicated that the proposed private school will use existing buildings and parking spaces on the subject property, will have a maximum enrollment of five hundred (500) students using existing buildings, will limit classroom hours between 8:00 A.M. and 5:00 P.M., Monday through Friday from August to the end of May, and will require no changes to existing utilities, access to roads, drainage, and other necessary supporting facilities; and

WHEREAS, on July 28, 1999, the Planning and Zoning Commission considered this permit but as a result of a 3 - 3 tie vote made no recommendation on the approval of the Specific Use Permit for a private school; and

WHEREAS, the City Council finds that the Specific Use Permit will be in compliance with the 1988 Denton Development Plan and the 1998 Denton Plan Policies and the 1999 Growth Management Strategies and Plan; and

WHEREAS, in accordance with Article III, Division 4, of Chapter 35 of the Code of Ordinances of the City of Denton, Texas, the City Council finds that all of the following conditions exist:

That a private school limited to the use of the existing buildings as identified by the site plan attached hereto and incorporated herein as Exhibit "B" and limited to classroom hours between 8:00 A.M. and 5:00 P.M., Monday through Friday from August to the end of May will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within the immediate vicinity; and

That the establishment of the specific use for private school that requires no changes to existing utilities, access to roads, drainage, and other necessary supporting facilities will not impede the normal and orderly development and improvement of surrounding property; and

That adequate utilities, access roads, drainage, and other necessary supporting facilities are provided; and

That the existing design, location, and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments; and

That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration; and

That directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and

That there is sufficient landscaping and screening to ensure harmony and compatibility with adjacent property; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That a specific use permit to allow the operation of a private school on a 9.578 acres of land described in the legal description attached hereto and incorporated herein as Exhibit "A" and located on the south side of E. University Drive, between Nottingham Drive and Shawnee Street, within a Single-family 7 (SF-7) zoning district classification and use designation, pursuant to the site plan attached hereto and incorporated herein as Exhibit "B," are hereby approved subject to the following conditions:

That such use will be limited to the existing buildings as identified by the site plan attached hereto and incorporated herein as Exhibit "B"; and

That student enrollment is limited to five hundred (500) students with no more than two hundred and fifty (250) students attending classes on any given day; and

That classroom hours are limited to between 8:00 A.M. and 5:00 P.M., Monday through Friday from August to the end of May; and

That any change in lighting on the property shall be designed and maintained so as not to shine on or otherwise disturb, surrounding residential property or to shine and project upward to prevent the diffusion into the night sky.

SECTION 2. That the City's official zoning map is amended to show the change in zoning district classification.

SECTION 3. That any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 4. That 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.

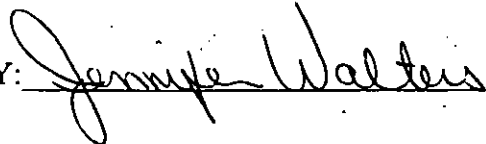
PASSED AND APPROVED this the 17th day of August, 1999.



JACK MILLER, MAYOR

ATTEST:

JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
HERBERT L. PROUTY, CITY ATTORNEY

BY: 

EXHIBIT "A"

(Z-99-054)

BEING A TOTAL OF 9.578 ACRES

LOT 1R, BLOCK A OF THE DENTON BIBLE CHURCH ADITION, AN ADDITION TO THE CITY AND COUNTY OF DENTON, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, PAGE 332, OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS.

EXHIBIT B

(Z-99-054)

