

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A DOWNTOWN RESIDENTIAL 1 (DR-1) ZONING DISTRICT AND USE CLASSIFICATION TO A DOWNTOWN RESIDENTIAL 2 (DR-2) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 0.04 ACRES OF LAND GENERALLY LOCATED ON THE WEST SIDE OF NEFF STREET, 175 FEET NORTH OF GREENLEE STREET 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. (Z16-0030)

WHEREAS, Aspire Investments, LLC, property owner, has applied for a zoning change for approximately 0.40 acres of property legally described in Exhibit "A" and of which the location is shown in Exhibit "B" (hereinafter, the "Property") from a Downtown Residential-1 (DR-1) Zoning District & Use Classification to a Downtown Residential-2 (DR-2) Zoning District & Use Classification; and

WHEREAS, on April 12, 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 (4-2) of the change in zoning district and use classification; and

WHEREAS, on June 6, 2017, 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; and

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 for approximately 0.40 acres from Downtown Residential 1 (DR-1) District to Downtown Residential 2 (DR-2) 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, INTERIM CITY ATTORNEY

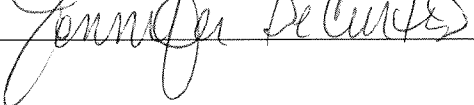
BY:  _____

Exhibit A Legal Description

FIELD NOTE DESCRIPTION FOR 0.198 ACRE TRACT:

BEING a 0.198 acre tract of land situated in the E. Puchalski Survey, Abstract No. 996, in the City of Denton, Denton County, Texas, and being a portion of Block I of C.M. Greenlee Addition, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Volume 75, Page 141, of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being that certain tract of land described by deed to Remasco International, LLC, a Texas limited liability company, as recorded in Document No. 2009-120779, of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for the southeast corner of the herein described tract, same being the northeast corner of that certain tract of land described by deed to Famvest, LTD, a Texas limited partnership, as recorded in Document No. 2015-83651, R.P.R.D.C.T., and being in the west line of Neff Street (a 40 foot wide right-of-way);

THENCE North 88 degrees 43 minutes 51 seconds West, with the north line of said Famvest tract, a distance of 147.83 feet to a fence corner post found for corner, same being in the east line of that certain tract of land described by deed to Monty E. Sparks and wife, Gail P. Kelly-Sparks and Sean M. Sparks, as recorded in Document No. 2006-21006, R.P.R.D.C.T.;

THENCE North 01 degrees 39 minutes 51 seconds East, with the east line of said Sparks tract, passing en route the southeast corner of that certain tract of land described by deed to Victor E. Lauderdale and wife, Juanita Jo Lauderdale, as recorded in Volume 361, Page 586, D.R.D.C.T., continuing on said course for a total distance of 58.63 feet to a fence corner post found for corner, same being the southwest corner of that certain tract of land described by deed to Joe Pennington, as recorded in Volume 5046, Page 1849, R.P.R.D.C.T.;

THENCE South 88 degrees 52 minutes 18 seconds East, with the south line of said Pennington tract, a distance of 146.12 feet to a ½ inch iron rod found for corner, same being in the west line of said Neff Street;

THENCE South 00 degrees 00 minutes 00 seconds West, with the west line of said Neff Street, a distance of 59.00 feet to the **POINT OF BEGINNING** and containing a total of 0.198 acres of land, more or less, and being subject to any and all easements that may affect.

FIELD NOTE DESCRIPTION FOR 0.170 ACRE TRACT:

BEING a 0.170 acre tract of land situated in the E. Puchalski Survey, Abstract No. 996, in the City of Denton, Denton County, Texas, and being a portion of Block I of C.M. Greenlee Addition, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Volume 75, Page 141, of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being that certain tract of land described by deed to Famvest, LTD, a Texas limited partnership, as recorded in Document No. 2015-83651, of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for the northeast corner of the herein described tract, same being the southeast corner of that certain tract of land described by deed to Remasco International, LLC, a Texas limited liability company, as recorded in Document No. 2009-120779, R.P.R.D.C.T., and being in the west line of Neff Street (a 40 foot wide right-of-way);

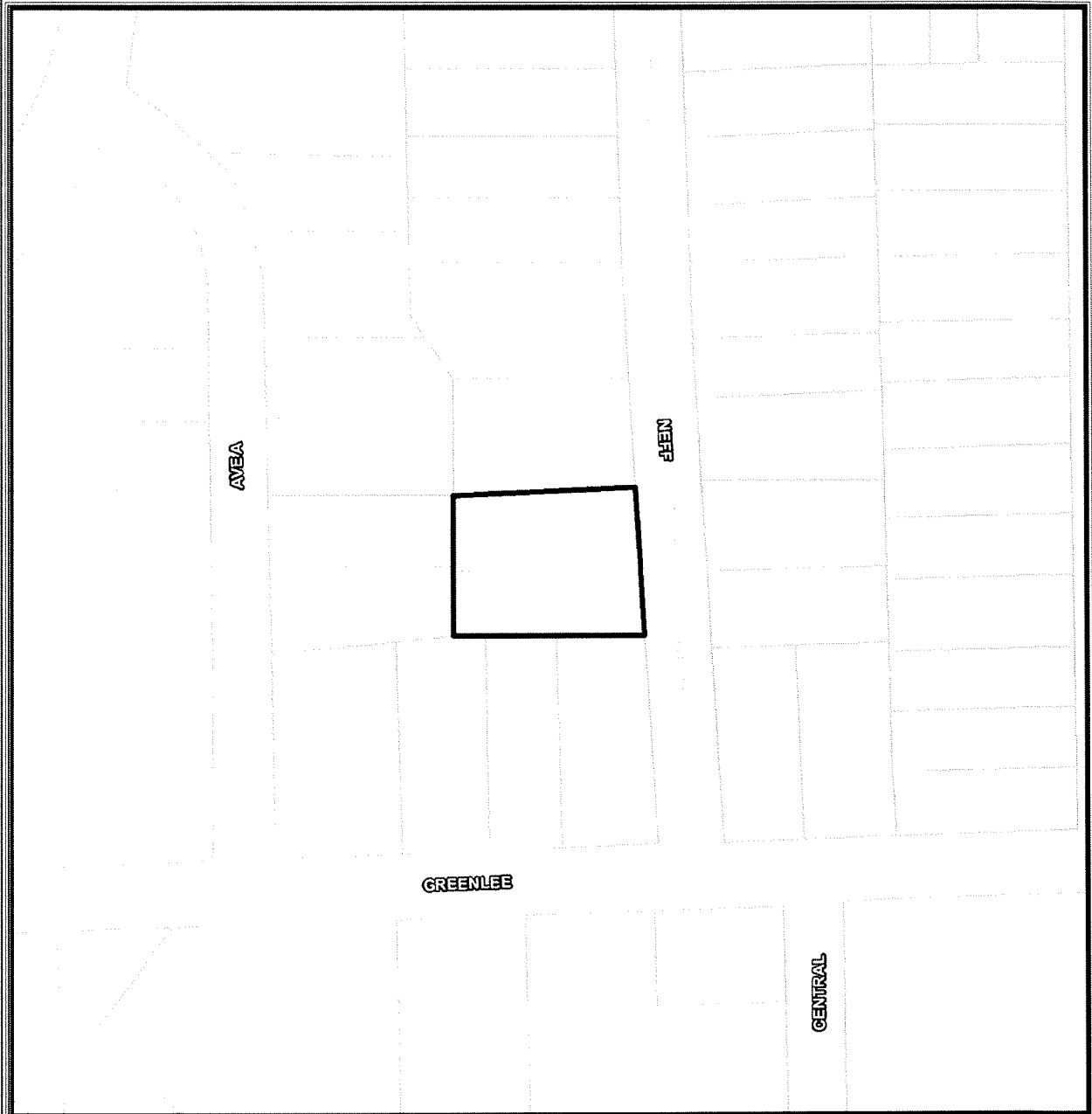
THENCE South 00 degrees 00 minutes 00 seconds West, with the west line of said Neff Street, a distance of 50.00 feet to a ½ inch iron rod found for corner, same being the northeast corner of that certain tract of land described by deed to Shelly R. Eason, as recorded in Volume 2820, Page 596, R.P.R.D.C.T.;


THENCE North 88 degrees 37 minutes 06 seconds West, with the north line of said Eason tract, passing at a distance of 125.62 feet a ½ inch iron rod found for the northeast corner of that certain tract of land described by deed to Veronica T. Hernandez and husband, Daniel Hernandez, as recorded in Document No. 2012-145721, R.P.R.D.C.T., continuing on said course for a total distance of 149.28 feet to a fence corner post found for corner, same being the southeast corner of that certain tract of land described by deed to Monty E. Sparks and wife, Gail P. Kelly-Sparks and Sean M. Sparks, as recorded in Document No. 2006-21006, R.P.R.D.C.T.;

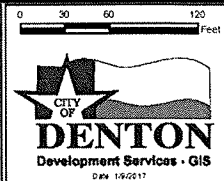
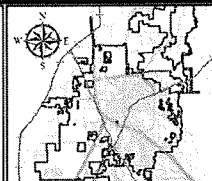
THENCE North 01 degrees 39 minutes 51 seconds East, with the east line of said Sparks tract, a distance of 49.70 feet to a fence corner post found for corner, same being the southwest corner of said Remasco International tract;

THENCE South 88 degrees 43 minutes 51 seconds East, with the south line of said Remasco International tract, a distance of 147.83 feet to the **POINT OF BEGINNING** and containing a total of 0.170 acres of land, more or less, and being subject to any and all easements that may affect.

Exhibit B
Location Map
Z16-0030
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 the 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.