

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A REGIONAL CENTER RESIDENTIAL 1 (RCR-1) ZONING DISTRICT AND USE CLASSIFICATION AND A REGIONAL CENTER COMMERCIAL DOWNTOWN (RCC-D) ZONING DISTRICT AND USE CLASSIFICATION TO A COMMUNITY MIXED USE GENERAL (CM-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 29 ACRES OF LAND GENERALLY LOCATED NORTHWEST AND SOUTHWEST CORNERS OF LAKEVIEW BOULEVARD AND SHADY SHORES ROAD 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. (Z17-0002)

WHEREAS, Di Realty, Inc. has applied for a zoning change on approximately 29 acres of land legally described and depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter, "the Property") from an RCR-1 zoning district and use classification and RCC-D zoning district and use classification to a CM-G zoning district and use classification; and

WHEREAS, on June 14, 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 [6-0] of the change in zoning district and use classification; and

WHEREAS, on July 18, 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;

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 from RCR-1 and RCC-D Districts to CM-G District.

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.

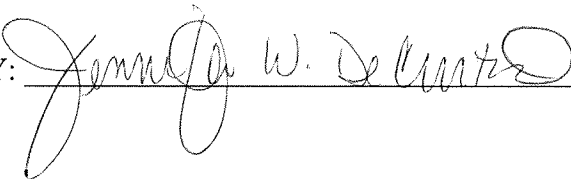
PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

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

BY:  \_\_\_\_\_

## Exhibit A

### Legal Description and Site Location Map

Legal Description (Entire North Tract)

11-11-2017

#### PROPERTY DESCRIPTION

STATE OF TEXAS           §  
COUNTY OF DENTON      §

BEING a tract of land situated in the GIDEON WALKER SURVEY, ABSTRACT NO. 1330, City of Denton, Denton County, Texas and being all of a tract of land as described in deed to Mary T. Carr and 2503 Shady Shores Road, LLC, recorded in County Clerk's File No. 2007-110912, Deed Records, Denton County, Texas (D.R.D.C.T.), all of a tract of land as described in deed to Andrew R. Mitchell, recorded in County Clerk's File No. 2014-16256, D.R.D.C.T., a portion of a tract of land as described in Deed to Mary Helen Wright, recorded in Volume ?, Page ?, D.R.D.C.T. and all of the same tract of land as described in deed to Kristy Wright Hibler, recorded in Volume 1226, Page 82, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with red plastic cap stamped "W.A.I." found for corner at the intersection of the westerly right-of-way line of Lakeview Boulevard (120' right-of-way) and the northerly right-of-way line of Shady Shores Road (variable width right-of-way);

THENCE North 80 deg 55 min 10 sec West, departing said westerly right-of-way line and along said northerly right-of-way line, a distance of 349.76 feet to a 1/2 inch iron rod found for corner, said iron rod being the southwest corner of said Shady Shores Road tract and the southeast corner of said Andrew R. Mitchell tract;

THENCE North 80 deg 50 min 21 sec West, continuing along the northerly right-of-way line of said Shady Shores Road, a distance of 444.37 feet to a 1/2 inch iron rod found for corner, said iron rod being the southwest corner of said Andrew R. Mitchell tract and the southeast corner of said Mary Helen Wright tract;

THENCE North 80 deg 46 min 01 sec West, continuing along said northerly right-of-way line, a distance of 444.57 feet to a point for corner from which a 1/2 inch iron rod with plastic cap stamped "kaz" found bears North 00 deg 46 min 58 sec West, a distance of 3.48 feet, said point being the southwest corner of said Mary Helen Wright tract and the southeast corner of a tract of land as described in deed to 4984 Partners, Ltd., recorded in County Clerk's File No. 2013-54868, D.R.D.C.T.;

THENCE North 01 deg 18 min 11 sec West, departing the northerly right-of-way line of said Shady Shores Road and along the West line of said Mary Helen Wright tract, same being the east line of said 4984 Partners tract, a distance of 809.09 feet to a point for corner from which a 1/2 inch iron rod found bears South 71 deg 39 min 12 sec East, a distance of 0.31 feet, said point being situated in the southerly right-of-way line of M.K. & T. Railroad (100' right-of-way) and being the northwest corner of said Mary Helen Wright tract and the northeast corner of said 4984 Partners tract;

THENCE South 74 deg 50 min 48 sec East, along said southerly right-of-way line, a distance of 444.35 feet to a point for corner, from which a 1/2 inch iron rod found bears South 66 deg 12 min 02 sec West, a distance of 0.60 feet, said point being the northeast corner of said Mary Helen Wright tract and the northwest corner of said Andrew R. Mitchell tract;

THENCE South 74 deg 40 min 54 sec East, continuing along said southerly right-of-way line, a distance of 505.83 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." found for corner, said iron rod being the northeast corner of said Andrew R. Mitchell tract and the northwest corner of said Shady Shores Road tract;

THENCE South 74 deg 31 min 48 sec East, continuing along said southerly right-of-way line, a distance of 197.10 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." found for corner and the beginning of a curve to the right having a radius of 1,433.90 feet, a central angle of 12 deg 09 min 46 sec, a chord bearing of South 68 deg 13 min 35 sec East and a chord length of 303.82 feet;

THENCE continuing along said southerly right-of-way line and along said curve to the right, an arc distance of 304.39 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." found for corner at the intersection of the southerly right-of-way line of said M.K. & T. Railroad and the west right-of-way line of said Lakeview Drive, said iron rod also being the northeast corner of said Shady Shores Road tract;

THENCE South 13 deg 56 min 56 sec West, departing said southerly right-of-way line and along said westerly right-of-way line, a distance of 573.75 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." found for corner;

THENCE South 15 deg 08 min 42 sec West continuing along the westerly right-of-way line of said Lakeview Boulevard, a distance of 35.50 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 21.960 acres or 956,568 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 2nd day of February, 2016, utilizing a G.P.S. measurement (NAD 83, grid) from the GeoShack VRS network.

Legal Description

11-11-2017

PROPERTY DESCRIPTION

STATE OF TEXAS           §  
COUNTY OF DENTON       §

BEING a tract of land situated in the GIDEON WALKER SURVEY, ABSTRACT NO. 1330, City of Denton, Denton County, Texas and being all of a tract of land as described in deed to 42046, L.P., recorded in County Clerk's File No. 2006-20488, Deed Records, Denton County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner at the intersection of the westerly right-of-way line of Lakeview Boulevard (120' right-of-way) and the southerly right-of-way line of Shady Shores Road (variable width right-of-way);

THENCE South 04 deg 52 min 41 sec West, departing said southerly right-of-way line and along said westerly right-of-way line, a distance of 72.22 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner, said iron rod being the beginning of a non-tangent curve to the right having a radius of 690.00 feet, a central angle of 08 deg 02 min 59 sec, a chord bearing of South 29 deg 00 min 54 sec West and a chord length of 96.86 feet;

THENCE along said non-tangent curve to the right and continuing along said westerly right-of-way line, an arc distance of 96.94 feet to a 1/2 inch iron rod with plastic cap stamped "Isbell" found for corner;

THENCE North 88 deg 49 min 59 sec West, a distance of 668.14 feet to a point for corner from which a 1/2 inch iron rod found bears South 80 deg 19 min 49 sec West, a distance of 0.53 feet;

THENCE North 87 deg 30 min 53 sec West, a distance of 172.23 feet to a point for corner from which a 1/2 inch iron rod found bears North 80 deg 07 min 54 sec West, a distance of 0.59 feet, said point being situated in the northeasterly right-of-way line of Interstate Highway 35E (north bound service road, variable width right-of-way) and being the beginning of a non-tangent curve to the right having a radius of 1,114.30 feet, a central angle of 03 deg 00 min 26 sec, a chord bearing of North 56 deg 05 min 23 sec West and a chord length of 58.48 feet;

THENCE along said non-tangent curve to the right and along said northeasterly right-of-way line, an arc distance of 58.49 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner;

THENCE North 53 deg 23 min 55 sec West, continuing along said northeasterly right-of-way line, a distance of 462.40 feet to a 1/2 inch iron rod found for corner at the southwest end of a corner clip at the intersection of the northeasterly right-of-way line of said Interstate Highway 35E and the southerly right-of-way line of said Shady Shores Road;

THENCE North 35 deg 23 min 27 sec East, along said corner clip, a distance of 59.93 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner at the northeast end of said corner clip;

THENCE South 80 deg 09 min 46 sec East, departing said corner clip and along said southerly right-of-way line, a distance of 1,297.28 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 6.223 acres or 271,075 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 2nd day of February, 2016, utilizing a G.P.S. measurement (NAD 83, grid) from the GeoShack VRS network.

