

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR A MULTI-FAMILY DWELLING DEVELOPMENT IN A NEIGHBORHOOD RESIDENTIAL MIXED USE 12 (NRMU-12) ZONING DISTRICT AND USE CLASSIFICATION. THE APPROXIMATELY 0.9 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF RINEY ROAD AND RINEY COURT IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (S16-0007)

WHEREAS, Not Quite 4A Properties LP has applied for a Specific Use Permit (SUP) to allow a Multi-Family Dwellings use on approximately 0.9 acres of land within a Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district and use designation legally described as Lot 1, Block A, of the Riney Road Assisted Living subdivision and of which the location is shown in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, after notice published, a public hearing was held before the Planning and Zoning Commission in accordance with State law on July 12, 2017, whereby the Planning and Zoning Commission recommended (6-0) of the requested SUP, subject to conditions; and

WHEREAS, on August 1, 2017, after notice published, a public hearing was held before the City Council in accordance with State law and the City Council hereby finds that the request is consistent with the Denton Plan and federal, state, and local law and that the Applicant has agreed to comply with all provisions of the Denton Development Code, as they exist, may be amended, or in the future arising, including but not limited to, this Ordinance, and has further agreed to comply with the additional restrictions and conditions set forth herein; and

WHEREAS, the City Council has determined that it will be beneficial to Denton and its citizens to grant the SUP; that such grant will not be detrimental to the public welfare, safety, or health; and that the SUP should be granted; 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 SUP to allow Multi-Family Dwellings on the Property is hereby approved, subject to the following conditions:

1. The proposed development shall substantially comply with the site plan, landscape plan, and elevations attached in Exhibit "B".
2. The proposed development shall include secure bicycle parking at a ratio of one (1) bicycle parking stall for every ten (10) vehicle parking spaces provided.

SECTION 3. Failure to Comply. Except as otherwise stated above, all terms of the SUP shall be complied with prior to issuance of a Certificate of Occupancy. Failure to comply with any term or condition of the Ordinance will result in the SUP being declared null and void and of no force and effect. The SUP is issued to the entity named above and is assignable and transferable.

SECTION 4. SUP Regulations. Upon notice to the property owner and a hearing before the City Council, a SUP may be revoked or modified if: 1. There is one or more of the conditions imposed by this Ordinance that has not been met or has been violated on the Property; or 2. The SUP was obtained or extended by fraud or deception; or 3. As otherwise permitted by law and/or Denton's Zoning Ordinance.

SECTION 5. Unlawful use. It shall be unlawful for any person, firm, entity, or corporation to make use of the above-referenced Property in some manner other than as authorized by the Denton Code of Ordinances and this Ordinance.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 7. Penalty. Any person, firm, entity or corporation violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00 for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense. The penal provisions imposed under this Ordinance shall not preclude Denton from filing suit to enjoin the violation and it retains all legal rights and remedies available to it under local, state and federal law.

SECTION 8. Effective Date. 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: Jennifer W. DeCurtis

**Exhibit A
Site Location**

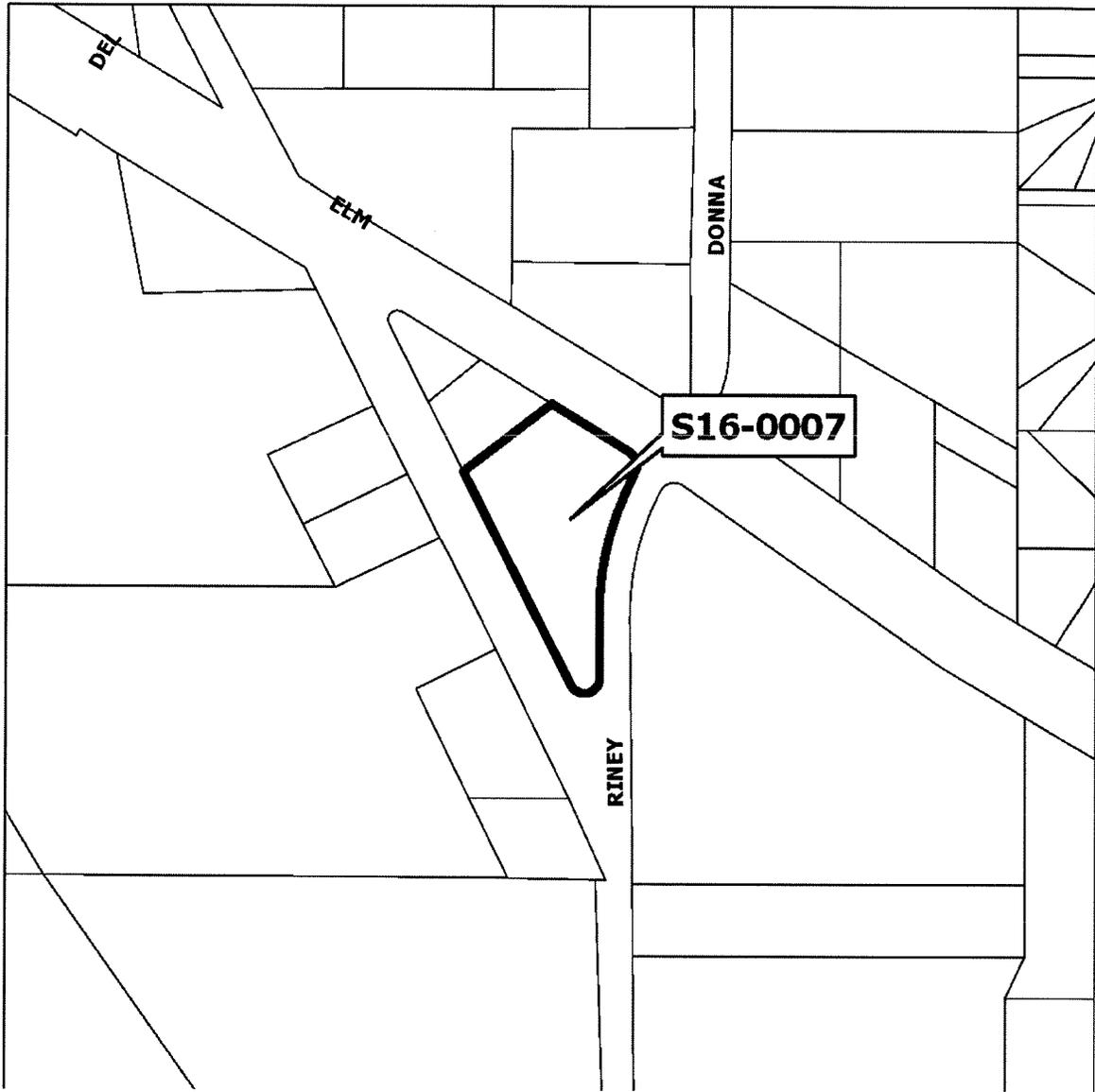
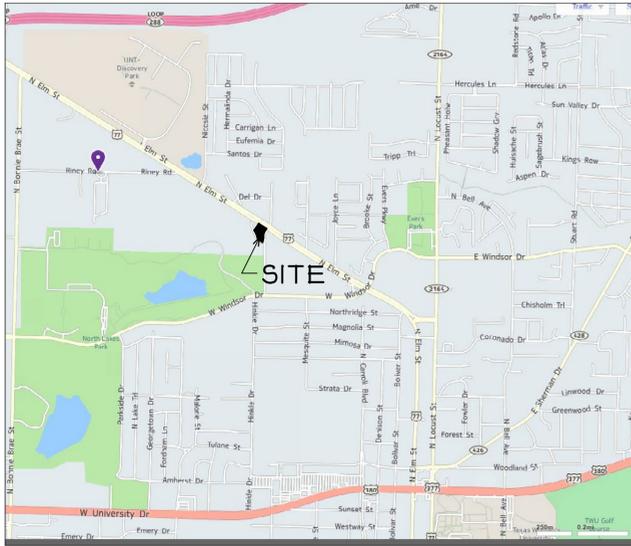


Exhibit B
Site Plan, Landscape Plan, and Elevations



VICINITY MAP



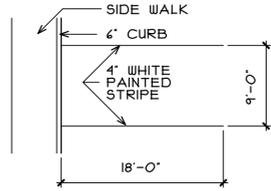
LAND USE

NOTES & DATA TABLE

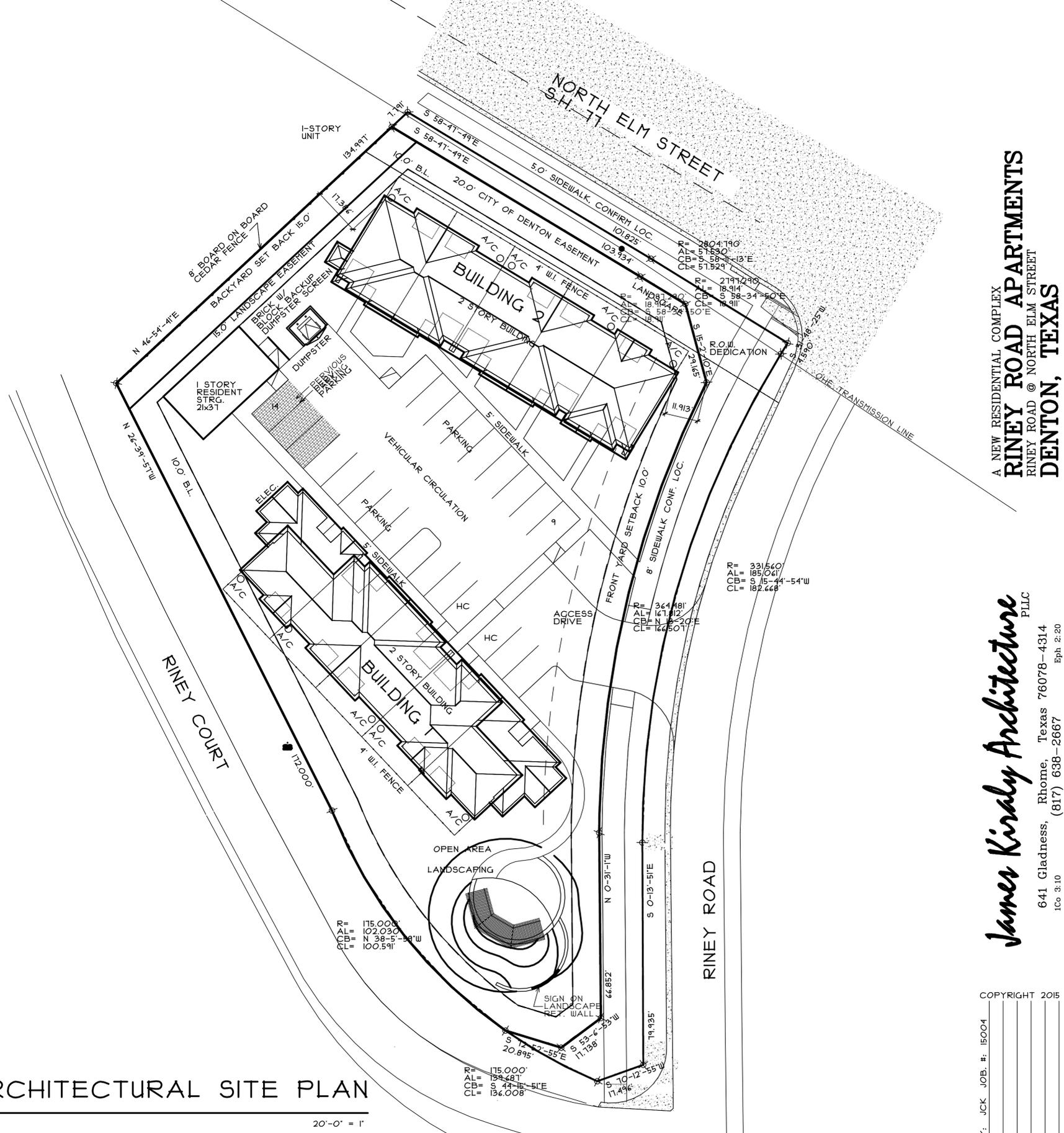
I. PHASES NOT APPLICABLE

DATA TABLE	
EST. TIME OF COMPLETION	JAN 2018
TOTAL PROJECT ACREAGE	.9 ACRES
PROPOSED DENSITIES	
UNITS A/AI	80% 8 UNITS
UNITS B/BI	20% 2 UNITS
PROPOSED (FAR) & (GFA)	
FLOOR AREA RATIO	22.8%
GROSS FLOOR AREA	23%
LOT COVERAGE (PIS)	51.3% ACT. 60% ALLOWABLE
LANDSCAPED (PPS)	48.1% PROVIDED 40% REQ.
ESA ACERAGE CALCULATION	0
PROP. STORIES	2
PARKING CALCULATIONS (SUBCHAP 14 DDC)	
3 BED/2 SPACES	23 PROVIDED 20 REQUIRED 3 PERVIOUS SPACES 20 NON PERVIOUS SPACES
HEIGHT @ RIDGE LINE	26.2' ACTUAL 40' ALLOWABLE
HEIGHT @ MID POINT	21'-8"
SETBACK TO PL	15'+2'=17' REQ. 17.3' PROVIDED CALCULATION BASED ON MID POINT HGT. OF 21'-8"
DENSITY 12x9=10.8 ALLOWABLE 10 PROVIDED	

3. TYP. PARKING SPACE 18'x9'



5. DELINATE FLOOD ZONES, FLOODWAYS AND ESA'S NOT APPLICABLE.



ARCHITECTURAL SITE PLAN

20'-0" = 1"



A NEW RESIDENTIAL COMPLEX
RINEY ROAD APARTMENTS
 RINEY ROAD @ NORTH ELM STREET
 DENTON, TEXAS

James Kiraly Architecture PLLC
 641 Gladness, Rhome, Texas 76078-4314
 (817) 638-2667
 EPH 2.20

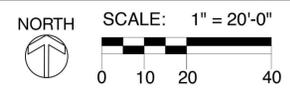
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 REV: _____

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PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION, PERMIT OR
REGULATORY APPROVAL
 04/19/2017 JAMES KIRALY #14342

DATE: 04/19/17
 SHEET 1 OF 1

A1.1



LANDSCAPE PLAN

PLANT SYMBOL LEGEND

- | | | |
|----------------------|-------------------------|---------------------|
| CANOPY TREES | ORNAMENTAL TREES | |
| BURR OAK | AFGHAN PINE | CHASTE TREE (VITEX) |
| DRAKE ELM | EVE'S NECKLACE | CRAPE MYRTLE |
| LIVE OAK | LEYLAND CYPRESS | YAUPON HOLLY |
| RED OAK | TEXAS REDBUD | |
| BIGTOOTH MAPLE | | |
| SHRUBS | | |
| AMERICAN BEAUTYBERRY | | |
| ST. JOHN'S WORT | | |
| TEXAS SAGE | | |

PLANT MATERIAL SCHEDULE							
QUANT.	COMMON NAME	BOTANICAL NAME	CAL.	HT.	SPREAD	CONT.	REMARKS
CANOPY TREES, LARGE							
3	BURR OAK	QUERCUS MACROCARPA	4"	13'	8'	88B	FULL & MATCHED, STRAIGHT TRUNK
5	DRAKE ELM	ULMUS PARVIFOLIA 'DRAKE'	4"	13'	8'	88B	FULL & MATCHED, STRAIGHT TRUNK
3	LIVE OAK	QUERCUS VIRGINIANA	4"	13'	8'	88B	FULL & MATCHED, STRAIGHT TRUNK
6	SHUMARD RED OAK	QUERCUS SHUMARDII	4"	13'	8'	88B	FULL & MATCHED, STRAIGHT TRUNK
CANOPY TREES, MEDIUM							
4	BIGTOOTH MAPLE	ACER GRANDIDENTATUM	4"	13'	8'	88B	FULL & MATCHED, STRAIGHT TRUNK
ORNAMENTAL TREES, LARGE							
2	AFGHAN PINE	PINUS ELIARICA	-	6'	4' MIN.	88B	
8	EVE'S NECKLACE	SOPHORA AFFINIS	-	8'	8'	30 GAL	FULL & MATCHED, STRAIGHT TRUNK
3	LEYLAND CYPRESS	CUPRESSUS x LEYLANDII 'LEIGHTON GREEN'	-	6'	4' MIN.	30 GAL	
4	TEXAS REDBUD	CERCIS TEXENSIS	-	8'	8'	30 GAL	FULL & MATCHED, STRAIGHT TRUNK
ORNAMENTAL TREES, SMALL							
6	CHASTE TREE	VITEX AGNUS-CASTUS	-	4'	4'	15 GAL	FULL & MATCHED, MULTI-TRUNK, 3-5 MAIN CANES
4	CRAPE MYRTLE	LAGERSTROEMIA x 'TONTON'	-	4'	4'	15 GAL	FULL & MATCHED, SINGLE OR MULTI-TRUNK
5	YAUPON HOLLY	ILEX VOMITORIA	-	4'	4'	15 GAL	FULL & MATCHED, STRAIGHT, SINGLE TRUNK
SHRUBS							
48	AMERICAN BEAUTYBERRY	CALLICARPA AMERICANA	-	36"	36"	5 GAL	
23	ST. JOHN'S WORT	HYPERICUM SPP.	-	24"	24"	3 GAL	
36	TEXAS SAGE	LEUCOPHYLLUM FRUTESCENS	-	36"	36"	5 GAL	

LANDSCAPE DATA TABLE		
SPECIAL USE PERMIT CHECKLIST DATA	PROVIDED	REQUIRED BY DDC SUBCHAPTER 13
LOT AREA (EXCLUDING EASEMENTS AND R.O.W.)	39,362 SF	N/A
LOT AREA (INCLUDING EASEMENTS AND R.O.W.)	45,397 SF	
NEW TREE CANOPY COVERAGE AREA	30,703 SF	17,713 SF
PERCENTAGE OF TREE CANOPY LOT COVERAGE (EXCLUDING ESMT. / R.O.W.)	78%	45%
PERVIOUS LANDSCAPE AREA (INCL. ESMT. / R.O.W.)	32,017 SF	18,159 SF
PERCENTAGE OF PERVIOUS LANDSCAPE LOT COVERAGE (INCL. ESMT. / R.O.W.)	71%	40%
PERVIOUS LANDSCAPE AREA (EXCL. ESMT. / R.O.W.)	19,174 SF	15,745 SF
PERCENTAGE OF PERVIOUS LANDSCAPE LOT COVERAGE (EXCLUDING ESMT. / R.O.W.)	48.7%	40%
IMPERVIOUS PARKING AREA	7,229 SF	N/A
PERVIOUS PARKING AREA	486 SF	486 SF (3 SPACES)
PARKING LANDSCAPE AREA	1,100 SF	540 SF
PERCENTAGE OF PARKING LANDSCAPE AREA	15%	7%
PARKING LOT TREE CANOPY AREA	3,788 SF	1,084 SF
PARKING LOT TREE CANOPY PERCENTAGE	52%	15%

OTHER LANDSCAPE REQUIREMENTS		
STREET TREE SPACING: 1 TREE / 45 LF OF STREET FRONTAGE	N. ELM= 4 TREES RINEY RD.= 7 TREES RINEY CT.= 5 NEW TREES + EXISTING STAND IN R.O.W.	N. ELM= 4 TREES RINEY RD.= 7 TREES RINEY CT.= 7 TREES
LANDSCAPE BUFFERS: TYPE 'B' BUFFER @ WEST ADJACENT LOT (135 LF)	135 LF OF 10' BUFFER + 7 TREES & 48 SHRUBS	5 TREES & 30 SHRUBS PER 100 LF OF BUFFER
PARKING LOT LANDSCAPE SCREEN (ANY PARKING VISIBLE FROM THE STREET)	36 LF OF 10' BUFFER + 3 TREES	36 LF OF 10' BUFFER + 1 TREE / 45 LF

REFER TO TREE PROTECTION PLAN (SHEET T1.1) FOR PROTECTION OF EXISTING TREES IN THE RINEY CT. R.O.W.



Valley Quest DESIGN
 LANDSCAPE ARCHITECTS
 509 Fenceline Dr.
 Argyle, Texas 76226
 ph: 214.783.1715

OWNER / CLIENT:

 NOT QUITE 4A PROPERTIES
 BRAD ANDRUS
 (940) 368-3588

Project No: 2017-014
 Drawn By: JDB
 Reviewed By: AAC
 Issue Type: SUP Exhibit (4th Submittal)
 Issue Date: 06/05/2017

REVISIONS:

No.	Date	Description



PROJECT:
 RINEY ROAD APARTMENTS
 CITY PROJECT No: S16-0007

ZONING DESIGNATION:
 NRMU-12
 DESIRED LAND USE:
 MULTI-FAMILY

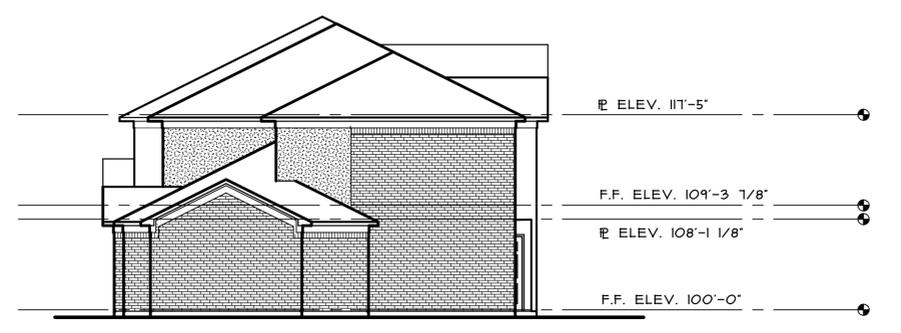
NORTH ELM (US HWY 77) &
 RINEY ROAD
 DENTON, TEXAS

SHEET TITLE:
 LANDSCAPE PLAN
 (SUP EXHIBIT)

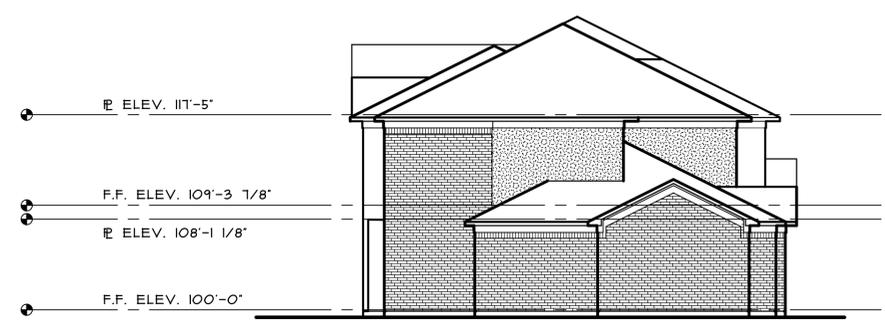
SHEET NUMBER:
L1.1



① BUILDING 1 FRONT ELEVATION
 1/8" = 1'-0"
 PARKING
 STUCCO (GROSS) 59± S.F.
 BRICK (GROSS) 1,25± S.F.



② BUILDING 1 RIGHT ELEVATION
 1/8" = 1'-0"
 STUCCO (GROSS) 130± S.F.
 BRICK (GROSS) 434± S.F.
 ADJOINING LOT



④ BUILDING 1 LEFT ELEVATION
 1/8" = 1'-0"
 STUCCO (GROSS) 130± S.F.
 BRICK (GROSS) 434± S.F.
 RINEY ROAD



③ BUILDING 1 REAR ELEVATION
 1/8" = 1'-0"
 STUCCO (GROSS) 1,128± S.F.
 BRICK (GROSS) 1,241± S.F.
 RINEY COURT

A NEW RESIDENTIAL COMPLEX
 FOR: **NOT QUITE 4A PROPERTIES**
 RINEY ROAD @ NORTH ELM STREET
 DENTON, TEXAS

James Kiraly Architecture PLLC
 641 Gladness, Rhome, Texas 76078-4314
 (817) 638-2667
 1co 3:10 Eplh 2:20

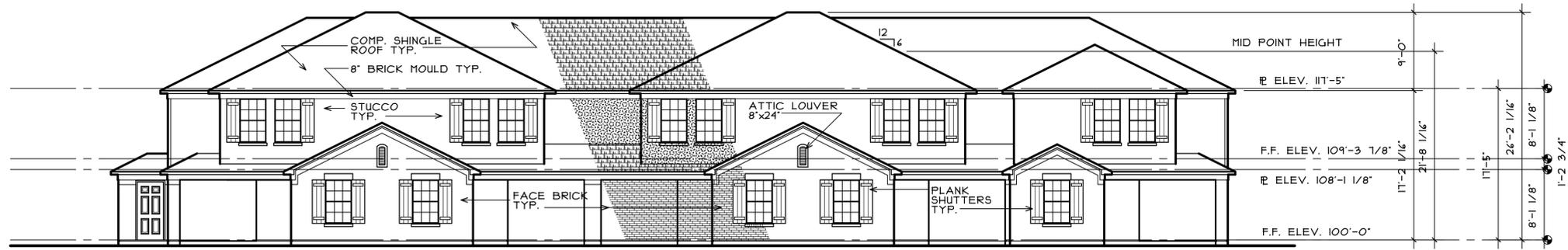
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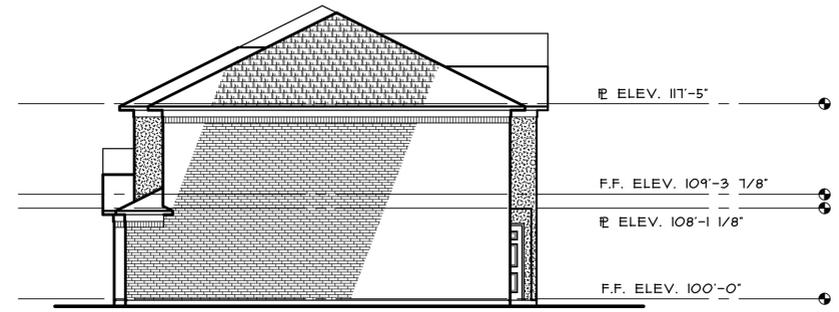
DATE: 4/19/17
 SHEET 2 OF 8

A4.1



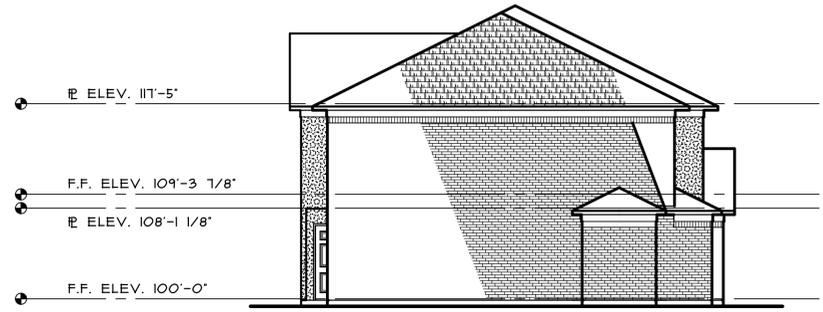
BUILDING 2 FRONT ELEVATION

STUCCO (GROSS) 832 S.F.
 BRICK (GROSS) 1,114 S.F.
 PARKING
 0 4 8 12 16 20
 1/8" = 1'-0"



BUILDING 2 RIGHT ELEVATION

STUCCO (GROSS) 60 S.F.
 BRICK (GROSS) 556 S.F.
 RINEY ROAD
 0 4 8 12 16 20
 1/8" = 1'-0"



BUILDING 2 LEFT ELEVATION

STUCCO (GROSS) 60 S.F.
 BRICK (GROSS) 556 S.F.
 ADJOINING LOT
 0 4 8 12 16 20
 1/8" = 1'-0"



BUILDING 2 REAR ELEVATION

STUCCO (GROSS) 1,186 S.F.
 BRICK (GROSS) 1,112 S.F.
 NORTH ELM STREET
 0 4 8 12 16 20
 1/8" = 1'-0"

A NEW RESIDENTIAL COMPLEX
 FOR: **NOT QUITE 4A PROPERTIES**
 RINEY ROAD @ NORTH ELM STREET
 DENTON, TEXAS

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 641 Gladness, Rhome, Texas 76078-4314
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 1co 3:10 Eplh 2:20

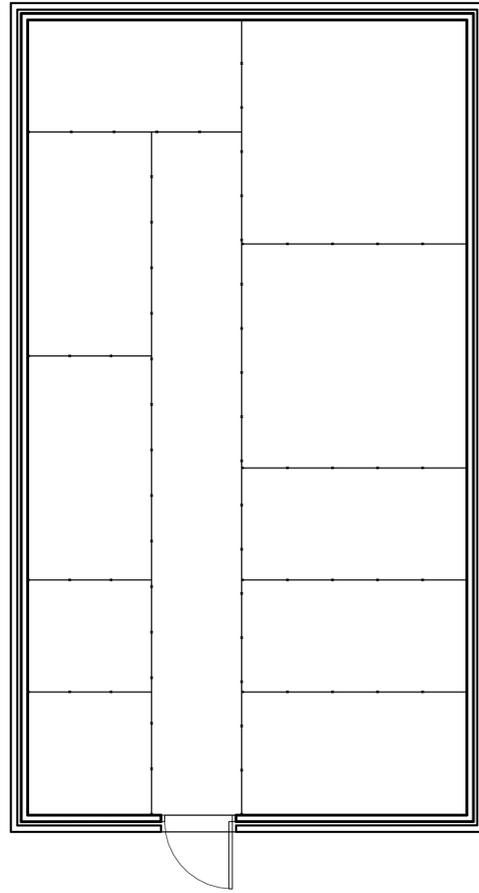
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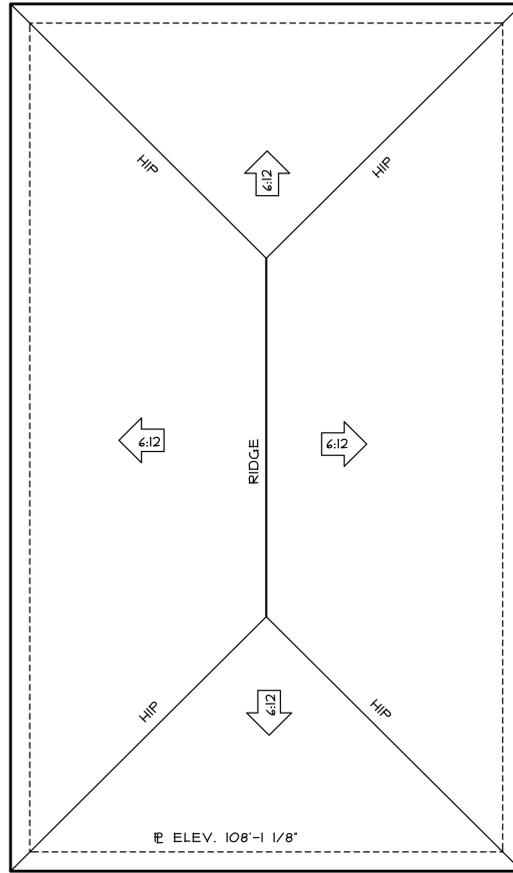
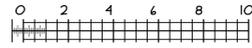
A4.2



111 S.F.

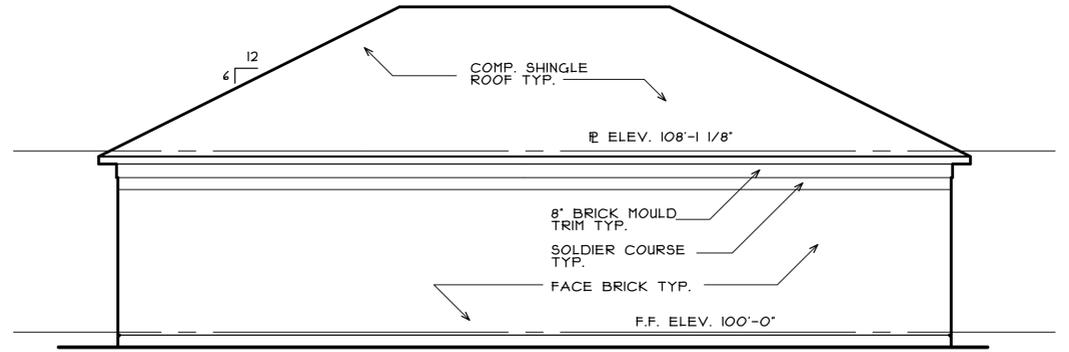
1 FLOOR PLAN - STORAGE

1/4" = 1'-0"



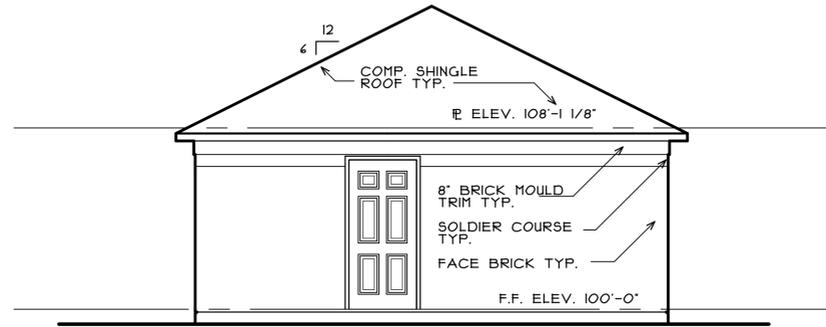
2 ROOF PLAN

1/4" = 1'-0"



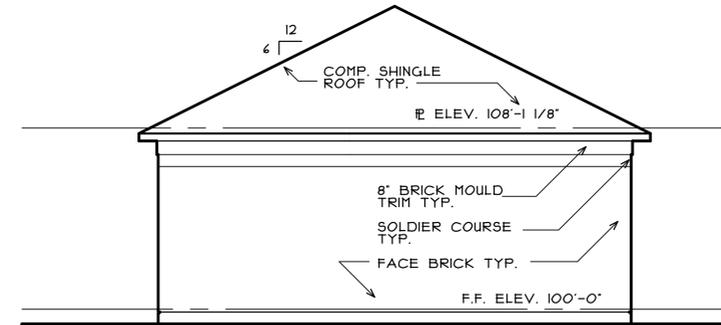
3 LEFT/RIGHT SIDES

1/4" = 1'-0"



4 FRONT ELEVATION

1/4" = 1'-0"



5 BACK ELEVATION

1/4" = 1'-0"

A NEW RESIDENTIAL COMPLEX
FOR: **AXIS REALTY GROUP**
RINEY ROAD @ NORTH ELM STREET
DENTON, TEXAS

James Kiraly Architecture PLLC
641 Gladness, Rhome, Texas 76078-4314
(817) 639-2667
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SHEET 2 OF 8

A2.5