

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

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR A DRIVE-THROUGH FACILITY IN A DOWNTOWN COMMERCIAL GENERAL (DC-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 1.11 ACRES OF LAND GENERALLY LOCATED EAST OF NORTH TEXAS BOULEVARD, BETWEEN I-35E AND WILSHIRE STREET 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. (S17-0004)

WHEREAS, Red-Plains has applied for a Specific Use Permit (SUP) to allow a Drive-Through Facility use on 1.11 acres of land, within a DC-G zoning district and use classification, the location of which is shown in **Exhibit "A"**, attached hereto and incorporated by reference herein (the "Property"); and

WHEREAS, after notice was 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 approval (6-0) of the requested SUP, subject to conditions; and

WHEREAS, on August 9, 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 the Drive-Through Facility use on the Property is hereby approved, subject to the following conditions:

1. The proposed use must substantially comply with the Site Plan, Landscape Plan, and Building Elevation attached in **Exhibit "B"**.

2. Signage on North Texas Boulevard is limited to one monument sign, restricted to a maximum height of five feet, a maximum effective area of 40 square feet, and constructed of masonry or stone to complement the primary structure.

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.

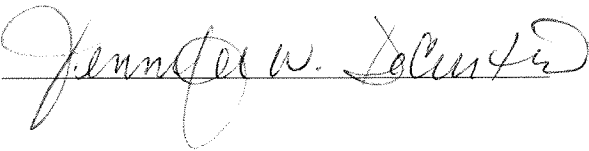
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CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

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

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

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

## Exhibit A Site Location

STATE OF TEXAS       §

COUNTY OF DENTON §

WHEREAS McDonald's Real Estate Company d/b/a (Delaware) McDonald's Real Estate Company, A Delaware corporation, according to the deed recorded under Instrument Number 2017-21528, Official Public Records of Denton County, Texas and Andy's Parsenke Realty Company according to the deed recorded in Volume 3246, Page 697, of the Deed Records of Denton County, Texas, are the owners of that certain tract situated in the Eugene Puchalski Survey, Abstract Number 996, City of Denton, Denton County, Texas, said tract being the remainder of Lot 28, and a portion Lot 27 of Foxhunt Addition, recorded in Volume 292, page 618, of the Deed Records of Denton County, Texas, and the remainder of Lot 27A of Foxhunt Addition, recorded in Cabinet G, Slide 143 of the Plat Records of Denton County, Texas; the subject tract being more particularly described as follows:

*Beginning* at a 1/2 inch rebar found at the northeast corner of Lot 28, Foxhunt Addition, recorded in Volume 292, Page 618, Deed Records, Denton County, Texas;

THENCE SOUTH 00 degrees 20 minutes 12 seconds EAST, with the east line of said Lot 28, a distance of 97.15 feet to a 5/8 inch rebar found at the most northerly northwest corner of Lot 27A, Foxhunt Addition, recorded in Cabinet G, Slide 143, Plat Records, Denton County, Texas;

THENCE NORTH 89 degrees 41 minutes 20 seconds EAST, with the most easterly north line of said Lot 27A, a distance of 135.36 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set on the west right-of-way of Kendolph Drive (60-foot right of way dedicated by said plat recorded in Volume 292, Page 618, Deed Records, Denton County, Texas) at the northeast corner of Lot 27A,;

THENCE SOUTH 00 degrees 18 minutes 00 seconds EAST, with said west right-of-way of Kendolph Drive, a distance of 225.68 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the northeast corner of the called 0.2580-acre tract described in the Notice of Lis Pendens, recorded under Instrument Number 2014-55377, Official Public Records, Denton County, Texas, being the beginning of a non-tangent curve concave to the southwest (curve to the left), having a radius of 7813.80 feet;

THENCE in a northeasterly direction, along the arc of the said non-tangent curve and with the north line of the said 0.2580-acre tract, an arc length of 148.74 feet (a chord bearing of NORTH 64 degrees 59 minutes 13 seconds WEST, a chord distance of 148.74 feet) to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the northwest corner of the 0.2580-acre tract;

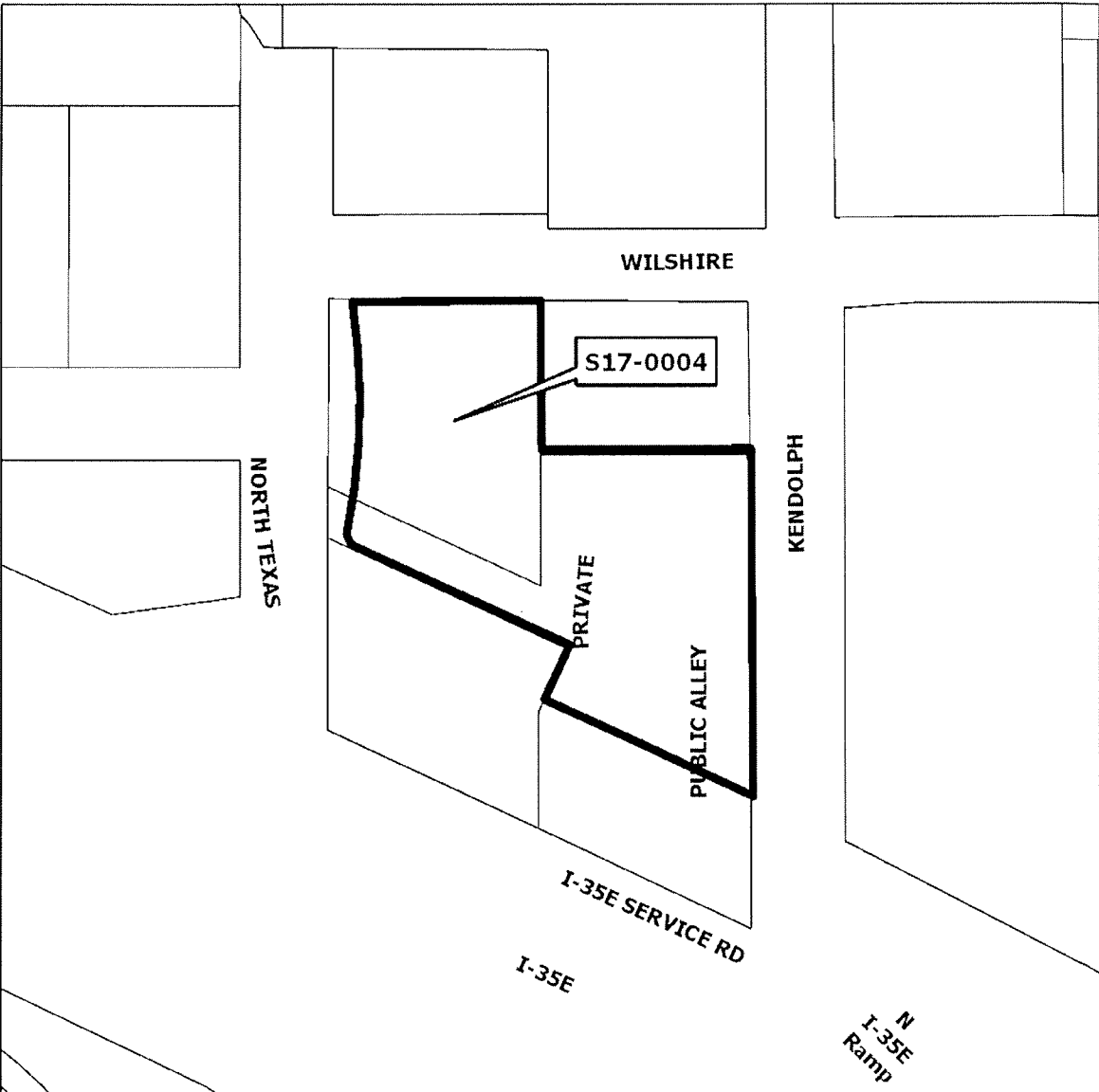
THENCE NORTH 24 degrees 50 minutes 37 seconds EAST, with a west line of Lot 27A, a distance of 39.08 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at a reentrant corner of Lot 27A;

THENCE NORTH 65 degrees 12 minutes 55 seconds WEST, with the most westerly south line of Lot 27A, a distance of 154.92 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the southeast corner of the called 0.0103-acre tract described in the Notice of Lis Pendens, recorded under Instrument Number 2014-55377, Official Public Records, Denton County, Texas.

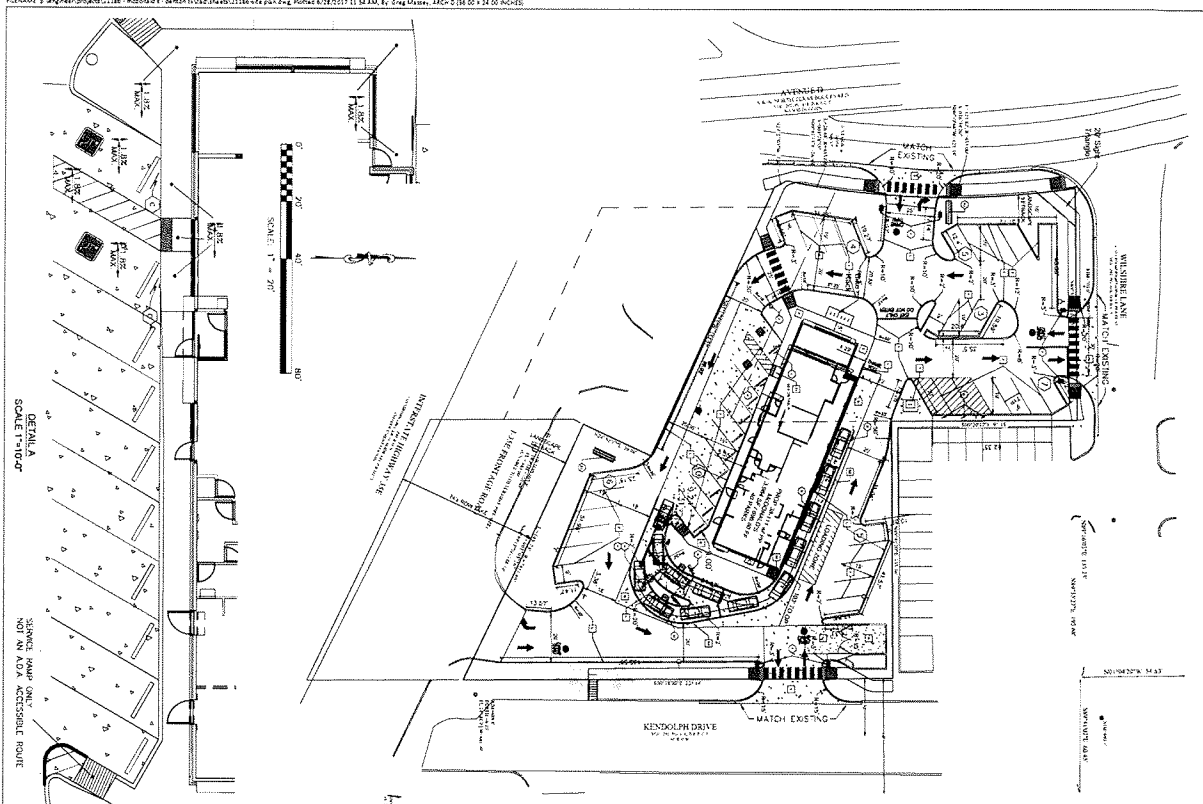
THENCE NORTH 27 degrees 27 minutes 03 seconds WEST, with the most southerly east line of the said 0.0103-acre tract, a distance of 7.31 feet to a Mag nail with a metal washer stamped "JPH Land Surveying" set at a reentrant corner of the 0.0103-acre tract, being the beginning of a non-tangent curve, concave to the west (curve to the left) having a radius of 435.00 feet;

THENCE in a northerly direction, along the arc of the said non-tangent curve and with the east line of the 0.0103-acre tract, passing at an arc length of 26.44 feet a Mag nail with a metal washer stamped "JPH Land Surveying" set at the southeast corner of the called 0.0533-acre tract described in the Notice of Lis Pendens, recorded under Instrument Number 2015-116929, Official Public records, Denton County, Texas, and continuing along said arc, and with the east line of the said 0.0533-acre tract, in all, a total arc length of 152.26 feet (a chord bearing of NORTH 01 degree 24 minutes 35 seconds EAST, a chord distance of 151.48 feet) to a 1/2 inch capped rebar stamped "JPH Land Surveying" set on the south line of Wilshire Lane (called to be a 60-foot right of way dedicated by the plat recorded in Volume 292, Page 618, Deed Records, Denton County, Texas) at the northeast corner of the 0.0533 acre tract, on the north line of Lot 28;

THENCE NORTH 89 degrees 35 minutes 27 seconds EAST, with the north line of Lot 28, a distance of 121.55 feet, returning to the **POINT OF BEGINNING** and enclosing 1.11 acres (+48,216 square feet).



**Exhibit B**  
**Site Plan, Landscape Plan, and Elevation**



DETAIL A  
ASSEMBLY SECTION  
SCALE 1"=10'-0"

SERVICE RAMP ONLY /  
NOT AN ADA ACCESSIBLE ROUTE

**DETAIL A: NOTE**

1. ALL NEWLY CONSTRUCTED SIDEWALKS TO HAVE MAX. CROSS SLOPE OF 1.8% AND MAX. RUN OF 1.4%.
2. ALL NEWLY CONSTRUCTED HANDICAP RAMP(S) TO HAVE MAX. CROSS SLOPE OF 1.8% MAX. RUN OF 1%.
3. ALL NEWLY CONSTRUCTED HANDICAP PARKING STALL(S) AND ACCESSIBLES TO HAVE MAX. CROSS SLOPE OF 1.8% AND MAX. RUN OF 1%.
4. CONTRACTOR TO FIELD ADJUST TO MEET SIGHTING ORDER AND NOT EXCEED MAX. SLOPES.

[illegible]

FOR CITY OF DENTON USE ONLY

[illegible]

PRELIMINARY  
FOR REVIEW ONLY

**RED PLAINS**  
PROFESSIONAL, INC.  
CIVIL ENGINEERING • GIS • PLANNING • CONSTRUCTION MANAGEMENT

## FINAL PLANS

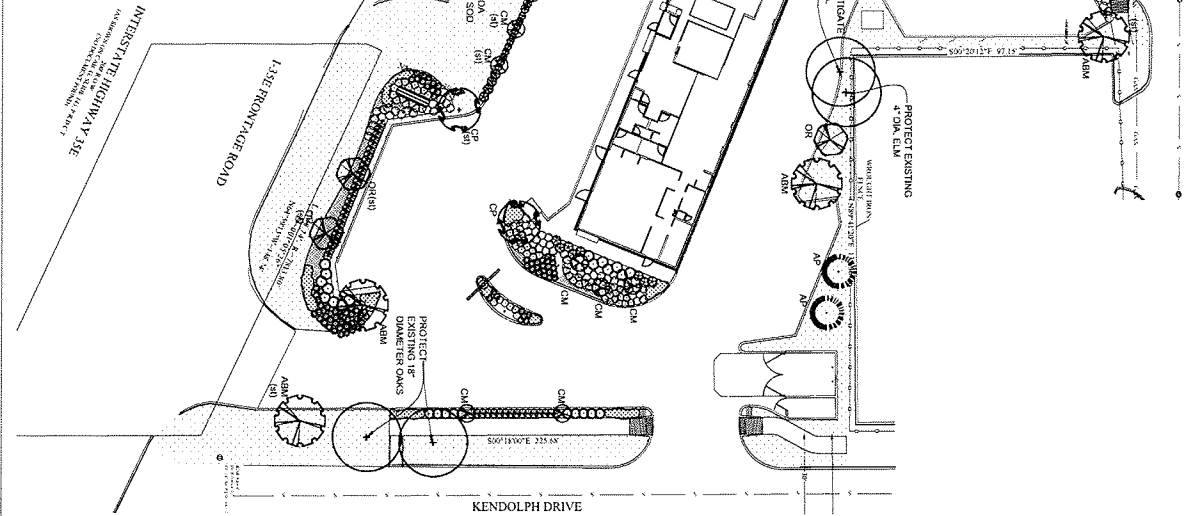
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main to this survey. The identification is subject to interpretation, verification may be required.

57M	QTY		
A2	1	ROAD SIGN, 90	
A3	1	GROUND SIGN, 90	
B1	1	CONCRETE CURB	
C1	1	HANDPAINTED PA	
D1	1	PAVING-CONCRETE	
E1	1	FLAG POLE, 18 FT	
F1	1	CONCRETE DRIVE	
H1	1	POLE, 18 FT	
K1	1	POLE, 18 FT	
M1	1	POLE, 18 FT	
N1	1	POLE, 18 FT	
O1	1	POLE, 18 FT	
P1	1	POLE, 18 FT	
Q1	1	POLE, 18 FT	
R1	1	POLE, 18 FT	
S1	1	POLE, 18 FT	
T1	1	POLE, 18 FT	
U1	1	POLE, 18 FT	
V1	1	POLE, 18 FT	
W1	1	POLE, 18 FT	
X1	1	POLE, 18 FT	
Y1	1	POLE, 18 FT	
Z1	1	POLE, 18 FT	
AA1	1	POLE, 18 FT	
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BT1	1	POLE, 18 FT	
BU1	1	POLE, 18 FT	
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BW1	1	POLE, 18 FT	
BX1	1	POLE, 18 FT	
BY1	1	POLE, 18 FT	
BZ1	1	POLE, 18 FT	
CA1	1	POLE, 18 FT	
CB1	1	POLE, 18 FT	
CC1	1	POLE, 18 FT	
CD1	1	POLE, 18 FT	
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CH1	1	POLE, 18 FT	
CI1	1	POLE, 18 FT	
CJ1	1	POLE, 18 FT	
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CN1	1	POLE, 18 FT	
CO1	1	POLE, 18 FT	
CP1	1	POLE, 18 FT	
CQ1	1	POLE, 18 FT	
CR1	1	POLE, 18 FT	
CS1	1	POLE, 18 FT	
CT1	1	POLE, 18 FT	
CU1	1	POLE, 18 FT	
CV1	1	POLE, 18 FT	
CW1	1	POLE, 18 FT	
CX1	1	POLE, 18 FT	
CY1	1	POLE, 18 FT	
CZ1	1	POLE, 18 FT	
DA1	1	POLE, 18 FT	

SCHEMATIC	DESCRIPTION
1	00 - 40' HIGH FENCE
2	01 - 40' HIGH FENCE
3	02 - 40' HIGH FENCE
4	03 - 40' HIGH FENCE
5	04 - 40' HIGH FENCE
6	05 - 40' HIGH FENCE
7	06 - 40' HIGH FENCE
8	07 - 40' HIGH FENCE
9	08 - 40' HIGH FENCE
10	09 - 40' HIGH FENCE
11	10 - 40' HIGH FENCE
12	11 - 40' HIGH FENCE
13	12 - 40' HIGH FENCE
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130	129

**MCDONALDS SITE # 042-3176**  
135 & N TEXAS BLVD  
DENTON, TX  
**EXHIBIT G1 - SITE DIMENSION PLAN**

[illegible]

**SUMMARY:** 15 trees per 43,500 sq ft or 1 tree per 2,904 sq ft gross area. All trees shall be minimum of 3" cal from Select Species List. 50% of trees selected from Larrea Species List

Perimeter parking lot screening of 18" H plants at 24" o.c. minimum. Plant selections for screening shall be 3' minimum at maturity. 1 canopy tree per 15 spaces, 1 shrub per 5 spaces. No parking spaces located more than 50' from tree trunk.

PARKING LOT TREE CANOPY:		SO. FT.	CANOPY
CP	7	3' x 6'	1,266.00
CD	7	3' x 6'	6.702
ABA	7	3' x 6'	1,266.00
OR	10	3' x 6'	2,071.00
AP	2	3' x 6'	1,014
CM	14	8' x 8'	79.00
			1,106

LANDSCAPE CHECKLIST CALCULATIONS	
PARKING LOT TREE CANOPY:	CANOPY TOTAL
	SQ. FT. CANOPY
CP 1 Platanus chinensis	1,565.00
CP 2 Citrusus palmifera	8,702
ABU 7 Aulonium Borne Malem	1,264.00
ABU 10 Treas Borneum	2,792
ABU 16 Citrusus tiansiensis	707.00
AP 2 Aulonium Pae	707.00
AP 14 Citrusifera	3,161.00
	1,164
	70.00
	8,978
	1,164

WALKING LANE	121.33 / 45 =	2.70	1100S
AVENUE D	125.38 / 45 =	2.79	TRAILS
135 ACCESS RD	342.74 / 45 =	7.62	TRAILS

**★ Tarmac 811**  
Know what's below.  
Call before you dig.

**CALL PRIOR TO DIGGING: 911 or 1-800-DIG-IT-LESS**

THE UNDERGROUND UTILITIES SYSTEM HAVE BEEN LOCATED FROM SURFACE INFORMATION AND RECORD DRAWINGS. ENGINEER AND SURVEYOR HAVE BEEN ADVISED OF THE LOCATION OF ALL EXISTING UTILITIES. ALL UTILITIES IN THE AREA, EITHER IN STREET OR ALONGSIDE HIGHWAYS, ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. POWER, ENGINEER AND SURVEYOR FURTHER DO NOT GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION NOR DO THEY GUARANTEE THE DEPTH OF ANY UTILITIES. ENGINEER AND SURVEYOR WILL NOT BE RESPONSIBLY LOCATED THE UNDERGROUND UTILITIES BY PROBING, EXCAVATING, HANDING-MA, OR BY ANY OTHER MEANS.

FOR CITY OF DENTON USE ONLY

FOR

CIT:

1000

## References

NOTES

FIND

## SEC

ONLINE

**FOR CITY OF DENTON USE ONLY**

PS

SH

MEET A

		REVISIONS	
NO.	DATE	DESCRIPTION	

[illegible]

11286	11287	11288	11289	11290	11291	11292	11293	11294	11295	11296	11297	11298	11299	11300	11301	11302	11303	11304	11305	11306	11307	11308	11309	11310	11311	11312	11313	11314	11315	11316	11317	11318	11319	11320	11321	11322	11323	11324	11325	11326	11327	11328	11329	11330	11331	11332	11333	11334	11335	11336	11337	11338	11339	11340	11341	11342	11343	11344	11345	11346	11347	11348	11349	11350	11351	11352	11353	11354	11355	11356	11357	11358	11359	11360	11361	11362	11363	11364	11365	11366	11367	11368	11369	11370	11371	11372	11373	11374	11375	11376	11377	11378	11379	11380	11381	11382	11383	11384	11385	11386	11387	11388	11389	11390	11391	11392	11393	11394	11395	11396	11397	11398	11399	11400	11401	11402	11403	11404	11405	11406	11407	11408	11409	11410	11411	11412	11413	11414	11415	11416	11417	11418	11419	11420	11421	11422	11423	11424	11425	11426	11427	11428	11429	11430	11431	11432	11433	11434	11435	11436	11437	11438	11439	11440	11441	11442	11443	11444	11445	11446	11447	11448	11449	11450	11451	11452	11453	11454	11455	11456	11457	11458	11459	11460	11461	11462	11463	11464	11465	11466	11467	11468	11469	11470	11471	11472	11473	11474	11475	11476	11477	11478	11479	11480	11481	11482	11483	11484	11485	11486	11487	11488	11489	11490	11491	11492	11493	11494	11495	11496	11497	11498	11499	11500	11501	11502	11503	11504	11505	11506	11507	11508	11509	11510	11511	11512	11513	11514	11515	11516	11517	11518	11519	11520	11521	11522	11523	11524	11525	11526	11527	11528	11529	11530	11531	11532	11533	11534	11535	11536	11537	11538	11539	11540	11541	11542	11543	11544	11545	11546	11547	11548	11549	11550	11551	11552	11553	11554	11555	11556	11557	11558	11559	11560	11561	11562	11563	11564	11565	11566	11567	11568	11569	11570	11571	11572	11573	11574	11575	11576	11577	11578	11579	11580	11581	11582	11583	11584	11585	11586	11587	11588	11589	11590	11591	11592	11593	11594	11595	11596	11597	11598	11599	11600	11601	11602	11603	11604	11605	11606	11607	11608	11609	11610	11611	11612	11613	11614	11615	11616	11617	11618	11619	11620	11621	11622	11623	11624	11625	11626	11627	11628	11629	11630	11631	11632	11633	11634	11635	11636	11637	11638	11639	11640	11641	11642	11643	11644	11645	11646	11647	11648	11649	11650	11651	11652	11653	11654	11655	11656	1165
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[illegible][illegible][illegible]

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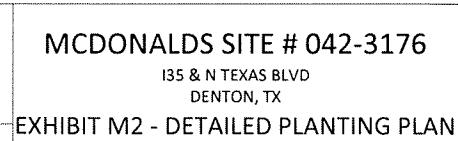
PRELIMINARY  
FOR REVIEW ONLY



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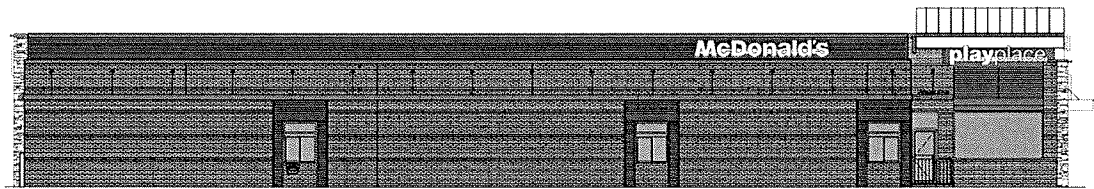
**MCDONALDS SITE # 042-3176**  
135 & N TEXAS BLVD  
DENTON, TX  
**EXHIBIT M1 - LANDSCAPE PLAN**



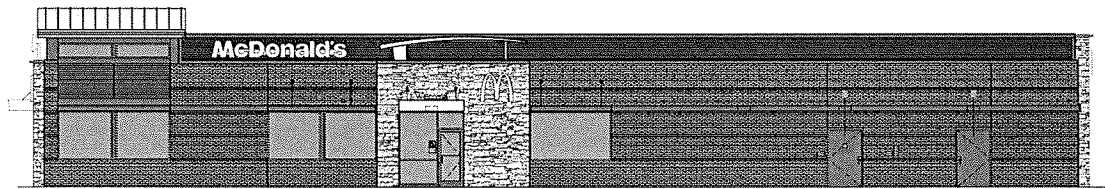




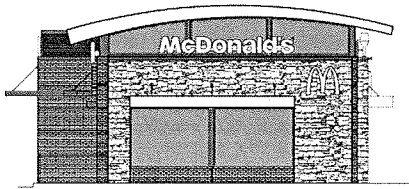




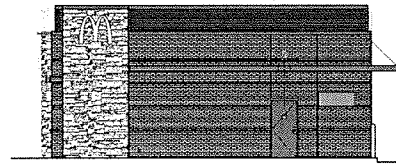
1 DRIVE THRU ELEVATION  
3/16" = 1'-0"



2 NON-DRIVE THRU ELEVATION  
3/16" = 1'-0"



3 FRONT ELEVATION  
3/16" = 1'-0"



4 REAR ELEVATION  
3/16" = 1'-0"

		
CORRUGATED METAL	BRICK, RUBIO	STONE, MULTIPLE BLEND
	RED VENEER	CULTURED STONE BY
	BELDEN BRICK	DORAL STONE PRODUCTS



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**A2.1**  
ELEVATIONS