

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM AN INDUSTRIAL CENTER EMPLOYMENT (IC-E) ZONING DISTRICT AND USE CLASSIFICATION TO A REGIONAL CENTER COMMERCIAL DOWNTOWN (RCC-D) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 5.2099 ACRES OF LAND GENERALLY LOCATED WEST OF I-35 SERVICE ROAD, APPROXIMATELY 1000 FEET SOUTH OF WEST UNIVERSITY DRIVE 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. (Z17-0014)

WHEREAS, Matt Walsh, has applied for a zoning change on approximately 5.2099 acres of land, legally described as two separate tracts of land of 2.0950 acres and 3.1149 acres, and depicted in **Exhibit "A"**, attached hereto and incorporated herein by reference (hereinafter, the "Property") from a IC-E zoning district and use classification to a RCC-D zoning district and use classification; and

WHEREAS, on August 9, 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 (by a 5-0 vote) of the change in zoning district and use classification; and

WHEREAS, on August 15, 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 IC-E District to RCC-D 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: Jennifer W. DeLuca

Exhibit A
Property Legal Description and Site Location Map



309 Byers Street, #100
Euless, Texas, 76039
817-685-8448
www.spoonersurveyors.com

*** METES AND BOUNDS DESCRIPTION ***

PROPOSED
LOT 1, BLOCK A, DULUTH TRADING CO. – NORTHERN TOOL ADDITION

BEING a 2.0950 acre tract of land located in the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract No. 192, City of Denton, Denton County, Texas, said 2.0950 acre tract of land being a portion of the remainder of a called 21.283 acre tract of land conveyed to **BLUE HORSESHOE, LTD.**, by deed thereof filed for record in Denton County Clerk's Instrument No. 2014-36167, Official Public Records, Denton County, Texas (O.P.R.D.C.T.), said 2.0950 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with a cap stamped "THOMPSON" found (Controlling Monument) on the west property line of the said 21.283 acre tract, same being the east right-of-way line of the Kansas City Southern Railroad (being a called 175 feet wide right-of-way), said iron rod found also being at the southwest lot corner of Lot 1, Block 1, Cavendar Investment Properties F, LTD. Subdivision, being an Addition to the said City and State, according to the plat thereof filed for record in Denton County Clerk's Instrument No. 2017-159, O.P.R.D.C.T.;

THENCE North 67°36'31" East, departing the said right-of-way line and along the south lot line of said Lot 1, a distance of 549.86 feet to a 1/2 inch iron rod with a cap stamped "THOMPSON" found (Controlling Monument) at the southeast lot corner of said Lot 1, said iron rod found also being on the east property line of the said 21.283 acre tract, same being the west property line of a called 1.8604 acre tract of land conveyed to the State of Texas, by deed thereof filed for record in Denton County Clerk's Instrument No. 2014-27041, O.P.R.D.C.T., said west property line of the 1.8604 acre tract also being the existing west right-of-way line of Interstate Highway No. 35 (being a variable width right-of-way, a portion of said right-of-way being conveyed to the State of Texas, by the deeds thereof filed for record in Volume 348, Page 96 and Volume 400, Page 97, Deed Records, Denton County, Texas);

THENCE South 16°25'37" East, along the east property line of the said 21.283 acre tract and along the said west right-of-way line, a distance of 169.59 to a 5/8 inch iron rod with a cap stamped "SPOONER & ASSOCIATES" set (hereinafter referred to as an iron rod set);

THENCE South 76°36'31" West, departing the said property line and the said existing right-of-way line, over and across the said 21.283 acre tract, a distance of 532.22 feet to an iron rod set on the west property line of the said 21.283 acre tract, same being the aforesaid east right-of-way line of the Kansas City Southern Railroad;

THENCE North 22°23'52" West, along the said west property line and along the said east railroad right-of-way line, a distance of 168.67 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **2.0950 acres (91,256 square feet)** of land, more or less.

Surveyed on the ground during the month of May, 2017





309 Byers Street, #100
Euless, Texas, 76039
817-685-8448
www.spoonersurveyors.com

*** METES AND BOUNDS DESCRIPTION ***

PROPOSED

LOT 2, BLOCK A, DULUTH TRADING CO. – NORTHERN TOOL ADDITION

BEING a 3.1149 acre tract of land located in the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract No. 192, City of Denton, Denton County, Texas, said 3.1149 acre tract of land being a portion of the remainder of a called 21.283 acre tract of land conveyed to **BLUE HORSESHOE, LTD.**, by deed thereof filed for record in Denton County Clerk's Instrument No. 2014-36167, Official Public Records, Denton County, Texas (O.P.R.D.C.T.), said 3.1149 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a cap stamped "SPOONER & ASSOCIATES" set (hereinafter referred to as an iron rod set) on the west property line of the said 21.283 acre tract, same being the east right-of-way line of the Kansas City Southern Railroad (being a called 175 feet wide right-of-way), said beginning point being South 22°23'52" East, a distance of 168.67 feet from a 1/2 inch iron rod with a cap stamped "THOMPSON" found (Controlling Monument) at the southwest lot corner of Lot 1, Block 1, Cavendar Investment Properties F, LTD. Subdivision, being an Addition to the said City and State, according to the plat thereof filed for record in Denton County Clerk's Instrument No. 2017-159, O.P.R.D.C.T.;

THENCE North 67°36'31" East, departing the said property line and the said east right-of-way line, over and across the said 21.283 acre tract, a distance of 532.22 feet to an iron rod set on the east property line of the said 21.283 acre tract, same being the west property line of a called 1.8604 acre tract of land conveyed to the State of Texas, by deed thereof filed for record in Denton County Clerk's Instrument No. 2014-27041, O.P.R.D.C.T., said west property line of the 1.8604 acre tract being the existing west right-of-way line Interstate Highway No. 35 (being a variable width right-of-way, a portion of said right-of-way being conveyed to the State of Texas, by the deeds thereof filed for record in Volume 348, Page 96, and Volume 400, Page 97, Deed Records, Denton County, Texas);

THENCE along the said east property line and along the said existing west right-of-way line the following courses and distances:

South 16°25'37" East, a distance of 61.11 feet to a Texas Department of Transportation aluminum monument found (Controlling Monument);

South 19°33'34" East, a distance of 198.98 feet to an iron rod set at the southeast property corner of the herein described tract of land, from which, a Texas Department of Transportation aluminum monument found (Controlling Monument) bears South 19°33'34" East, a distance of 451.92 feet;

THENCE South 67°36'31" West, departing the said property line and the said existing right-of-way line, over and across the said 21.283 acre tract, a distance of 516.01 feet to an iron rod set on the aforesaid west property line of the 21.283 acre tract, same being the aforesaid east right-of-way line of the Kansas City Southern Railroad;

THENCE North 22°23'52" West, along the said property line and along the said railroad right-of-way line, a distance of 259.52 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **3.1149 acres (135,687 square feet)** of land, more or less.

Surveyed on the ground during the month of May, 2017



