

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A NEIGHBORHOOD RESIDENTIAL MIXED USE (NRMU) ZONING DISTRICT AND USE CLASSIFICATION TO A COMMUNITY MIXED USE GENERAL (CM-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 0.54 ACRE OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE TEASLEY LANE AND OLD ALTON ROAD INTERSECTION 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. (Z17-0017)

WHEREAS, Space Garage Limited Partnership has applied for a zoning change on approximately 0.54 acres of land legally described and depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter, "the Property") from a NRMU zoning district and use classification to a CM-G zoning district and use classification; and

WHEREAS, on September 13, 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 [4-0] of the change in zoning district and use classification; and

WHEREAS, on October 17, 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 NRMU District 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
Property A Legal Description and Site Location Map

All that certain lot, tract or parcel of land lying and being situated in the City of Denton, Denton County, Texas and being the portion lying within the approximate City Limits of Lot 1, Block A, Denton Creek Business Park, Phase I, according to the plat recorded in Cabinet X, Page 484, Plat Records, Denton County, Texas and being more fully described by metes and bounds as follows;

BEGINNING at a capped iron rod found in the East line of Old Alton Road, same being the Northwest corner of said Lot 1;

THENCE North 89 degrees 04 minutes 55 seconds East, 140.61 feet to a capped iron rod found at the Northeast corner of said Lot 1;

THENCE South 00 degrees 03 minutes 53 seconds East, 152.26 feet to a point in the approximate South line of the Denton City Limits line;

THENCE along said South line and along a curve to the right whose long chord bears North 82 degrees 38 minutes 33 seconds West, 195.97 feet and whose radius is 1342.65 feet and an arc length of 196.15 feet to a point in the East line of said Old Alton Road;

THENCE along said East line and along a curve to the left whose long chord bears, North 25 degrees 27 minutes 28 seconds East, 68.29 feet and whose radius is 436.50 feet and an arc length of 68.36 feet to a capped iron rod found at the P.T. of said curve;

THENCE continuing along said East line, North 20 degrees 58 minutes 16 seconds East, 67.75 feet to the PLACE OF BEGINNING and containing 0.54 of an acre of land more or less;

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TX FIRM REGISTRATION # 10002100

1720 WESTMINSTER
DENTON, TX 76205
(940)382-3446

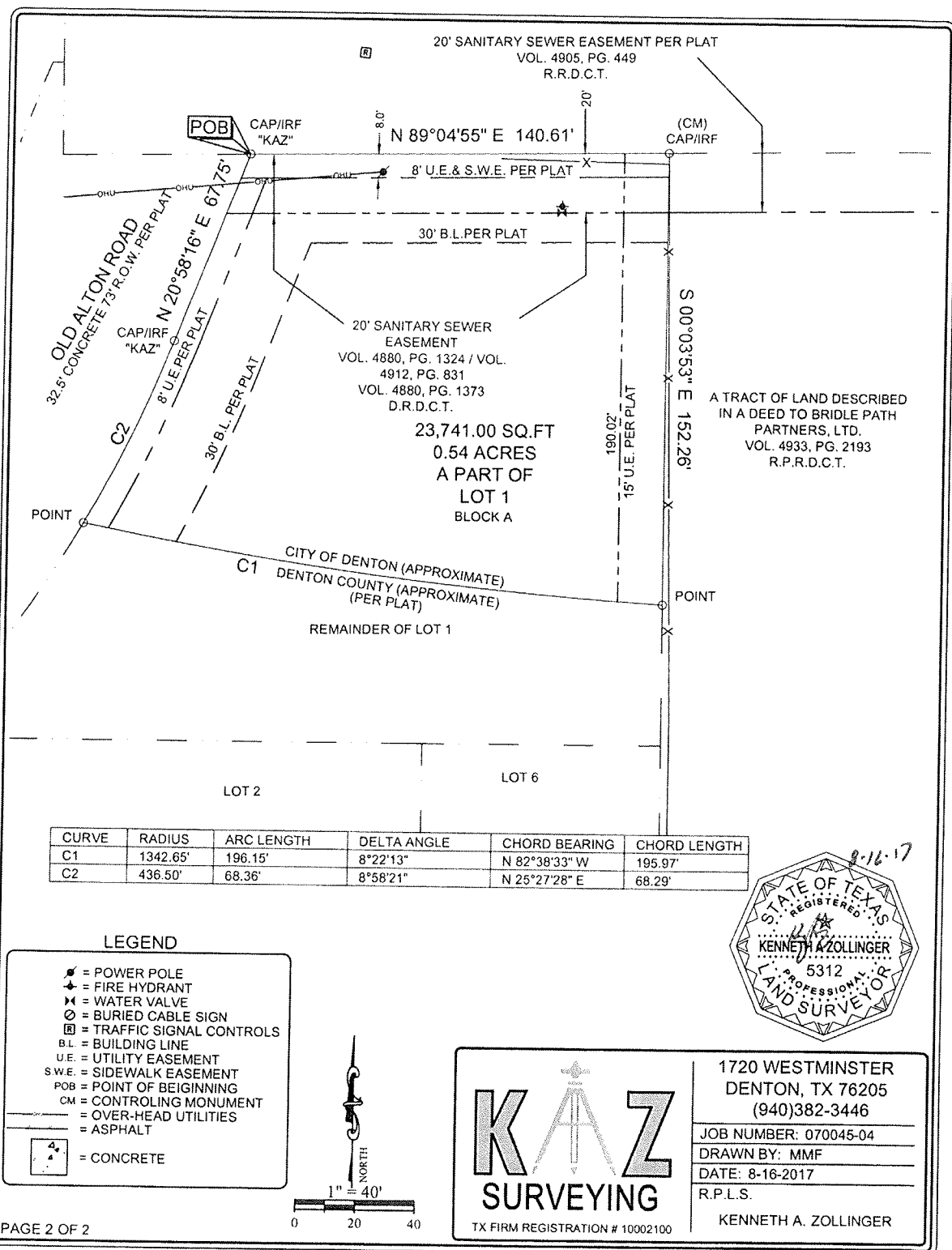
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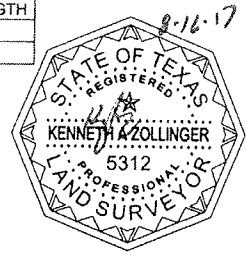
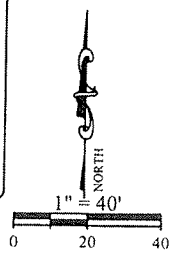
R.P.L.S.

KENNETH A. ZOLLINGER



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1342.65'	196.15'	8°22'13"	N 82°38'33" W	195.97'
C2	436.50'	68.36'	8°58'21"	N 25°27'28" E	68.29'

- LEGEND**
- ⬮ = POWER POLE
 - ⬮ = FIRE HYDRANT
 - ⬮ = WATER VALVE
 - ⬮ = BURIED CABLE SIGN
 - ⬮ = TRAFFIC SIGNAL CONTROLS
 - B.L. = BUILDING LINE
 - U.E. = UTILITY EASEMENT
 - S.W.E. = SIDEWALK EASEMENT
 - POB = POINT OF BEGINNING
 - CM = CONTROLLING MONUMENT
 - = OVER-HEAD UTILITIES
 - = ASPHALT
 - ⬮ = CONCRETE



KAZ
SURVEYING

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R.P.L.S.

KENNETH A. ZOLLINGER

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