

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM INDUSTRIAL CENTER EMPLOYMENT (IC-E) DISTRICT TO A NEIGHBORHOOD RESIDENTIAL MIXED-USE (NRMU) DISTRICT ON APPROXIMATELY 71.76 ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF WEST OAK STREET APPROXIMATELY 290 FEET WEST OF THE INTERSTATE HIGHWAY 35 SERVICE 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. (Z17-0016)

WHEREAS, Rayzor Investments Ltd. has applied for a zoning change on approximately 71.76 acres of land legally described and depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter, "the Property"); and

WHEREAS, on November 8, 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 [4-3] of the change in zoning and use classification with; and

WHEREAS, on December 5, 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 an initial 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 initial zoning 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 NRMU District.

SECTION 3. The City's official zoning map is hereby amended to show 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, CITY ATTORNEY

BY:  _____

Exhibit A Site Location Map

LEGAL DESCRIPTION

71.76 ACRES

BEING a tract of land situated in the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas, and being part of "Section 3" "TRACT TWO" and "TRACT THREE" described in Special Warranty Deed to Jess Newton Rayzor, the Estate of Sewyn Rayzor Singleton, Evelyn Rayzor Neinhuis, and June Rayzor Elliott recorded in Volume 1796, Page 601 Deed Records of Denton County, Texas, and being all of those tracts of land described in Warranty Deeds to RAYZOR INVESTMENTS, LTD., recorded in Instrument Nos. 2007-20903 & 2007-20904, Official Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a point in the north right-of-way line of Precision Drive (a 70-foot wide right-of-way), and being the southeast corner of Lot 10, Block A, Westpark Addition, Phase 2, an addition to the City of Denton, Texas according to the plat recorded in Document No. 2013-318 of the Plat Records of Denton County, Texas;

THENCE with the east line of said Lot 10, the following courses and distances:

North 7°12'15" East, a distance of 102.26 feet to a point at the beginning of a tangent curve to the left having a central angle of 19°29'54", a radius of 512.50 feet, a chord bearing and distance of North 2°32'42" West, 173.57 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 174.41 feet to a point for corner; North 12°17'40" West, a distance of 145.70 feet to a point at the beginning of a tangent curve to the right having a central angle of 12°45'12", a radius of 537.50 feet, a chord bearing and distance of North 5°55'04" West, 119.39 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 119.64 feet to a point for corner; North 0°27'30" East, a distance of 1355.70 feet to a point at the beginning of a tangent curve to the right having a central angle of 21°52'47", a radius of 536.50 feet, a chord bearing and distance of North 11°23'54" East, 203.63 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 204.88 feet to a point for corner; North 22°20'17" East, a distance of 159.02 feet to a point in the south right-of-way line of West Oak Street (an 80-foot wide right-of-way) and being at the beginning of a non-tangent curve to the left having a central angle of 47°17'08", a radius of 790.00 feet, a chord bearing and distance of South 88°39'24" East, 633.63 feet;

THENCE with said south right-of-way line of West Oak Street, the following courses and distances:

In a southeasterly direction, with said curve to the left, an arc distance of 651.98 feet to a point for corner; North 67°42'01" East, a distance of 225.02 feet to a point for corner at the intersection of said south right-of-way line of West Oak Street and the west right-of-way line of the Kansas City Southern Railroad;

CONTINUED ON SHEET 2

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com

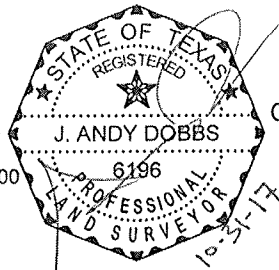


EXHIBIT
71.76 ACRES
EUGENE PUCHALSKI SURVEY,
ABSTRACT NO. 996
CITY OF DENTON, DENTON COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300
Fax No. (972) 239-3620

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTG	JAD	OCT. 2017	064513900	1 OF 3

DOBBS ANDY 10/31/2017 7:09 AM KUDAI SURVEY 064513900 RETREAT AT DENTON 2013-318 OF THE PLAT RECORDS OF DENTON 2 LEGAL GROSS AREA-NWCRN DWG

THENCE with said west right-of-way line of the Kansas City Southern Railroad, the following courses and distances:

South 22°24'01" East, a distance of 879.63 feet to a point for corner;
South 89°07'01" East, a distance of 27.22 feet to a point for corner;
South 22°24'01" East, a distance of 1073.27 feet to a point for corner;
South 16°45'10" East, a distance of 230.32 feet to a point for the north corner of Lot 1, Block 1, Denton Distribution Center, an addition to the City of Denton according to the plat recorded in Cabinet M, Page 130 of said Plat Records;

THENCE departing said west right-of-way line of the Kansas City Southern Railroad and with the north line of said Lot 1, Block 1, the following courses and distances:

South 60°02'59" West, a distance of 244.47 feet to a point at the beginning of a tangent curve to the left having a central angle of 14°52'31", a radius of 1155.92 feet, a chord bearing and distance of South 52°38'45" West, 299.26 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 300.10 feet to a point for the northeast corner of Tract B, Better Tools Property, an addition to the City of Denton according to the plat recorded in Cabinet A, Page 118 of said Plat Records;

THENCE departing said north line of Lot 1, Block 1 and with the north line of said Better Tools Property, North 89°03'53" West, a distance of 1303.23 feet to the **POINT OF BEGINNING** and containing 71.76 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EXHIBIT
71.76 ACRES
EUGENE PUCHALSKI SURVEY,
ABSTRACT NO. 996
CITY OF DENTON, DENTON COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	OCT. 2017	064513900	2 OF 3

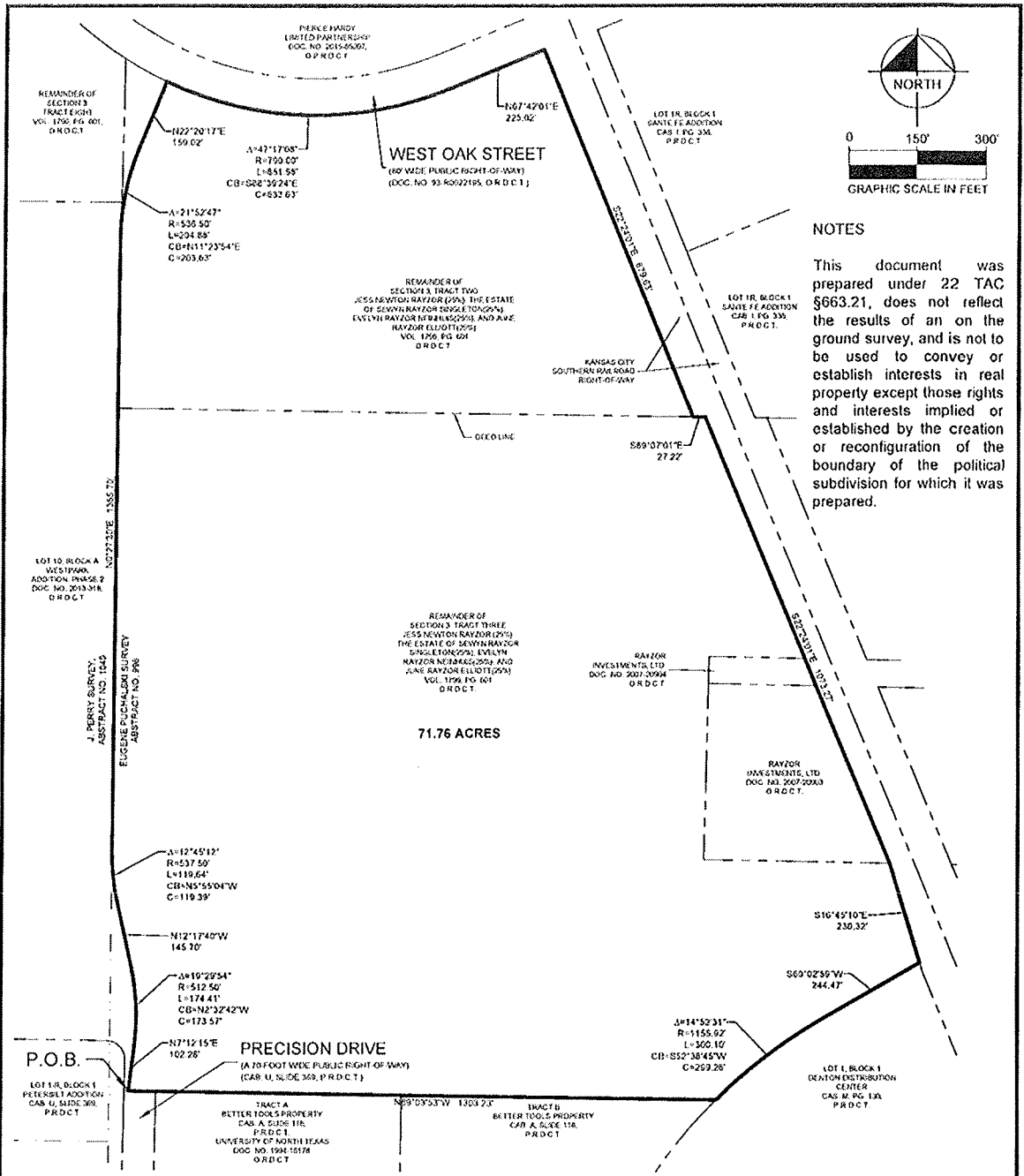


EXHIBIT
71.76 ACRES
EUGENE PUCHALSKI SURVEY,
ABSTRACT NO. 996
CITY OF DENTON, DENTON COUNTY, TEXAS

Kimley»Horn

13455 Noot Road, Two Galena Office
Tower, Suite 700, Dallas, Texas 75240 FIRM # 16115500 Tel No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 300'	MIT	JAD	OCT 2017	064513900	3 OF 3