

**ORDINANCE NO. 5352**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF DENISON, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING CLASSIFICATION FROM COMMERCIAL (C) DISTRICT WITHIN THE HIGHWAY ORIENTED AND CORRIDOR DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT WITH A BASE ZONING OF COMMERCIAL (C) DISTRICT WITHIN THE HIGHWAY ORIENTED AND CORRIDOR DISTRICT ON A TRACT OF LAND BEING LEGALLY DESCRIBED AS LOTS 1 AND 2, BLOCK 1, BLAKE UTTER ADDITION, COMMONLY KNOWN AS 215 S. HIGHWAY 75, GRAYSON COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A-1" AND DEPICTED IN EXHIBIT "A-2"; PROVIDING DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT "B"; PROVIDING A FAÇADE PLANS, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING, AND SAVINGS CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Denison, Texas (hereinafter referred to as "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Denison, Texas (the "City Council"), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

**WHEREAS**, the City Council adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the "Zoning Ordinance"); and

**WHEREAS**, the City has received a request from Bob Utter Ford to change the zoning classification from Commercial (C) District within the Highway Oriented and Corridor District to a Planned Development (PD) District with a base zoning of Commercial (C) District within the Highway Oriented and Corridor District on a tract of land being legally described as Lots 1 and 2, Block 1, Blake Utter Addition of the Official Public Records of Grayson County, TX, and being more particularly described in **Exhibit A-1** and depicted in **Exhibit A-2**, attached hereto and incorporated as if fully set forth herein (the "Property"); and

**WHEREAS**, Owner has designated David Pryor and Bruce Green of Bob Utter Ford to act in the capacity of Owner as agent for submittal, processing, representation, and/or presentation of the application, and as the principal contact person for responding to all requests for information; and

**WHEREAS**, the Development Standards and Façade Plans, as set forth in **Exhibit B** and **Exhibit C**, attached hereto and incorporated herein, define the base zoning districts and provide for modifications to district regulations for the development of the Property; and

**WHEREAS**, after public notices were given in compliance with Texas law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City (the "Planning and Zoning Commission") has recommended to the City Council to approve the change in zoning district classification on the Property and to amend the official zoning map of the City (the "Zoning Map") to reflect the PD zoning classification; and

**WHEREAS**, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which it considered the recommendation of the Planning and Zoning Commission and, among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that the requested zoning accomplishes such objectives; and

**WHEREAS**, the Zoning Ordinance incorporates design standards and building materials standards that are differentially applicable to residential structures and non-residential buildings; and

**WHEREAS**, such standards substantially further the preservation of property values and the promotion of economic development within the City; and

**WHEREAS**, such standards also establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

**WHEREAS**, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

**WHEREAS**, the City's policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City's zoning regulations in all planned development districts; and

**WHEREAS**, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

**WHEREAS**, the owner and/or developer of the Property has consented in writing to the enforcement of the City's design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS THAT:**

**Section 1. Incorporation of Premises.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2. Findings.** After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety and welfare.

**Section 3. Zoning Amendment.** The Zoning Ordinance is hereby amended to change the zoning of the Property to Planned Development Overlay District with base zoning as described herein, subject to the following regulations, which exhibits are incorporated as if fully set forth herein, and all applicable City ordinances and regulations governing except as may be modified by this Ordinance:

Exhibit B:	Development Standards
Exhibit C:	Façade Plans

**Section 4. Zoning Map.** The Zoning Map is hereby amended to reflect the established zoning classification designation herein made.

**Section 5. Compliance Required.** The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

**Section 6. Severability Clause.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**Section 7. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**Section 8. Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 9. Publication and Effective Date.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**Section 10. Open Meeting.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

**AND IT IS SO ORDERED.**

On motion by Mayor Pro Tem Adams, seconded by Councilmember Thomas, the above and foregoing ordinance was passed and approved on this the 1<sup>st</sup> day of July 2024, by the following vote:

Ayes: Adams, Crawley, Massey, Redwine, Thomas, and Thorne

Nays:

Abstentions:

Absent: Courtright

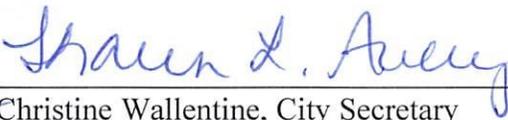
At regular meeting July 1, 2024.



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ROBERT CRAWLEY, MAYOR

ATTEST:

*for*   
Christine Wallentine, City Secretary

**EXHIBIT A-1**  
**PROPERTY LEGAL DESCRIPTION**

Situated in the County of Grayson, State of Texas, being a part of M.C. Davis Survey, Abstract No. 336, and being Lot 2 in Block Two of Westgate Addition, Section 5, Phase 1, according to the plat thereof recorded in Volume 14, Page 48, Plat Records, Grayson County, Texas, and Lots 1 and 2 in Block 1 of Blake Utters Addition, according to the plat thereof recorded in Volume 20, Page 183, said Plat Records, and Lot 2 in Block 2 of Outdoor Powersports Addition, according to the plat thereof recorded in Document No. 2019-165, said Plat Records, and part of Ansley Boulevard, and part of U.S. Highway No. 75, and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod previously set for the southwest corner of said Outdoor Powersports Addition, common to the northwest corner of Lot 1 in Block 1 of Classic Chevrolet Cadillac Denison Addition, according to the plat thereof recorded in Document No. 2023-263, said Plat Records, and on the easterly line of a tract of land described in the deed to the City of Denison, recorded in Volume 3385, Page 123, Official Public Records, Grayson County, Texas;

Thence North 01°22'48" East, with the westerly line of said Outdoor Powersports Addition, and with the easterly line of said City of Denison Tract, passing en route at a distance of 250.24 feet a 1/2" steel rod found for the southwest corner of aforesaid Blake Utters Addition, and continuing on said course, passing en route at a distance of 790.63 feet a 1/2" steel rod found for the southwest corner of aforesaid Lot 2 of Westgate Addition, and continuing on said course, passing en route at a distance of 978.96 feet a 1/2" steel rod previously set for the northwest corner of said Lot 2 of Westgate Addition, and continuing on said course, crossing aforesaid Ansley Boulevard, a total distance of 1008.99 feet to the northwest corner of the herein described tract of land;

Thence North 89°04'24" East, in the center of said Ansley Boulevard, a distance of 267.71 feet to the northern-most northeast corner of the herein described tract of land;

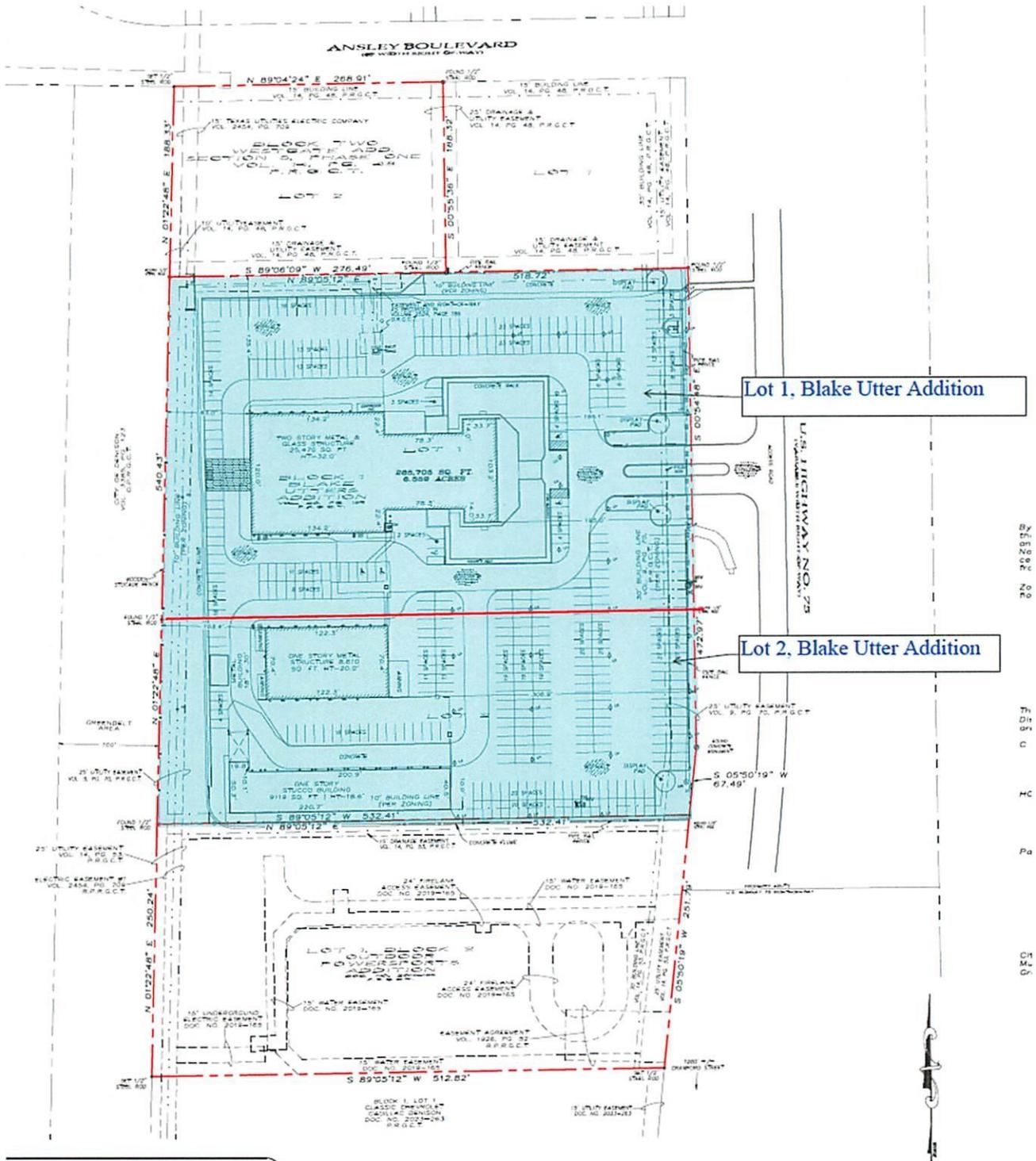
Thence South 00°55'36" East, crossing said Ansley Boulevard, passing en route at a distance of 30 feet a 1/2" steel rod found for the northeast corner of aforesaid Lot 2 of Westgate Addition, continuing on said course, and with the easterly line of said Lot 2 of Westgate Addition, and with the westerly line of Lot 1 of said Westgate Addition, a total distance of 218.32 feet to a 1/2" steel rod found for the southeast corner of said Lot 2 of Westgate Addition, common to the southwest corner of said Lot 1 of Westgate Addition, and on the northerly line of aforesaid Blake Utters Addition;

Thence North 89°04'39" East, with the northerly line of said Blake Utters Addition, and with the southerly line of said Lot 1 of Westgate Addition, passing en route at a distance of 242.22 feet a 1/2" steel rod found for the northeast corner of said Blake Utters Addition, and continuing on said course, crossing aforesaid U.S. Highway No. 75, a total distance of 482.22 feet to the eastern-most northeast corner of the herein described tract of land;

Thence South 00°54'48" East, with the centerline of said U.S. Highway No. 75, a distance of 790.00 feet to the southeast corner of the herein described tract of land;

Thence South 89°05'12" West, crossing said U.S. Highway No. 75, passing en route at a distance of 277.54 feet a 1/2" steel rod previously set for the southeast corner of aforesaid Outdoor Powersports Addition, a total distance of 790.36 feet to the Point of Beginning and containing 15.410 acres of land, more or less.

**EXHIBIT A-2**  
**PROPERTY DEPICTION**



Lot 1, Blake Utter Addition

Lot 2, Blake Utter Addition

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**EXHIBIT B**  
**DEVELOPMENT STANDARDS**

**Blake Utter Addition**  
**Planned Development District Development Standards**

**Statement of Purpose and Intent**

The purpose of the Planned Development Overlay District (PD) is to allow for use of materials that are currently prohibited within the Highway Oriented and Corridor Overlay District (HO) for the subject property consisting of approximately 6.559 acres located at 215 US Hwy 75 in Denison, Texas as described in ‘Exhibit A-1 and A-2 – Property Legal Description’. The property has been developed as an Auto Dealership for the operations of Blake Utter Ford. It is the intent of this Planned Development Document (PDD) to retain the existing base zoning district of Commercial (C) within the Highway Oriented and Corridor Overlay District (HO) with the uses and development regulations as designate therein as they exist or may be amended, subject to the modifications as set forth within this document.

**1.0 PROJECT OVERVIEW**

The purpose of this Planned Development Overlay District is to allow for the use of Aluminum Composite Materials (ACM) and other architectural metals in lieu of the requirement of masonry materials for façade improvements.

**2.0 PROJECT LOCATION**

The Blake Utter Addition is located on the west side of US Hwy. 75, addressed as 215 US Hwy. 75 and situated in the M.C. Davis Survey, Abstract No. 336, and being Lot 2 in Block Two of Westgate Addition, Section 5, Phase 1, according to the plat thereof recorded in Volume 14, Page 48, Plat Records, Grayson County, Texas, and Lots 1 and 2 in Block 1 of Blake Utters Addition, according to the plat thereof recorded in Volume 20, Page 183, said Plat Records, and Lot 2 in Block 2 of Outdoor Powersports Addition, according to the plat thereof recorded in Document No. 2019-165, said Plat Records, and part of Ansley Boulevard, and part of U.S. Highway No. 75. A full Legal Description is depicted in ‘Exhibit A-1 and A-2 – Property Legal Description’.

**3.0 PROPOSED THROUGHFARES/ACCESS/CROSS SECTIONS**

Blake Utter fronts on the US 75 frontage road. The existing fire lanes are to remain, and new fire lanes constructed will meet the current adopted fire lane requirements as they exist for may be amended in the future.

**4.0 PROPOSED ZONING DISTRICT**

The property will retain the base zoning of Commercial (C) within the Highway Oriented and Corridor Overlay (HO) will remain.

**5.0 LAND USE**

In addition to uses allow by right in the base zoning district of Commercial (C) within the Highway Oriented and Corridor Overlay (HO), the following uses will be allowed by right for the subject property:

- Auto Dealer (new)
- Auto Repair (major) to allow for collision repair.
- Auto Dealer (used) and an accessory use to the new dealership.

## **6.0 EXTERIOR BUILDING MATERIALS**

Exterior building materials and design shall comply with the regulations listed within the base zoning district and overlay district, except as depicted in ‘Exhibit C – Façade Plans’ and described below:

- The use of Aluminum Composite Materials (ACM) and other architectural metals to be used for the façade of the auto dealership as well as other main buildings on the subject property.

## **7.0 FACADE PLAN**

The use of the allowed building materials is depicted within the ‘Exhibit C – Façade Plans.’

# EXHIBIT C FACADE PLANS

**BWA**  
ARCHITECTURE  
1000 W. WYATT  
HOUSTON, TX 77030  
(713) 833-3373

218 S. US HWY 75  
DENISON, TX



**PROJECT NAME:**  
BLAKE UTTER FORD

**PROJECT TYPE:**  
SHOWROOM & SERVICE SHOP RENOVEL

**OWNER:**  
BLAKE UTTER FORD

**DESIGNER:**  
BWA ARCHITECTURE

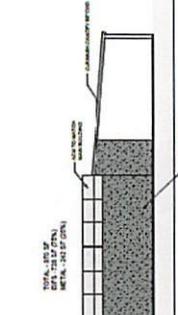
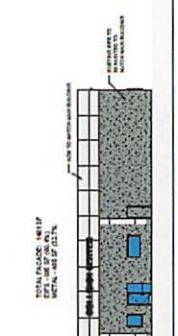
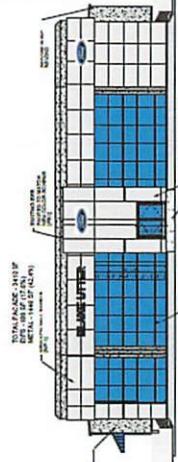
**DATE:**  
11/20/23

**SCALE:**  
AS SHOWN

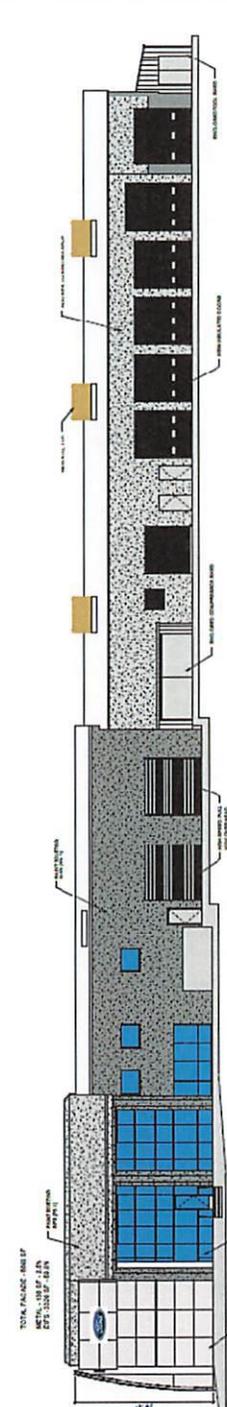
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REV: 001

**DATE:**  
11/20/23

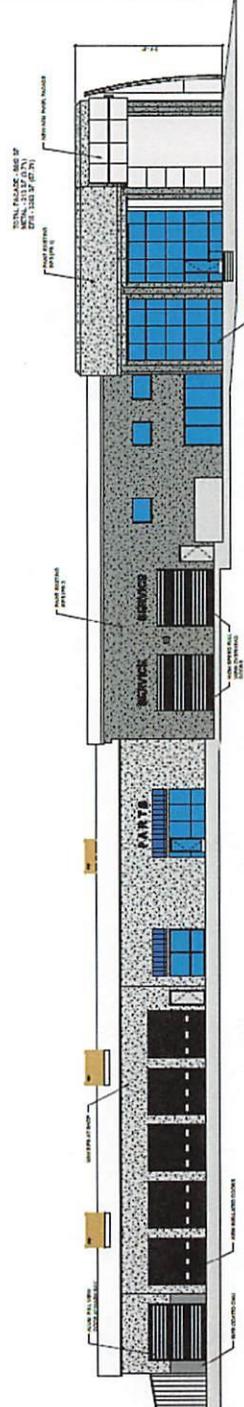
**BY:**  
PZ



SECTION 1 - EAST ELEVATION - INTERSECTION



SECTION 2 - EAST ELEVATION - INTERSECTION



SECTION 3 - EAST ELEVATION - INTERSECTION