

ORDINANCE NO. 5325

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION ON A CERTAIN TRACT OF LAND LEGALLY DESCRIBED AS A CERTAIN 2.505-ACRE TRACT OR PARCEL OF LAND SITUATED IN THE BEN J. GOODE SURVEY, ABSTRACT NO. 464, CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND BEING ALL OF THE REMAINING PORTION OF A CALLED 1.0 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO MYRON LOUIE NOLES RECORDED IN VOLUME 2869, PAGE 725, OFFICIAL RECORDS OF GRAYSON COUNTY, TEXAS, AND ALL REMAINING PORTION OF A CALLED 0.873 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN THE DEED TO MYRON LOUIE NOLES RECORDED IN VOLUME 2813, PAGE 768, OFFICIAL RECORDS OF GRAYSON COUNTY, TEXAS, AND ALL THE REMAINING PORTION OF A CALLED 0.796 ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN VOLUME 2813, PAGE 768, OFFICIAL RECORDS OF GRAYSON COUNTY, TEXAS; BEING COMMONLY KNOWN AS 7301 DRIGGS DRIVE, GCAD PROPERTY ID NO. 115326, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF FROM THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT, COMMERCIAL (C) ZONING DISTRICT AND LOCAL RETAIL (LR) ZONING DISTRICT WITHIN THE HIGHWAY ORIENTED AND CORRIDOR DISTRICT OVERLAY (HO) TO THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT WITHIN THE HIGHWAY ORIENTED AND CORRIDOR DISTRICT OVERLAY (HO); PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT WITHIN THE HIGHWAY ORIENTED AND CORRIDOR DISTRICT OVERLAY (HO) FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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 (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, Multivision properties, LP (the “Owner”) owns a certain 2.505-acre tract or parcel of land situated in the Ben J. Goode Survey, Abstract No. 464, City of Denison, Grayson County, Texas, and being all of the remaining portion of a called 1.0 acre tract of land described in the deed to Myron Louie Noles recorded in Volume 2869, Page 725, Official Records of Grayson County, Texas, and all remaining portion of a called 0.873 acre tract of land described as Tract One in the deed to Myron Louie Noles recorded in Volume 2813, Page 768, Official Records of Grayson County, Texas, and all the remaining portion of a called 0.796 acre tract of land described as Tract Two in Volume 2813, Page 768, Official Records of Grayson County, Texas; being commonly known as 7301 Driggs Drive, GCAD Property ID No. 115326, as described and depicted in **Exhibit “A,”** which is attached and incorporated as if fully set forth herein (the “Property”), and has made an application under the provisions of the Zoning Ordinance for a zoning change on the Property from the current zoning district classification of Light Industrial (LI) Zoning District, Commercial (C) Zoning District and Local Retail (LR) Zoning District within the Highway Oriented and Corridor District Overlay (HO) to the Light Industrial (LI) Zoning District within the Highway Oriented and Corridor District Overlay (HO); and

WHEREAS, after public notices were given in compliance with State 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 has recommended to the City Council the adoption of the amendments to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the requested zoning change, 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 rezoning approved hereby accomplishes such objectives.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein and found to be true.

SECTION 2. Findings. After due deliberation 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 Amendments. Chapter 28 of the Code of Ordinances of the City, the same being the City’s Comprehensive Zoning Ordinance, is hereby amended in the following

particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

The zoning district classification on the Property is hereby changed from Light Industrial (LI) Zoning District, Commercial (C) Zoning District and Local Retail (LR) Zoning District within the Highway Oriented and Corridor District Overlay (HO) to the Light Industrial (LI) Zoning District within the Highway Oriented and Corridor District Overlay (HO). The Property shall be subject to all applicable City ordinances and regulations governing a Light Industrial (LI) Zoning District within the Highway Oriented and Corridor District Overlay (HO).

SECTION 4. Zoning Map. The Zoning Map of the City, adopted by Section 28.3 of the Code of Ordinances, and on file in the office of the Planning Director, is hereby amended to reflect the foregoing zoning use changes herein made.

SECTION 5. Severability. 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 6. 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 7. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, 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 8. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 9. Open Meeting. That 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 Article 551.041, Texas Government Code.

AND IT IS SO ORDERED.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thorne, the above and foregoing Ordinance was passed and approved by the following vote:

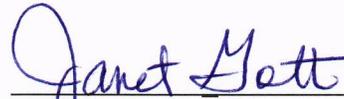
Ayes: Hander, Thorne, Gott, Massey, Crawley and Thomas

Abstentions:

Nays:

Absent: Courtright

At regular meeting November 20, 2023.



JANET GOTT, Mayor

ATTEST:



Christine Wallentine, City Clerk



EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

BEING all of a certain tract or parcel of land situated in the Ben J. Goode Survey, Abstract No. 464, City of Denison, Grayson County, Texas, and being all of the remaining portion of a called 1.0 acre tract of land described in the deed to Myron Louie Noles recorded in Volume 2869, Page 725, Official Records of Grayson County, Texas, and all the remaining portion of a called 0.873 acre tract of land described as Tract One in the deed to Myron Louie Noles recorded in Volume 2813, Page 768, said Official Records, and all the remaining portion of a called 0.796 acre tract of land described as Tract Two in said Volume 2813, Page 768, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "RPLS 5433" found on the northerly line of said 1.0 acre tract, at the northeast corner of a called 0.058 acre tract of land described in the deed to Texas Department of Transportation, recorded in Volume 4121, Page 132, said Official Records, and common to the southwest corner of a called 3.1 acre tract of land described in the deed to Multivision Properties, LP, recorded in Volume 5074, Page 729, said Official Records;

THENCE South 88°45'56" East, with the northerly line of said 1.0 acre tract, and with the southerly line of said 3.1 acre tract, a distance of 384.23 feet to a Nail in 1-inch iron pipe found for the northeast corner of 1.0 acre tract, common to the southeast corner of said 3.1 acre tract, and on the westerly line of a called 2.940 acre tract of land described in the deed to Clyde Driggs, recorded in Volume 2629, Page 827, said Official Records;

THENCE South 01°17'47" West, with the easterly line of said 1.0 acre tract, and with the westerly line of said 2.940 acre tract, passing en route at a distance of 106.90 feet a 1-inch iron pipe found for witness at the southeast corner of said 1.0 acre tract, and continuing on said course, with the easterly line of aforesaid 0.873 acre tract, and passing en route at a distance of 138.65 feet a 1-inch iron pipe found for witness at the eastern-most southeast corner of said 0.873 acre tract, and continuing on said course, with the easterly line of aforesaid 0.796 acre tract, a total distance of 285.60 feet to a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEY RPLS 6585" (hereinafter referred to as Capped Iron Rod) set for the southeast corner of said 0.796 acre tract;

THENCE North 88°47'37" West, with the southerly line of said 0.796 acre tract, a distance of 382.33 feet to the southwest corner of a called 0.082 acre tract of land described in the deed to Texas Department of Transportation recorded in Volume 4087, Page 936, said Official Records, and common to the northeast corner of a called 0.014 acre tract of land described in the deed to Texas Department of Transportation, recorded in Volume 4080, Page 1, said Official Records;

THENCE North 00°54'51" East, crossing said 0.796 acre tract, aforesaid 0.873 acre tract and aforesaid 1.0 acre tract, with the easterly line of said 0.082 acre tract, and with the easterly line of aforesaid 0.058 acre tract, a distance of 213.70 feet to a Capped Iron Rod set for corner;

THENCE in a northerly direction, continuing across said 1.0 acre tract with the easterly line of said 0.058 acre tract, the following four (4) courses:

1. South 89°05'09" East, a distance of 20.00 feet to a Capped Iron Rod set for corner;
2. North 00°54'51" East, a distance of 20.00 feet to a Capped Iron Rod set for corner;
3. North 89°05'09" West, a distance of 20.00 feet to a Capped Iron Rod set for corner;
4. North 00°54'51" East, a distance of 52.09 feet to the POINT OF BEGINNING and enclosing 2.505 acres (109,099 square feet) of land, more or less.

