

ORDINANCE NO. 5333

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 MULTI-FAMILY-1 RESIDENTIAL (MF-1) DISTRICT AND COMMERCIAL (C) DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE OVERLAY (AO) TO PLANNED DEVELOPMENT (PD) DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE (AO) OVERLAY WITH BASE ZONING OF MULTI-FAMILY RESIDENTIAL DISTRICT (MF-1) ON AN APPROXIMATELY 11.446-ACRE PORTION OF THE TRACT IDENTIFIED AS GCAD NO. 151234, SAID PROPERTY BEING LEGALLY DESCRIBED AS BEING SITUATED IN THE WILLIAM OLDHAM SURVEY, ABSTRACT NO. 919, CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 25.366 ACRE TRACT OF LAND DESCRIBED BY DEED TO GRANITE INDUSTRIES, LLC, GRAYSON COUNTY, TEXAS, RECORDED AS INSTRUMENT NO. 2021-42105, DEED RECORDS OF 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 CONCEPT PLAN, 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 Granite Industries, LLC, to change the zoning classification from Multi-Family-1 Residential (MF-1) District and Commercial (C) District partially within the Austin Avenue Overlay (AO) to Planned Development (PD) District partially within the Austin Avenue (AO) Overlay with base zoning of Multi-Family Residential District (MF-1) on a 11.446-acre tract in the William Oldham Survey, Abstract No. 919, City of Denison, Grayson

County, Texas, and being a portion of a called 25.366 acre tract of land described by deed to Granite Industries, LLC, recorded as Instrument No. 2021-42105, Deed Records, Grayson County, Texas; 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 Naveen Khammampati of Turnkey Tract 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 Concept Plan, as set forth in **Exhibit B** and **Exhibit C**, attached hereto and incorporated herein, define the base zoning district 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 with modifications and to amend the official zoning map of the City (the "Zoning Map") to reflect the PD zoning classification; and

WHEREAS, the modifications to the proposed Development Standards, as recommended by the Planning and Zoning Commission, are outlined in Exhibit B with additions indicated by underline and deletions indicated by strikethrough; 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 (PD) District partially within the Austin Avenue (AO) Overlay with base zoning of Multi-Family Residential District (MF-1), 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:	Concept Plan

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 Crawley, seconded by Council Member Thomas, the above and foregoing ordinance was passed and approved by the following vote:

Ayes: Hander, Courtright, Thorne, Gott, Massey, Crawley and Thomas
Nays:
Abstentions:

At regular meeting January 16, 2024.



JANET GOTT, MAYOR

ATTEST:



Christine Wallentine, City Clerk

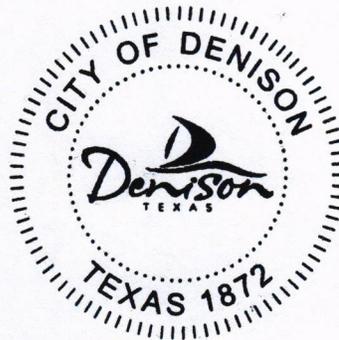


EXHIBIT A-1
PROPERTY LEGAL DESCRIPTION

BEING A 11.446 ACRE TRACT OF LAND SITUATED IN THE WILLIAM OLDHAM SURVEY, ABSTRACT NUMBER 919, CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 25.366 ACRE TRACT OF LAND DESCRIBED BY DEED TO GRANITE INDUSTRIES, LLC, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2021-42105, DEED RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF LOT 2R, CARPENTER'S PLAT, AN ADDITION TO THE CITY OF DENISON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 22, PAGE 167, PLAT RECORDS, GRAYSON COUNTY, TEXAS, AND BEING ON THE WEST LINE OF A CALLED 101.322 ACRE TRACT OF LAND DESCRIBED BY DEED TO JUNIATA PROPERTIES, LLC, RECORDED IN VOLUME 5621, PAGE 572, DEED RECORDS, GRAYSON COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 40 MINUTES 25 SECONDS WEST, ALONG THE EAST LINE OF SAID CALLED 25.366 ACRE TRACT, BEING COMMON WITH THE WEST LINE OF SAID CALLED 101.322 ACRE TRACT, A DISTANCE OF 451.53 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882", FROM WHICH A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF A CALLED 5.023 ACRE TRACT OF LAND DESCRIBED BY DEED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC, RECORDED IN VOLUME 1013, PAGE 804, DEED RECORDS, GRAYSON COUNTY, TEXAS, BEARS SOUTH 00 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 337.44 FEET;

THENCE NORTH 89 DEGREES 05 MINUTES 12 SECONDS WEST, DEPARTING SAID COMMON LINE AND OVER AND ACROSS SAID CALLED 25.366 ACRE TRACT, A DISTANCE OF 985.10 FEET, TO A 4" STEEL FENCE CORNER POST FOUND AT AN ELL CORNER IN THE WEST LINE OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF A CALLED 5.994 ACRE TRACT OF LAND DESCRIBED BY DEED TO DEN PARTNERS, LTD., RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2017-23675, DEED RECORDS, GRAYSON COUNTY, TEXAS;

THENCE NORTH 07 DEGREES 48 MINUTES 21 SECONDS EAST, ALONG THE WEST LINE OF SAID CALLED 25.366 ACRE TRACT, BEING COMMON WITH THE EAST LINE OF SAID CALLED 5.994 ACRE TRACT, A DISTANCE OF 518.86 FEET, TO A 1/2" IRON ROD FOUND AT AN ELL CORNER IN A WEST LINE OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID CALLED 5.994 ACRE TRACT;

THENCE NORTH 82 DEGREES 07 MINUTES 25 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 354.61 FEET, TO A 1/2" IRON ROD FOUND ON A WEST LINE OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID CALLED 5.994 ACRE TRACT, AND BEING ON THE SOUTHEAST RIGHT-OF-WAY LINE OF EISENHOWER PARKWAY (U.S. HIGHWAY NO. 75), A VARIABLE WIDTH RIGHT-OF-WAY;

THENCE NORTH 54 DEGREES 48 MINUTES 58 SECONDS EAST, DEPARTING SAID COMMON LINE AND ALONG SAID SOUTHEAST RIGHT-OF-WAY LINE, A DISTANCE OF 67.76 FEET, TO A 1/2" IRON ROD FOUND AT THE NORTHERNMOST CORNER OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF LOT 3R, SAID CARPENTER'S PLAT;

THENCE SOUTH 82 DEGREES 15 MINUTES 06 SECONDS EAST, DEPARTING SAID SOUTHEAST RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID CALLED 25.366 ACRE TRACT, BEING COMMON WITH THE SOUTH LINE OF SAID LOT 3R, A DISTANCE OF 415.35 TO A 1/2" CAPPED IRON ROD FOUND STAMPED "4488" AT THE SOUTHEAST CORNER OF SAID LOT 3R, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 2R;

THENCE SOUTH 82 DEGREES 13 MINUTES 05 SECONDS EAST, CONTINUING ALONG SAID NORTH LINE, BEING COMMON WITH THE SOUTH LINE OF SAID LOT 2R, A DISTANCE OF 811.63 FEET, TO THE **POINT OF BEGINNING**, AND CONTAINING 11.446 ACRES OR 498,605 SQUARE FEET OF LAND, MORE OR LESS.

EXHIBIT "B"
Planned Development District Standards

**THE COLONY AT PARKWAY BEND
PLANNED DEVELOPMENT DISTRICT
STATEMENT OF INTENT AND PURPOSE**

This zoning submittal encompasses approximately 11.5 total acres of land out of a parcel consisting of approximately 25 acres, currently located within the City of Denison. The use proposed for the Property will provide the ability to accommodate and encourage the development consistent with the current zoning, with a few deviations. It is the intent of this Planned Development Document (PD) to establish a base zoning for the overall property together with the use and development regulations as designated therein, subject to modifications as set forth herein.

This PD document and the exhibits listed below supersede any existing zoning, use and development regulations for the tract of land described herein.

1.0 PROJECT OVERVIEW

The purpose of this Planned Development Overlay District is to create a multi-family development consisting of 141 attached homes with access to green space, community amenities and pedestrian walkways.

2.0 PROJECT LOCATION

The Colony at Parkway Bend is located in the southeast quadrant of the South Eisenhower Parkway and South Fannin Avenue intersection and is situated in the William Oldham Survey, Abstract No. 919 in the City of Denison, Texas as described in Exhibit A, Legal Description and as depicted graphically in Exhibit C, Property Exhibit.

3.0 PROPERTY OWNERS ASSOCIATION

A property owners association shall be established and shall be responsible for the ownership and maintenance of all common areas, including all private open space areas shown on the Concept Plan.

4.0 PROPOSED THOROUGHFARES/ACCESS/CROSS SECTIONS

The adjacent Spur 503 is designated on the Thoroughfare Plan as a major arterial. No other thoroughfares are shown adjacent to or through the Property. Access from Eisenhower Parkway will be created via a public street providing access to the property to the south for a future single-family development. Internal streets will meet City right-of-way standards for a residential street designation.

5.0 CONCEPT PLAN

The design and development of the Property shall generally comply with the Concept Plan, which is intended to provide a general representation of the location of the land uses on the property.

6.0 MF-1, Multi-Family Residential Zoning District

A. Except as noted below, as depicted on the Concept Plan shall develop in accordance with the MF-1, Multi-Family Residential Zoning District (MF-1) as it exists or may be amended.

B. **Minimum Project Size.** Project will consist of thirteen (13) individually platted lots.

C. **Minimum Lot Area.** Seventeen thousand, seven hundred (17,700) square feet.

D. **Minimum Lot Width.** Fifty-five (55) feet.

E. **Maximum Lot Coverage.** Fifty (50) percent including main building and accessory buildings.

F. **Minimum Front Yard.** Fifteen (15) feet.

G. **Minimum Side Yard.** Five (5) feet for interior side yard and ten (10) feet from a street right-of-way line for a structure located adjacent to a public street.

H. **Minimum Rear Yard.** Four (4) feet.

I. **Maximum Density.** The maximum allowed density shall be twenty (20) units per acre.

J. **Building Separation.** Eight (8) feet.

K. **Parking.** Each unit will contain a two-car garage to accommodate parking for residences. Visitor parking will be provided via dedicated off-street parking located throughout the development.

7.0 OPEN SPACE & DEVELOPMENT AMMENITIES

The Colony at Parkway Bend will dedicate 27% of the 11.5 acres to green-space including park and amenity areas. Open space and amenities shall be provided per the following:

1. All open space, common areas, landscaping, and playground equipment shall be owned and maintained by the Property Owners Association (POA).
2. Community amenities will include a pool, shade structure and bathrooms. Park benches and trash receptacles will be located within the park areas.
3. Sidewalk connectivity throughout the development and to the adjacent development to the south will be provided for ease of access to amenities. All park areas will be located within walking distance of the residences.

8.0 PERIMETER SCREENING & LANDSCAPE BUFFERS

Landscaping shall conform to the provisions set forth in the Denison Code of Ordinances as it exists or may be amended.

