

ORDINANCE NO. 5338

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 AMENDING THE CURRENT PLANNED DEVELOPMENT ORDINANCE NO. 5218 BY CHANGING THE CURRENT ZONING CLASSIFICATION FROM PLANNED DEVELOPMENT OVERLAY (PD) DISTRICT WITH BASE ZONING OF SINGLE-FAMILY RESIDENTIAL—SINGLE-FAMILY ATTACHED (SF-TH) DISTRICT TO PLANNED DEVELOPMENT OVERLAY (PD) DISTRICT WITH BASE ZONING OF MULTI-FAMILY RESIDENTIAL DISTRICT (MF-2) AND LOCAL RETAIL DISTRICT (LR), AND AMENDING EXHIBIT B “DEVELOPMENT STANDARDS” OF ORDINANCE NO. 5218, ON AN APPROXIMATELY 2.94 ACRE TRACT IDENTIFIED AS GCAD PROPERTY ID NO. 141832, SAID PROPERTY BEING LEGALLY DESCRIBED AS LOTS 1 THROUGH 16 AND INCLUDING THE TWENTY (20’) FOOT ALLEY, BLOCK 2 OF MILLER’S FIRST ADDITION TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, ACCORDING TO THE DEED RECORDED IN VOLUME Y, PAGE 330, DEED RECORDS OF GRAYSON COUNTY, TEXAS; BEING COMMONLY KNOWN AS 715 W. SEARS STREET; BEING MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A”; 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 Malone Plumbing, Inc., to amend the current Planned Development Ordinance No. 5218 by changing the current zoning classification from Planned Development Overlay (PD) District with the base zoning of Single-Family Residential - Single-Family Attached (SF-TH) District to a Planned Development Overlay (PD) District with the base zoning of

Multi-Family Residential (MF-2) District and Local Retail (LR) District for residential and retail use and to amend Exhibit B “Development Standards” of Ordinance No. 5218 on an approximately 2.94 acre tract identified as GCAD Property ID No. 141832, said property being legally described as Lots 1 through 16 and including the twenty (20’) foot alley, Block 2 of Miller’s First Addition, City of Denison, Grayson County, Texas, and being more particularly described and depicted in **Exhibit A**, attached hereto and incorporated as if fully set forth herein (the “Property”); and

WHEREAS, Owner has designated Cody Crannell of CCM Engineering 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 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 and Ordinance No. 5218 are hereby amended to change the zoning of the Property to Planned Development Overlay (PD) District with the base zoning of Multi-Family Residential (MF-2) District and Local Retail (LR) District, 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 Thorne, the above and foregoing ordinance was passed and approved by the following vote:

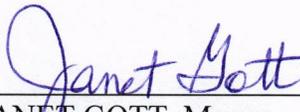
Ayes: Hander, Courtright, Thorne, Gott, Crawley and Thomas

Nays:

Abstentions:

Absent: Massey

At regular meeting February 19, 2024.



JANET GOTT, Mayor

ATTEST:



Christine Wallentine, City Clerk

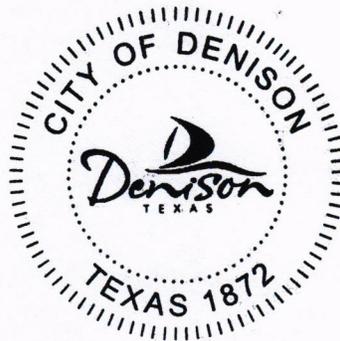


EXHIBIT A

PROPERTY LEGAL DESCRIPTION AND DEPICTION

Being an approximately 2.94 acre tract identified as GCAD Property ID No. 141832, said property being legally described as Lots 1 through 16 and including the twenty (20') foot alley, Block 2 of Miller's First Addition to the City of Denison, Grayson County, Texas, according to the deed recorded in Volume Y, Page 330, Deed Records of Grayson County, Texas; being commonly known as 715 W. Sears Street.

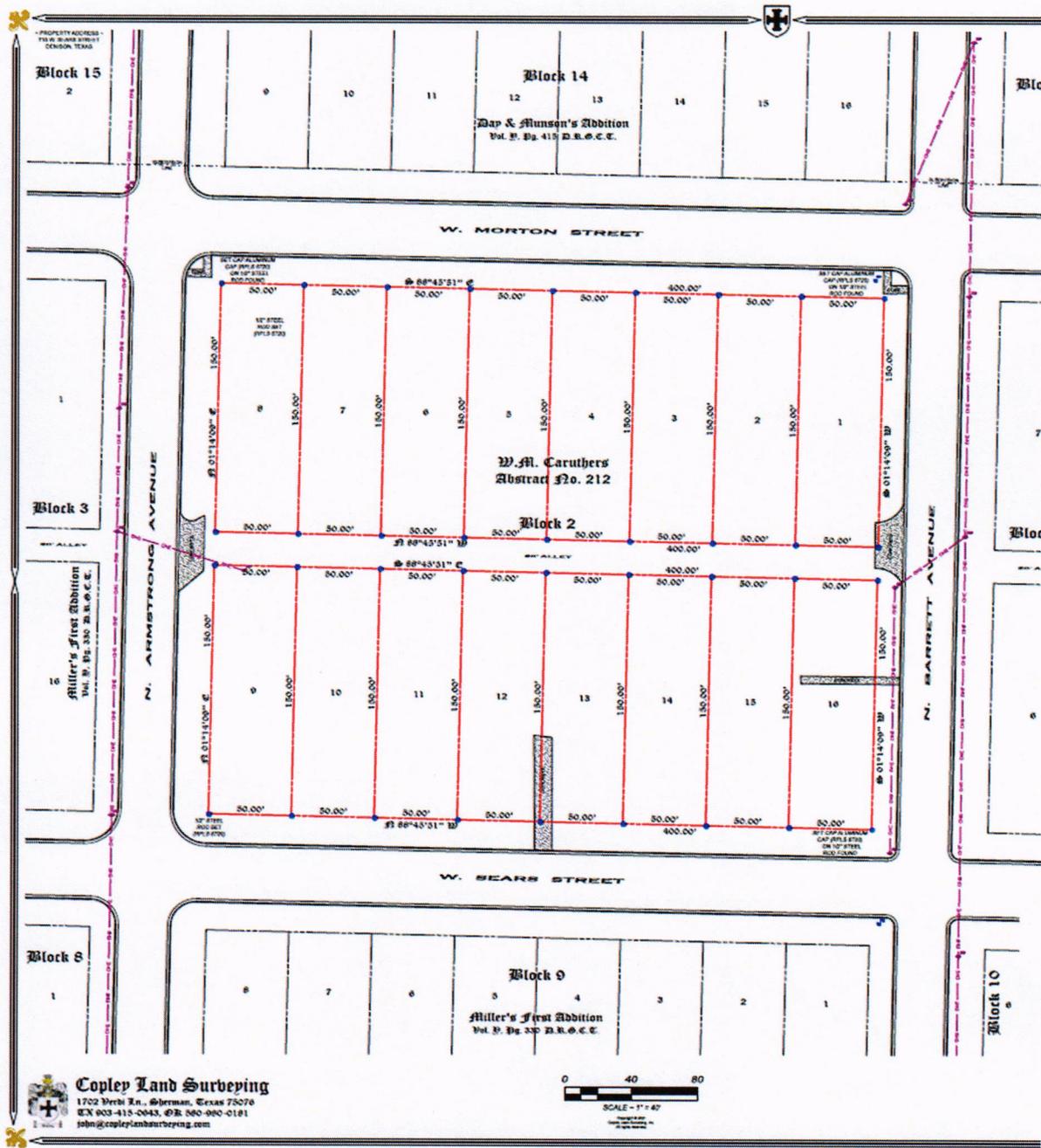


EXHIBIT 'B'

The Village at Denison

Planned Development District Development Standards

Statement of Purpose and Intent

This zoning submittal encompasses 2.94 acres located between North Armstrong Avenue and North Barrett Avenue and north of West Sears Street and south of FM 120 (West Morton Street). The use proposed for the property would provide a unique living opportunity for this part of town with an upscale Multifamily community and a Retail component. It is the intent of this Planned Development (PD) document to establish a base zoning for the overall property together with the uses and development regulations as designated therein, subject to modifications as set forth herein.

This PD Document and the Concept plan provide departure from existing zoning, use, and development regulations in recognition of the unique character of the development described herein, and unless expressly modified by this PD documents or the Concept Plan, the property shall be developed in accordance with the base zoning districts described below, as they exist or may be amended.

1.0 PROJECT OVERVIEW

The purpose of this Plan Development is to develop a 4-stories medium rise multi-family site with the addition of a fifth story (5-stories) for small retail area at ground level. The maximum density is 72 units per acre, for a total of approximately 200 units that will range in between 670 square feet (1Bed/1Bath) and 1,250 square feet (2Bed/2Bath) and a Retail component of minimum 6,000 square feet. A site plan is required for development within this district.

2.0 PROJECT LOCATION

The Village is located at 715 W. Sears Street and is situated in the Miller's 1st Addition being all of Block 2 as described in Exhibit A, Legal Decision.

3.0 PROPOSED THOROUGHFARES/ACCESS/CROSS SECTIONS

W. Morton Street is designated on the Thoroughfare Plan as a Minor Arterial. S. Armstrong Avenue and W. Sears Street are designated on the Thoroughfare Plan as a Major Collector. N. Barrett Avenue is designated on the Throughfare Plan as a Local Street.

4.0 CONCEPT PLAN/CONCEPT ELEVATIONS

The design and development of the Property shall generally comply with the Concept Plan as depicted in Exhibit C, which is intended to provide a general representation of the location of the land use of the property.

The design of the structure shall generally comply with the Conceptual Elevations as depicted in Exhibit D, which is intended to provide a general representation of the design and construction of the complex.

5.0 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. There may be a separate property owners association established for Multifamily and for retail.

6.0 MF-2, MULTI-FAMILY RESIDENTIAL DISTRICT

Except as noted below, areas designated for multi-family development on the Concept Plan shall develop in accordance with the MF-2, Multi-Family Zoning District (MF-2) as it exists or may be amended.

- A. Minimum Project Size. Two (2) acres
- B. Maximum density. Seventy-two (72) units per acre.
- C. Height Regulations.
 - a. Maximum height for the main building: five (5)-stories or Seventy-two (72) feet.
 - b. Maximum height for the detached parking garage: five (5)-stories or fifty (50) feet.
- D. Size of Yards.
 - a. Minimum front yard: Located on Sears Street, ten (10) feet.
 - b. Minimum side yard: Located on Armstrong Avenue and Barrett Avenue, ten (10) feet.
 - c. Minimum rear yard: Located on Morton Street, zero (0) feet.
 - i. Requirements listed in Section 28.31.4.B.3.a-c. shall not apply to this development.
- E. Building Separation.
 - a. Requirements listed in Section 28.31.4.B.4.a-b. shall not apply to this development.
- F. Maximum lot Coverage. Eighty-five (85) percent.
- G. Parking.

Development will provide a parking garage located on the same property as the multi-family and retail development.

 - a. Minimum Number of Parking Spaces: One and a half (1.5) spaces per unit
 - b. Visitor and leasing office parking is proposed via on-street parking with spaces located W. Sears Street.
 - c. Development shall be exempt from screening requirement for parking lots adjacent to public streets.
 - d. Development shall be exempt from parking space clearance requirement listed in Section 28.31.4.E.1.
- H. Additional Standards.
 - a. Usable open space: Minimum of eight (8) percent usable open space shall be provided.

- b. Landscape area requirements: Minimum of ten (10) percent of the total lot area shall be devoted to a combination of landscaping (pervious surface area) and usable open space.
- c. Refuse Facilities: a single refuse facility will serve all units on site. A compactor shall be provided at grade level for safe and convenient pickup by refuse collection and shall be screened from public view in accordance with City standards along property line.
- d. All screening requirements shall conform to City standards and standards set forth in Section 28.50.53.
- e. A swimming pool shall be provided per section 28.31.5.F
- f. Development is exempt from Section 28.31.5.G
- g. All points of the exterior façade shall be within one hundred and fifty (150) feet horizontally of a dedicated fire lane easement, unless approved differently by authorities having jurisdiction.
- h. A 4-foot-wide paved walkway shall connect the building entry doors to the street-side parking areas. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six (6) feet wide to accommodate a two (2)-foot bumper overhang for vehicles.
- i. All building address signage shall be approved by authorities having jurisdiction.
- j. Other regulations as established by article V (Development Standards) are applicable unless specifically addressed above.

7.0 LOCAL RETAIL (LR)

Except as noted below, areas designated as retail space on the Concept Plan shall be developed in accordance with the Local Retail Zoning District (LR) as it exists or may be amended. Approximately six thousand (6,000) square feet of the structure is dedicated to retail space. Retail space is located on the first floor in the northeast corner of the structure as depicted on Exhibit C, Concept Plan.

- A. Development is exempt from the following standards:
 - a. Height Regulations
 - b. Area Regulations
 - c. Size of yards
 - d. Maximum Lot Coverage
 - e. Floor to Area Ratio.
- B. Outside Display of Merchandise:
 - a. Shall not be placed more than 30 feet from the main building.
 - b. Shall not occupy any of the parking spaces that are provided for the retail portions of the development.
 - c. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either onsite or offsite, in any way.
 - d. Shall not extend into the public street right-of-way.
 - e. All outside display items shall be removed at the end of each business day (except for large seasonal items such as living plants, Christmas trees, etc.).
 - f. All merchandise shall be displayed in a neat and orderly manner, and the display area shall be maintained in a clean, litter free manner.

- C. Permanent open storage is prohibited.
- D. Recreational vehicles, travel trailers or motor homes may not be used for onsite dwelling or non-residential purposes.
- E. Parking for Retail will be provided along N. Barrett Avenue with a minimum of 22 parking spaces. Spaces shall be head-in parking spaces with a minimum width of nine feet and a minimum depth of eighteen feet (9'x18').
- F. No designated loading or unloading zones are required, however, loading or unloading via Morton Street is prohibited.

8.0 OPEN SPACE AND AMENITIES

- A. Usable open space: Minimum of eight (8) percent usable open space shall be provided.
- B. All common and open space areas shall be owned and maintained by the Property Owners Associations (POA)
- C. A courtyard containing a pool, grilling stations, open space for activities and a seating area.
- D. Indoor amenities will include a fitness center, club room and mail center.



