

**ORDINANCE NO. 5397**

**AN ORDINANCE OF THE CITY OF DENISON, TEXAS, PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF DENISON, TEXAS; PROVIDING FOR A CONDITIONAL USE PERMIT FOR WAREHOUSE (MINI)/SELF-STORAGE USE IN THE C—COMMERCIAL DISTRICT ON A CERTAIN 2.405 ACRE TRACT OF LAND LEGALLY DESCRIBED AS JAMES BALL SURVEY, ABSTRACT NO. 77, DENISON, GRAYSON COUNTY, TEXAS, AS RECORDED IN THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS AS DOCUMENT NO. 2002-2768 AND COMMONLY KNOWN AS 3109 SOUTH WOODLAWN BLVD, CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A”; PROVIDING A PENALTY CLAUSE; PROVIDING REPEALER, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, Dale Bonner, (“Owner”) has made application under the provisions of the Zoning Ordinance of the City of Denison for a Conditional Use Permit for Warehouse (Mini)/Self-Storage Use as depicted by Site Plan in **Exhibit “B”**, on property being approximately 2.405 Acres, and legally described as being in the James Ball Survey, Abstract No. 77, Denison, Grayson County, Texas, as recorded in the Real Property Records of Grayson County, Texas as Document No. 2002-2768, and as more particularly described and depicted in **Exhibit “A”**, attached and incorporated as if fully set forth herein (the “Property”), which Property is located in the C—Commercial District; and

**WHEREAS**, Owner has designated Todd Young 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 Comprehensive Zoning Ordinance of the City allows for Warehouse (Mini)/Self-Storage Use in the C—Commercial District with the grant of a Conditional Use Permit; and

**WHEREAS**, public hearings on said application having been held before the Planning and Zoning Commission and the City Council of the City of Denison (the “City Council”), after due notice of the public hearings having been mailed and published in all respects as required by law on the property fully described in the body of this Ordinance; and

**WHEREAS**, the Planning and Zoning Commission has recommended approval of Warehouse (Mini)/Self-Storage Use for the Property; and

**WHEREAS**, the City Council has considered the evidence and testimony provided by all parties appearing before the City Council, in person and in writing, and the recommendation of

the Planning and Zoning Commission relative to the proposed zoning change and has further considered all written approvals and protests, all as required by law; and

**WHEREAS**, the City Council has determined that the uses requested for the Property as requested in the Conditional Use Permit application and subject to the provisions of this Ordinance are compatible with surrounding properties and are appropriate for the location of the Property.

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

**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. Zoning Map and Conditional Use Permit Approved.** The zoning map of the City of Denison adopted by Section 28.3 of the Denison Code of Ordinances and on file in the office of the Planning Director is hereby amended to reflect the Conditional Use Permit is approved in the Commercial District on the Property as follows:

2.01. Permit Granted. A Conditional Use Permit (“CUP” or “Permit”) for the Property authorizing use of the Warehouse (Mini)/Self-Storage facility, is hereby approved.

2.02. Permit Conditions. The CUP and the use for which it is granted is subject to all Applicable Regulations (defined below) and to the following conditions:

A. Uses. The following use shall be permitted in accordance with the conditions of the CUP:

*Mini-warehouse: Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.*

B. Applicable Regulations. In addition to the specific requirements set forth in this Ordinance, this CUP shall be subject to all ordinances and regulations of the City applicable to the Property, including without limitation the Comprehensive Zoning Ordinance and those regulations governing the Commercial Use District (“Applicable Regulations”). The CUP granted by this Ordinance shall control in cases of conflict between this Ordinance and/or the Comprehensive Zoning Ordinance.

**Section 3. Failure to Comply/Expiration/Transferable.** All terms of this CUP shall be complied with prior to issuance of a certificate of occupancy. This CUP shall be declared null and void and of no force and effect and shall discontinue if or for any one or more of the following:

A. Any failure to comply with any term or condition of this Ordinance or the applicable regulations, as they exist or may be amended; or

B. Any improvements, the Property, uses or structures regulated by this CUP are enlarged,

modified, structurally altered or otherwise significantly changed unless a separate conditional use permit or other required authorization is granted therefore; or

- C. A building permit for the construction of any new structure for which a use is authorized hereunder has not been approved within one (1) year of the date of approval of this Ordinance; or
- D. A certificate of occupancy for any existing structure for which a use authorized by this Ordinance is not applied for and issued within one hundred and eighty (180) days from the effective date of this Ordinance; or
- E. A use for which this CUP is granted ceases to operate for a continuous period of one hundred eighty (180) calendar days; or
- F. A structure for which this CUP is granted remains vacant for a continuous period of one hundred eighty (180) calendar days; or
- G. This CUP was obtained by fraud or deception; or
- H. As otherwise permitted by law, this Ordinance and/or the City's Zoning Ordinance, as they exist or may be amended, including without limitation the requirements of Section 28.9 "Nonconforming Uses and Structures".

**Section 4. 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 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. Denison 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. Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance or Denison's Zoning Ordinance Chapter 28, 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 Denison from filing suit to enjoin the violation. Denison retains all legal rights and remedies available to it pursuant to local, state, and federal law.

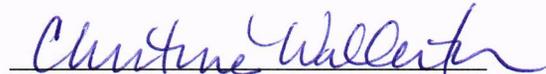
**Section 7. Publication and Effective Date.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 2<sup>ND</sup> DAY OF JUNE 2025.



ROBERT CRAWLEY, Mayor

ATTEST:

  
Christine Wallentine, City Clerk



**EXHIBIT "A"**  
**Property Description and Depiction**

SITUATED in the City of Denison, Grayson County, Texas, being a part of the JAMES BALL SURVEY, ABSTRACT NO. 77, and being a part of the 3.074 acre tract of land conveyed by Robert J Wilson, Inc., to Robert J. Wilson by Deed dated November 18, 1970, recorded in Volume 1175, Page 311, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at spike-nail set marking the Northeast corner of said 3.047 acre tract in the West right-of-way line of Woodlawn Avenue, also known as U.S. Highway No. 75-A, said nail also marking the Southeast corner of the 5.928 acre tract of land described as Tract Two conveyed by H.R. Gibson, Sr., et ux, to Ack-Ack Distributing Co., Inc., by Deed dated April 3, 1985, recorded in Volume 1749, Page 149, said Deed Records;

THENCE in a Southerly direction with said right-of-way line and a curve to the right having a radius of 2814.79 feet, (chord bears South 21 deg. 57 min. 35 sec. West, 283.57 feet), an arc distance of 283.69 feet to a 1/2" square pipe found maintaining the Southeast corner of the said 3.047 acre tract and the Northeast corner of Lot 1 and Block 1 of John Foster's First Addition to said City of Denison as show by plat of record in Volume 5, Page 43, Plat Records, Grayson County, Texas;

THENCE South 87 deg. 57 min. 50 sec. West with the North line of said Addition, at a distance of 300.46 feet passing a 1/2" steel rod found maintaining the Northwest corner of said Lot 1 and the Northeast corner of Lot 2 in said Addition and continuing for a total distance of 453.51 feet to a 3/4" pipe found maintaining the Southwest corner of the said 3.047 acre tract in the East line of a public road locally known as Maurice Avenue;

THENCE North 01 deg. 16 min. 06 sec. West with said East line of road and the West line of the said 3.047 acre tract a distance of 217.11 feet to the base of a metal buried cable splice box at the Southwest corner of the 50 x 100 ft. tract of land conveyed by Henry L. Plunkett to Kathryn Leah Plunkett by Deed dated August 4, 1986, recorded in Volume 1849, Page 215, Real Property Records, Grayson County, Texas;

THENCE North 88 deg. 46 min. 40 sec., East with said North line a distance of 46530 feet to the Point-of-Beginning and Containing 2.98 acres of land, more or less.

LESS and EXCEPT:

Situated in the County of Grayson, States of Texas, being a part of the James Ball Survey, Abstract No. 77, and being a part of the 2.98 acre tract of land conveyed to Donald R. Bonner and R. Dale Bonner by Deed of record in Volume 3195, Page 482 of the Official Public Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" square pipe found in the West right-of-way of Woodlawn Boulevard at the Northeast corner of Lot 2, Block 1 of the John Foster's Addition, an addition to

the City of Denison, recorded in Volume 5 Page 43 of the Plat Records, Grayson County, Texas, said pipe being the Southeast corner of said 2.98 acre tract of land;

THENCE South  $87^{\circ}57'50''$  West along the North line of said Lot 2, a distance of 171.28 feet to a  $1/2''$  steel rod set for the Southwest corner of the herein described tract of land:

Thence across said 2.98 acre tract of land the following calls and distances:

North  $24^{\circ}29'08''$  East a distance of 182.53 feet to a  $1/2''$  steel rod set;

South  $65^{\circ}24'14''$  East a distance of 183.12 feet to a  $1/2''$  steel rod set in said West right-of-way line;

THENCE in a Southerly direction along the said West right-of-way with a curve to the right having a radius of 2814.79 feet (chord bears South  $23^{\circ}55'38''$  West a distance of 90.35 feet) an arc length of 90.36 feet to the POINT-OF-BEGINNING and containing 0.575 acres of land. In all other respects the original Deed of Trust is the same as filed originally.

5.928 AC  
 ACK-ACK DISTRIBUTING CO., INC.  
 TRACT TWO  
 VOL. 1743, PG. 149  
 P.R.G.C.T.

N 88°46'40" E

N 01°16'06" W  
 50.00'

50' X 100'  
 KATHRYN LEAH  
 PLUNKETT  
 VOL. 1849, PG. 215  
 R.P.R.G.C.T.  
 N 88°46'40" E  
 PED. 100.00'

WAINES BLVD.

2.98  
 ACRES

N 01°16'06" W

217.11'

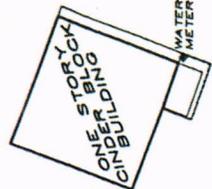
S 87°57'50" W

BL OCK 1  
 JOHN FOSTER'S  
 FIRST ADDITION  
 LOT 2

LOT 1  
 3:1DrawIno Backup\2000\A001A0010023.dwg. 02/10/2005 09:41:07 AM

Exhibit A

465.30'



R = 2814.79'  
 L = 283.69'  
 CH: S 21°37'35" W  
 283.57'

182.93'

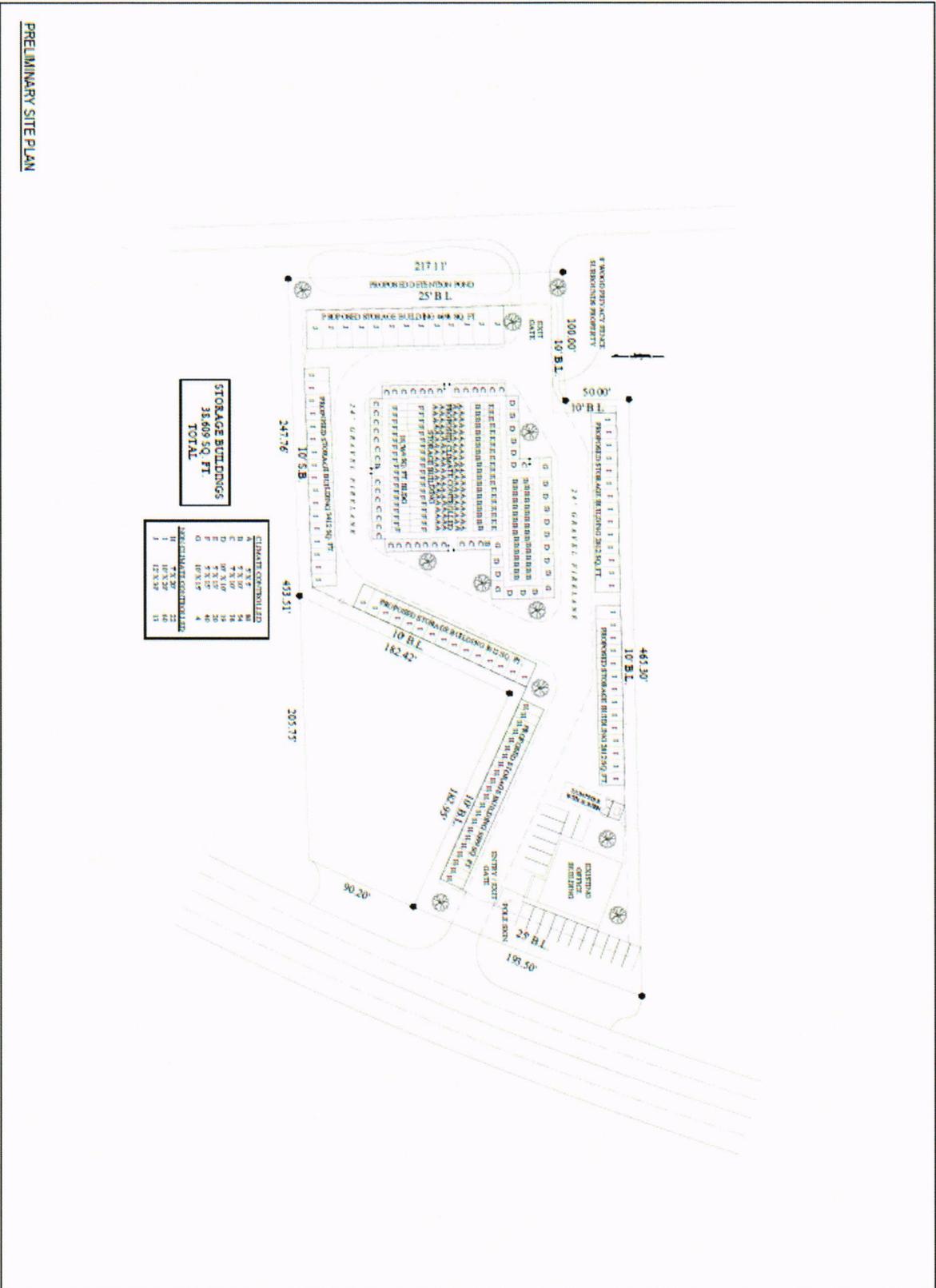
Subject Property  
 0.575 acres

90.20'

205.75'  
 453.51'

130

# Exhibit "B" Site Plan



**STORAGE BUILDINGS**  
38,609 SQ. FT.  
TOTAL

LINE	TYPE	AREA
1	WOOD PAVEMENT DRIVE	86
2	WOOD PAVEMENT DRIVE	74
3	WOOD PAVEMENT DRIVE	36
4	WOOD PAVEMENT DRIVE	48
5	WOOD PAVEMENT DRIVE	4
6	WOOD PAVEMENT DRIVE	22
7	WOOD PAVEMENT DRIVE	18
8	WOOD PAVEMENT DRIVE	11
9	WOOD PAVEMENT DRIVE	11
10	WOOD PAVEMENT DRIVE	11
11	WOOD PAVEMENT DRIVE	11
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97	WOOD PAVEMENT DRIVE	11
98	WOOD PAVEMENT DRIVE	11
99	WOOD PAVEMENT DRIVE	11
100	WOOD PAVEMENT DRIVE	11

DATE  
03/19/25  
SHEET  
PRELIMINARY  
SITE  
SCALE  
1/8" = 1'

**STORAGE BUILDING PLAN**  
3109 S. WOODLAWN DRIVE  
DENISON, TEXAS 7502  
D2LDESIGNS@YAHOO.COM