

**ORDINANCE NO. 5407**

**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 AN APPROXIMATELY 7.773 ACRE TRACT OF LAND LEGALLY DESCRIBED AS BEING A PART OF LOTS 1, 2, 3, 4, AND 5, HUNT'S SUBDIVISION, GRAYSON COUNTY, TEXAS, COMMONLY REFERRED TO AS 4331 S. SH 91, DENISON, TEXAS, FURTHER IDENTIFIED AS GRAYSON COUNTY APPRAISAL DISTRICT PROPERTY IDS 151349, 151351, AND 151353, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", ESTABLISHING A ZONING CLASSIFICATION OF COMMERCIAL DISTRICT; 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 COMMERCIAL DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY OF UP TO \$2,000 PER VIOLATION; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED WAS LAWFULLY HELD IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING NO VESTED INTEREST/REPEAL, UNLAWFUL USE OF PROPERTY, 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**, HHM Group, LLC, (the "Owner") owns a 7.773 acre tract of land legally described as being a part of Lots 1, 2, 3, 4, and 5, Hunt's Subdivision, Grayson County, Texas, commonly referred to as 4331 S. SH 91, Denison, Texas, further identified as Grayson County Appraisal District Property IDs 151349, 151351, and 151353, and as more particularly described and depicted in **Exhibit "A,"** attached and incorporated as if fully set forth herein (the "Property"), and has made an application under the provisions of the Zoning Ordinance to establish a zoning district classification of Commercial District; 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, are found to be true, and are adopted a legislative findings of the City Council.

**SECTION 2. Zoning Amendment.** Chapter 28 of the Code of Ordinances of the City, the same being the City’s Comprehensive Zoning Ordinance, is hereby amended as follows:

The zoning designation for the Property, and all streets, roads and alleyways contiguous and/or adjacent to the Property, is hereby established as Commercial District. The Property shall be subject to all applicable City ordinances and regulations governing the Commercial District.

**SECTION 3. Zoning Map and Code Requirements.** The Zoning Map of the City, adopted by Section 28.3 of the Code of Ordinances, and on file in the office of the Director of Development Services is hereby amended to this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, state, and federal laws, as they exist or may be in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

**SECTION 4. No Vested Interest/Repeal.** No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed or amended by the City Council in the manner provided for by law.

**SECTION 5. Unlawful Use of Property.** It shall be unlawful for any person, firm, association, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, association, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City’s Zoning Ordinance and this Ordinance.

**SECTION 6. 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, phrase or word thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases and words 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 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 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.** 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 Section 551.041, Texas Government Code.

**PASSED AND APPROVED BY THE CITY COUNCIL ON THE 4<sup>th</sup> DAY OF AUGUST 2025.**

  
\_\_\_\_\_  
Robert Crawley, MAYOR

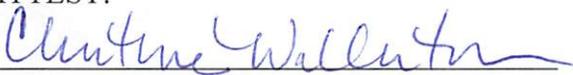
ATTEST:  
  
\_\_\_\_\_  
Christine Wallentine, City Clerk





EXHIBIT "A"  
LEGAL DESCRIPTION AND DEPICTION

CLB Job# 25010017 Annexation

- BASIS OF BEARINGS -  
GRID NORTH, NAD 83  
TEXAS STATE PLANE COORDINATE SYSTEM  
NORTH CENTRAL ZONE (4202)

**Legal Description**

Situated in the County of Grayson, State of Texas, being a part of the J.M. Manning Survey, Abstract No. 781, and being a part of Lots 1, 2, 3, 4 & 5, Hunt's Subdivision an addition to the County of Grayson as shown by plat record in Volume 448, Page 93, Deed Records, Grayson County, Texas and being a part of a 10.300 acre tract of land conveyed to HHM GROUP, LLC by deed of record in Document No. 2019-31713, Official Records, Grayson County, Texas, and being a part of a 4.215 acre tract of land conveyed to HHM GROUP, LLC. By deed of record in Document No. 2019-31701, of said Official Records, and being a part of a 7.529 acre tract of land conveyed to HHM GROUP, LLC. by deed of record in Document No 2019-31715, of said Official Records and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found with a cap marked RPLS 6578 at the northwest corner of said Lot 5 of Hunt's Subdivision, maintaining the northwest corner of said 10.300 acre tract, the southwest corner of a 5.463 acre tract of land conveyed to Silvia E. Rios, by deed of record in Document No. 2020-25635, of said Official Records and in the east line of a 10-3/100 acre tract of land conveyed to Woody C. Spencer and Michael W. Spencer, by deed of record in Volume 5274, Page 688, Official Public Records, Grayson County, Texas;

Thence South 61°21'32" East, along the north line of said Lot 5 and the south line of Lot 6 of said Hunt's Subdivision, the north line of said 10.300 acre tract and the south line of said 5.463 acre tract, a distance of 596.17 feet to a point being the southwest corner of Lot 6R, Replat Part of Lots 6 & 7 Hunt's Subdivision, an addition to the City of Denison, by deed of record in Volume 24, Page 60, Plat Records, Grayson County, Texas;

Thence South 28°38'26" West, over and across said Lots 1, 2, 3, 4 and 5, Hunt's Subdivision and said HHM Group, LLC Tracts, a distance of 1,133.00 feet to a point in the west line of said Lot 1, the west line of said 7.529 acre tract and in the east line of a 16.04 acre tract of land conveyed to Fred A. Stephens and Rebecca J. Stephens by deed of record in Document No. 2018-3212, of said Official Records;

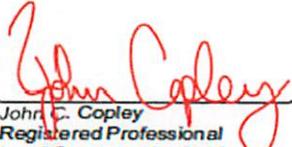
Thence along the west line of said Hunt's Subdivision, and the east line of said 16.04 acre tract the following calls and distances:

North 01°41'47" East, a distance of 112.55 feet to a point;

North 00°32'42" East, a distance of 695.72 feet to a 1/2" steel rod found;

North 01°12'02" East, passing a 1/2" steel rod found maintaining the northeast corner of said 16.04 acre tract and the southeast corner of said 10-3/100 acre tract, at a distance of 417.94 feet, continuing for a total distance of 472.04 feet to the Point-of-Beginning and containing 7.773 acres of land.

I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property legally described herein, is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown on the plat herewith, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

  
John C. Copley  
Registered Professional  
Land Surveyor No. 6720  
Firm No. 10194429  
DATE OF SURVEY: 03/02/2025  
DATE OF LAST REVISION: 07/10/2025



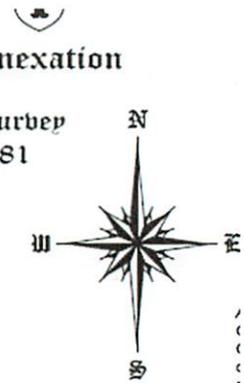
- PROPERTY ADDRESS -  
4331 TEXOMA PARKWAY  
DENISON, TEXAS

10.3100 AC  
WOODY C. SPENCER  
MICHAEL W. SPENCER  
VOL. 5274, PG. 688  
O.P.R.G.C.T.

P.O.B.  
1/2" STEEL  
ROD FOUND  
(RPLS 6578)

5.463 AC  
S.E. WADE RIOS  
DOC NO. 2020-25635  
O.R.G.C.T.

J.M. Manning Survey  
Abstract No. 781



Lot  
6R  
Replat Part of Lots 6 & 7  
Hunt's Subdivision  
Vol. 24, Pg. 60 P.R.G.C.T.

Hunt's Subdivision  
Vol. 448, Pg. 93 D.R.G.C.T.

7.773 Acres  
338562 Sq'44

16.04 AC  
FRED A. STEPHENS  
REBECCA J. STEPHENS  
DOC NO. 2018-3212  
O.R.G.C.T.

1/2" STEEL  
ROD SET  
(RPLS 6725)

10.300 AC  
HHM GROUP, LLC  
DOC NO. 2019-31713  
O.R.G.C.T.

1/2" STEEL  
ROD FOUND  
(RPLS 4709)

1/2" STEEL  
ROD FOUND  
(RPLS 4709)

1/2" STEEL  
ROD SET  
(RPLS 6720)

1/2" STEEL  
ROD SET  
(RPLS 6720)

4.215 AC  
HHM GROUP, LLC  
DOC NO. 2019-31701  
O.R.G.C.T.

EXISTING  
METAL  
COMMERCIAL  
BUILDING

1/2" STEEL  
ROD SET  
(RPLS 6720)

Legend

- SEWER MANHOLE
- AIR CONDITIONER
- GAS METER
- COMMUNICATIONS VAULT
- TELEPHONE PEDIESTAL
- BURIED CABLE MARKER
- SEWER CLEANOUT
- GUY ANCHOR
- LIGHT POLE
- POWER POLE
- FIRE-HYDRANT
- WATER VALVE
- WATER METER

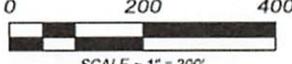
- BOUNDARY LINE
- PROPERTY LINE
- CHAINLINK FENCE
- BARBED WIRE FENCE
- OVERHEAD ELECTRIC
- CONCRETE
- BUILDING
- ASPHALT
- GRAVEL
- CONCRETE

CHAINLINK  
FENCE  
POST

ONLY VISIBLE ABOVE GROUND UTILITIES HAVE BEEN LOCATED UNDERGROUND  
UTILITIES HAVE NOT BEEN LOCATED OR SHOWN ON THIS PLAN  
CALL 811 BEFORE YOU DIG.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE  
COMBATMENT. EXISTING EASEMENTS MAY AFFECT THIS PROPERTY.

**Copley Land Surveying**  
1702 Verdi Ln. Sherman, Texas 75090  
TX 903-415-0643,  
john@copleylandsurveying.com



SCALE - 1" = 200'

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