ORDINANCE NO. 5411

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 ON A CERTAIN 250.17-ACRE TRACT OF LAND LEGALLY DESCRIBED AS BEING IN THE JAMES A. CALDWELL SURVEY, ABSTRACT NO. 223, AND THE DANIEL DUGAN JR. SURVEY, ABSTRACT NO. 328, DENISON, GRAYSON COUNTY, TEXAS, AS RECORDED IN THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS AS DOCUMENT NO. 2022-38167 AND 2021-21441, COMMONLY REFERRRED TO AS 5821 NORTH HIGHWAY 75 AND 69, DENISON, TEXAS, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A-1" AND DEPICTED IN EXHIBIT "A-2", FROM ITS ZONING CLASSIFICATION OF LIGHT INDUSTRIAL (LI) WITH HIGHWAY ORIENTED AND CORRIDOR OVERLAY DISTRICT (HO) TO PLANNED DEVELOPMENT OVERLAY (PD) WITH A BASE ZONING OF LIGHT INDUSTRIAL DISTRICT; PROVIDING DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT "B"; PROVIDING A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING AN EXISTING TREE CANOPY DEPICTION, ATTACHED HERETO AS EXHIBIT "D"; 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 PLANNED DEVELOPMENT DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY OF UP TO $2,000 PER VIOLATION; FINDING THAT THE MEETING AT WHICH THIS ORIDNANCE 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 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, Business and Industrial Corporation of Denison, (the "Owner") owns a 250.17-acre tract of land legally described as being in the James A. Caldwell Survey, Abstract No. 223, and the Daniel Dugan Jr. Survey, Abstract No. 328, Denison, Grayson County, Texas, as recorded in the Real Property Records of Grayson County, Texas as Document Nos. 2022-38167, and 2021-21441, commonly referred to as 5821 North Highway 75 and 69, Denison, Texas, and as 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 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 District with Highway Oriented and Corridor Overlay District to Planned Development Overlay with a base zoning of Light Industrial District; and

WHEREAS, Owner has designated Michael Carlisle, P.E., of Kimley-Horn 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, 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; 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:

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 rezoned from Light Industrial ("LI") with Highway Oriented and Corridor District Overlay District ("HO") to Planned Development Overlay with base of Light Industrial 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
Exhibit D:	Existing Tree Canopy

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 2ND DAY OF SEPTEMBER 2025.

Robert Crawley, MAYOR

CITY OF DENISON
Denison TEXAS
TEXAS 1872

ATTEST:

Christine Wallentine, City Clerk

EXHIBIT A-1
PROPERTY LEGAL DESCRIPTION

BEING a tract of land situated in the James A. Caldwell Survey, Abstract No. 223 and the Daniel Dugan Jr. Survey, Abstract No. 328, City of Denison, Grayson County, Texas, and being all of a called 0.662 of an acre tract of land and all of a called 1.072-acre tract of land, described in a Deed without Warranty to Business and Industrial Corporation of Denison, Inc., recorded in Document No. 2022-38167, all of a called 0.387 of an acre tract of land, described in a Special Warranty Deed to Business and Industrial Corporation of Denison, Inc., recorded in Document No. 2022-38167, all of a called 98.853-acre tract of land, all of a called 8.556-acre tract of land and a portion of a called 294.116-acre tract of land, described in a Special Warranty Deed to Business and Industrial Corporation of Denison, Inc., recorded in Document No. 2021-21441, all of the Official Public Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a spike nail with a metal flasher found in the pavement of Julian C. Fields Road, an apparent public use right of way, no record found, for the southwest corner of said 98.853-acre tract and the southeast corner of a called 4.57-acre tract of land, described in a Warranty Deed to Don N. Heaton & spouse, Tria M. Heaton, recorded in Document No. 2013-6350 of the Official Public Records of Grayson County, Texas, same being on the northerly line of a called 39.233-acre tract of land, described in a deed to David Raofpur, recorded in Volume 3844, Page 6 of the Deed Records of Grayson County, Texas;

THENCE North 05°05'26" West, departing said Julian C. Fields Road, along the westerly line of said 98.853-acre tract, the easterly line of said 4.57-acre tract, passing a 1/2-inch iron rod with an illegible capped iron rod found for the northeast corner of said 4.57-acre tract and the southeast corner of a called 7.98-acre tract of land, described in said Warranty Deed to Don N. Heaton & spouse, Tria M. Heaton, continuing along the easterly line of said 7.98-acre tract, passing a 1/2-inch iron rod with an illegible capped iron rod found for the northeast corner of said 7.98-acre tract and the southeast corner of a called 69.27-acre tract of land, described in said Warranty Deed to Don N. Heaton & spouse, Tria M. Heaton, continuing along the easterly line of said 69.27-acre tract, a total distance of 2,994.66 feet to the northeast corner of said 69.27-acre tract and the southeast corner of a called 107.96-acre trat of land, described in a Warranty Deed to The Munson Realty Company, recorded in Volume 1320, Page 251 of the Deed Records of Grayson County, Texas, from which, a found disturbed Corps of Engineers brass cap monument bears North 16°23' East, 2.4 feet;

THENCE North 05°09'32" West, continuing along the westerly line of said 98.853-acre tract, the easterly line of said 107.96-acre tract, a distance of 784.68 feet to Corps of Engineers brass cap monument, stamped "COURSE 2-3 DATED 1979", found for the northwest corner of said 98.853-acre tract, same being on the southerly line of a tract of land, described in a deed to the United States of America, recorded in Volume 416, Page 101 of the Deed Records of Grayson County, Texas;

THENCE North 84°23'43" East, along the northerly line of said 98.853-acre tract, passing a Corps of Engineers brass cap monument, stamped "D1-D9 DATED 1987", found for the northeast corner of said 98.853-acre tract and the northwest corner of aforesaid 8.556-acre tract, continuing along the northerly line of said 8.556-acre tract, passing a Corps of Engineers brass cap monument, stamped "D1-D2", found for the northeast corner of said 8.556-acre tract and a northwest corner of aforesaid 294.116-acre tract, continuing along a northerly line of said 294.116-acre tract and the southerly line of said United States of America tract, a total distance of 728.12 feet to a point for corner;

THENCE North 05°09'32" West, along a westerly line of said 294.116-acre tract and the southerly line of said United States of America tract, a distance of 729.91 feet to a point for corner;

THENCE South 76°59'52" East, departing the westerly line of said 294.116-acre tract and the southerly line of said United States of America tract, crossing said 294.116-acre tract, a distance of 1,716.29 feet to a point for corner;

THENCE North 87°14'15" East, continuing across said 294.116-acre tract, a distance of 691.01 feet to a point for corner on the easterly line of said 294.116-acre tract, same being on the westerly right of way line of U. S. Highway 75 as described as Percel 191-Part 4 in a deed to the State of Texas, recorded in Volume 1447, Page 502 of the Deed Records of Grayson County, Texas;

THENCE in a southerly direction, along the westerly right of way line of said U. S. Highway 75, the following:

South 00°18'22" West, along the easterly line of said 294.116-acre tract, a distance of 133.87 feet to a concrete TXDOT right of way monument found for corner;

South 04°09'38" East, continuing along the easterly line of said 294.116-acre tract, passing a concrete TXDOT right of way monument found for the northeast corner of aforesaid 0.662 of an acre tract, continuing along the easterly line of said 0.662 of an acre tract, a total distance of 234.40 feet to a concrete TXDOT right of way monument found for the southeast corner of said 0.662 of a acre tract of land, same being a northeasterly corner of said 294.116-acre tract,;

South 04°03'32" East, along the easterly line of said 294.116-acre tract, a distance of 610.31 feet to a concrete TXDOT right of way monument found for corner;

South 03°21'09" East, continuing along the easterly line of said 294.116-acre tract, a distance of 420.52 feet to a concrete TXDOT right of way monument found for corner;

South 04°09'52" West, continuing along the easterly line of said 294.116-acre tract, a distance of 277.39 feet to a concrete TXDOT right of way monument found for corner;

South 12°25'36" East, continuing along the easterly line of said 294.116-acre tract, a distance of 99.36 feet to a 1/2-inch iron rod found for corner;

South 13°28'46" West, continuing along the easterly line of said 294.116-acre tract, a distance of 7.20 feet to a 1/2-inch iron rod found for a southeasterly corner of said 294.116-acre tract and the northeast corner of aforesaid 1.072-acre tract;

South 14°33'21" West, along the easterly line of said 1.072-acre tract, a distance of 577.64 feet to a concrete TXDOT right of way monument found for the south corner of said 1.072-acre tract, same being a northeasterly corner of said 294.116-acre tract;

South 16°38'11" West, along the easterly line of said 294.116-acre tract, a distance of 66.23 feet to a point for corner;

South 21°08'11" West, continuing along the easterly line of said 294.116-acre tract, a distance of 231.39 feet to a southeasterly corner of said 294.116-acre tract and the

northeast corner of aforesaid 0.387 of an acre tract, from which, a found 1/2-inch iron rod with a plastic cap, stamped "SANDERSON" bears South 27°58' West, 2.38 feet;

South 21°08'11" West, along the easterly line of said 0.387 of an acre tract, a distance of 51.03 feet to a concrete TXDOT right of way monument found for corner;

South 44°15'18" West, along the easterly line of said 0.387 of an acre tract, a distance of 97.13 feet to a concrete TXDOT right of way monument found for corner;

South 26°31'31" West, along the easterly line of said 0.387 of an acre tract, a distance of 123.50 feet to a 2.5-inch pipe corner post found for the southerly corner of said 0.387 of an acre tract, same being on the easterly line of aforesaid 294.116-acre tract;

South 26°31'31" West, along the easterly line of said 294.116-acre tract, a distance of 61.46 feet to a point for corner;

South 11°09'32" West, continuing along the easterly line of said 294.116-acre tract, a distance of 97.53 feet to a point for corner;

South 32°04'21" West, continuing along the easterly line of said 294.116-acre tract, a distance of 279.51 feet to a concrete TXDOT right of way monument found for corner;

South 37°35'50" West, continuing along the easterly line of said 294.116-acre tract, a distance of 279.36 feet to a concrete TXDOT right of way monument found t for corner;

South 43°07'30" West, continuing along the easterly line of said 294.116-acre tract, a distance of 41.35 feet to the southernmost corner of said 294.116-acre tract. Same being the southeasterly corner of aforesaid 8.556-acre tract;

South 42°36'22" West, along the southeasterly line of said 8.556-acre tract, a distance of 102.85 feet to southwest corner of said 8.556-acre tract, same being the easterly, southeast corner of aforesaid 98.853-acre tract;

South 43°09'57" West, along the southeasterly line of said 98.853-acre tract, a distance of 135.01 feet to a concrete TXDOT right of way monument found for corner;

South 44°39'18" West, continuing along the southeasterly line of said 98.853-acre tract, a distance of 465.41 feet to a concrete TXDOT right of way monument found for corner;

South 65°59'51" West, continuing along the southeasterly line of said 98.853-acre tract, a distance of 190.83 feet to a concrete TXDOT right of way monument found for corner;

South 78°49'26" West, continuing along the southeasterly line of said 98.853-acre tract, a distance of 75.80 feet to a concrete TXDOT right of way monument found for corner;

South 01°26'44" East, continuing along the southeasterly line of said 98.853-acre tract, a distance of 18.92 feet to a railroad spike found in the pavement for aforesaid Julian C. Fields Road, and being the southerly, southeast corner of said 98.853-acre tract and the northeast corner of aforesaid 39.233-acre tract;

THENCE South 84°55'09" West, departing said U. S. Highway 75, along said Julian C. Fields Road, the southerly line of said 98.853-acre tract and the northerly line of said 39.233-acre tract, a distance of 1,254.13 feet to the **POINT OF BEGINNING** and containing 250.17 acres of land, more or less.

EXHIBIT A-2
PROPERTY DEPICTION

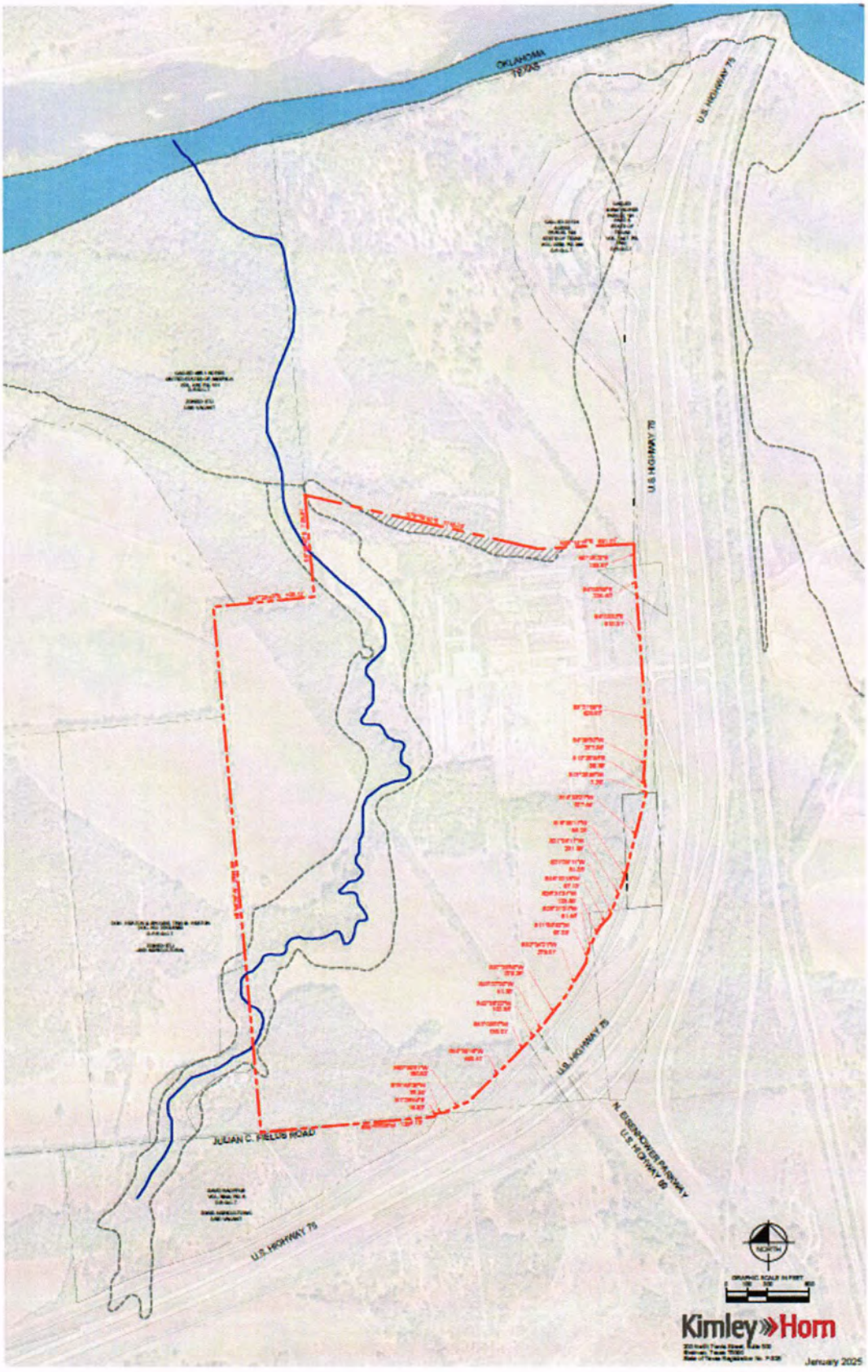


EXHIBIT B
DEVELOPMENT STANDARDS

DENISON LOGISTICS PARK
PLANNED DEVELOPMENT DISTRICT

1. STATEMENT OF PURPOSE AND INTENT

This 250.17-acre Denison Logistics Park Planned Development Zoning District document ("PD") has been prepared pursuant to the Denison City Code of Ordinances (the "Code"), Section 28.43.1 as a stand-alone Planned Development Zoning District. The purpose of this PD is to encourage high-quality development of the Property lying within the City of Denison, Texas (City), by providing the ability to accommodate and encourage the development of a business logistics park. The intent of this PD is 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.

2. PROJECT LOCATION

Denison Logistics Park is +/- 250 acres located south of the Red River and west of US-75, south of an existing travel center and includes the previous location of the Johns Manville concrete plant. Situated in James A. Caldwell Survey, Abstract No. 223 and the Daniel Dugan Jr. Survey, Abstract No. 328, in the City of Denison, Grayson County, Texas.

3. PROJECT OVERVIEW

The purpose of this PD is to develop standards to create a light industrial modern business park to maximize marketability for speculative and build-to-suit future tenants. A modern business park is typically comprised of several buildings ranging in size up to, or over, 1,000,000 square feet, providing storage, staging, and potentially assembly to support regional industries, such as residential and commercial service providers, manufacturers, and other warehouse needs.

4. CONCEPT PLAN

Development of the Property shall generally conform with the Concept Plan attached hereto as Exhibit C, which is deemed approved upon the approval of this PD by the City Council. Changes to the Concept Plan, except those defined below as "minor changes", shall require approval by the City Council. A change in the overall total number of acres allocated for a particular land use category shown on the Concept Plan that results in a net increase of less than 15 percent of the acreage allocated to such land use category; an adjustment or relocation of public utility infrastructure that does not affect the adequacy of such infrastructure; or any modification that is an interpretation, elaboration, refinement or

clarification of any applicable regulations shall be deemed a minor change that does not require City Council action and may be approved by the City Manager or designee following written notice and documentation of the changes.

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 +/- 250-acre development. The maximum number of lots shall be nine (9) lots as defined in the Concept Plan. If the project is phased, the Concept Plan shall be updated with each phase. The Concept Plan shall be submitted and reviewed by City staff. City staff shall approve the Concept Plan if changes are within the following thresholds as defined by the current Concept Plan:

- Access points to US-75 have shifted no more than 200 feet;
- Natural landscape buffer along the western boundary cannot decrease from the width of twenty (20) feet;
- Building Coverage shall not be increased so that no more than 20% of the total overall acreage of the PD is covered by buildings; and
- Open space areas remain greater than 10% for the overall development, not on a lot by lot basis (total).

5. PROPOSED THOROUGHFARES/ACCESS/CROSS SECTIONS

Denison Logistics Park includes several interconnected public roadways throughout the development to provide circulation and fire and emergency access. All utilities are permitted to be within the right-of-way as necessary within the PD. Sidewalks shall be provided to provide thorough pedestrian circulation and provide opportunities for future developments to connect to the sidewalk network, where applicable. Concrete paving section to follow City engineering standards. The roadway design criteria referenced below is intended to apply in a typical scenario, the Public Works Director has the discretion to approve variances on a case-by-case basis.

6. MAINTENANCE RESPONSIBILITIES

Landscaping, drainage ways, signs, and open space shall be maintained by the Owner or tenant(s). Shared detention ponds shall be maintained by the Owner on a pro rata basis on the amount of drainage area per lot contributing to the pond as the park develops. Each lot shall be irrigated, mowed, and well-manicured. The filed plat for Property shall include all maintenance responsibilities listed in this PD.

7. DEVELOPMENT STANDARDS

Except as noted below, the +/- 250-acre tract as depicted on the Concept Plan, development shall be in accordance with the Light Industrial (LI) District and the Highway Oriented and Corridor Overlay District (HO) as it exists or may be amended, except for the following:

A. Minimum front yard – None unless adjacent to US-75. Minimum front yard of 25 feet

required along US-75.

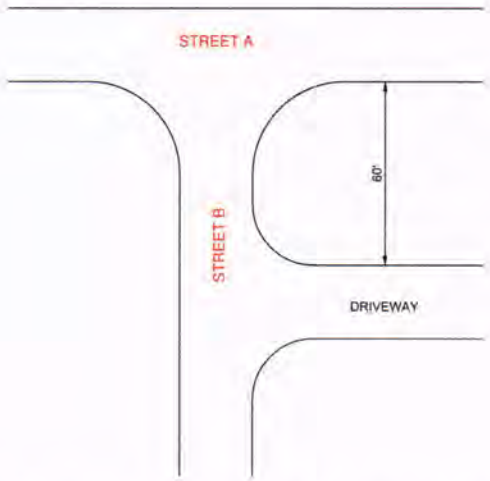
B. Minimum side and rear yard – None unless adjacent to a residentially zoned property (see below).

C. Minimum side or rear yard adjacent to a residential district – Seventy-five (75) feet.

D. Maximum floor area ratio (F.A.R.): Unlimited

E. Driveway Spacing (i.e. distance between driveways, measured edge-to-edge).

1. Minimum distance from driveway to street corner – Sixty (60) feet as shown in the following diagram:



F. Open storage limitations – Open storage may fill a maximum of fifty percent (50%) of the total lot area within 250 liner feet (LF), as measured from the right-of-way line of US-75 and shall not be located in front or on top of the building. Open storage within view of US-75, where there is no building planned between right-of-way and open storage shall be screened by an evergreen living screen with a minimum height of six (6) feet at maturity. A living screen with a minimum height of six (6) feet may be a combination of an earthen berm and evergreen. A natural landscape buffer must satisfy this screening requirement as approved by the Planning and Zoning Commission through the Site Plan submittal.

G. Temporary uses – Recreational vehicles, travel trailers, motor homes, or temporary buildings may be used for temporary on-site dwelling or temporary nonresidential purposes during the construction of the development only. All recreational vehicles, travel trailers, motor homes, or temporary buildings shall be removed from Property within thirty (30) days of issuance of final certificate of occupancy.

H. Additional permitted uses – The following uses shall be permitted by right within the subject property:

1. Maintenance and repair service for buildings

2. Sand, gravel, caliche, stone sales and/or storage – except for such use shall not be permitted by right within 250 linear feet (LF) measured from the right-of-way of

US-75.

3. Sign manufacturing
4. Warehouse, storage
5. Window and door frame manufacturing
6. Warehouse (mini)/self-storage
7. Data center

I. Floodways/Creeks/Drainageway – Structures to be minimum two (2) feet above the 100-year floodplain. Truck docks are permitted to be inundated up to two (2) feet in the 100-year event. All pedestrian parking to be located outside of the 100-year floodplain. Fire lane and emergency access can be inundated in the 100-year floodplain, if an alternate route is provided to maintain access to the building and/or parking areas.

J. Cross access required – Cross access, where practical shall be required. All fire lanes shall comply with the International Fire Code as adopted at the time of this ordinance.

K. Utilities – The Planning and Zoning Commission may, through standard review process, approve overhead placement of lateral lines, if it can be demonstrated that placement underground would be an undue financial hardship and that measures will be taken to minimize the visual impacts of overhead utilities. Such measures shall include:

1. Construction alternatives.
2. Coordination and sharing of facilities and easements among all utilities within overhead lines.
3. Placement of overhead lines behind structures in alleys and easements rather than in the highway right-of-way.
4. Auxiliary equipment for underground utility service, such as transformers, connection enclosures, switching devices and amplifiers, may be pads-mounted on grad or placed underground.

8. ARCHITECTURAL DEVELOPMENT STANDARDS

A. Construction Standards.

All structures within the development shall be of exterior materials having at least seventy-five percent (75%) of the total exterior walls above grade level, excluding openings, constructed of masonry, glass, or metal wall construction.

1. Masonry construction shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid-, cavity-, faced-, or veneered-wall construction. Concrete panel construction shall include site-cast tilt-up panels, provided that the exposed surfaces are textured and painted, fluted, or consist of an exposed aggregate finish.

2. Glass walls shall include glass curtain walls, storefront, or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries

no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

9. LANDSCAPING AND SCREENING REGULATIONS

Landscaping, and Fencing, Screening, and Wall, requirements shall conform to the provisions set forth in Code Sections 28.51 and 28.53 as it exists at the time of the passage of this PD Ordinance, except as defined below.

A. Landscape Requirements.

1. Floodplain reclamation and master infrastructure construction can proceed with the approval from the Public Works Department, and without the approval of a landscape plan.

2. A meandering hiking and biking trail easement with a fifteen (15) foot width and a trail connection point at the north of the Property, as generally shown on the Concept Plan, is required to connect the Property to the City's Parks and Trails Master Plan. Such trail easement is intended to minimize the interaction of pedestrians/bikers and truck traffic.

3. Grass areas that are installed for the purposes of meeting the landscaping requirements of this Section shall be sodded, plugged, sprigged, and/or hydro-mulched yearly, between the dates of April 16 and August 15, and/or seeded. Sod is not required for drainage channels or drainage improvements to mitigate erosion. The City Engineer may approve alternate erosion control measures such as erosion control blankets. The contractor shall meet all stabilization requirements set forth by the TCEQ. Sod shall be utilized within any right-of-way within the PD. Grass sod shall be clean and free of weeds and noxious pests or diseases. Grass areas that exist at the time of development or redevelopment and that are located in a designated natural area on the approved landscape plan are exempt from this requirement.

B. Tree Preservation Requirements.

1. Regardless of the exemptions identified in subsections 28.51.9(4), a minimum of ten percent (10%) of the total overall pre-development tree canopy as shown in the **Exhibit D** entitled "Existing Tree Canopy", shall be preserved, or mitigated at a cost of $10,000 per acre to be allocated per the City Parks and Recreation Department or tree preservation fund. Code Section 28.51.9 'Tree preservation and incentives for preservation of natural areas and trees', shall be suspended for any floodplain reclamation efforts. In lieu of the tree preservation survey required under Section 28.51.9(A)(5), Exhibit D shall be acceptable to present to the City for its approval along with this PD.

2. The Existing Tree Line as depicted in Exhibit D, along the western boundary of the PD, adjacent to City's ETJ, shall be preserved within a natural landscape buffer twenty (20) feet in width. No irrigation is required within the natural

landscape buffer. No additional screening is required along the western property boundary where the natural landscape buffer occurs

C. Fencing, Screening, and Wall Requirements.

1. Material for any fencing on the Property shall be consistent across the Property. When chain link fencing is used, it shall include metal posts, post caps and metal top rails. When a chain link fence is within view of US-75, it shall be coated, such as with vinyl or similar. Alternatively, a chain link fence without vinyl coating may be screened by an evergreen living screen, minimum six (6) feet in height at maturity. A living screen may be a combination of an earthen berm and evergreen to reach minimum height.

2. Denison Logistics Park is adjacent to City's ETJ along its western boundary. The existing tree line shall be preserved to satisfy any screening requirements for any use of the neighboring property.

3. Living screen, masonry, or concrete panel shall be utilized as screening device on three (3) sides to screen refuse containers and ground mounted equipment from view of public right-of-way. Living screen can be a combination of earthen berm and evergreen to reach minimum height. Plans and specifications for screening and/or fencing around ground mounted utility structures (e.g. transformers, natural gas regulating stations, etc.) shall be submitted for review to the affected utility by the Planning Director.

4. Loading docks shall be screened from view of the right-of-way of the frontage road of US-75. Such loading docks shall be screened with a living screen. Such living screen shall be a minimum of six (6) feet in height at the time of planting. Such living screen may be a combination of earthen berm with evergreens creating a minimum total height of six (6) feet at time of planting.

10. PARKING REGULATIONS

A. Business or Professional Office (general) – one (1) space per three hundred (300) square feet of gross office floor area.

B. Warehouse or Wholesale – one (1) space per five thousand (5,000) square feet of gross warehouse/wholesale floor area.

C. Data Center – 1.2 spaces per employee.

11. OPEN SPACE

Open space, shown in green on the Concept Plan, shall cover a minimum 20% of the total acreage of the Property. Open space consideration shall be for the entire PD and not considered on a lot-to-lot basis. Open space can comprise of flood plains, detention ponds, tree preservation areas, and drainage ways. Alternatively, open space area can be mitigated at a cost of $10,000 per acre to be allocated per the City Parks Department or tree preservation fund.

12. DEVELOPMENT AMMENITIES

An eight (8) foot hiking and biking trail within a fifteen (15) foot trail easement shall be provided, as generally shown on the Concept Plan. The trail shall be composed of a of decomposed granite or concrete, with the intent being that this trail blends with the existing trails to which this hiking and biking trail may connect. Design of any pedestrian facilities should be thoughtful to avoid introducing interactions between pedestrians/bikes, and truck traffic. Hiking and biking trail and/or park signs shall be consistent with those currently in place for the trail/park and shall be subject to approval by the City to ensure consistency.

13. MISCELLANEOUS

A. Consistency. This PD is generally consistent with the City's Comprehensive Plan, Future Land Use Map, Major Thoroughfare Plan, and applicable law. By adoption of this PD, the Comprehensive Plan, Future Land Use Map, and Major Thoroughfare Plan are amended to be consistent with this PD and such modifications shall supersede any contrary standards imposed by the Code.

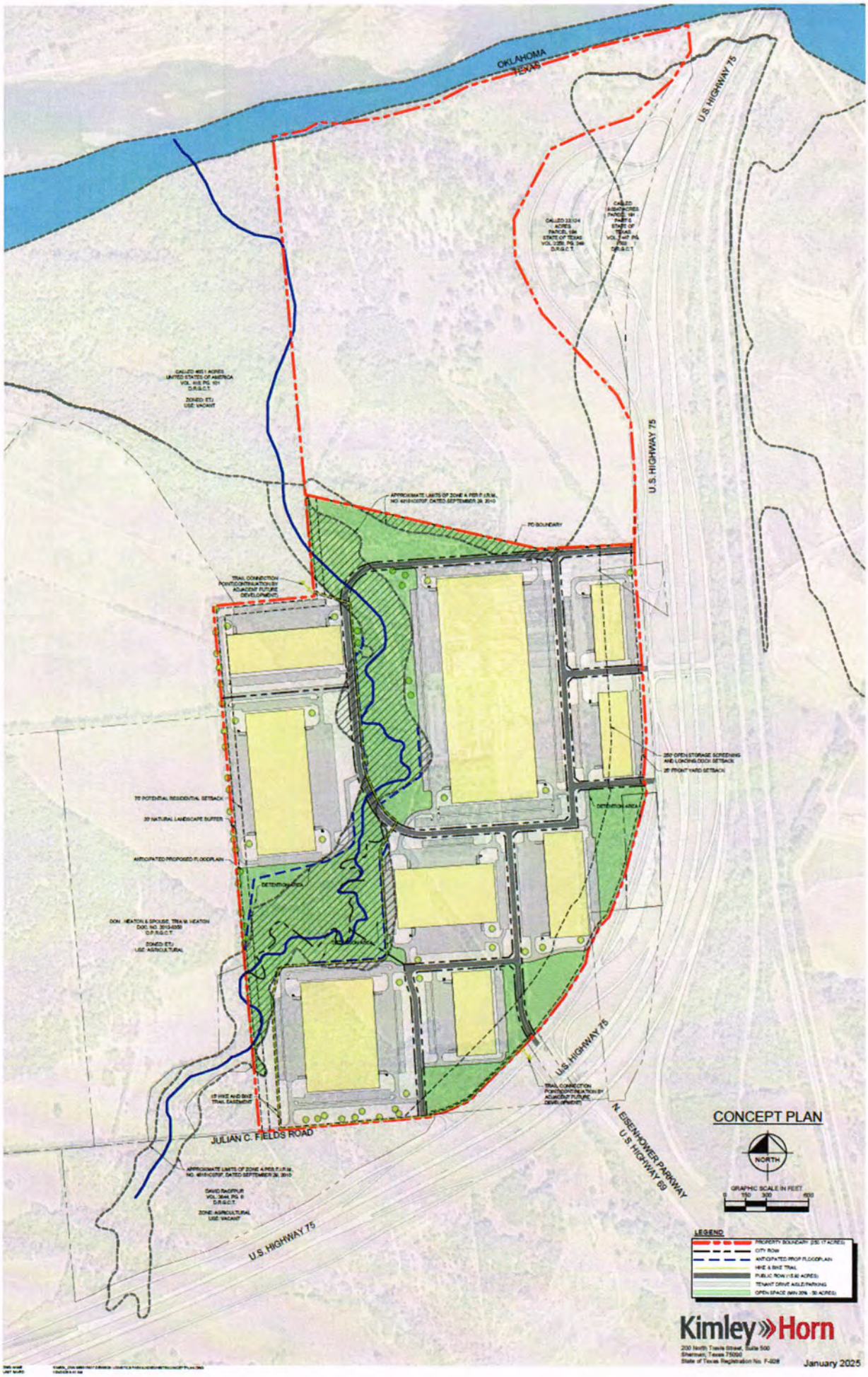
B. Exhibits. The exhibits attached are incorporated for all purposes. The exhibits are not construction drawings, and final construction drawings for this development project approved by the City may differ in detail from the exhibits. Final approved construction drawings shall control over the exhibits, and when approved, are deemed to substantially conform with the design intent of the plan for the PD.

C. Certificates of Occupancy; Final Acceptance of Infrastructure. The issuance of Certificates of Occupancy for any structure or final acceptance of infrastructure shall be confirmation of satisfaction with the plan for the PD for any relevant items.

D. Notice and Option to Cure. The City shall provide written notice to the Owner or Representative of any violation of the PD, and a reasonable opportunity to cure within no less than thirty (30) days from such notice.

E. Once the preliminary plat is approved by the City, then the Concept Plan shall not lapse.

EXHIBIT C
CONCEPT PLAN


OKLAHOMA
TEXAS
U.S. HIGHWAY 75
CALLED 4951.1 ACRES
UNITED STATES OF AMERICA
VOL. 418, PG. 101
D.R.G.C.T.
ZONED: ETJ
USE: VACANT
APPROXIMATE LIMITS OF ZONE A PER F.I.R.M.
NO. 48181C0725F, DATED SEPTEMBER 26, 2019
PD BOUNDARY
TRAIL CONNECTION POINT(CONTINUATION BY ADJACENT FUTURE DEVELOPMENT)
250' OPEN STORAGE SCREENING AND LOADING DOCK SETBACK
25' FRONT YARD SETBACK
DETENTION AREA
75' POTENTIAL RESIDENTIAL SETBACK
30' NATURAL LANDSCAPE BUFFER
ANTICIPATED PROPOSED FLOODPLAIN
DON HEATON & SPOUSE, TRA M. HEATON
DOC. NO. 2013-0259
O.P.R.G.C.T.
ZONED: ETJ
USE: AGRICULTURAL
10' HIKE AND BIKE TRAIL EASEMENT
JULIAN C. FIELDS ROAD
N. EISENHOWER PARKWAY
U.S. HIGHWAY 69
DAVID RADTKE
VOL. 3644, PG. 0
D.R.G.C.T.
ZONE: AGRICULTURAL
USE: VACANT
CONCEPT PLAN
NORTH
GRAPHIC SCALE IN FEET
0 150 300 600
LEGEND
PROPERTY BOUNDARY (58.17 ACRES)
CITY ROW
ANTICIPATED PROP FLOODPLAIN
HIKE & BIKE TRAIL
PUBLIC ROW (13.82 ACRES)
TENANT DRIVE AISLE/PARKING
OPEN SPACE (MIN 20% - 50 ACRES)
Kimley»Horn
200 North Travis Street, Suite 500
Sherman, Texas 75090
State of Texas Registration No. F-928
January 2025

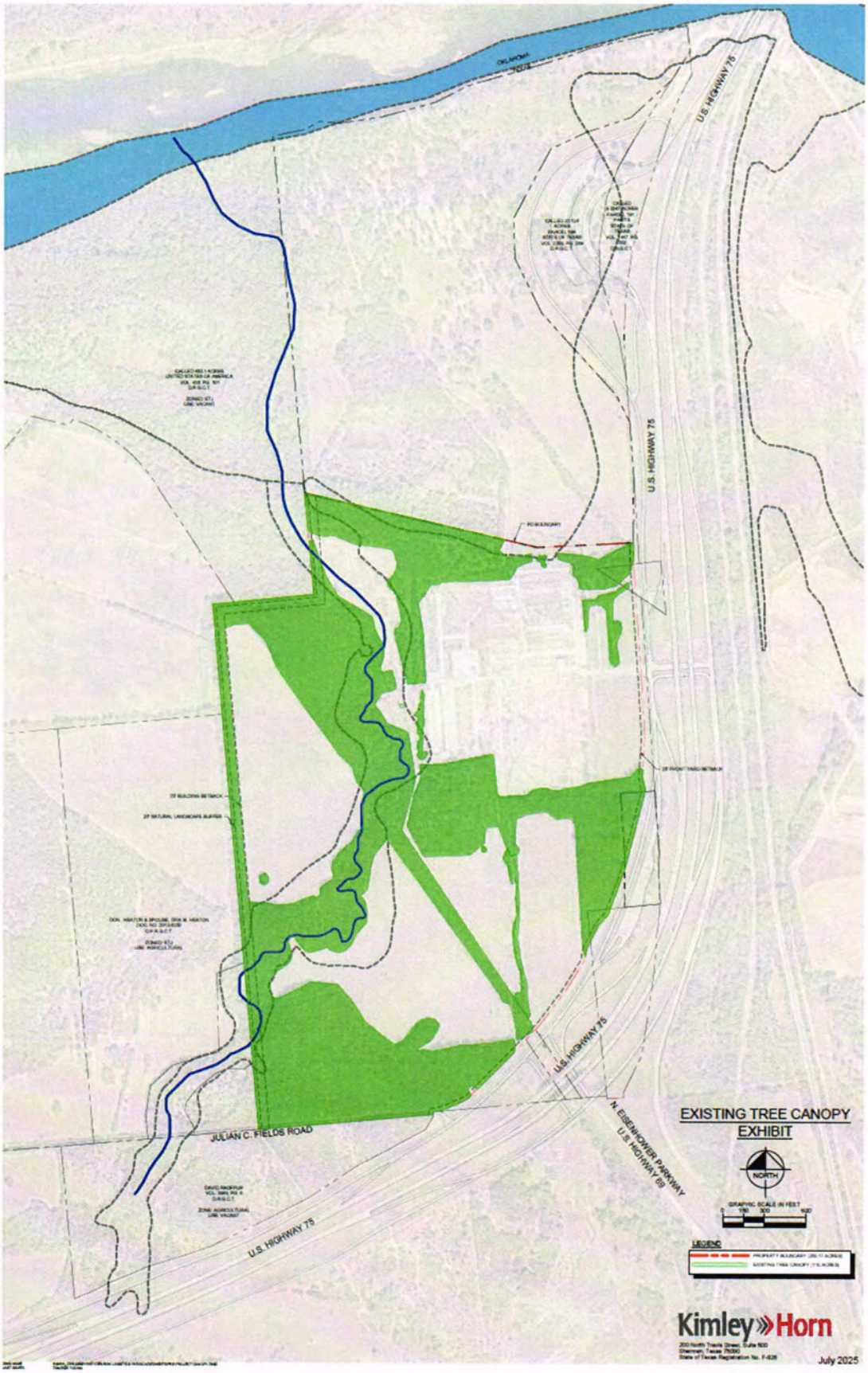



EXHIBIT D
EXISTING TREE CANOPY