

ORDINANCE NO. 5437

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 A CERTAIN 2.893-ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 1R, BLOCK 2 LOOKOUT POINT ADDITION, SECTION THREE, A REPLAT OF BLOCK TWO, SECTION TWO, LOT 1, DENISON, GRAYSON COUNTY, TEXAS, ACCORDING TO A DEED RECORDED AS NO. 2017-19435 AND CORRECTION DOCUMENT NO. 2023-5925, IN THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS, IDENTIFIED AS GCAD PROPERTY ID NO. 442332, COMMONLY REFERRED TO AS 801 NORTH HIGHWAY 75, DENISON, TEXAS, AND A CERTAIN 2.318-ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 2R, BLOCK 2, LOOKOUT POINT ADDITION, SECTION THREE, A REPLAT OF BLOCK TWO, SECTION TWO, LOT 1, DENISON, GRAYSON COUNTY, TEXAS, IDENTIFIED AS GCAD PROPERTY ID NO. 442333, COMMONLY REFERRED TO AS 821 NORTH HIGHWAY 75, DENISON, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM THEIR ZONING CLASSIFICATION OF LR—LOCAL RETAIL DISTRICT WITH HO—HIGHWAY ORIENTED AND CORRIDOR OVERLAY DISTRICT TO C—COMMERCIAL WITH HO—HIGHWAY ORIENTED AND CORRIDOR OVERLAY DISTRICT; PROVIDING THAT SUCH TRACTS 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 WITH HIGHWAY ORIENTED AND CORRIDOR OVERLAY DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY OF UP TO \$2000 PER OFFENSE; PROVIDING 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, Chhater Pati Vain and Veena Jain, Trustees of the Chhater Pati and Veena Jain Revocable Living Trust (the "Owner") own a certain 2.893-acre tract of land, legally described

as Lot 1R, Block 2, Lookout Point Addition, Section Three, a replat of Block Two, Section Two, Lot 1, Denison, Grayson County, Texas, according to a deed recorded as Document No. 2017-19435 and Correction Document No. 2023-5925, in the Real Property Records of Grayson County, Texas, identified as GCAD Property ID No. 442332, commonly referred to as 801 N. Hwy 75, Denison, Texas, and a certain 2.318-acre tract of land legally described as Lot 2R, Block 2, Lookout Point Addition, Section Three, a replat of Block Two, Section Two, Lot 1, identified as GCAD Property ID No. 442333, commonly referred to as 821 N. Hwy 75, Denison, Texas, and more particularly described and depicted in **Exhibit “A,”** which is attached and incorporated as if fully set forth herein (the “Property”), and have made an application under the provisions of the Zoning Ordinance for a zoning change on the Property from the current zoning district classification of LR—Local Retail District with HO—Highway Oriented and Corridor Overlay District to C—Commercial District with HO—Highway Oriented and Corridor Overlay 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, and found to be true.

Section 2. Findings. After due deliberation 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 Amendments. Chapter 28 of the Code of Ordinances of the City, the same being the City’s Comprehensive Zoning Ordinance, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

The zoning district classification on the Property is hereby changed from LR—Local Retail District with HO—Highway Oriented and Corridor Overlay District to C—Commercial District with HO—Highway Oriented and Corridor Overlay District. The Property shall be subject to all applicable

City ordinances and regulations governing a C—Commercial District with HO—Highway Oriented and Corridor Overlay District.

Section 4. Zoning Map. The Zoning Map of the City, adopted by Section 28.3 of the Code of Ordinances, and on file in the office of the Planning Director is hereby amended to reflect the foregoing zoning use changes herein made.

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. 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 6. 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 7. 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 8. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

Section 9. 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 Article 551.041, Texas Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ON THIS 16th DAY OF FEBRUARY 2026.

ATTEST:


CHRISTINE WALLENTINE, City Clerk


ROBERT CRAWLEY, Mayor



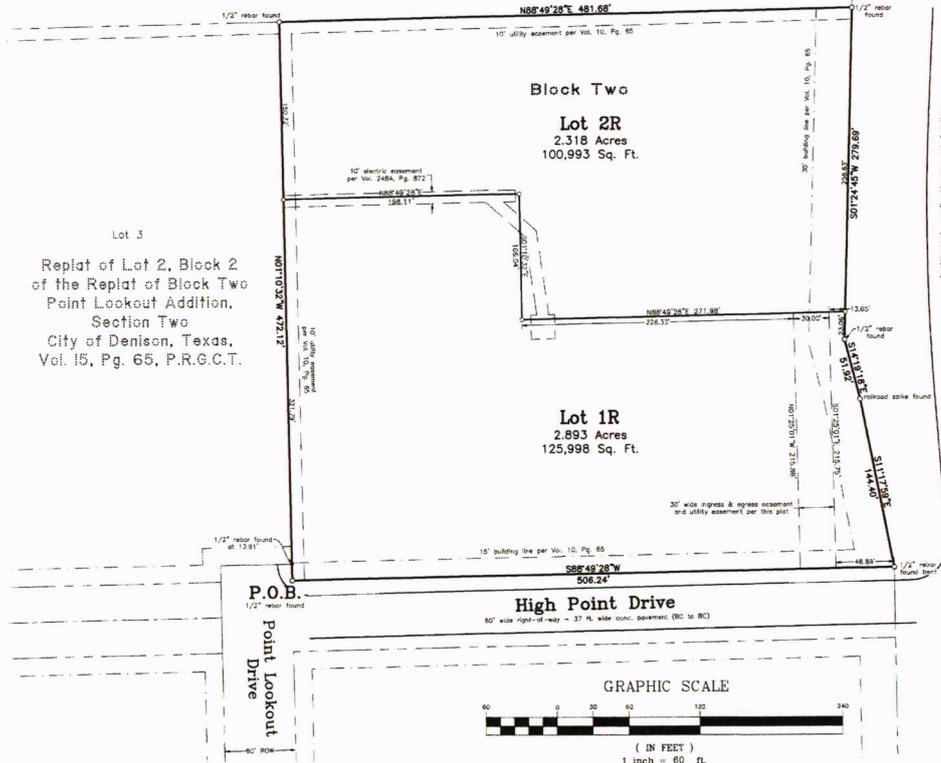
EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

BEING A CERTAIN 2.893-ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 1R, BLOCK 2, LOOKOUT POINT ADDITION, SECTION THREE, A REPLAT OF BLOCK TWO, SECTION TWO, LOT 1, DENISON, GRAYSON COUNTY, TEXAS, AND A CERTAIN 2.318-ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 2R, BLOCK 2, LOOKOUT POINT ADDITION, SECTION THREE, A REPLAT OF BLOCK TWO, SECTION TWO, LOT 1, DENISON, GRAYSON COUNTY, TEXAS.

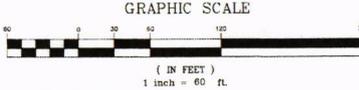
M.A. Daugherty Survey
 Abstract No. 1408
 Grayson County, Texas

Bearing Base: Grid North, NAD83 Texas State Plane
 Coordinate System, North Central Zone, as derived
 by survey-grade Global Positioning System.

Powerhouse Equity Partners LLC
 25,284 Acres
 (Tract B)
 Plat No. 2022-023797
 O.P.R.C.C.T.



U.S. Hwy No. 75



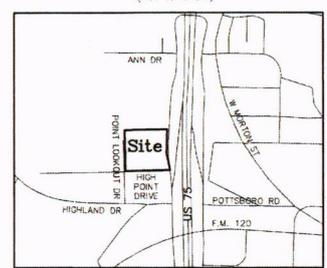
Replat
 Lots 1R and 2R, Block Two
**Point Lookout Addition,
 Section Three**
 (being a Replat of Lot 1, Block Two of
 the Replat of Block Two,
 Point Lookout Addition, Section Two)
 to the
City of Denison, Texas
5.211 Acres
226,911 Sq. Ft.
 in the
M.A. Daugherty Survey
Abstract No. 1408
 Date of Preparation: January 24, 2022

- General Notes:**
1. Water supply to be provided by City of Denison.
 2. Sewer service to be provided by City of Denison.
 3. Electrical service is provided by Oncor Electric Delivery Co.
 4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
 5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
 6. The City of Denison will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
 7. A portion of the property shown on the plat hereon lies within a Zone "A" 100-Year Flood Hazard Area Designation, as noted from the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0165 F, Revised Date: September 29, 2010.
 8. Neither the City of Denison nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
 9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.
 10. City of Denison Case No. 2022-012.
 11. Current zoning of subject property is Local Retail.

Filed for Record
 in the Official Records Of:
 Grayson County Clerk
 On: 4/17/2022 9:17:40 AM
 in the PLAT Records
POINT LOOKOUT ADDN
 Doc Number: 2022-62
 Number of Pages: 2
 Amount: 75.00
 Order#: 20220401000032
 By: MM



Vicinity Map
 (not to scale)



Job No. CGD480122
Helvey-Wagner Surveying, Inc.
 222 W. Main St., Denison, Texas 75020
 Phone (803) 453-6191
 Email: kate@helveywagnersurveying.net
 TBPLS Firm Registration No. 10088100

Owner:
Chhater Pati and Jain Veena
 Revocable Living Trust
 801 N US Hwy 75
 Denison, Texas 75020

Z:\Shared Projects\Land Projects 82\801 N Hwy 75 Denison\DWG\801 N Hwy 75.dwg Layout: Plot Plot Date: Mar 11 22 Time: 10:01 AM

FIELD NOTES

SITUATED in the City of Denison, County of Grayson, State of Texas, and being a part of the M.A. Daugherty Survey, Abstract No. 1408, and being all of Lot 1, Block Two, Replat of Block Two, Point Outlook Addition, Section Two to the City of Denison, Texas, as per plat of record in Volume 10, Page 65, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found at the intersection of the East right-of-way of Point Lookout Drive with the North right-of-way line of High Point Drive, at the Southwest corner of said Lot 1;

THENCE North 01 deg. 10 min. 32 sec. West, with the West line of said Lot 1, passing a 1/2 inch rebar found at 13.91 ft. at the most Eastern Southeast corner of Lot 3, Replat of Lot 2, Block 2 of the Replat of Block Two, Point Lookout Addition, Section Two to the City of Denison, Texas as per plat of record in Volume 15, Page 65, said Plat Records and continuing on with the East line of said Lot 3 for a **TOTAL** distance of 472.12 ft. to a 1/2 inch rebar found for the Northwest corner of said Lot 1 and the Northeast corner of said Lot 3, in the South line of a called 23.041 acre tract of land (Tract Five) conveyed to Powerhouse Equity Partners LLC as recorded in Instrument No. 2021-23797, said Official Public Records;

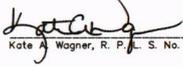
THENCE North 88 deg. 49 min. 28 sec. East, with the North line of said Lot 1 and the South line of said Powerhouse Equity Partners 23.041 ac., a distance of 481.68 ft., to a 1/2 inch rebar found for the Northeast corner of said Lot 1 and the Southeast corner of said Powerhouse Equity Partners 23.041 ac., in the West Right-of-Way line of U.S. Highway No. 75;

THENCE Southerly, with the East line of said Lot 1, the West line of said U.S. Highway No. 75, the following calls and distances:

1. South 01 deg. 24 min. 45 sec. West, a distance of 279.69 ft. to a 1/2 inch rebar found for an angle break;
2. South 14 deg. 19 min. 18 sec. East, a distance of 51.92 ft. to a railroad spike found for an angle break of the herein described tract;
- South 11 deg. 17 min. 59 sec. East, a distance of 144.40 ft. to a 1/2 inch rebar found bent for the Southeast corner of said Lot 1, at the intersection of the West line of said U.S. Highway No. 75 with the North line of said High Point Drive;

THENCE South 88 deg. 49 min. 28 sec. West, with the North Right-of-Way line of said High Point Drive and the South line of said Lot 1, a distance of 506.24 ft. to the **PLACE OF BEGINNING** and containing **5.211 ACRES** and/or **226,991 SQUARE FEET** of land.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Denison, Texas.

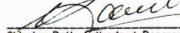

 Kate A. Wagner, R. P. L. S. No. 6578 3/14/2022 Date:

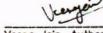


**STATE OF TEXAS
 COUNTY OF GRAYSON**

I, the undersigned Owner of the land shown hereon, and legally described herein above, and designated herein as the Point Lookout Addition, Section Three to the City of Denison, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in the Point Lookout Addition to the City of Denison, Texas have been notified and signed this plat.

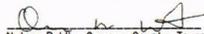
I further acknowledge that the dedications and/or exactions made herein are proportional to the impact of the subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I, my successors and assigns hereby waive any claim, damage, or cause of action that I may have as a result of the dedication of exactions made herein.


 Chhater Pati, Authorized Representative for
 Chhater Pati and Veena Jain Revocable Living Trust


 Veena Jain, Authorized Representative for
 Chhater Pati and Veena Jain Revocable Living Trust

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Chhater Pati, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 16th day of March, 2022.

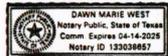

 Notary Public, Grayson County, Texas



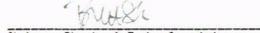
Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Veena Jain, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 16th day of March, 2022.


 Notary Public, Grayson County, Texas



Approved this 30 day of March, 2022, by the Planning & Zoning Commission of the City of Denison, Texas.


 Chairman, Planning & Zoning Commission

Replat
 Lots 1R and 2R, Block Two
**Point Lookout Addition,
 Section Three**
 (being a Replat of Lot 1, Block Two of the Replat of
 Block Two,
 Point Lookout Addition, Section Two)
 to the
City of Denison, Texas
1.851 Acres
 in the
**M.A. Daugherty Survey
 Abstract No. 1408**
 Date of Preparation: January 24, 2022

Filed for Record
 in the Official Records Of:
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 On: 4/17/2022 9:17:40 AM
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 POINT LOOKOUT ADDN
 Doc Number: 2022-62
 Number of Pages: 2
 Amount: 75.00
 Order#: 2022040100032
 By: MM



Helvey-Wagner Surveying, Inc.
 222 W. Main St., Denison, Texas 75020
 Phone (903) 463-6191
 Email: kate@helvewagnersurveying.net
 TBPELS Firm Registration No. 10088100

Z:\Shared Projects\Land Projects R2\801 N Hwy 75 Denison\DWG\801 N Hwy 75.dwg Layout: Plat Plat Date Mar 11 22 Time: 10:01 AM