

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

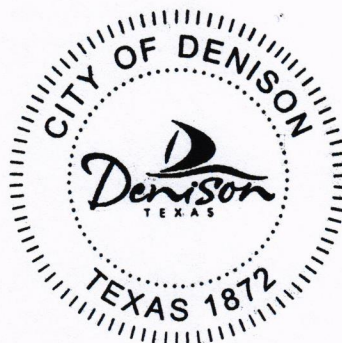


EXHIBIT A
PROPERTY LEGAL DESCRIPTION AND DEPICTION

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.

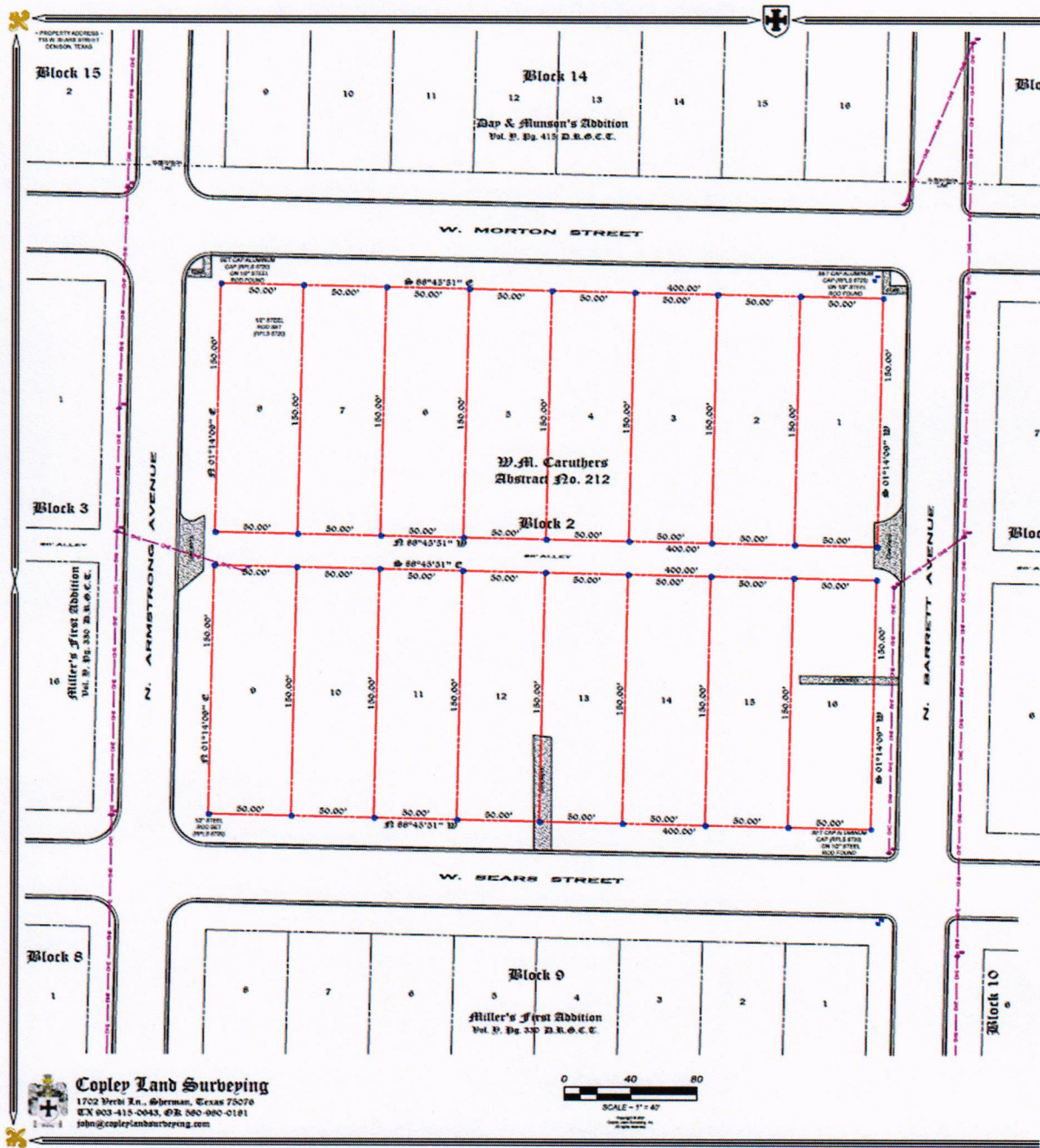


EXHIBIT B
DEVELOPMENT STANDARDS
THE VILLAGE AT DENISON
PLANNED DEVELOPMENT DISTRICT
STATEMENT OF INTENT AND PURPOSE

This zoning submittal encompasses approximately 2.94 total acres of land currently located within the City of Denison. The uses proposed for the Property will provide the ability to accommodate and encourage the development of a variety of uses including local retail and multi-family. It is the intent of this planned development document (PD) 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. Additionally, the City's Zoning Ordinance incorporates building materials that are differentially applicable to residential structures and non-residential buildings, and it is the City's policy in creating a planned development district to incorporate and enhance to the fullest extent possible the design and building materials standards, which embody architecturally, and in some contexts, culturally significant features of continuing duration.

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 document 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 Village at Denison is a midrise, multifamily development on a proposed 2.94 acres. The development proposes allowing for approximately 200 residential units.

2.0 PROJECT LOCATION

The Village at Denison is located between North Armstrong Avenue and North Barrett Avenue and north of West Sears Street.

3.0 CONCEPT PLAN

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 property.

4.0 LR -LOCAL RETAIL DISTRICT

- A. Permitted uses: Those uses listed for the LR District in section 28.49 as "P" or "C" are authorized uses permitted by right or conditionally permitted uses (i.e. SUP), respectively. Conditional uses must be approved utilizing procedures set forth in section 28.11
- B. Local Retail zoning location: The Local Retail zoning will be located on the first floor of the multistory building in the locations shown on the Concept Plan.
- C. 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.
- D. Permanent open storage is prohibited.
- E. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
- F. Parking will be provided for the retail only with a minimum of 26 parking spaces along N. Barrett Avenue. Spaces shall be head in parking spaces with a minimum width of 9 feet and a minimum depth of 18 feet.
- G. No designated loading or unloading zones are required.

5.0 MF-2 - MULTI-FAMILY RESIDENTIAL DISTRICT

- A. All requirements of the MF-2 Zoning ordinance shall apply to this PD except as listed below:
- B. General purpose and description:
 - a. This development is intended to be developed as a medium rise multifamily site. The maximum density is 71 units per acre. A site plan would be required for development within this district.
- C. Height regulations:
 - a. The maximum height for the main building is 4-stories or 56 feet.
 - b. Maximum height for accessory buildings is 4-stories or 50 feet (detached parking garage).
- D. Area regulations:
 - a. Size of lot: The minimum project size shall be acres (2) acres.
- E. Size of yards:
 - a. Minimum front yard (Sears Street) is 10 feet.
 - b. The minimum yards (Armstrong Ave. and Barrett Ave.) is 10 feet on each side.
 - c. Minimum Rear Yard (Morton Street) is 0 feet.
 - d. All additional rear yard requirements listed in 28.30.4 B (3) are N/A.
 - e. All building separation requirements listed in 28.30.4 B (4) are N/A
- F. Maximum lot coverage:
 - a. Maximum lot coverage is 80%.
- G. Parking regulations:
 - a. Parking spaces clearances noted in 28.30.4 E (1) are not applicable to garage parking.
 - b. Screening of parking adjacent to public streets is not applicable.
 - c. The minimum dedicated tenant use parking is 1.5 spaces per unit with additional streetside parking for visitors to comply with the total minimum amount

required by section 28.50.

H. Special Requirements:

- a. Except as provided in 28.30.5 (B-S), or noted below, 8% minimum open space shall be provided.
- b. Maximum density is 71 units per acre.
- c. Minimum of 15% of the total lot area shall be devoted to a combination of landscaping (pervious surface area) and usable open space.
- d. Refuse facilities: A single refuse facility will serve all units on the site. A compactor shall be provided at grade level for safe and convenient pickup by refuse collection agencies and shall be screened from public view along property line.
- e. If fence or screening is provided it shall be in accordance with section 28.53.
- f. The playground area referenced in 28.31.5 (G) is not required.
- g. All points on the exterior façade shall be within 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 6 feet wide to accommodate a 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 not applicable unless specifically addressed above.

