



**CITY OF DENISON  
PLANNING AND ZONING COMMISSION MEETING  
AGENDA**

**Tuesday, April 23, 2024**

After determining that a quorum is present, the Planning and Zoning Commission of the City of Denison, Texas will convene in a Regular Meeting on **Tuesday, April 23, 2024, at 10:00 AM** in the Council Chambers at City Hall, 300 W. Main Street, Denison, Texas at which the following items will be considered:

**1. CALL TO ORDER**

**2. PUBLIC COMMENT**

Citizens may speak on items listed on the Agenda. A “Request to Speak Card” should be completed and returned to the City Clerk prior to the Commission reaching the Public Comment section of the agenda. Citizen comments are limited to three (3) minutes, unless otherwise required by law. Comments related to Public Hearings listed below will be heard when the specific hearing is called.

**3. CONSENT AGENDA**

A. Receive a report, hold a discussion, and take action on approving the Minutes from the Planning and Zoning Commission Meeting held on April 9, 2024.

B. Receive a report, hold a discussion, and take action on a Preliminary Plat for the Saddle Creek Addition, Phase 3. (Case No. 2024-026PP).

**4. PUBLIC HEARINGS**

A. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for a Conditional Use Permit for property commonly known as 202 W. Main Street, GCAD Property ID No. 143148 for the operation of a bar for Black Sheep Cigar Lounge. (Case No. 2024-019CUP).

B. Receive a report, hold a discussion, conduct a public hearing, and take action on Vexus Fiber Addition, an addition to the City of Denison, being a Replat of Lots 2-5 and part of Lots 1, 6, 7, 8, 11, 12, 13, 14, and 15, Block 34 of the Fairmount Addition. (Case No. 2024-032RP).

**5. STAFF UPDATES**

**6. ADJOURNMENT**

CERTIFICATION

I do hereby certify that a copy of this Notice of Meeting was posted on the front windows of City Hall readily accessible to the general public at all times and posted on the City of Denison website on the 17<sup>th</sup> day of April 2024.

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Karen L. Avery, Deputy City Clerk

In compliance with the Americans With Disabilities Act, the City of Denison will provide for reasonable accommodations for persons attending Planning and Zoning Commission Meeting. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at 903-465-2720, Ext: 2437.



**CITY OF DENISON  
PLANNING AND ZONING COMMISSION MEETING  
MINUTES**

**Tuesday, April 9, 2024**

**1. CALL TO ORDER**

Announced the presence of a quorum.

Chair Charlie Shearer called the meeting to order at 10:00 a.m. Commissioners present were Vice Chair Robert Sylvester, Commissioners Angela Harwell and Ernie Pickens and Alternate Commissioner Mike Zapata. Commissioner Linda Anderson was absent.

Staff present were Mary Tate, Director of Development, Dianne York, Planner; Felecia Winfrey, Development Coordinator; and Karen Avery, Deputy City Clerk.

The Invocation was delivered by Chair Shearer, followed by the Pledge of Allegiance led by Vice Chair Sylvester.

**2. PUBLIC COMMENT**

No comment cards were returned to the Deputy City Clerk. Therefore, public comments were not received.

**3. CONSENT AGENDA**

- A. Receive a report, hold a discussion, and take action on approving the Minutes from the Planning and Zoning Commission Meeting held on March 26, 2024.
- B. Receive a report, hold a discussion, and take action on a Preliminary Plat for The Colony at Parkway Bend. (Case No. 2024-024PP).

Commissioner Zapata noted that there is a misspelling of the word “Denison” on Page 4 of the Minutes (last paragraph – second line), to which Deputy City Clerk Avery stated that she would correct and have Chair Shearer sign the corrected original.

On motion by Commissioner Harwell, seconded by Commissioner Pickens, the Planning and Zoning Commission unanimously approved the Consent Agenda, with the noted correction to the Minutes.

#### 4. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of Lots 10 & 11, Block 9 of the Hill Park Addition creating Lots 10R and 11R, Block 9 of the Hill Park Addition. (Case No. 2024-020RP).

##### Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that the subject property is located at the corner of Brookside Drive and Cole Drive with Woodlawn Boulevard to the west. She stated that the property is zoned SF-7.5, Single Family Residential. The Applicant is seeking approval of the proposed Replat for property that has been developed in a residential manner. Ms. York stated that at the time of construction, the dwelling was constructed over the lot line separating Lot 10 and lot 11. To remedy this encroachment and prepare Lot 10 for development, Applicant is seeking a Replat to adjust the lot line. The proposed Replat will allow the existing single-family home to exist solely on the proposed Lot 11R and meet required setbacks. Ms. York stated that Lot 10R will be open for development and relieved of any encroachments from the existing single-family home. Staff recommended approval of the Replat as submitted. Ms. York noted that the Applicant was not present to speak to the matter. Vice Chair Sylvester expressed his concerns regarding drainage issues, to which Ms. York stated that the Applicant will have to follow all the requirements through the permitting process to prevent lot to lot drainage.

Chair Shearer asked if there was anyone present who wished to speak on this agenda item, to which there was none. With that, the Public Hearing was closed.

On motion by Commissioner Pickens, seconded by Vice Chair Sylvester, the Planning and Zoning Commission approved a Replat of Lots 10 and 11, Block 9 of the Hill Park Addition creating Lots 10R and 11R, Block 9 of the Hill Park Addition.

#### 5. STAFF UPDATES

Planner York provided updates to the Commission regarding the zoning cases presented to City Council at their April 1, 2024, Meeting. The following cases were approved by City Council:

- Ordinance to rezone a ± 3,114.1-acre tract of land more commonly known as being located at the northwest corner of SH 84 and FM 406, from the Agricultural (A) District to a Planned Development Overlay District established as a freestanding Planned Development to allow for a mixed-use development.
- Ordinance to rezone approximately .1148 of an acre tract legally described as Lot 8, Block 1 of the J.P. Dumas Addition, commonly known as 301 E. Shepherd Street, GCAD Property ID No. 146205, from the Local Retail (LR) District to the Single-Family (SF5) Residential District to allow for residential use.

**6. ADJOURNMENT**

There being no further business to come before the Commission, the meeting was adjourned at 10:06 a.m.

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CHARLIE SHEARER, Chairman

ATTEST:

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Karen L. Avery, Deputy City Clerk

# Planning and Zoning Commission Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion, and take action on a Preliminary Plat for the Saddle Creek Addition, Phase 3. (Case No. 2024-026PP).

## Staff Contact

Dianne York, Planner  
dyork@cityofdenison.com  
903-465-2720

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## Summary

- The applicant is requesting approval of a Preliminary Plat for a proposed development consisting of approximately 15.675 acres.
- The property is located on the east side of Loy Lake Road at the Seymore Bradley Road intersection.
- The property is a part of the Gateway Village Planned Development.
- Upon approval of the Preliminary Plat, the applicant will submit an application for Final Plat and Civil Engineering Plans.

## Recommended Motion

Staff recommends conditionally approving the proposed Preliminary Plat pending Civil Engineering Plan and Final Plat approval.

## Recommended Motion

"I move to conditionally approve the proposed Preliminary Plat pending Civil Engineering Plan and Final Plat approval."

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## Background Information and Analysis

The applicant is seeking conditional approval of a Preliminary Plat for the Saddle Creek Addition, Phase 3. The subject property is located on the east side of Loy Lake Road at the Seymore Bradley Road intersection. Saddle Creek is located within the Gateway Village Planned Development. Approval of the proposed plat will allow the developer to move forward with submitting a Final Plat application and Civil Engineering Plans.

The proposed plat depicts twenty-one (21) single family lots and one (1) open space lot. Phase 3 is connected to Loy Lake Road via the connection of two existing streets, Pecan Ridge and Acorn Trail, which were constructed during Phase 1. Water and sewer are available to the property and the lots depicted on the face of the plat meet the development standards listed within the Gateway Village Planned Development Ordinance.

The developer is responsible for construction of all future infrastructure as well as any detention or drainage facilities required to accommodate the proposed development. Additionally, any required improvements to existing infrastructure will be the sole responsibility of the developer.

Impact fees have been assessed and will be assessed again at the time of Final Plat Submittal.

**Financial Considerations**

N/A

**Prior Board or Council Action**

The City Council approved Ordinance No. 4786 to allow for the zoning of a Planned Development Overlay District.

**Alternatives**

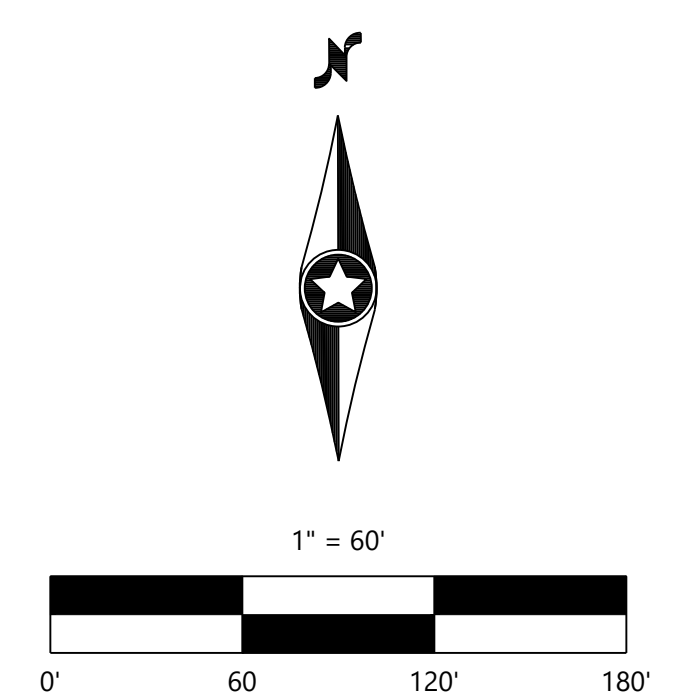
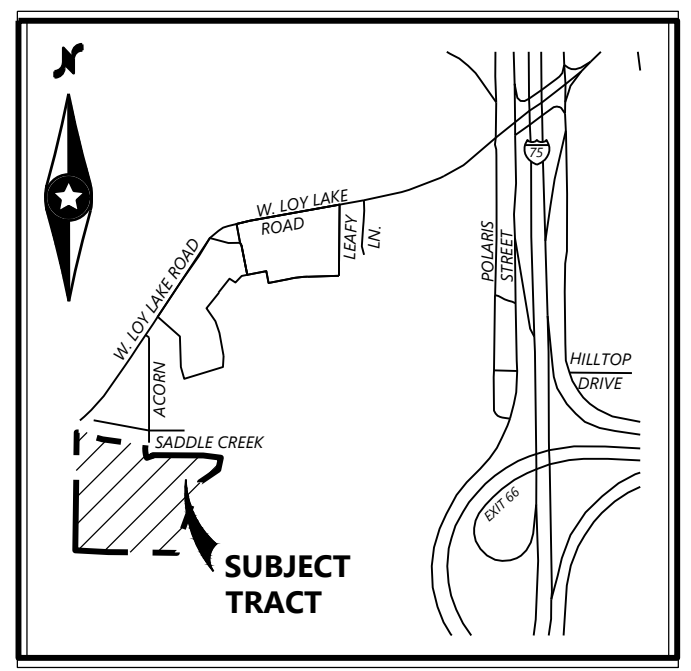
The Planning and Zoning Commission may deny or approve the plat with conditions.

**Aerial of Subject Property**



SEE DETAIL "A" FOR R.O.W. INTERSECTION

VICINITY MAP (NOT TO SCALE)



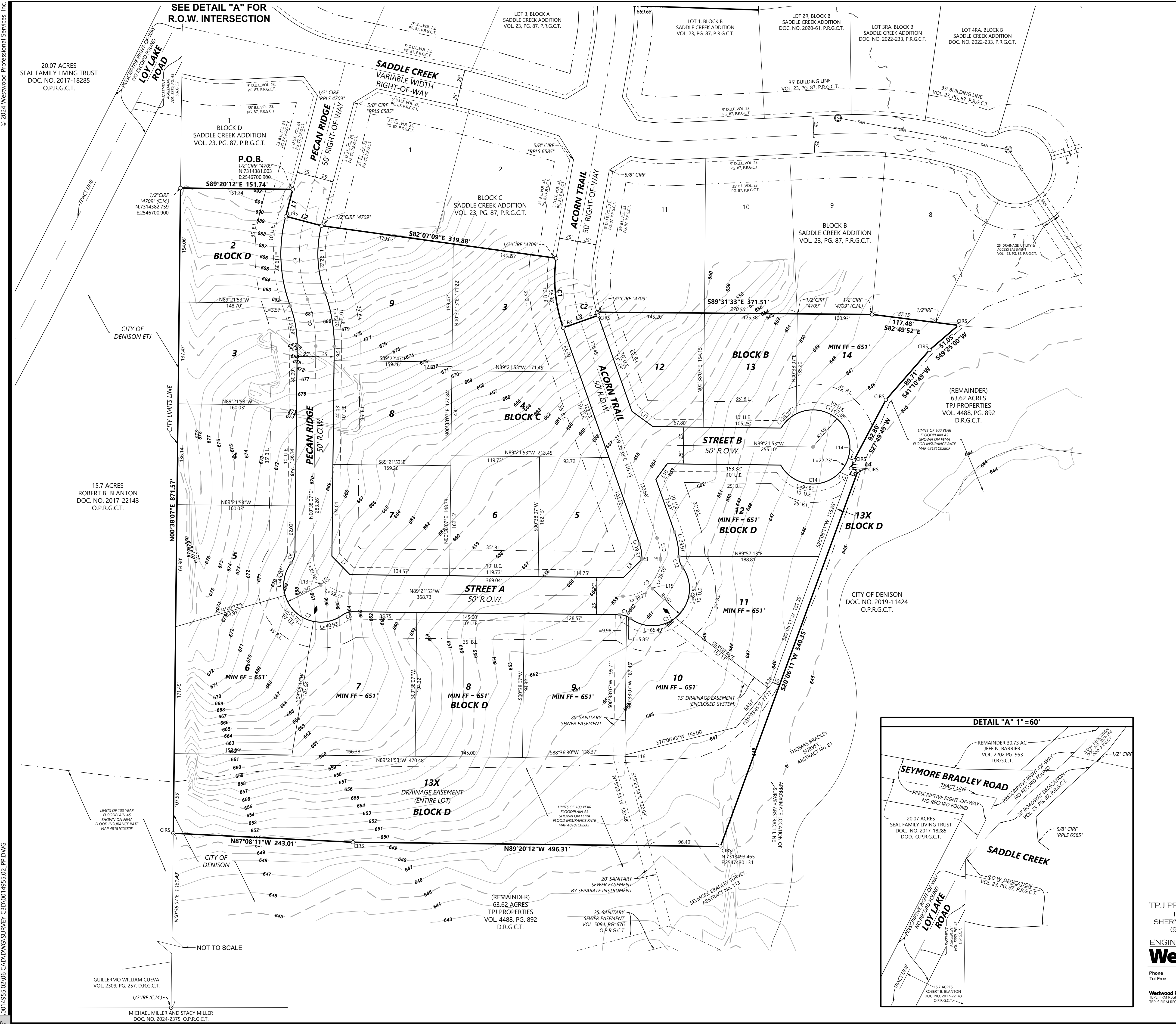
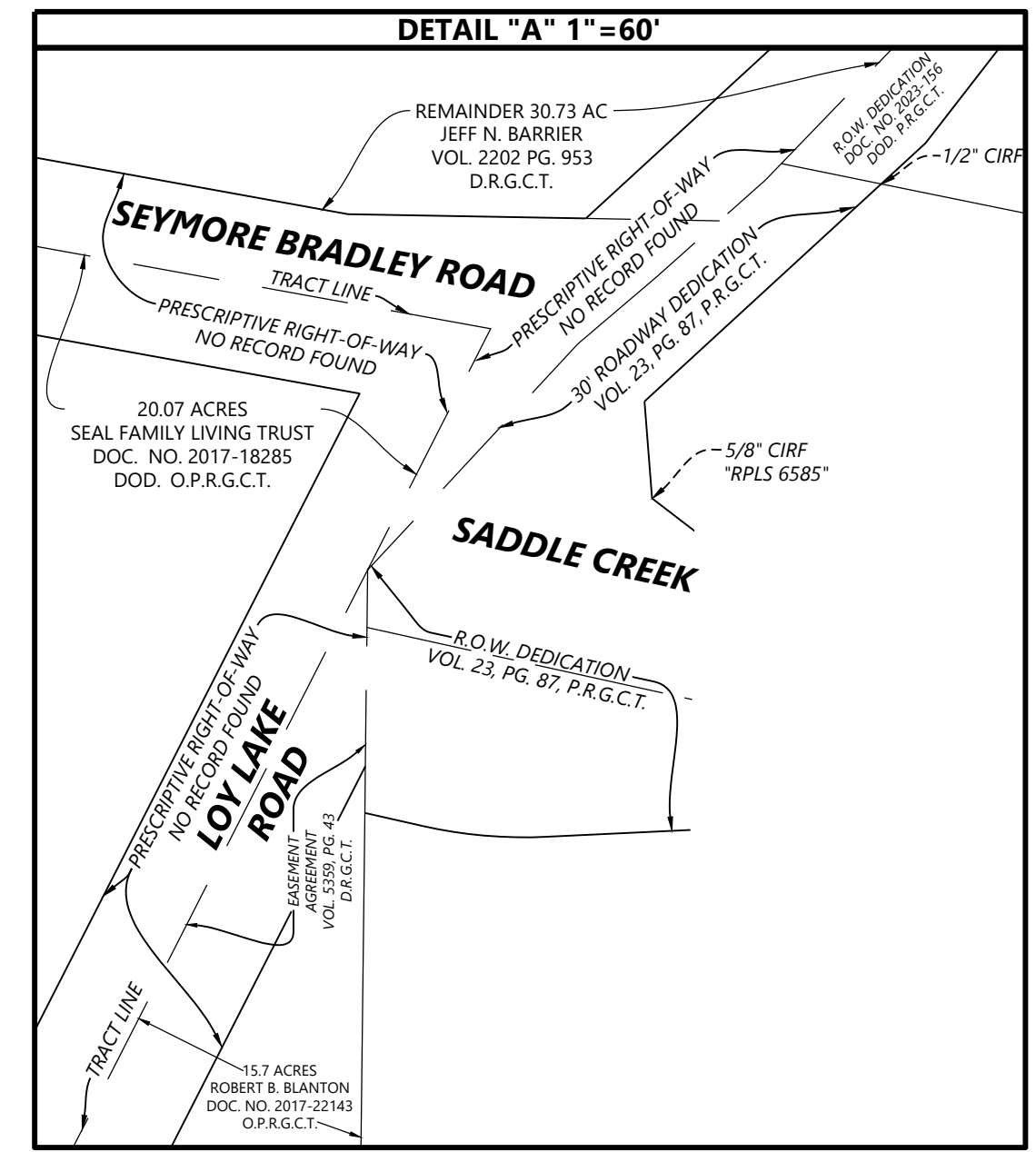
LEGEND table defining symbols for Building Line, U.E., D.U.E., Vol./Pg., R.O.W., B.T.P., P.R.G.C.T., D.R.G.C.T., CIRS, (C.M.), P.O.B., Street Name Change, Point of Curvature, Capped Iron Rod Found, Drainage Easement, Document Number, Water Surface Elevation, and Minimum Finish Floor.

Line Table with columns: Line #, Length, Direction. Lists lines L1 through L16.

Curve Table with columns: Curve #, Length, Radius, Delta, Chord Bearing, Chord Length. Lists curves C1 through C14.

Lot Table with columns: Lot #, SF, Acre. Lists lots for Block B and Block D.

Lot Table with columns: Lot #, SF, Acre. Lists lots for Block D.



OWNER: TPJ PROPERTIES, LTD. P.O. BOX 670, SHERMAN, TEXAS 75091 (903) 893-8500. ENGINEER / SURVEYOR: Westwood. PRELIMINARY PLAT LOTS 12-14, BLOCK B; LOTS 3-9, BLOCK C; AND LOTS 2-12, 13X, BLOCK D; SADDLE CREEK ADDITION, PHASE 3 21 RESIDENTIAL LOTS / 1 COMMON AREA 15.675 ACRES. OUT OF THE SEYMORE BRADLEY SURVEY, ABSTRACT NO. 113 & THOMAS BRADLEY SURVEY, ABSTRACT NO. 81 IN THE CITY OF DENISON, GRAYSON COUNTY, TEXAS 15.675 ACRES APRIL 15, 2024 Job No. 0014955.02 SADDLE CREEK ADDITION, PH. 3



LEGAL DESCRIPTION

BEING a 15.675 acre tract of land situated in the City of Denison, Grayson County, Texas, and being a part of the Seymore Bradley Survey, Abstract No. 113 and the Thomas Bradley Survey, Abstract No. 81, Grayson County, Texas, and being a part of the 63.62 acre tract of land conveyed to TPJ Properties, Ltd., by deed of record in Volume 4488, Page 892, Official Public Records of Grayson County, Texas; said 15.675 acre tract being more particularly described as follows:

BEGINNING at a 1/2" capped iron rod "RPLS 4709" found for corner in the westerly right-of-way line of Pecan Ridge, a 50-foot right-of-way, at the southeast corner of Lot 1, Block D, Saddle Creek Addition, an addition to the City of Denison, Grayson County, Texas, according to the plat thereof recorded in Volume 23, Page 87, of the Plat Records of Grayson County, Texas;

THENCE South 14 degrees 44 minutes 41 seconds West, along the said westerly line of Pecan Ridge, a distance of 37.65 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at the west corner of the southerly terminus of said Pecan Ridge;

THENCE South 75 degrees 15 minutes 19 seconds East, departing the said westerly line of Pecan Ridge, along the said southerly terminus of Pecan Ridge, a distance of 50.00 feet to a 1/2" capped iron rod "RPLS 4709" found at the east corner of said southerly terminus Pecan Ridge, at the southwest corner of Lot 1, Block C, of said Saddle Creek Addition;

THENCE South 82 degrees 07 minutes 09 seconds East, departing the said southerly terminus of Pecan Ridge, along the southerly line of said Block C, Saddle Creek Addition, a distance of 319.88 feet to a 1/2" capped iron rod "RPLS 4709" found for corner in the westerly right-of-way line of Acorn Trail, a 50-foot right-of-way, at the southeast corner of Lot 2, Block C, of said Saddle Creek Addition; said point being in a non-tangent curve to the left;

THENCE departing the said southerly line of Block C, Saddle Creek Addition, in a southerly direction along said westerly line of Acorn Trail and along said non-tangent curve to the left having a central angle of 27 degrees 19 minutes 29 seconds, a radius of 200.00 feet, and an arc length of 95.38 feet (chord bears South 05 degrees 46 minutes 54 seconds East, 94.48 feet) to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at the westerly corner of the southerly terminus of said Acorn Trail;

THENCE North 70 degrees 33 minutes 22 seconds East, departing the said westerly line of Acorn Trail, along the said southerly terminus of Acorn Trail, a distance of 50.00 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner at the east corner of the said southerly terminus of Acorn Trail; said point being at the beginning of a non-tangent curve to the right;

THENCE in a northerly direction, departing the said southerly terminus of Acorn Trail, along the easterly line of said Acorn Trail, along said non-tangent curve to the right having a central angle of 01 degrees 46 minutes 57 seconds, a radius of 150.00 feet, and an arc length of 4.67 feet (chord bears North 18 degrees 33 minutes 10 seconds West, 4.67 feet) to a 1/2" capped iron rod "RPLS 4709" found at the southwest corner of Lot 11, Block B, of said Saddle Creek Addition;

THENCE South 89 degrees 31 minutes 33 seconds East, departing the said easterly line of Acorn Trail, along the south line of said Block B, Saddle Creek Addition, at a distance of 270.50 feet passing a 1/2" capped iron rod "RPLS 4709" found at the southeast corner of Lot 10 and the southwest corner of Lot 9, Block B, of said Saddle Creek Addition, continuing along the said south line of Block B, Saddle Creek Addition, in all a total distance of 371.51 feet to a 1/2" capped iron rod "RPLS 4709" found at the southeast corner of said Lot 9 and the southwest corner of Lot 8, Block B, of said Saddle Creek Addition;

THENCE South 82 degrees 49 minutes 52 seconds East, continuing along the said south line of Block B, Saddle Creek Addition, at a distance of 87.15 feet passing a 1/2" iron rod found at the southeast corner of said Lot 8 and the southwest corner of Lot 7, Block B, of said Saddle Creek Addition, continuing along the south line of said Lot 7, Block B, Saddle Creek Addition, in all a total distance of 117.48 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner;

THENCE departing the said south line of Lot 7, Block B, Saddle Creek Addition, over and across said 63.62 acre tract, the following courses and distances:

South 49 degrees 25 minutes 00 seconds West, a distance of 51.05 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at an angle point;

South 41 degrees 10 minutes 49 seconds West, a distance of 89.71 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at an angle point;

South 27 degrees 49 minutes 49 seconds West, a distance of 92.80 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at an angle point;

South 20 degrees 06 minutes 11 seconds West, a distance of 10.99 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at an ell' corner;

South 69 degrees 53 minutes 49 seconds East, a distance of 10.00 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner;

South 20 degrees 06 minutes 11 seconds West, a distance of 540.35 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner;

North 89 degrees 20 minutes 12 seconds West, a distance of 496.31 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at an angle point;

North 87 degrees 08 minutes 11 seconds West, a distance of 243.01 feet to a 1/2" inch iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner in the common line between said 63.62 acre tract and a 15.7 acre tract of land conveyed to Robert B. Blanton, recorded in Document No. 2017-22143, of said Official Public Records; said point being North 00 degrees 30 minutes 07 seconds East, a distance of 1,161.49 feet from a 1/2" iron rod found at the southwest corner of said 63.62 acre tract and the southeast corner of a tract of land conveyed to Guillermo William Cueva, by deed of record in Volume 2309, Page 257, of the Deed Records of Grayson County, Texas;

THENCE North 00 degrees 38 minutes 07 seconds East, along the said common line between the 63.62 acre tract and the 15.7 acre tract, a distance of 871.57 feet to a 1/2" capped iron rod "RPLS 4709" found at the southwest corner of said Lot 1, Block D, Saddle Creek Addition;

THENCE South 89 degrees 20 minutes 12 seconds East, departing the said common line between the 63.62 acre tract and the 15.7 acre tract, along the south line of said Lot 1, Block D, Saddle Creek Addition, a distance of 151.74 feet to the POINT-OF-BEGINNING, containing 682,809 square feet or 15.675 acres of land.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

I, Jason B. Armstrong, Registered Public Surveyor, hereby certify that I have Jason B. Armstrong prepared this plat from an actual on-the-ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Denison, Texas.

(Professional Seal and Date)

Jason B. Armstrong
Registered Professional Land Surveyor No. 5557

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Jason B. Armstrong, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he executes the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas

Commission Expires: \_\_\_\_\_

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF GRAYSON

We TPJ Properties, Ltd. the undersigned owner of the land shown on this plat and designated herein as the SADDLE CREEK ADDITION PHASE 3, subdivision to the City of Denison, Texas, and whose name is subscribed hereto, hereby dedicated 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. We TPJ Properties, Ltd. further certify that all other parties who have a mortgage or lien interest in the SADDLE CREEK ADDITION PHASE 3 subdivision have been notified and signed this plat.

We TPJ Properties Ltd. 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, we TPJ Properties, Ltd. our successors and assigns hereby waive any claim, damage, or cause of action that we TPJ Properties, Ltd. may have as a result of the dedication of exactions made herein.

TPJ Properties, Ltd.
By: Tom Johnson

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared TOM JOHNSON, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he executes the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for the State of Texas

Commission Expires: \_\_\_\_\_

GENERAL NOTES

- 1. Blocking the flow of water or construction of improvements in drainage easements, and filling or construction of the floodway is prohibited.
2. The existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained to the City of Denison accepted as built condition by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
3. City of Denison will not be responsible for the maintenance and operation of said drainage ways or the control of erosion.
4. City of Denison will not be responsible for any damage, personal injury of loss of life or property occasioned by flooding or flooding conditions.
5. The developer/property owner agrees to comply with any state or federal regulations relating to subdivisions of this type.
6. Selling off a portion of this addition by metes and bounds description, without a replat being approved by the City of Denison, is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
7. Visibility Note. Intersection visibility triangles shall be shown and maintained in accordance with the Subdivision Regulations.
8. Zoning is Planned Development - Single Family under Ordinance 4786.
9. The bearings shown hereon are measured from actual field survey correlated from the City of Denison Geodetic Control Network Monuments, NAD83 Texas North Central Zone (4202), NAVD 1988.
10. Lot 13X, Block D, shall be dedicated as drainage and open space easements, and shall be maintained by the Home Owner's Association.
11. Subject property lies within Zone X-500 and Zone A-E areas of Base Flood Elevation determination by Community Panel No. 48185C 0280F, dated June 02, 2009. All proposed residential lots are outside of the FEMA flood hazard Zone A-E. Lots adjacent to FEMA 100 year flood plain, minimum finish floor set to be higher than existing 100 year water surface elevation per existing FEMA Firmette.
12. City of Denison will not be responsible for the maintenance and operation of detention areas or open spaces.
13. Case No. 2024-026PP
14. Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building permits.
15. Subdivider's statement. A preliminary-final plat application shall be accompanied by a written statement, signed by the subdivider stating the developer will comply with all the city requirements in the proposed subdivision and all such proposals shall conform to or exceed the standards for such improvements prescribed by the city.

CITY APPROVAL

Approved for preparation of Final Plat SADDLE CREEK ADDITION PHASE 3

Approved this \_\_\_ day of \_\_\_\_\_ by the Planning & Zoning Commission of the City of Denison, Texas:

Chairman: \_\_\_\_\_ Secretary: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

UTILITY CERTIFICATE

This plat correctly presents the required easements for this development.

Atmos Gas Name/Title

Oncor Electric Delivery Name/Title

City of Denison (Water/Sewer) Name/Title

OWNER
TPJ PROPERTIES, LTD.
P.O. BOX 670
SHERMAN, TEXAS 75091
(903) 893-8500

ENGINEER / SURVEYOR

Westwood

Phone (214) 473-4640 2901 Dallas Parkway, Suite 400
TollFree (888) 937-5150 Plano, TX 75093
westwoodps.com

Westwood Professional Services, Inc.
TPE FIRM REGISTRATION NO. F-11752
TPELS FIRM REGISTRATION NO. F-10074301

PRELIMINARY PLAT
LOTS 12-14, BLOCK B;
LOTS 3-9, BLOCK C; AND
LOTS 2-12, 13X, BLOCK D;
SADDLE CREEK ADDITION, PHASE 3
21 RESIDENTIAL LOTS / 1 COMMON AREA
15.675 ACRES

OUT OF THE
SEYMORE BRADLEY SURVEY, ABSTRACT NO. 113
& THOMAS BRADLEY SURVEY, ABSTRACT NO. 81

IN THE
CITY OF DENISON, GRAYSON COUNTY, TEXAS

15.675 ACRES APRIL 15, 2024 JOB No. 0014955.02 SADDLE CREEK ADDITION, PH. 3

# Planning and Zoning Commission Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for a Conditional Use Permit for property commonly known as 202 W. Main Street, GCAD Property ID No. 143148 for the operation of a bar for Black Sheep Cigar Lounge. (Case No. 2024-019CUP).

## Staff Contact

Dianne York, Planner  
dyork@cityofdenison.com  
903-465-2720

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## Summary

- The applicant is requesting a Conditional Use Permit (CUP) in order to operate a Bar for property located at 202 W. Main Street.
- Property is zoned Central Area (CA) and falls within the Commercial Historic Overlay District (CH).

## Staff Recommendation

Staff recommends approval of the Conditional Use Permit.

## Recommended Motion

"I move to recommend approval of a Conditional Use Permit to allow for the operation of a Bar for Black Sheep Cigar Lounge."

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## Background Information and Analysis

The applicant, Fajerson Consulting, LLC, is seeking approval of a Conditional Use Permit (CUP) to allow for the use of Bar for property located at 202 W. Main Street to operate a cigar lounge, Black Sheep Cigar Lounge.

Per the Project Narrative, Black Sheep Cigar Lounge will offer a space for the enjoyment of both refined cigars and luxurious cocktails. The applicant will initiate a complete internal remodel of the space to include but not limited to subflooring and flooring, painting of the walls and ceiling and adding spaces such as bathrooms and a humidor so they may properly store cigars. In an effort to be a good neighbor to the surrounding businesses located on Main Street, the remodel will also include a top-of-the-line ventilation system and air purifiers in order to mitigate the cigar smoke.

The applicant is proposing hours of operation to include:

- Sunday through Thursday, 10:00 a.m. to 10:00 p.m.
- Friday through Saturday, 10:00 a.m. to 12:00 a.m.

The subject property falls within the City's Downtown Center per the Comprehensive Plan. Per the Comprehensive Plan, Denison's Downtown Center should be engaged in mixed-use activities with retail,

restaurants, entertainment, office and some medium-density residential uses. Permitting the use of Bar for Black Sheep Cigar Lounge conforms with the Comprehensive Plan.

There are no parking requirements for the Central Area zoning district, however, adequate on street parking and off street parking is provided via Main Street and public parking lots located near the property.

City staff has reviewed each Conditional Use Permit Criteria outlined within the City Ordinance, before reaching its recommendation for approval.

**Conditional Use Permit Criteria for Approval:**

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan;*

This location and use are compatible with the Comprehensive Plan.

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;*

The proposed Conditional Use Permit use is compatible with uses found in the Central Area (CA) zoning district as well as the Commercial Historic Overlay District (CH).

- 3. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhood and includes improvements either on site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;*

The proposed use is compatible with the integrity of nearby existing developments.

- 4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

N/A

- 5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;*

No additional traffic mitigation or traffic control for the surrounding area is required.

- 6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and*

N/A

- 7. *The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.*

No variance is applied or needed.

**Financial Considerations**

N/A

**Prior Board or Council Action**

N/A

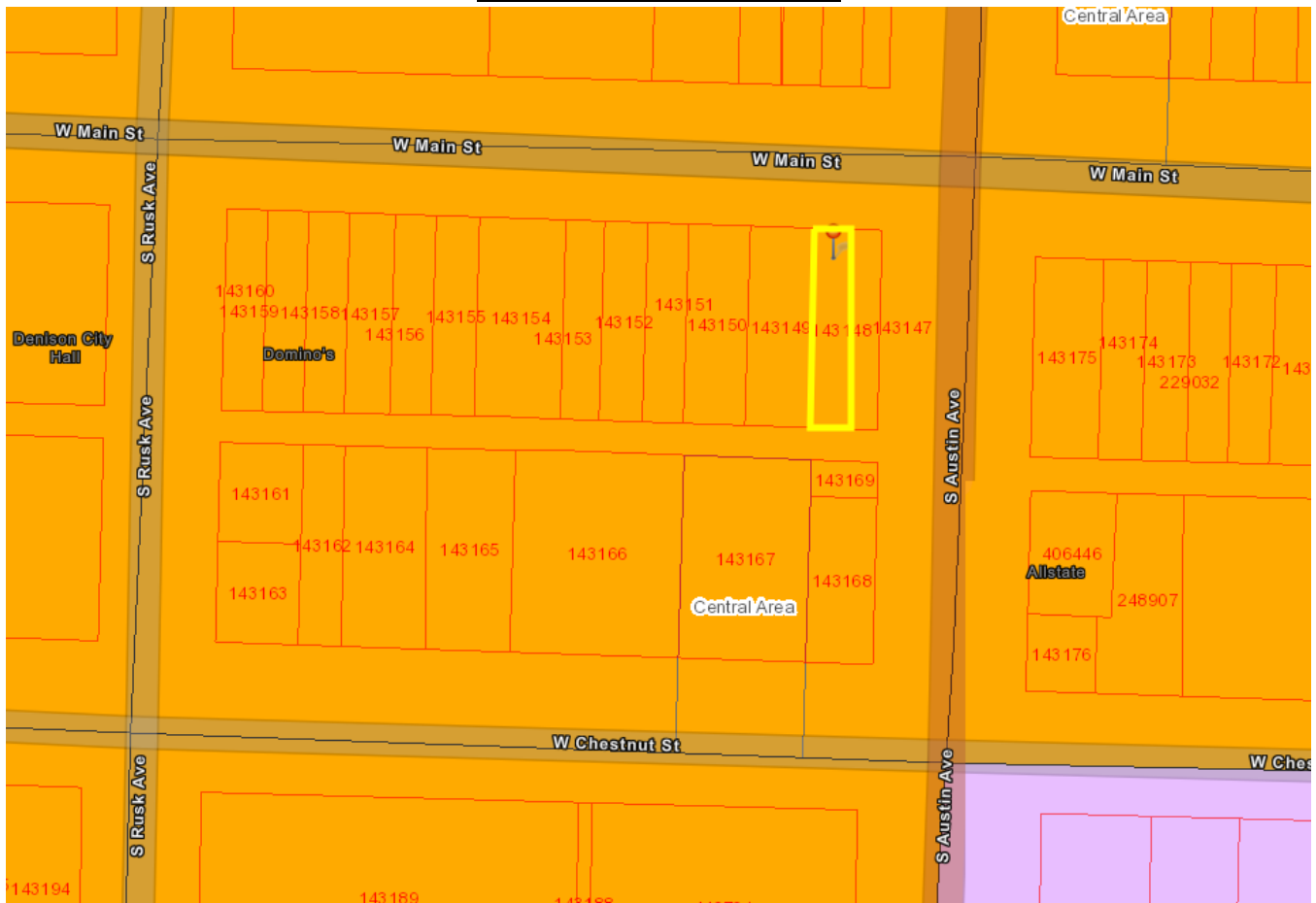
**Alternatives**

The Planning and Zoning Commission may recommend approval, approval with conditions, denial, or table the request.

**Aerial of Subject Property**



**Zoning of Subject Property**



## Project Narrative for 202 W. Main St.

Imagine you're on a date and trying to find a nice, cozy spot to settle down for a nightcap after dinner. You don't want to go to a bar, the music is too loud and the "bar scene" isn't what you need. You're looking for a relaxing hang out; a place to socialize, sip a tasty hand crafted cocktail, and maybe even finish with an aromatic imported cigar.

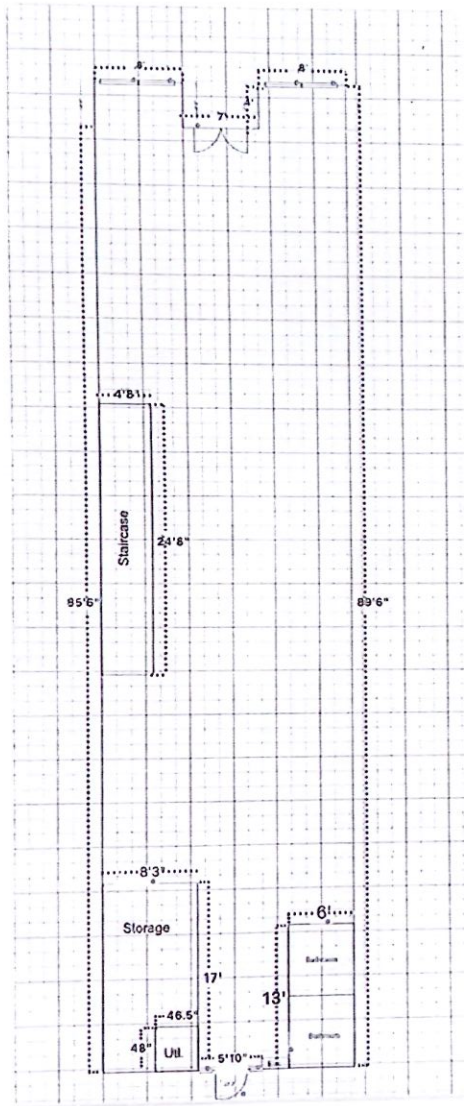
Fajerson Consulting LLC is looking to open up a new type of atmosphere on Main Street. We have projected a soft opening date of the 'Black Sheep Cigar Lounge' for Summer of 2024. Our establishment would hopefully bring another level of sophistication and entertainment to this area. We would be opening a retail business for refined cigars and luxurious cocktails, this space includes an area to relax and enjoy the company of others who also appreciate this level of leisure.

With the majority of sales belonging to our retail tobacco side of business, we would not be a 51% location. This space is going to be remodeled completely inside, from subflooring, flooring, sealing and painting the walls, ceiling, and adding other structures (i.e. bathrooms, and a humidor) to the inside of the store; included in this construction is a top of the line ventilation system as to not bother our neighbors or the general public with cigar smoke. We propose our operating hours to be 10 am to 10 pm Sunday through Thursday, and 10 am to 12 midnight on Friday and Saturday evenings; suggested hours will be within guidelines of TABC.

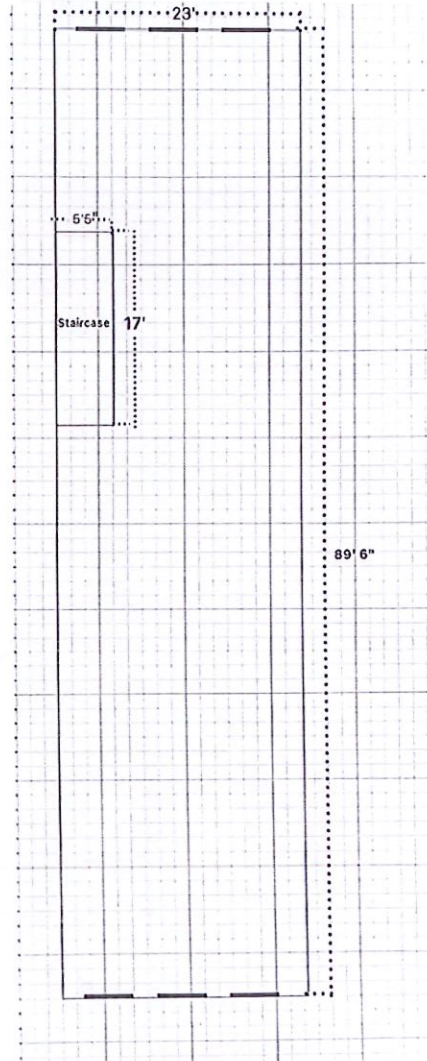
We believe our store will offer a harmonious site to the downtown atmosphere. We will have soft music and a down to earth ambiance that will accompany the level of refinement that we feel Main Street is constantly working to preserve. We will have more foot and vehicle traffic toward this location, but luckily there is a public parking lot to the South and West of our establishment. This foot traffic will hopefully also visit surrounding boutiques and eating establishments- bringing more and more business to this area. Inside our location, we will have plenty of ventilation and air purifiers so as to not give any negative report from our neighbors. The south entrance of the store has a loading and unloading space to negate any traffic from Main Street when we get deliveries of products.

We are looking to bring a different type of experience to Main Street, hopefully our location would rival that of other flourishing towns like McKinney, Rockwall, and Plano. Our cigar lounge would be a perfect fit with the level of polished ambiance we see coming to Downtown Denison. It has been projected that the cigar industry in the United States will reach \$13.3 billion in 2024. (Per [Statistica.com](https://www.statista.com)) This website also states that there is a calculated growth rate of 4.28% annually. We feel this would be a great partnership and hopefully another bright spot in the revamped area. We appreciate you for your time and consideration.

# Current floorplan

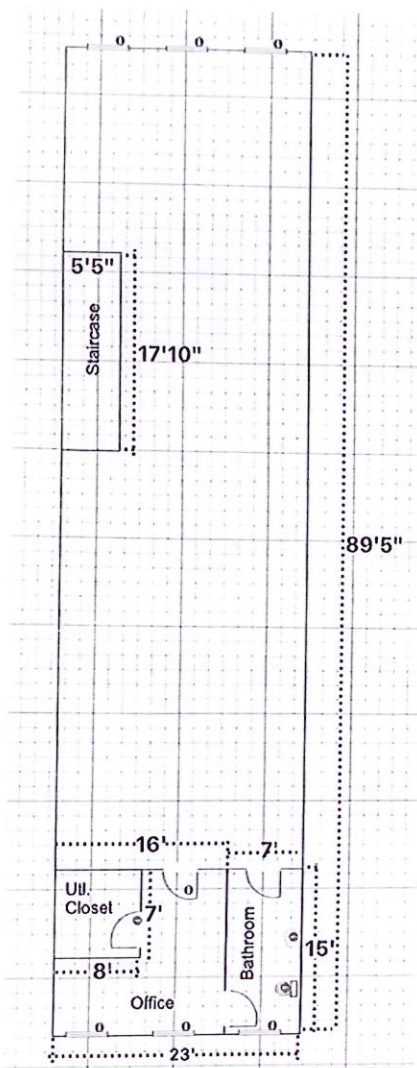


Downstairs

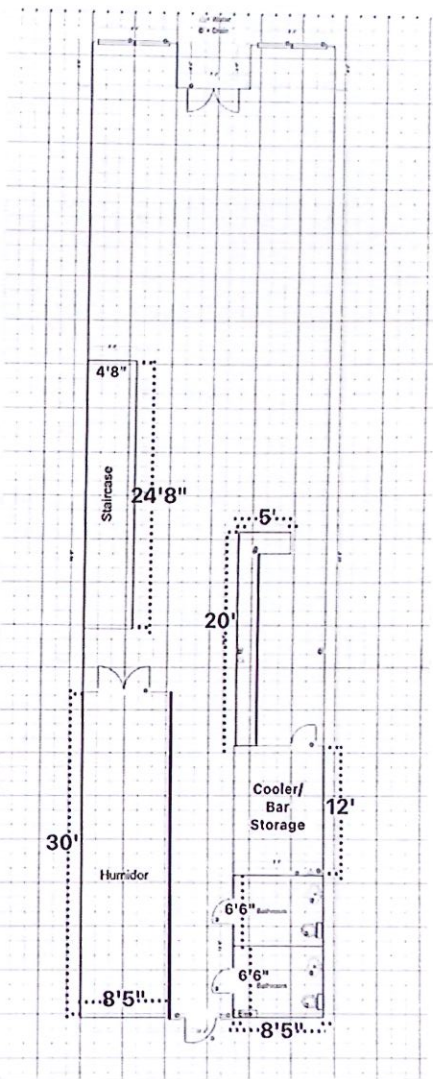


Upstairs

# Future floorplan



Upstairs



Downstairs





# The Planning and Zoning Commission Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and take action on Vexus Fiber Addition, an addition to the City of Denison, being a Replat of Lots 2-5 and part of Lots 1, 6, 7, 8, 11, 12, 13, 14, and 15, Block 34 of the Fairmount Addition. (Case No. 2024-032RP).

## Staff Contact

Dianne York, Planner  
dyork@cityofdenison.com  
903-465-2720

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## Summary

- The purpose of the Replat is to create one (1) legal lot of record for the installation of a telecommunication hub.
- Property is zoned SF-5, Single Family Residential.

## Staff Recommendation

Staff recommends approval of the Replat as submitted.

## Recommended Motion

"I move to approve the proposed Replat."

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## Background Information and Analysis

The applicant is seeking approval of the proposed Replat in order to create one (1) legal lot of record. Approval of the proposed Replat will allow the applicant to move forward with installing a small telecommunication hub on the subject property. The lot has frontage on the Eisenhower Parkway service road. Water and sewer are available; however, the telecommunications hub does not require access to utilities.

## Financial Considerations

N/A

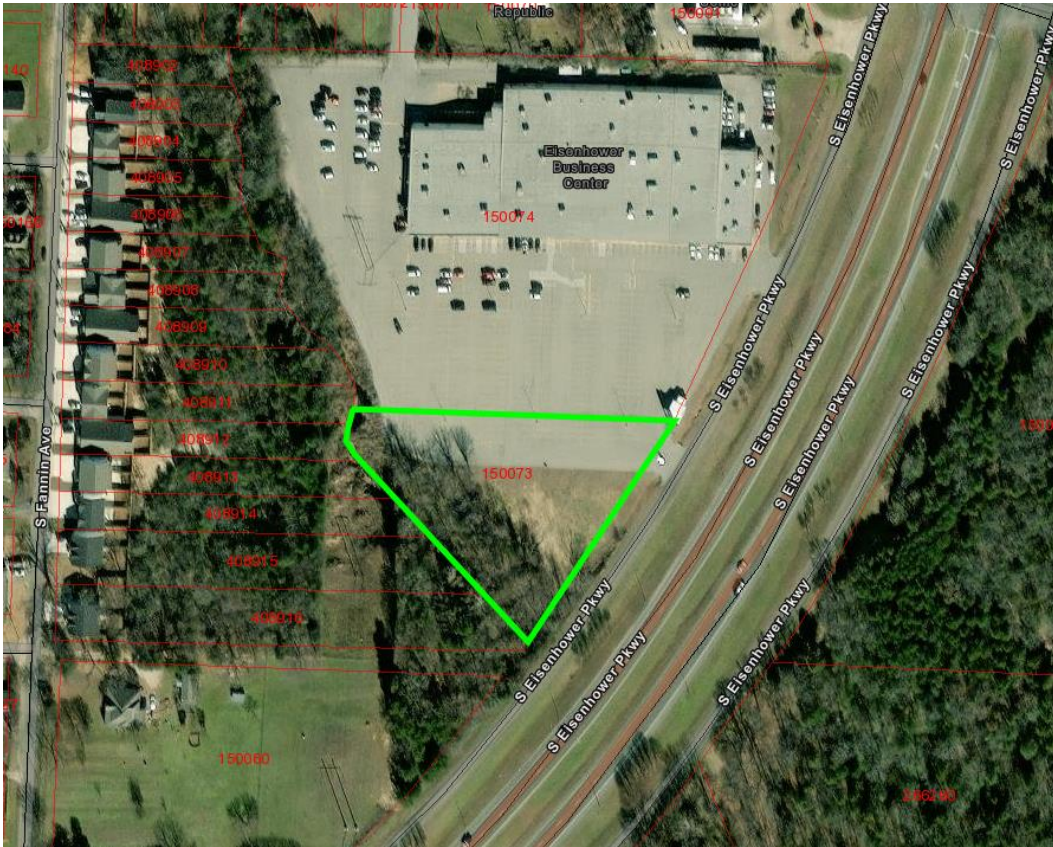
## Prior Board or Council Action

N/A

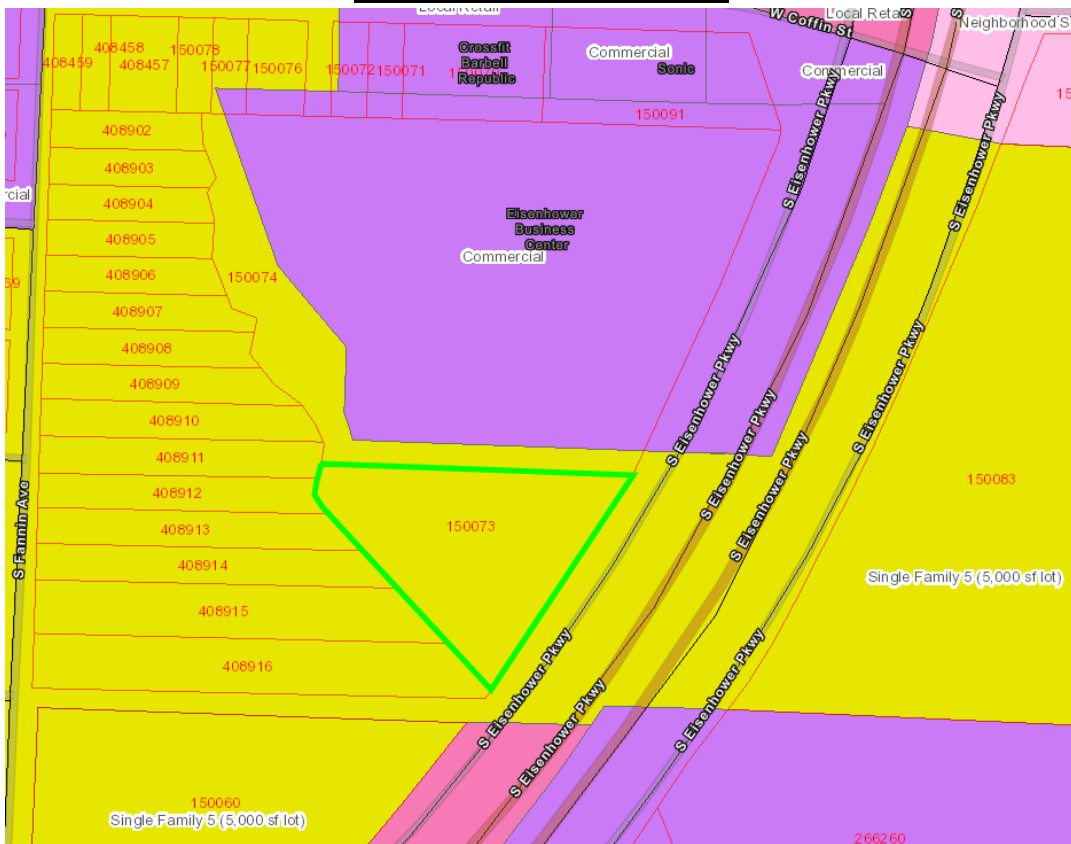
## Alternatives

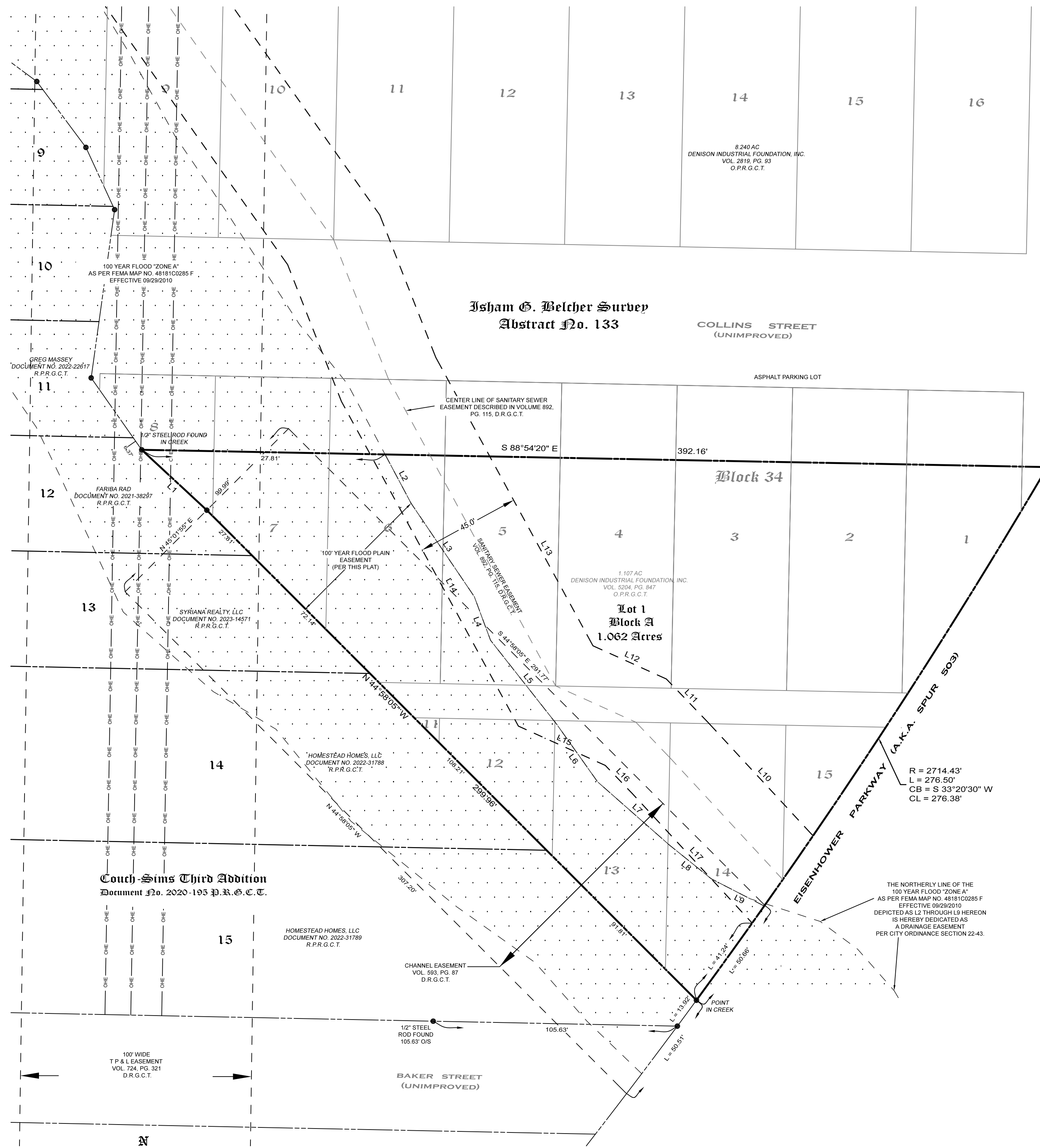
- The Planning and Zoning Commission may deny or conditionally approve the request.

### Aerial of Subject Property



### Zoning of Subject Property





Legal Description

Situated in the City of Denison, County of Grayson, State of Texas being a part of the Isham G. Belcher Survey, Abstract No. 133, and being a part of Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14 and 15 in Block 34 of Fairmount Addition, an addition to the City of Denison, Texas as shown by plat of record in Volume 84, Page 513, Deed Records Grayson County, Texas, and being all of a 1.107 acre tract of land conveyed to Denison Industrial Foundation, Inc. by deed of record in Volume 5204, Page 847, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

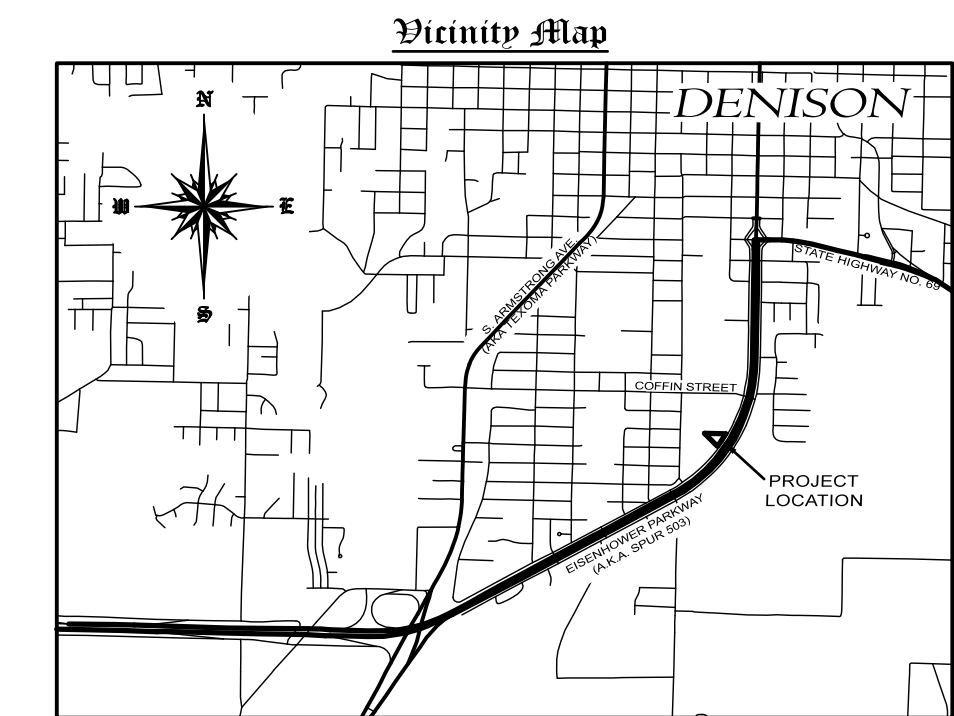
Beginning at a 1/2" steel rod found maintaining the east corner of said 1.107 acre tract, the southeast corner of a 8.240 acre tract of land conveyed to Denison Industrial Foundation, Inc., by deed of record in Volume 2819, Page 93 of said Official Public Records, and in the west right of way line of Eisenhower Parkway (A.K.A. Spur 503), on a curve to the right;

Thence with said curve to the right having a radius of 2,714.43 feet (chord bears South 33°20'30" West, a distance of 276.38 feet) an arc length of 276.50 feet to a point for the south corner of said 1.107 acre tract, the easternmost corner of Lot 15 Couch-Sims Third Addition, an addition to the City of Denison, Texas as shown by plat of record in Document No. 2020-195 Plat Records, Grayson County, Texas, in the center of a channel easement recorded in Volume 593, Page 87, Deed Records, Grayson County, Texas, and in or near the center of a creek;

Thence North 44°58'05" West, along the westerly line of said 1.107 and the east line of said Couch-Sims Third Addition, along the center of said channel easement, with said creek, a distance of 299.96 feet to a point;

Thence North 47°08'25" West, along the westerly line of said 1.107 acre tract and the east line of said Couch-Sims Third Addition, with said creek, a distance of 38.46 feet to a 1/2" steel rod found maintaining the west corner of said 1.107 acre tract, in the east line of Lot 12 of said Couch-Sims Third Addition;

Thence South 88°54'20" East, along the north line of said 1.107 acre tract and the south line of said 8.240 acre tract, a distance of 392.16 feet to the Point-of-Beginning and containing 1.062 acres of land.



Owners Certificate & Dedication

STATE OF TEXAS  
COUNTY OF GRAYSON

I (we), the undersigned owner(s) of the land shown on this replat and designated herein as the VEXUS FIBER ADDITION subdivision 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 (we) further certify that all other parties who have a mortgage or lien interest in the VEXUS FIBER ADDITION have been notified and signed this plat.

I (we) 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 (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2024.

Jeff Kennaley  
Member of Vexus Fiber, LLC

STATE OF TEXAS  
COUNTY OF GRAYSON

STATE OF TEXAS  
COUNTY OF GRAYSON

Before me the undersigned, notary public in and for said County and State, on this day personally appeared Jeff Kennaley, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/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 \_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public in and for  
the State of Texas

My Commission Expires: \_\_\_\_\_

City Signature Block

I hereby certify that the above and foregoing plat of VEXUS FIBER ADDITION, an addition to the City of Denison, Texas, was approved by the Planning and Zoning Commission of the City of Denison on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Planning and Zoning Commission Chair  
City of Denison

Surveyor's Certificate

KNOWN ALL MEN BY THESE PRESENTS:

That I, John C. Copley, Registered Professional Land Surveyor, hereby certify that I have prepared this plat from an actual on-the-ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Denison, Texas.

John C. Copley  
Registered Professional  
Land Surveyor No. 6720  
Firm No. 10194429

Date

GENERAL NOTES

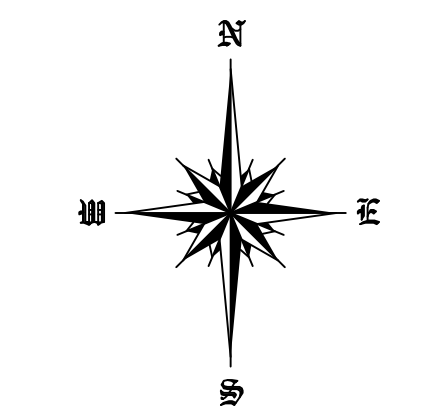
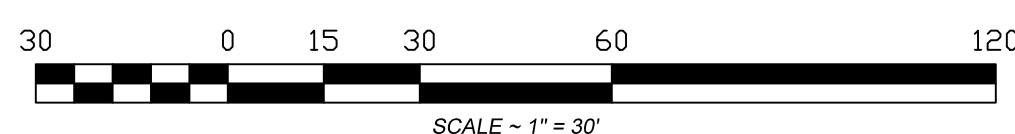
- 1. Water Supply to be provided by the City of Denison.
2. Sewer service to be provided by the City of Denison.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway 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. 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.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Denison Control Monument Network.
10. The City of Denison reserves the right to require submission of Development Plat based on proposed use of each lot.
11. All proposed lots situated in whole or in part within the City's Corporate Limits comply with the minimum size requirements of the Governing Zoning District and the requirements of the Subdivision Ordinance.
12. Selling off a portion of this addition by metes and bounds description, without a replat being approved by the City of Denison, is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
13. Visibility Note: Intersection visibility triangles shall be shown and maintained in accordance with the subdivision regulations.
14. The subject tract lies within Zone "A" (areas within the 100 year flood) and Zone "X" (areas determined to be outside of the 500 year flood) Designation, as shown by FEMA Flood Insurance Rate Map No. 48181C0285F, Map Revised September 29, 2010.
15. Lot is to be used as Residential.
16. Property is zoned as SF-5 (Single Family Residential) and AO (Austin Overlay District).
17. Case No. 2024-032RP

Purpose: To Replat all of Lots 2-5 and part of Lots 1, 6, 7, 8, 11, 12, 13, 14 and 15, Block 34, Fairmount Addition, into a single lot

BOUNDARY LINE TABLE with columns: LINE, BEARINGS, DISTANCE

100 YEAR FLOOD DRAINAGE EASEMENT TABLE with columns: LINE, BEARINGS, DISTANCE

45' SEWER EASEMENT TABLE with columns: LINE, BEARINGS, DISTANCE



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