



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

Tuesday, July 27, 2021

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, July 27, 2021 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

Citizens may speak on items listed on this agenda as Items for Individual Consideration. A “Request to Speak Card” should be completed and returned to the City Clerk or Commission Secretary before the Commission considers the item listed under Items for Individual Consideration. Citizen comments on Items for Individual Consideration are limited to three (3) minutes.

A. Receive a report, hold a discussion, and take action on the July 13, 2021 Meeting Minutes.

4. PUBLIC HEARINGS

Citizens may speak on items listed on this agenda as Public Hearings. A “Request to Speak Card” should be completed and returned to the City Clerk or Commission Secretary before the Commission considers the item listed under Public Hearings. Citizen comments on public hearings are limited to three (3) minutes.

A. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for approval of a Conditional Use Permit (CUP) for a restaurant with a drive-thru at the northwest corner of FM 120 and Layne Drive (Case No. 2021-96CUP)

- B. Receive a report, hold a discussion, conduct a public hearing and make a recommendation on a City-initiated request to amend Section 28.26, Section 28.33, Section 28.46, Section 28.49, and Section 28.63 of Chapter 28, the Comprehensive Zoning Ordinance. (Case No. 2021-064ZO)

5. STAFF UPDATES

- A. Receive a report and hold a discussion on division 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 July 23, 2021.

Fanchon Stearns, 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
AGENDA**

Tuesday, July 13, 2021

1. CALL TO ORDER

The presence of a quorum was announced. Vice Chair Brett Evans called the meeting to order at 10:00am.

Commissioners present were Spence Redwine, Vice Chair Brett Eveans, Mary Karam, and Susan Arthur.

Commissioners absent was Chair Charlie Shearer.

Staff present were Senior Planner Bill Medina, Planner Dianne York, and Community & Development Services Management Assistant Felecia Winfrey.

2. PUBLIC COMMENT

No requests to speak were received.

3. CONSENT AGENDA

- A. Receive a report, hold a discussion, and take action on the June 22, 2021 Meeting Minutes.
- B. Receive a report, hold a discussion, and take action on a Preliminary Plat for the Rose Hill Addition. (Case No. 2021-065PP)
- C. Receive a report, hold a discussion, and take action on a Final Plat of the Earnhartbuilt's 4th Addition, located along Arthur Road in the City's ETJ. (Case No. 2021-086FP)

Commission Action

Commissioner Karam asked how many acres were included in the Final Plat along Arthur Road in the ETJ, Item 3.A. Mr. Medina said 7 lots and each more than 1 acre were included.

On motion by Commissioner Redwine, seconded by Commissioner Karam, the motion to approve Items A, B, & C of the Consent Agenda as presented carried unanimously.

4. STAFF UPDATES

A. Receive a report regarding department updates.

Commission Action

Mr. Medina shared that at their Regular Meeting on Monday, July 12, 2021, the City Council had issued a Conditional Use Permit for 5-Star Storage and rezoned a property on Ray Drive from Single-Family 7.5 to Single-Family 5 per the Commission's recommendations. He said the Council had expressed some concern about how often they saw cases rezone from Single Family 7.5 to Single Family 5 and that staff would address these projects with additional scrutiny moving forward. Commissioner Karam asked about the Commission's role in the additional vetting. Mr. Medina said this would be done during the review process before a case came before the Commission and would be heard individually. Commissioner Karam asked about additional resources and said she had seen downzoning become a trend in recent years. Mr. Medina said the Comprehensive Plan and Zoning Ordinance were the best resources and available to the public online. Commissioner Redwine said City resources had been expended in areas like Ray Park, and appropriately dense development in the area was welcome. The Commission concurred.

No action taken, information only.

5. ADJOURNMENT

There being no further business, the meeting adjourned at 10:07am.

VICE CHAIR, Brett Evans

ATTEST

Planning and Zoning Commission Meeting Staff Report



Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for approval of a Conditional Use Permit (CUP) for a restaurant with a drive-thru at the northwest corner of FM 120 and Layne Drive (Case No. 2021-96CUP)

Staff Contact

Bill Medina, Senior Planner
bmedina@cityofdenison.com
903-465-2720

Summary

- The applicant is requesting the approval of a Conditional Use Permit for the development of a Chick-fil-A.
- The proposed Chick-fil-A consists of a 5,118 sq. ft. restaurant with drive-thru.
- The property is located within the Local Retail Zoning District.

Staff Recommendation

Staff recommends approval of the Conditional Use Permit.

Recommended Motion

"I move to recommend approval of the request for a Conditional Use Permit for a restaurant with a drive-thru at the northwest corner of FM 120 and Layne Drive."

Background Information and Analysis

Chick-fil-A is seeking a Conditional Use Permit (CUP) for the development of a new free standing restaurant with drive-thru service at the northwest corner of FM 120 and Layne Drive. The Site Plan depicts one (1) building consisting of 5,118 sq. ft. with two (2) drive-thru lanes and canopies. The applicant is requesting the hours of operation be Monday-Saturday, 6:30 am to 10:00 pm, closed Sunday. The Site Plan provides a total of 70 parking spaces with a double lane drive-thru capable of stacking up to 43 vehicles. If the double lane drive-thru reaches capacity, the site configuration will allow for additional internal vehicle stacking. This feature should alleviate the anticipated high vehicular traffic associated with Chick-fil-A restaurants and reduce on-street stacking. The layout of the facility provides adequate traffic flow for an operation of this nature.

Given the location and adjacency to other nonresidential uses and zoning districts, the proposed restaurant conforms to this commercial corridor. The hours of operation, use, and function of the facility are consistent with this part of FM 120. Vehicles receiving or unloading shipments will do so on site; no off-site loading and unloading is allowed.

While Staff has received a Site Plan and landscaping plan exhibit, pending CUP approval, the developer has submitted formal Site Plan and Replat applications as well as a complete set of civil engineering plans.

The Comprehensive Plan states this area is to be engaged in a mixed commercial use, making the request compliant with the adopted Plan. 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;*

The Comprehensive Plan shows this area to be engaged in a Mixed Commercial use with Light Industrial where appropriate. A restaurant with drive-thru would comply 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 for a restaurant with drive-thru is consistent with the Zoning District.

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 would be compatible with the nonresidential corridor and this part of FM 120.

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.*

While the proposed restaurant is expected to generate high volumes of vehicular traffic, the proposed layout appears to have adequate drive-thru stacking as well as internal circular.

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;*

Depending on the amount of vehicular traffic leaving the site, the Texas Department of Transportation may consider installing a traffic light(s) or other traffic control mechanism along FM 120.

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

The proposed elevation depicts the future restaurant will be comprised of brick, which will aid in the visual appeal of the structure. All trash and waste receptacles will be screened from public view.

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

The City Council approved several quitclaim deeds allowing the developer to assemble the needed property to move forward with the development.

Alternatives

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

City of Denison Planning and Zoning Commission

Case Number 2021-096CUP | Chick-Fil-a

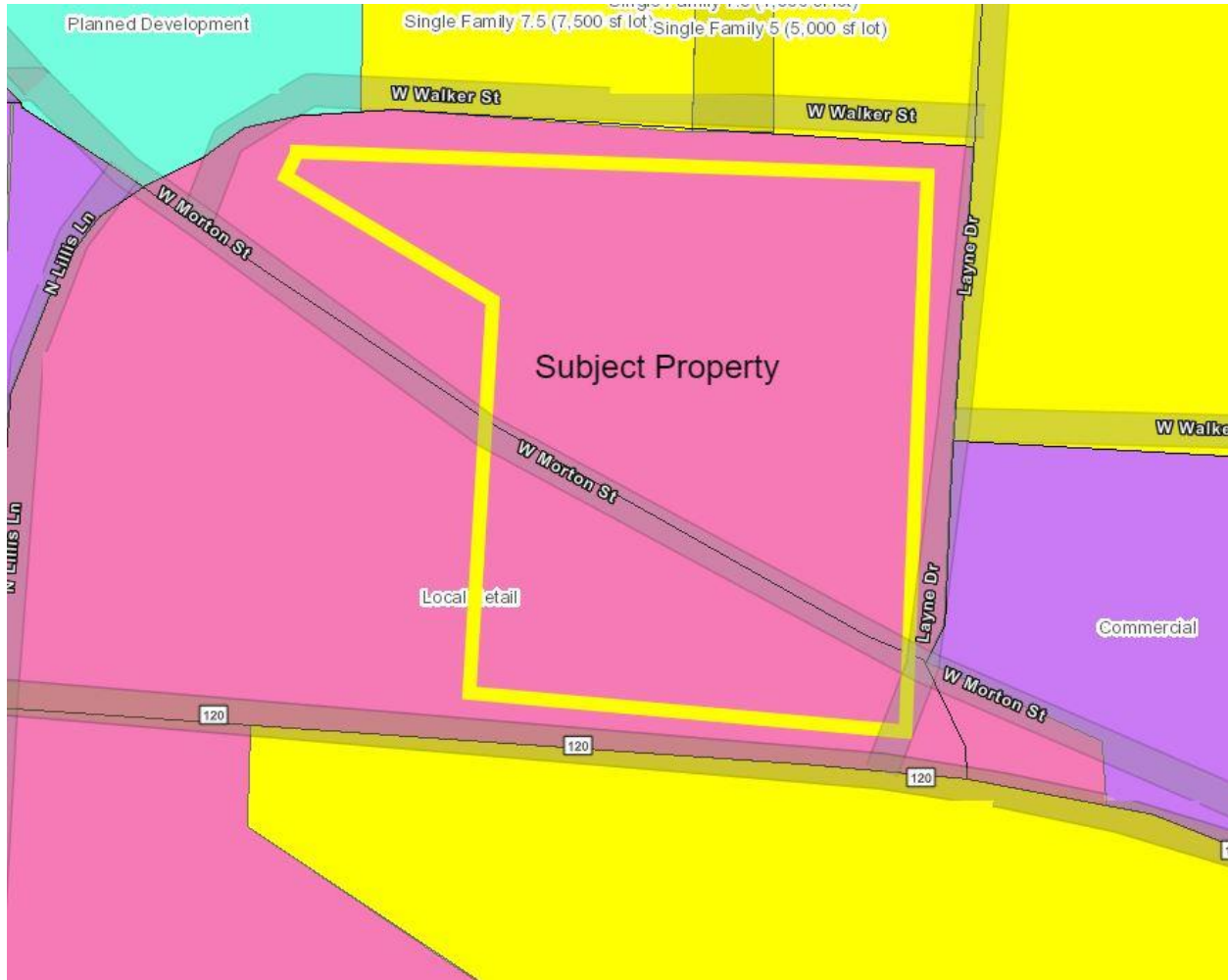
Tuesday, July 27th, 2021



Case Number: 2021-096CUP
Conditional Use Permit
Chick-fil-a

Zoning Map

Zoning District: Local Retail



B | BURGER
ENGINEERING
Civil Consultants

June 28, 2021

City of Denison
Planning Department
300 West Main Street
Denison, Texas 75020

Re: Chick-fil-A Conditional Use Permit – Project Narrative
Lot 1, Block 1
Chick-fil-A Denison Addition
Denison, Texas
B.E. No. 013-370

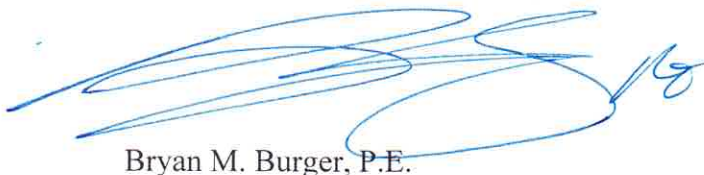
Dear City Planner,

Please accept the following information as the project narrative for the above referenced site plan application:

- The proposed development is located at the N.W.C. of F.M. 120 and Layne Drive.
- The subject property is 1.85 acres.
- The subject property is currently zoned LR (Local Retail).
- The proposed use of the building will be a dine-in/drive-through Chick-fil-A restaurant.
- The proposed building will be ±5,118 S.F.
- Chick-fil-A will provide 70 parking spaces and a 43 car stack from the drive-through.
- Hours of operation are 6:30 A.M. to 10:00 P.M. Monday through Saturday.
- The development will be maintained by Chick-fil-A, Inc.
- The proposed Chick-fil-A is comparable with the other retail businesses in the area and will be an added service for the City of Denison.
- The proposed Chick-fil-A restaurant will provide access points to all adjacent roads to minimize traffic impacts to surrounding properties.
- The proposed Chick-fil-A restaurant building will meet all City of Denison façade requirements to limit visual nuisance impacts.

Please contact our office if you have any questions or comments.

Sincerely,

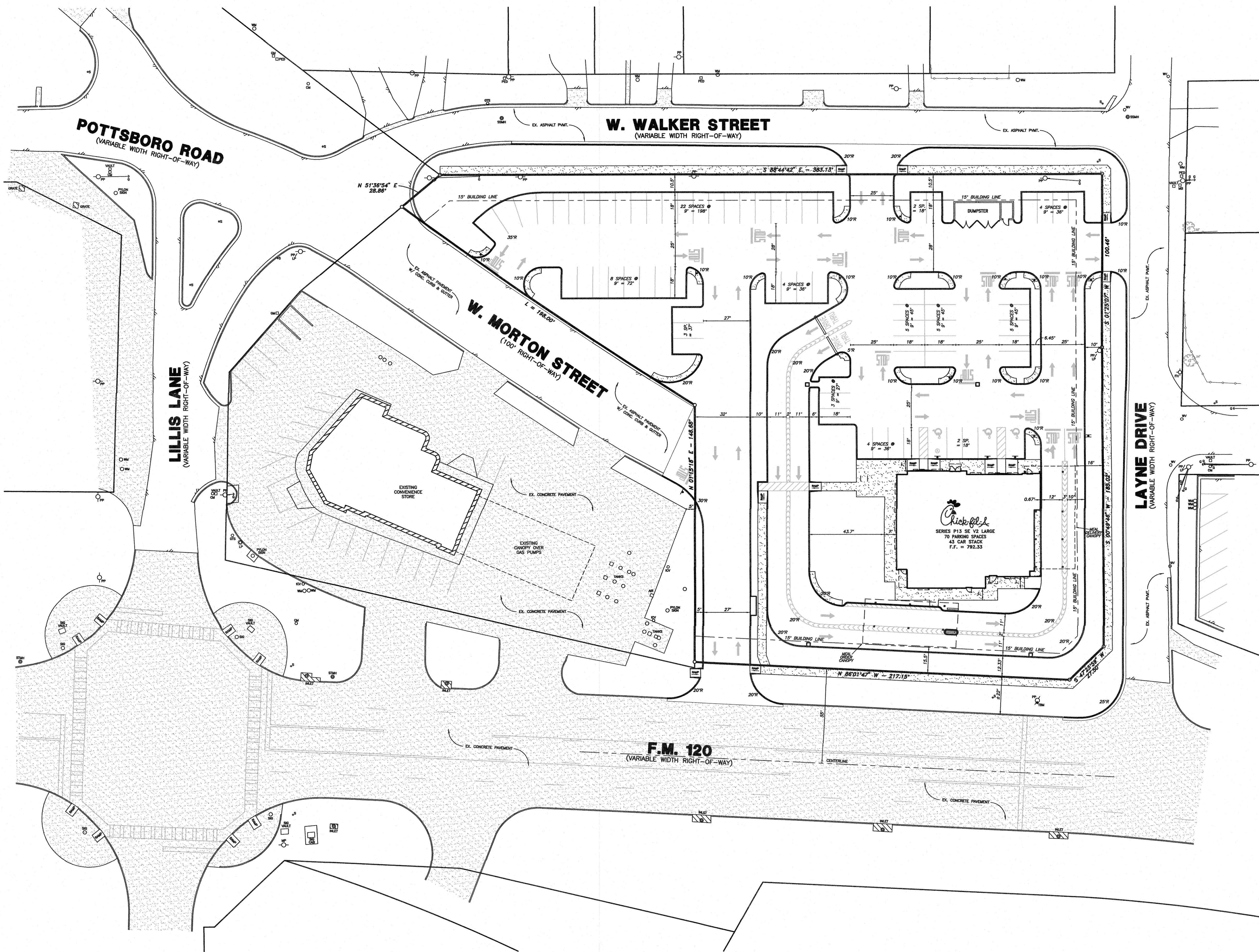


Bryan M. Burger, P.E.

BRYAN M. BURGER, P.E.

17103 Preston Road, Suite 180N | Dallas, Texas 75248 | Office: 972.630.3360 | Fax: 972.630.3380

B



0 15 30 60

1" = 30'

LEGEND

- F.H. FIRE HYDRANT
- CHISELED "X" SET
- F.I. CHISELED "X" FOUND
- F.I.R. IRON ROD FOUND (SIZE AS NOTED)
- S.I.R. IRON ROD SET (SIZE AS NOTED)
- PP OVERHEAD UTILITY POLE W/ GUY
- U.E. UNDERGROUND ELECTRIC/TELEPHONE
- L.P. LIGHT POLE
- S.S.M.H. SANITARY SEWER MANHOLE
- C.O. SAN. SWR. CLEAN OUT
- G.V. GAS VALVE
- W.V. WATER VALVE
- T. TREE
- M.H. MANHOLE (TYPE AS NOTED)
- S.B. BOX TRAFFIC SIGNAL BOX
- T.E. TRANS. ELECTRIC TRANSFORMER BOX
- T.E.S. TOWER ELECTRIC TRANSMISSION STEEL TOWER
- C.M. CABLE UNDERGROUND CABLE MARKER
- T.B. TRAFFIC BOX
- E.M. ELECTRIC METER
- G.M. GAS METER

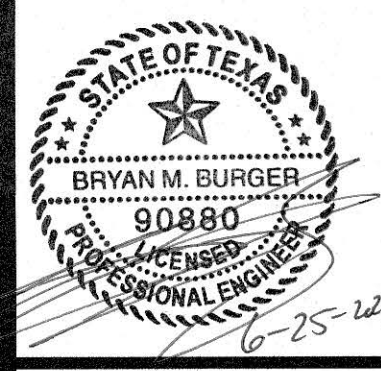
SITE DATA	
ZONING:	LR (LOCAL RETAIL)
LOT AREA:	1.0518 ACRES (80,666 S.F.)
PROPOSED USE:	DINE IN & DRIVE THRU RESTAURANT
BUILDING AREA:	5,118 S.F.
F.A.R.:	0.0634:1
PARKING REQUIRED:	1 SPACE FOR EVERY 100 S.F.
	5,118/100 = 51 SPACES
PARKING PROVIDED:	70 SPACES (3 H.C.)
PROP. LANDSCAPE AREA TOTAL:	16,813 S.F. (20.84%)
PROP. IMPERVIOUS AREA TOTAL:	63,853 S.F. (79.16%)

- NOTES**
- ALL ON-SITE CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT CHICK-FIL-A SPECIFICATIONS AND/OR CITY STANDARD SPECIFICATIONS, WHICHEVER IS MORE RESTRICTIVE.
 - ALL CONSTRUCTION IN CITY RIGHT-OF-WAYS AND/OR EASEMENT SHALL BE IN ACCORDANCE WITH THE CITY'S STANDARD SPECIFICATIONS.
 - PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL MAKE CERTAIN THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS AS APPROVED BY ALL OF THE PERMITTING AUTHORITIES.
 - THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES DURING THE CONSTRUCTION OF THIS PROJECT.
 - IF CONTRACTOR FINDS A DISCREPANCY WITH THE TOPOGRAPHIC INFORMATION ON THESE PLANS, HE/SHE SHALL CONTACT THE CONSTRUCTION MANAGER/SUPERVISOR IMMEDIATELY.
 - ALL DIMENSIONS SHOWN ARE TO FACE OF CURB, BRICK, OR AS OTHERWISE NOTED.
 - REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
 - ALL RADII ARE 2' UNLESS OTHERWISE NOTED.
 - ALL PARKING STALLS SHALL BE STRIPED IN ACCORDANCE W/APPLICABLE GOVERNING AUTHORITIES.
 - BUILDING IS PARALLEL & PERPENDICULAR TO THE NORTH PROPERTY LINE.

5200 Buffington Rd.
Atlanta Georgia,
30349-2998

Revisions:

Mark	Date	By
△		
△		
△		



LOT 1, BLOCK 1
CHICK-FIL-A DENISON ADDITION
NWC F.M. 120 & LAYNE DRIVE
THE CITY OF DENISON, TEXAS

STORE
 SERIES
 P13 SE V2
 LARGE

SHEET TITLE
**CONDITIONAL
 USE PERMIT
 SITE PLAN**

☒ For Permit
☐ For Bid
☐ For Construction

Job No. : 013-370
 Store : 04957
 Date : 5/5/21
 Drawn By : JAC
 Checked By : BMB

Sheet

C-3

APPLICANT:
 NEW URBAN DEVELOPMENT CORPORATION, LLC
 5445 TRIANGLE PARKWAY, SUITE 220
 PEACHTREE CORNERS, GEORGIA 30092
 PHONE: (678) 691-1024
 CONTACT: JOHN MCCLESKEY, JR.
 EMAIL: JOHN.MCCLESKEY@NEWURBANDC.COM

ENGINEER:
 BURGER ENGINEERING, LLC
 TEXAS REGISTERED ENGINEERING FIRM F-12997
 17103 PRESTON ROAD, SUITE 180N
 DALLAS, TEXAS 75248
 PHONE: (972) 630-3360
 CONTACT: BRYAN M. BURGER, P.E.
 EMAIL: BBURGER@BURGERENGINEERING.COM

B

**BURGER
ENGINEERING**
Civil Consultants

17103 Preston Road, Suite 180N
Dallas, Texas 75248
Office: 972.630.3360 Fax: 972.630.3380
TBPE F-12997



Chick-fil-A

5200 Buffington Rd.
Atlanta Georgia,
30349-2998

Revisions:

Mark Date By



Mark Date By



Mark Date By



PROGRESS SET -
FOR REVIEW ONLY
06.25.2021
These documents are NOT FOR
REGULATORY APPROVAL,
PERMITTING OR
CONSTRUCTION.
They were prepared by,
or under the supervision of:
Brian Denis Adams,
Tx. Lic. #1761
SMR Landscape Architects, Inc.

LOT 1, BLOCK 1
CHICK-FIL-A DENISON
NWC F.M. 120 & LAYNE DRIVE
THE CITY OF DENISON, TEXAS

STORE
SERIES
P13 SE V2
LARGE

SHEET TITLE
CONCEPT
LANDSCAPE
PLAN

☒ For Permit
☐ For Bid
☐ For Construction

Job No. : 013-370

Store : ?

Date : 6/25/21

Drawn By : BDA

Checked By: BDA

Sheet

CLP

GENERAL LAWN NOTES

1. Fine grade areas to achieve final contours indicated on civil plans.
2. Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
3. All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
4. Imported topsoil shall be natural, friable soil from the region, known as bottom and soil, free from lumps, clay, toxic substances, roots, debris, vegetation, stones, containing no salt and black to brown in color.
5. All lawn areas to be fine graded, irrigation trenches completely settled, and finish grade approved by the Owner's Construction Manager or Architect prior to installation.
6. All rocks 3/4" diameter and larger, dirt clods, sticks, concrete spoils, etc. shall be removed prior to placing topsoil and any lawn installation.
7. Contractor shall provide (1") one inch of imported topsoil on all areas to receive lawn.

SOLID SOD NOTES

1. Fine grade areas to achieve final contours indicated. Leave areas to receive topsoil 3" below final desired grade in planting areas and 1" below final grade in turf areas.
2. Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
3. All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
4. Contractor to coordinate with on-site Construction Manager for availability of existing topsoil.
5. Plant sod by hand to cover indicated area completely. Insure edges of sod are touching. Top dress joints by hand with topsoil to fill voids.
6. Roll grass areas to achieve a smooth, even surface, free from unnatural undulations.
7. Water sod thoroughly as sod operation progresses.
8. Contractor shall maintain all lawn areas until final acceptance. This shall include, but not limited to: mowing, watering, weeding, cultivating, cleaning and replacing dead or bare areas to keep plants in a vigorous, healthy condition.
9. Contractor shall guarantee establishment of an acceptable turf area and shall provide replacement from local supply if necessary.
10. If installation occurs between September 1 and March 1, all sod areas to be over-seeded with Winter Ryegrass, at a rate of (4) pounds per one thousand (1000) square feet.

MAINTENANCE NOTES

1. The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
2. All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
3. All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
4. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
5. All plant material which dies shall be replaced with plant material of equal or better value.
6. Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

LANDSCAPE NOTES

1. Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data of existing conditions was supplied by others.
2. Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
3. Contractor is responsible for obtaining all required landscape and irrigation permits.
4. Contractor to provide a minimum 2% slope away from all structures.
5. All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
6. All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
7. All lawn areas to be Solid Sod Bermudagrass, unless otherwise noted on the drawings.

LANDSCAPE TABULATIONS

TOTAL SITE AREA (80,666 s.f.)

Requirements: 8% of total site area to be landscaped

Required 6,454 s.f. (8%) Provided 16,813 s.f. (20.84%)

SITE TREES

Requirements: (3) tree per 20,000 s.f. for lots over 40,000 s.f.

Required (6) trees, 3" cal. Provided (32) trees, 3" cal.

(22) ornamental trees

PARKING LOT (70 spaces)

Requirements: One (1) shade tree per 50 spaces

Required (2) trees, 3" cal. Provided (14) trees, 3" cal.

GRAPHIC PLANT LEGEND

○ CEDAR ELM

○ BALD CYPRESS

○ LIVE OAK

○ RED OAK

○ DRAKE ELM

○ CREPE MYRTLE

○ VITEX

○ NELLIE R. STEVENS HOLLY

○ Sunshine Ligustrum

○ Dwarf Abelia

○ Gulf Muhly

○ Red Yucca

○ Needlepoint Holly

○ Dwarf Yaupon Holly

○ Rosemary

○ Mexican Feather Grass

○ Giant Liriope

○ LAWN, BERMUDAGRASS, SOLID SOD

○ SEASONAL COLOR

○ WINTERCREEPER

SITE DATA

ZONING: LR (LOCAL RETAIL)
LOT AREA: 1,851.8 ACRES (80,666 S.F.)
PROPOSED USE: DINE IN & DRIVE THRU RESTAURANT
BUILDING AREA: 5,118 S.F.
F.A.R.: 0.0634:1
PARKING REQUIRED: 1 SPACE FOR EVERY 100 S.F.
5,118/100 = 51 SPACES
70 SPACES (3 H.C.)
PARKING PROVIDED: 16,813 S.F. (20.84%)
PROP. LANDSCAPE AREA TOTAL: 63,853 S.F. (79.16%)

smr
landscape architects, inc.
1708 N. Griffin Street
Dallas, Texas 75202
Tel: 214.871.0080
Fax: 214.871.0545
Email: smr@smr-la.com



01 LANDSCAPE PLAN
SCALE: 1" = 30'-0"

BURGER
ENGINEERING
Civil Consultants

17103 Preston Road, Suite 180N
Dallas, Texas 75248
Office: 972.630.3360 Fax: 972.630.3380
TBPE F-12997

APPLICANT:
NEW URBAN DEVELOPMENT CORPORATION, LLC
5445 TRIANGLE PARKWAY, SUITE 220
PEACHTREE CORNERS, GEORGIA 30092
PHONE: (678) 691-1024
CONTACT: JOHN MCCLESKEY, JR.
EMAIL: JOHN.MCCLESKEY@NEWURBANDC.COM

ENGINEER:
BURGER ENGINEERING, LLC
TEXAS REGISTERED ENGINEERING FIRM F-12997
17103 PRESTON ROAD, SUITE 180N
DALLAS, TEXAS 75248
PHONE: (972) 630-3360
CONTACT: BRYAN M. BURGER, P.E.
EMAIL: BBURGER@BURGERENGINEERING.COM

BIM 360/ITX_04957_120 & Lillis_2021.4_BTS04957_120 & Lillis_ARC.rvt
6/25/2021 3:46:02 PM
04957-A-302-EXTERIOR RENDERINGS



C3 NORTH RENDERING
1/4" = 1'-0"



B3 SOUTH RENDERING
1/4" = 1'-0"

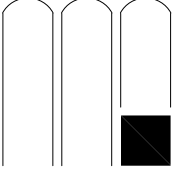
ATTACHED CANOPY SCHEDULE						
Mark	Description	Count	Overall Width	Overall Depth	Tie Back Mounting (Offset From Top)	Integral Lighting
C1-C	Exterior Canopy	13	6'-4"	1'-0"	0"	No
C4-B	Exterior Canopy	1	5'-4"	4'-0"	2'-4"	Yes
C4-G	Exterior Canopy	1	7'-0"	4'-0"	2'-4"	Yes
C5-A	Exterior Canopy	1	10'-0"	5'-0"	2'-4"	Yes
Grand total		16				

FINISH SCHEDULE - EXTERIOR						
MARK	DESCRIPTION	MANUFACTURER	MODEL NAME	MODEL NUMBER	COLOR	NOTE
BR-A	BRICK VENEER (PRIMARY)	ACME BRICK	MODULAR		PALOMA GRAY	*ARGOS SAN TAN MORTAR
BR-B	BRICK VENEER (ACCENT)	ACME BRICK	MODULAR		RUSTIC WHITE	*ARGOS SAN TAN MORTAR
CP-1	CANOPY METAL FASCIA		DURA COAT	DC19ST-2703	DARK BRONZE	OIL RUBBED BRONZE METALLIC TEXTURE PVD
CP-2	CANOPY METAL DECK				WHITE	SMOOTH WHITE, HIGH GLOSS
EC-1	PARAPET WALL COPING	DUROLAST / EXCEPTIONAL METALS			DARK BRONZE (MATTE)	
PT-100	EXTERIOR PAINT	SHERWIN WILLIAMS	SHER-CRYL HIGH PERFORMANCE ACRYLIC #B66-350	SW 2807	ROOKWOOD	REFUSE ENCLOSURE. FINISH: SEMI-GLOSS ON DOOR FRAMES, SATIN ON WALLS
PT-113	EXTERIOR PAINT	SHERWIN WILLIAMS	SHER-CRYL HIGH PERFORMANCE ACRYLIC #B66-350		DARK BRONZE	FINISH: SEMI-GLOSS
ST-1	STOREFRONT	YKK	YES 45		DARK BRONZE (MATTE)	



Chick-fil-A
5200 Buffington Road
Atlanta, Georgia 30349-2998
P: (404) 765 8000

MAYSE & ASSOCIATES, INC.
Architecture • Planning • Construction Management



14881 Quorum Dr. Suite 800
Dallas, Texas 75254
Phone: (972) 386-0338 Fax: (972) 386-0578
www.MayseAssociates.com

6/25/2021 3:46:02 PM

CHICK-FIL-A
120 & Lillis
Hwy 120
Denison, TX 75020

FSR#04957
BUILDING TYPE / SIZE: SE / ALL
RELEASE: 21.02

REVISION SCHEDULE		
NO.	DATE	DESCRIPTION

CONSULTANT PROJECT #	210XX
PRINTED FOR	PLANNING
DATE	6/25/2021 3:46:02 PM
DRAWN BY	BN
Information contained on this drawing and in all digital files produced for above named project may not be reproduced in any manner without express written or verbal consent from authorized project representatives.	
SHEET EXTERIOR RENDERINGS	
SHEET NUMBER	

A-302

Walker Street

a public street - conc. curb & gutter w/ asphalt paving

P.O.B.

Scale:
1"=60'

Layne Drive
a public street - asphalt paving

2.858 Acres
124,510 Sq. Ft.

L. C. Alexander Survey
Abstract No. 41
Grayson County, Texas

approximate location
of survey line

Walker Street

For Zoning
Purposes Only

Bearing Base: Grid North, NAD83 Texas
State Plane Coordinate System, North
Central Zone, as derived by survey-grade
Global Positioning System. The distances
shown hereon are ground distances.

W. Douglass Distributing, LTD
0.77 Acres
Vol. 5188, Pg. 563,
O.P.R.G.C.I.

Morton Street
L=227.09', R=2648.30', Δ=00°54'47"
Chord=NS4°35'42"W, 227.02'
a public street - variable width conc. curb & gutter w/ asphalt paving
(100' wide easement granted to the State of Texas and Grayson County in Vol. 340, Pgs. 88 & 86 - also known as: State Hwy. No. 91)

F. M. Highway No. 120
variable width conc. curb & gutter & right-of-way

Helvey-Wagner Surveying, Inc.

222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191
Email: kate@helveywagnersurvey.net
TBPELS Firm Registration No. 10088100

M. C. Davis Survey
Abstract No. 336
Grayson County, Texas

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020
Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: kate@helveywagnersurveying.net
Texas Board of Engineers and Land Surveyors Firm Registration No. 10088100
Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578

FIELD NOTES **2.858 Acres/124,510 Sq. Ft.**

SITUATED in the City of Denison, County of Grayson, State of Texas, being out of the L.C. Alexander Survey, Abstract No. 41 and the M.C. Davis Survey, Abstract No. 336, being a portion of the rights-of-way along F.M. Highway No. 120, Morton Street (AKA: State Hwy. No. 91), Walker Street and Layne Drive, all public streets, and being part of the 0.91 acre tract of land (Tract Seven), conveyed by Warranty Deed from James E. Clay and Mary L. Clay, to Buddy Clay Realty, Inc., on April 12, 1965, recorded in Volume 1028, Page 553, Deed Records, Grayson County, Texas, all of the 0.21 acre tract of land, conveyed by Warranty Deed with Vendor's Lien from Angel Property Investors, LLC, to Ronda K. Wade, on December 15, 2017, recorded in Instrument No. 2017-28956, Official Public Records, Grayson County, Texas and all of the 0.23 acre tract of land, conveyed by General Warranty Deed from Barbara L. Lance, to James E. Clay, on January 3, 2013, recorded in Volume 5230, Page 535, said Official Public Records, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point at or near the intersection of the centerline of said Walker Street (an East-West street) and Layne Drive (a North-South street), at the Northeast corner of the herein described tract;

THENCE South 01 deg. 37 min. 54 sec. West, with the centerline of said Layne Drive, a distance of 265.04 ft. to an angle point;

THENCE South 09 deg. 34 min. 37 sec. West, over and across said Morton Street right-of-way and passing the South line of said Morton Street right-of-way and the North line of F.M. Highway No. 120 right-of-way, continuing now over and across said F.M. Highway 120 right-of-way to a point at or near the center of said F.M. Highway 120 right-of-way, at the Southeast corner of the herein described tract;

THENCE North 77 deg. 56 min. 46 sec. West, with the center of said F.M. Highway No. 120 right-of-way, a distance of 199.95 ft. at an angle point;

THENCE South 83 deg. 00 min. 44 sec. West, continuing with the center of said F.M. Highway No. 120 right-of-way, a distance of 43.17 ft. to a point at the most Southern Southwest corner of the herein described tract;

THENCE North 01 deg. 15 min. 18 sec. East, over and across said F.M. Highway 120 right-of-way, passing the North right-of-way line of said F.M. Highway 120, continuing on and passing the South right-of-way line of said Morton Street right-of-way at 134.30 ft. and continuing on over and across said Morton Street right-of-way for a total distance of 192.65 ft. to a point in the center of said Morton Street right-of-way, at an Ell corner of the herein described tract;

THENCE Northwesterly, along the center of said Morton Street right-of-way, with a curve to the right, having a radius of 2,648.30 ft., a central angle of 04 deg. 54 min. 47 sec. (Chord bears: North 54 deg. 55 min. 42 sec. West, 227.02 ft.) and an arc length of 227.09 ft. to a point at the most Western Southwest corner of the herein described tract;

THENCE North 51 deg. 36 min. 54 sec. East, over and across said Morton Street right-of-way, a distance of 24.66 ft. to an angle point;

THENCE North 01 deg. 58 min. 30 sec. East, continuing over and across said Morton Street right-of-way, passing the North right-of-way line of said Morton Street and continuing on over and across said Walker Street for a total distance of 48.20 ft. to a point at the Northwest corner of the herein described tract;

THENCE South 88 deg. 01 min. 30 sec. East, along or near the center of said Walker Street, a distance of 61.09 ft. to an angle point;

THENCE South 88 deg. 46 min. 39 sec. East, continuing along or near the center of said Walker Street, a distance of 370.54 ft. to the **PLACE OF BEGINNING** and containing **2.858 ACRES** and/or **124,510 SQUARE FEET** of land.

Planning & Zoning Commission

Meeting

Staff Report



Agenda Item

Receive a report, hold a discussion, conduct a public hearing and make a recommendation on a City-initiated request to amend Section 28.26, Section 28.33, Section 28.46, Section 28.49, and Section 28.63 of Chapter 28, the Comprehensive Zoning Ordinance. (Case No. 2021-064ZO)

Staff Contact

John Webb, Executive Director of Planning and Community Development
jwebb@cityofdenison.com
903-465-2720 x2466

Summary

- This is a City-initiated amendment to the Comprehensive Zoning Ordinance regarding updates to the SF-TH – Single Family Residential District – Attached, the O – Office District, the HO – Highway Oriented and Corridor District, the Use Regulations (Use Chart), and Definitions.
- The primary purposes of the amendments include:
 - Updating districts to be consistent with the market and to yield desired development
 - Removing incompatible land uses from certain zoning districts
 - Adding compatible land uses to certain zoning districts
 - Deleting obsolete land use terms
 - Amending current definitions or adding new definitions to be consistent with current land use terminology

Staff Recommendation

Staff recommends approval of the proposed amendments to the Comprehensive Zoning Ordinance.

Recommended Motion

“I move to recommend approval of the proposed amendments to the Comprehensive Zoning Ordinance.”

Background Information and Analysis

The current Comprehensive Zoning Ordinance was adopted in 2009, and while there have been several updates, multiple sections of the Ordinance have been identified as requiring amendments and updates. The amendments are intended to 1) update districts to be consistent with the market and to yield the desired development, 2) remove incompatible land uses from certain zoning districts, 3) permit the Planning and Zoning Commission and the City to determine the appropriateness of mixed-use developments, 4) add compatible land uses to certain zoning districts, 5) delete obsolete land use terms, 6) maximize the economic development potential of the City’s highway corridors, and 7) amend current definitions or add new definitions to be consistent with current land use terminology.

It is important to note the Planning and Zoning Commission may recommend and the City Council may approve the adoption of Planned Development Districts on a case-by-case basis to permit a single land use or a mix of land uses where not permitted in certain zoning districts.

Sec. 28-26 – TH – Single-Family Residential – Attached

As depicted in Exhibit A, this district is being amended in its entirety to provide for the appropriate standards for Townhome neighborhoods with attached residential units on platted lots to encourage, but not require the ownership of the individual units. Recommended amendments also include amending development standards for consistency with today's townhome developments such as lot width, lot depth, and lot area. With the townhomes being alley-served, it is common to reduce the rear yard of the garages to maximize the living area of the units. The District will be renamed to the SF-TH – Townhome District.

Section 28.33 – O – Office District

As depicted in Exhibit B, this district is being amended in its entirety to reflect a true Office district. The allowance of single family, duplex, four-plex and apartments by right is being removed from this District. While the goal was to create a mixed-use development with residential areas integrated into office developments, there is a significant lack of development controls to guarantee a well-designed, mixed-use development. Without any Planning and Zoning Commission and City Council discretion, an unlimited number of apartments could be constructed in properties zoned Office. As noted above, the appropriate method for considering a mixed-use development is through the Planned Development District process.

Section 28.46 – HO – Highway-Oriented and Corridor District

The Zoning Ordinance identifies the intent of the Highway-Oriented and Corridor District (HO) is to exercise greater control over the aesthetic, functional, and safety characteristics of development along U.S. Highway 75, Spur 503, F.M. 120 and F.M. 691 where higher standards can effectively enhance the City's image as a desirable place to live, work, and shop. This emphasis on how uses are designed and developed is the focus of the standards in this district. This district is one (1) of seven (7) special overlay districts utilized in the City to achieve the desired development pattern and protect the natural environment.

To achieve land use compatibility and maximize the economic viability of the highway corridors in Denison, the HO District prohibits the following uses:

1. Kennels
2. Livestock sales
3. Stables of any kind
4. Used merchandise sales
5. Used vehicle sales (including motorcycles) as a primary use
6. Manufactured home display, storage, or sales
7. Sand, gravel, caliche, stone sales or storage
8. Any use listed under manufacturing and industrial in [section 28.49](#), Use Charts
9. Auto dealer-used primary use
10. Portable building sales (outdoor display)
11. Landscaping business except if not part of a home improvement center

To further protect and promote the economic development potential of the highway corridors, it is recommended the following uses be prohibited:

1. Auto Dealer (New)

2. Auto Wrecker Service
3. Boat Sales/Rental/Repair
4. Machine Shop
5. Maintenance and Repair Service for Buildings
6. Motorcycle ATV Dealer (New)
7. Motor Freight Company
8. Motorcycle Dealer (Used)
9. Personal Watercraft Sales (New)
10. Personal Watercraft Sales (Used)
11. Sign Manufacturing
12. Wrecking or Salvage Yard
13. Tire Re-treading & Capping
14. Trailer Rental or RV Sales
15. Warehouse (Mini)/Self-Storage
16. Warehouse, Storage
17. Welding Shop
18. Window and Door Frame Manufacturing

Should it be determined that any of the above listed uses would be appropriate with certain conditions, and the property contains at least two (2) acres, an applicant has the right to apply for a Planned Development District.

Section 28.49 – Use Regulations (charts)

The Use Chart identifies a multitude of residential and non-residential land uses and establishes where the uses are permitted by right, require a Conditional Use Permit (CUP), or are prohibited in the various zoning districts. As depicted in Exhibit C, staff has identified numerous changes to accomplish the following:

- Remove obsolete uses or group the use to simplify the Use Chart – example: “Video Rental/Sales” and “Cafeterias”
- Update terminology of uses – example: change “Convenience Store with Gas Sales” to “Convenience Store with Fuel Pumps”
- Amend how the use is permitted or prohibited in certain zoning districts – example: require “Extended Stay Hotels/Motels” to obtain a CUP in the Central Area District; permit retail uses by right in the Light Industrial District
- Identify new land use terms – example: “Data Centers”

Staff also recommends the entire Use Chart be reformatted to organize and alphabetize by residential and non-residential uses in lieu of listing by ten (10) land use types. This will simplify the process of identifying the land uses.

Section 28.63 – Definitions

As depicted in Exhibit D, staff has identified numerous changes to accomplish the following:

- Amend definitions to align with amended land use term – example: “Convenience Store with Fuel Pumps”
- Create definitions for an existing land use – example: “Theater”

- Create definitions for a new land use – example: “Data Center”

Staff also recommends the list of definitions be reformatted to list in alphabetical order in lieu of numbering to ease the process of future amendments.

Financial Considerations

N/A

Prior Board or Council Action

None

Alternatives

The Planning and Zoning Commission may table, recommend denial, or recommend approval with amendments to the proposed changes.

Sec. 28.26. - SF-TH—Single-Family ~~Townhome~~ Residential District—~~Attached~~.**28.26.1. General purpose and description:**

The ~~Single Family Townhome District~~ is intended ~~primarily~~ for attached single-family residential developments in structures built to accommodate three (3) to eight (8) units per structure. ~~The primary uses appropriate to this district would be townhomes and condominiums. Each residential structure shall be located on an individually platted lot. The maximum allowable density would be eight (8.0) dwelling units per acre. Since the development will have alley-served garages, a reduced front setback can be accommodated.~~ Minimum standards ~~would~~ include a minimum area of percent open space ~~as defined below (community space) of at least twenty (20) percent, a maximum development of twenty (20) acres, a minimum development of five (5) acres, and minimum separation requirements between SF-TH developments.~~ Site plans ~~shall~~ ~~would~~ be required with this district.

28.26.2. Permitted uses:

Those uses listed for the SF-TH District in section 28.49 as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in section 28.11.

28.26.3. Height regulations:

Maximum height.

- A. Two and one-half (2½) stories but not to exceed thirty-five (35) feet for the ~~townhome structure, main building/house; where a structure exceeds twenty-five (25) feet in height, it shall be set back from the front property line one (1) additional foot beyond the required front yard setback for each foot above twenty-five (25) feet in height.~~
- B. One story, but not to exceed eighteen (18) feet for other accessory buildings, including ~~detached garage, carports, garden shed,~~ gazebo, clubhouse, ~~and~~ mail kiosks, etc.
- C. Other requirements. Other regulations: In addition to other applicable ordinance regulations, section 28.42 shall apply.

28.26.4. Area regulations:**A. Size of lots:**

1. *Minimum lot area*—~~1,980 Five thousand (5,000)~~ square feet.
2. *Maximum density*—~~Ten Eight (108)~~ units per gross acre of land area within the development.
3. *Minimum project size*—The minimum ~~areaisize~~ of a ~~townhome single-family attached residential~~ development shall be five (5) acres.
4. *Maximum project size*—~~The maximum size of a single family attached residential development shall be twenty (20) acres. No SFA zoning district may be located nearer than one thousand five hundred (1,500) feet to another SFA zoning district.~~
5. *Minimum lot width*—~~22' Forty (40)~~ feet.
6. *Minimum lot depth*—~~90 feetOne hundred ten (110)~~ feet.

B. Size of yards:

1. *Minimum front yard*—~~Fifteen (15) feet for dwelling units; tTwenty-five (25) feet for any other structure.; front yard setback shall be staggered in at least five-foot increments such that no more than two (2) units have the same front setback in a row, and such that at least thirty (30) percent of the lots along any block face are set back at least thirty (30) feet, at least thirty (30) percent of~~

~~the lots are set back at least thirty-five (35) feet, and no more than forty (40) percent of the lots may use the minimum twenty-five foot front setback; no front entry garages shall be permitted.~~

2. *Minimum side yard:*

- a. ~~Single-family~~ Attached townhome dwellings shall not have an interior side yard; however, a minimum twenty-five (25) foot side yard is required for a key corner lot, a minimum fifteen-foot side yard is required on a corner lot adjacent to a residential or collector street, and a minimum twenty-foot side yard is required for a corner lot adjacent to an arterial street.

~~bB. Minimum separation of twenty fifteen (2015) feet between structures without openings or windows. The ends of any two (2) adjacent building complexes or rows of buildings shall be at least twenty (20) feet apart. The required side yards shall be designated upon a plat approved by the city council. One (1) side yard may be reduced to zero feet where the units join; the other side yard shall be a minimum of ten (10) feet required with fifteen (15) feet required on corner lots adjacent to a residential or collector street, twenty (20) feet required on corner lots adjacent to an arterial street; and twenty-five (25) feet required for a key corner lot.~~

- ~~cb.~~ A complex or continuous row of attached single-family dwellings shall have a minimum length of three (3) dwelling units (triplex), a maximum length of eight (8) dwelling units, and shall not exceed two hundred eighty (280) feet in length.

3. *Minimum rear yard:*

- a. No main residential building shall be located nearer than ten (10) feet to the rear property line.
- b. ~~The face of the garage door may be located a minimum of three (3) feet of the rear property line/alley right-of-way. The main residential building and all accessory buildings shall not cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining the midpoint on one (1) side lot line with the opposite side lot line.~~
- c. Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lots, except for accessory buildings allowed pursuant to this chapter and the ordinary projections of windowsills, belt courses, cornices, roof overhangs, and other architectural features projecting a maximum of four (4) feet into the required rear yard.

~~C.~~ Each dwelling unit shall be located on a single, platted lot of record which fronts on a dedicated public street or an approved public access easement.

~~DC.~~ Maximum lot coverage: Eight (80) percent for each lot containing a residential unit. Fifty (50) percent for all other structures by main and accessory buildings on an each individual lot.

~~ED.~~ *Parking regulations:*

1. A minimum of two (2) enclosed parking spaces for each dwelling unit, shall be located behind, beside or incorporated into the dwelling unit, and accessed only from the rear via an alley, and located on the same lot as each dwelling unit (see section 28.50, Off-Street Parking and Loading Requirements).
2. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of one (1) guest/visitor space per four (4) units.
3. Additional parking shall be required for any recreational uses, clubhouse, office, sales offices and other similar accessory structures and uses.
4. All driveways and parking areas shall be concrete or a similar solid paved surface such as turf pavers, brick pavers or asphalt.

~~FE.~~ Minimum floor area per dwelling unit: One thousand (1,000) square feet.

~~GF.~~ Minimum exterior construction standards: See section 28.54 for exterior construction standards.

28.26.5. Special requirements:

- A. Usable open space requirements: Except as provided below, any ~~townhome single-family attached~~ subdivision shall provide useable open space which equals or exceeds twenty (20) percent of the gross platted area, excluding rights-of-way for collector and larger-sized streets. Useable open space shall not be required for a SF-TH development if it contains twenty (20) or fewer lots and if the property is contiguous to or abuts a usable open space area adequate to serve the development. Said usable open space shall meet the criteria established in subsection 28.26.5.A. below. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.
1. *Specific criteria for usable open space*—Areas provided as usable open space shall meet the following criteria:
 - a. All residential lots must be located within six hundred (600) feet of a usable open space area as measured along a street. The planning and zoning commission may recommend, and city council may allow, this distance to be increased ~~to up to one thousand two hundred feet (1,200)~~ if the shape of the subdivision is irregular or if existing trees or other natural features on the site can be preserved by increasing the distance.
 - b. Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Useable open space ~~shall must~~ be a minimum of fifty (50) feet wide, and ~~shall must~~ have no slope greater than ten (10) percent. At the time of site plan and subdivision plat approval, the planning and zoning commission may recommend, and the city council may allow, full or partial credit for open areas that exceed the ten (10) percent maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and the surrounding area.
 - c. Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels, and antennas ~~shall may~~ not be included in calculating useable open space.
 - d. Within useable open space areas, there shall be at least one (1) large shade tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch caliper, and at least twenty-five (25) percent of the trees shall be nondeciduous (for qualifying tree species, see appendix C of this chapter for the city's recommended plant list).
 - e. A useable open space area must have street frontage on at least thirty-three (33) percent of the area's perimeter to ensure that the area is accessible to residents of the subdivision.
 - f. Useable open space areas must be easily viewed from adjacent streets and homes. Side or rear yard fences along common open space areas shall be of open, wrought iron design, and shall not exceed four (4) feet in height adjacent to the open space and for a distance of ten (10) feet perpendicular or radial to the open space area.
 2. *Landscaped areas*—Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.
- B. Maintenance requirements for common areas: A property owners association ~~shall be is~~ required for continued maintenance of common land and facilities.
- C. Alleys: Each attached dwelling unit within the SF-TH District shall be rear-entry only from an alley that is constructed ~~in conjunction along~~ with the ~~rest of~~ the subdivision (i.e., at the same time as the streets, utilities, etc.) and that is in conformance with the city's design standards for alleys (see the subdivision ordinance).

- D. Refuse facilities: Every ~~townhome single-family attached~~ dwelling unit shall be served by either individual residential trash carts or by a bulk dumpster. The bulk dumpster ~~located within one hundred fifty (150) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way.~~ A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one (1) dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. ~~Refuse containers shall be located no closer than thirty (30) feet to any adjacent single-family property,~~ shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with section 28.53 of this chapter (see Illustration 1 for refuse container enclosure diagrams).
- E. All utilities shall be provided separately to each lot within an SF-TH District so that each unit is individually metered.
- ~~F. A swimming pool shall be provided in single-family attached developments of fifty (50) or more units. See the city's Code of Ordinances for additional requirements for swimming pools.~~
- FG. Single-family detached dwellings (and their respective lots) constructed within this district shall conform to the standards as set forth in the SF-7.5 District.
- ~~H. Each SF-TH lot shall contain a private yard with not less than four hundred (400) square feet of area (i.e., a back yard or large side yard). Private yards may include a patio cover, gazebo or other similar non-enclosed structure which does not cover more than twenty-five (25) percent of the area of the private yard, and they may also include a swimming pool, swing set, play fort, or other private leisure amenity.~~
- GI. The elimination of a garage space by enclosing or converting any portion of the garage space with a stationary building wall shall be prohibited unless another garage of the same size and same parking capacity is built on the lot within the standards specified for the SF-TH Zoning District.
- HJ. Recreational vehicles, travel trailers or motor homes shall may not be used for on-site dwelling purposes.
- IK. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- ~~L. Single-family and two-family homes with side-entry garages where lot frontage is only to one (1) street (not a corner lot) shall have a minimum of twenty-four (24) feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-four (24) feet.~~
- JM. Site plan approval (see section 28.13) shall be required for any single-family attached or nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-TH District. Any nonresidential land use which may be permitted in this district shall conform to the "NS"—Neighborhood Service District standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc. Said site plan approval shall not be required for home occupations uses that conform to the city's standards.
- KN. Other regulations: As established by article V.

~~(Ord. No. 4820, § 2(2.09, 2.10), 7-18-16)~~

Sec. 28.33. - O—Office District.

28.33.1. General purpose and description:

The O—Office District is intended to accommodate a variety of office developments providing for professional, financial, medical, and similar services for local residents; corporate offices for regional and national operations; and for other major employment centers. The district can be used as a transition district between more intense uses and residential uses, provide for a mixture of office and residential uses in close proximity to enable people to live, work and purchase necessities in a single location. Bed- and breakfast establishments could also be located in this district. Additionally, pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment. The following are key concepts that should be acknowledged through development practices within [the] Office District:

- ~~A. Residential uses in conjunction with nonresidential activities, possibly located above or next to office establishments;~~
- ~~B. All types of residential uses, including single-family homes, townhouses, and loft-style multiple-family units;~~
- ~~C. Offices are compatible with residential not exceeding three (3) stories in height;~~
- ~~D. Traffic flows that enable people to move freely without the use of an automobile by emphasizing the pedestrian.~~

28.33.2. Permitted uses:

Those uses listed for the O District in section 28.49 as "P" or "C" are authorized uses permitted by right or conditionally permitted uses (i.e., CUP), respectively. Conditional uses must be approved utilizing procedures set forth in section 28.11.

28.33.3. Height regulations:

Maximum height:

- A. Three (3) stories, -but no greater than sixty (60) feet
- ~~B. One (1) story, or twelve (12) feet for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.~~
- B.C. Other requirements (see article V).

28.33.4. Area regulations:

A. Size of lots:

1. *Minimum lot area*—Six thousand (6,000) square feet.
2. *Minimum lot width*—Sixty (60) feet.
3. *Minimum lot depth*—One hundred (100) feet.

B. Size of yards:

1. *Minimum front yard*—Twenty-five (25) feet. All areas adjacent to a street shall be deemed front yards.
2. *Minimum side yard:*
 - a. Where adjacent to a nonresidential district - use—Twenty-five (205) feet.
 - b. Where adjacent to a residential district:

1. Twenty five (25) feet for a one story building.

2. Forty (40) feet for a two-story building

3. Fifty (50) feet for a three-story building

~~—Multi-family or duplex uses—Ten (10) percent of the lot width not to be less than five (5) feet but need not exceed fifteen (15) feet; twenty (20) feet from a street right of way line for a corner lot; unless adjacent to a single family, duplex, patio home or single family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows:~~

~~1. One-story building—twenty-five (25) feet.~~

~~2. Two-story building—fifty feet (50).~~

~~e. Single family detached uses—Ten (10) percent of the lot width not to be less than five (5) feet but need not exceed fifteen (15) feet; fifteen (15) feet on corner lots adjacent to a street right-of-way line; and twenty (20) feet from a street right-of-way line for a key corner lot.~~

~~d. Single family attached uses—One side yard reduced to zero feet where the units join; other side yard a minimum of ten (10) feet required with fifteen (15) feet required on corner lots adjacent to a residential or collector street, twenty (20) feet required on corner lots adjacent to an arterial street; and twenty-five (25) feet required for a key corner lot.~~

3. *Minimum rear yard:*

a. Where adjacent to a nonresidential district – twenty (20) feet

b. Where adjacent to a residential district:

1. Twenty five (25) feet for a one story building.

2. Forty (40) feet for a two-story building

3. Fifty (50) feet for a three-story building

~~No main residential building shall be located nearer than ten (10) feet.~~

~~b. The main residential building and all accessory buildings shall not cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining the midpoint on one (1) side lot line with the opposite side lot line.~~

~~c. Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lots, except for accessory buildings allowed pursuant to this chapter and the ordinary projections of windowsills, belt courses, cornices, roof overhangs, and other architectural features projecting a maximum of four (4) feet into the required rear yard.~~

~~4. Building separation:~~

~~a. Between residential structures—Ten (10) feet for buildings without openings; fifteen (15) feet for buildings with openings.~~

~~b. Between a main building and an accessory building—ten (10) feet.~~

~~C. Minimum floor area per dwelling unit:~~

~~1. Efficiency unit—Four hundred fifty (450) square feet per unit.~~

~~2. One-bedroom unit—Six hundred fifty (650) square feet per unit.~~

~~3. Two (2) or more bedroom unit—Eight hundred seventy-five (875) square feet for the first two (2) bedrooms, plus an additional one hundred twenty-five (125) square feet for every bedroom over two (2) (e.g., three bedroom unit must have one thousand (1,000) square feet, etc.).~~

D. *Maximum lot coverage:* Forty (40) percent total, including main and accessory buildings.

E. *Parking regulations (see section 28.50):*

1. ~~One and one-half (1.5) spaces for each efficiency or one-bedroom unit.~~
2. ~~Two (2) spaces for each two-bedroom unit.~~
3. ~~Two and one-half (2.5) spaces for each three-bedroom unit.~~
4. ~~Three (3) spaces for each four or more bedroom unit.~~
5. ~~The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.~~
6. ~~No parking space may be located closer than six (6) feet from any building or closer than two (2) feet from any side or rear lot line.~~
7. ~~All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms, and low masonry walls that match the exterior finish of main buildings, or any combination of the above.~~

E. *Minimum exterior construction standards: Seventy-five (75) percent standard masonry construction (see article V).*

28.33.5. Special requirements:

- A. *Landscaping requirements:* Refer to article V.
- B. *Open storage:* Open storage in nonresidential areas is prohibited.
- C. ~~*On-site dwellings:* Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.~~
- CD. *Temporary facilities:* There shall be no permanent use of temporary facilities or buildings.
- DE. *Other regulations:* As established by article V.

Proposed Amendments to Section 28.49 - Use Regulations (Use Chart)

Use	Proposed Amendment
Duplex/Two Family	Remove permitted by right in the Lakeside Development, Office, and Commercial Districts
Four-Family (Quadplex)	Remove permitted by right in the Lakeside Development and Office Districts
Single-Family Attached	Amend term to read “Townhome” and remove permitted by right in the Office District. Amend the designation on top row of Use Chart from “SF-TH” to “TH”
Multi-Family (Apartments)	Remove permitted by right in the Lakeside Development and the Office Districts
Single-Family Industrialized Home	Remove permitted by right in the Office District
Single-Family Detached Home	Remove permitted by right in the Office District
Three-Family (Triplex)	Remove permitted by right in the Office District
Office, Administrative, Medical, or Professional	New term and designate as permitted by right in the Office, Neighborhood Services, Local Retail, Community Retail, Regional Retail, Commercial, Central Area, Business Park, Light Industrial and Heavy Industrial Districts
Insurance Agency Offices	Delete term – the use falls within definition of Office, Administrative, Medical, or Professional
Offices (Brokerage Services)	Delete term – the use falls within definition of Office, Administrative, Medical, or Professional
Offices (Health Service)	Delete term – the use falls within definition of Office, Administrative, Medical, or Professional
Offices (Legal Services)	Delete term – the use falls within definition of Office, Administrative, Medical, or Professional
Offices (Medical Office)	Delete term – the use falls within definition of Office, Administrative, Medical, or Professional
Offices (Professional)	Delete term – the use falls within definition of Office, Administrative, Medical, or Professional
Offices (Parole-Probation)	Delete term – the use falls within definition of Office, Administrative, Medical, or Professional
Real Estate Office	Delete term – the use falls within definition of Office, Administrative, Medical, or Professional
Ambulance Service (Private)	Remove permitted by right in the Neighborhood Services District
Cafeteria	Delete the term- defined as a Restaurant
Extended Stay Hotels/Motels (Residence Hotels)	Amend term to read, “Hotels, Extended Stay (Residence Hotels)” and Amend permitted by right in the Central Area District to permitted by Conditional Use Permit (CUP)
Laundry/Dry Cleaning (Drop off/Pick up)	Add permitted by right in the Light Industrial District
Martial Arts School	Add permitted by right in the Light Industrial District
Antique Shop	Add permitted by right in the Business Park and the Light Industrial Districts

Proposed Amendments to Section 28.49 - Use Regulations (Use Chart)

Use	Proposed Amendment
Building Material Sales	Amend permitted by right in the Regional Retail, Commercial, and Central Area District to permitted by CUP in those districts
Bowling Alley	Delete term – classified as Amusement, Commercial (Indoor)
Book Store	Delete term – classified as Retail Shops and Stores
Consignment Shop	Rename to “Consignment Shop (No outdoor storage)”
Custom Personal Service Shop	Amend term to read, “Personal Service”
Convenience Store without gas sales	Amend term to read, “Convenience Store without Fuel Pumps”
Convenience Store with gas sales	Amend term to read, “Convenience Store with Fuel Pumps”
Food or Grocery Store	Amend term to read, “Grocery Store”
Furniture Sales (Outdoor)	Remove permitted by right in the Regional Retail and Commercial Districts and add permitted by right in the Light Industrial District
Gravestone/Tombstone Sales (Outdoor Display)	Remove permitted by right in the Commercial District
Hardware Store	Amend term to read, “Hardware Store (No Outdoor Storage)”
Laundry and Cleaning, Self-Service Automatic	Amend term to read, “Laundry, Self-Service”
Handicraft Shop	Delete term, no longer relevant
Retail Shop (Misc.)	Amend term to read, Retail Shops and Stores and as permitted by right in the Business Park and Light Industrial Districts
Needlework Shop	Delete term, use defined as Personal Service
Vacuum Cleaner Sales and Service	Delete term, considered as retail shop and small appliance repair
Auto Dealer (Classic and Performance)	Amend term to read, “Auto Dealer (Classic and Performance – Indoor Showroom Only)” and add as permitted by right in the Light Industrial District
Auto Rental	Amend permitted by right in the Regional Retail and Commercial Districts to permitted by CUP in those districts
Go Cart Track	Delete term, considered as outdoor commercial amusement
Quick Lube/Oil Amend/Minor Inspection	Remove permitted by right in the Central Area District
Tire Sales (No Outdoor Storage)	Remove permitted by right in the Central Area District
Billiard/Pool Facility (Three (3) or More Tables)	Amend permitted by right in the Commercial District to permitted by CUP in that district
Bingo Facility	Amend permitted by right in the Community Retail, Regional Retail, and Commercial Districts to permitted by CUP in those districts
Bowling Center	Remove term, defined as Amusement, Commercial (Indoor)
Exhibition Area, Fair Grounds	Amend permitted by right in the Commercial District to permitted by CUP in that district

Proposed Amendments to Section 28.49 - Use Regulations (Use Chart)

Use	Proposed Amendment
Health Club (Physical Fitness)	Amend term to read, "Health Club/Fitness Center" and add as permitted by right in the Light Industrial District
Recreation Center	Delete the term – permitted as a permitted as a Governmental Building
Travel Trailers/R.V.'s (Short-Term Stays) R.V. Parks	Remove permitted by CUP in the Commercial District and amend permitted by right in the Light Industrial District to permitted by CUP in that district
Membership Sports	Delete term – obsolete
Motion Picture Theater (Indoor)	Amend term to read, "Theater"
Motion Picture Studio, Commercial Film	Amend term to read, "Studio/Video, Media & Audio Recording" and amend the requirement for a CUP in the Commercial District to permitted by right in that District and add permitted by right in the Central Area District
Skating Rink	Remove term, defined as Amusement, Commercial (Indoor)
Video Rental/Sales	Delete term – obsolete use
Clinic (Medical)	Delete term – use permitted as Office (Professional)
Assisted Living Facility	Remove permitted by right in the Central Area District
Event Venue/Meeting Hall	Amend term to read, "Hall, Reception/Banquet/Meeting"; amend permitted by right in the Office, Neighborhood Services, Local Retail, Community Retail, Regional Retail, Commercial, Central Area Districts to permitted by CUP in those districts and remove permitted by right in the Light Industrial and Heavy Industrial Districts
Hospice	Remove permitted by right in the Central Area District
Hospital (Acute Care)	Remove permitted by right in the Central Area District
Newspaper Printing	Remove permitted by right in the Central Area District
Nursing/Convalescent or Skilled Home	Remove permitted by right in the Central Area District
Utility Shops and Storage Area	Remove permitted by CUP in the Central Area District
Furniture and Major Appliance, Repair/Used	Remove permitted by right in the Central Area District
Landscape Use	Remove term – no longer relevant
Trailer Rental or RV Sales	Amend permitted by right in the Commercial and Business Park Districts to permitted by CUP in those districts
Data Center	New term and add as a permitted use in the Regional Retail Commercial, Business Park, Light Industrial and Heavy Industrial Districts

Proposed Amendments to Section 28.63 - Definitions

Term	Current Definition	Proposed Definition
71. Convenience store with (or without) gasoline sales	Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services	Amend term to read, "Convenience store without fuel pumps" and amend definition to read, "A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption."
Convenience store without fuel pumps	n/a	New term with definition to read, "A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption and includes the dispensing of motor vehicles fuels but does not include any automotive repair services."
77. Custom personal service	Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.	Amend term to read, "Personal Service and amend definition to read, Services involving the care of a person, including barbershop, beauty shop, hair salon, tailor, dressmaker, shoe shop, or similar shop offering custom service."
Data Center	n/a	New term to read, "A facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including but not limited to web hosting organizations and internet service organizations. A server farm, telecom hotel, carrier hotel, telco hotel, telehouse co-location center, or any other term applicable to facilities which are used for these specified purposes shall be deemed to be a data center."
84. Drapery, or furniture upholstery shop	An establishment for the production, display and sale of draperies and soft coverings for furniture	Amend term to read, "Drapery, blinds or furniture upholstery shop, and amend definition to read, An establishment for the production, display and sale of draperies, window blinds, and soft coverings for furniture."
91. Event venue/meeting hall	A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for an event, meeting or function such as a wedding or reception. A fee may or may not be charged for use of the	Amend term to read, "Hall, Reception/Banquet/Meeting and define as A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function, that is

Proposed Amendments to Section 28.63 - Definitions

	space. This definition does not include fraternal organizations, religious facilities, or community center (municipal/civic center).	not open to the general public, whether or not a fee is charged.”
119. General retail stores	This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (also see retail shop).	Delete this definition – refer to definition of Retail Stores and Shops
105. Food Store	A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.	Amend term to read, “Grocery Store” and amend definition to read, “Any building where most of the gross floor area is devoted to the sale of food products for home preparation and consumption but may also offer prepared food for on- or off-site consumption, retail personal and household items, and a pharmacy.”
Health Club (Physical Fitness)	n/a	Amend term to read, “Health Club/Fitness Center and definition to read, A private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weightlifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.”
147. Laundromat (or self-serve washateria)	A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron	Amend term to read, “Laundry, Self-Service” (no change to definition)
Theater	n/a	New definition to read, “A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performances having screens, stages, or combination thereof.”
Studio/Video & Audio Recording	n/a	New definition to read, “A privately-owned facility where multi-media events are recorded, filmed or produced including film

Proposed Amendments to Section 28.63 - Definitions

		and recording studios and advertising agencies with on-site production facilities.”
186. Multiple-family dwelling	Three (3) or more dwelling units on a single lot designed to be occupied by three (3) or more households living independently of one another, exclusive of hotels or motels. This includes three-household units (triplex) and four-household units (quadplex), as well as traditional	Amend term to read, “Multi-Family (Apartments)” and amend definition to read, “Attached dwelling units designed to be occupied by four (4) or more households living independently of one another, exclusive of hotels, motels, or residence hotels.”
Office, Administrative, Medical, or Professional	n/a	New term with definition to read, “A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations.”
Offices, Temporary Field	n/a	New definition to read, “A temporary or mobile office which is intended for the purpose of construction management.”
246. Retail shop (for apparel, gifts, accessories and similar items)	An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods (also see <i>general retail stores</i>).	Amend the term to read, “Retail Stores and Shops and amend definition to read, An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.”
261. Single-family dwelling, <i>attached (townhouse)</i> :	A dwelling which is joined to another dwelling at one (1) or more sides by a shared wall, which is designed for occupancy by one (1) household, and which is located on a separate lot delineated by a front, side and rear lot lines.	Delete term – replaced by Townhome
Townhome	n/a	New term with definition to read, “A structure containing three (3) to eight (8) dwelling units with each unit designed for occupancy by one household on a platted lot and each unit attached to another by a common wall.”