



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

Tuesday, July 09, 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, July 09, 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 June 25, 2024.

4. PUBLIC HEARINGS

A. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone approximately 1.693 acres legally described as being part of the Ramon Rubio Survey, being Lot 2R, Block A, Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said blocks of North Side Addition, Abstract No. 996 an addition to the City of Denison, Grayson County, Texas as per plat of record in Doc. No. 2021-189; GCAD Property ID No. 438877, from the Commercial (C) District to the Single-Family (SF-5) Residential District to allow for residential use. (Case No. 2024-048Z).

B. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for a Conditional Use Permit (CUP), for property zoned Central Area (CA) and within the Commercial Historic Overlay (CH) District to allow for the use of Bar, for Copacetic Cowboy located on property consisting of Lots 17, 18, and 19 of the Original Town Plat of Denison, Texas, GCAD Property ID No. 143144, being commonly known as 120 S. Burnett Avenue (Case No. 2024-064CUP)

- C. Receive a report, hold a discussion, conduct a public hearing, and take action on Lots 1R thru 5R, Block B and Lots 1R thru 5R, Block C, being a Replat of Lot 2R, Block A, of the Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said Blocks of North Side Addition. (Case No. 2024-037RP).
- D. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for a Conditional Use Permit (CUP), for property zoned Local Retail (LR) and within the Austin Avenue Overlay (AO) District, to allow for the use of Bar, for SLUSH Premium Daiquiris located on property consisting of ±.1481 acres, Lot 1, Block 38, out of the OTP Denison Survey, 150 X 43 (C), 6,450 SQ FT., GCAD Property ID No. 143046, commonly known as 221 North Austin Avenue. (Case No. 2024-062CUP)
- E. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to initially zone a tract of land legally described as Lots 1, 2, and 3, Block A, ROS Estates, Grayson County, Texas; being further identified as Grayson County Appraisal District, Property ID Nos. 449977, 449978, and 449979; and being generally known as 4836 Thereesa Drive, 4858 Theresa Drive and 44890 Theresa Dive to a Single-Family (SF-7.5) District, to allow for residential use. (Case No. 2024-047Z).
- F. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to amend Section 28.46.- HO – Highway Oriented and Corridor District. (Case No. 2024-060ZO)
- G. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a tract being approximately .2066 of an acre legally described as Lot 1, Block 1, of the H Tones First, an addition to the City of Denison, Grayson County, Texas, as shown by plat of record in Volume 67, Page 75, Deed Records, Grayson County, Texas; being commonly known as 129 E. Johnson Street, GCAD Property ID No. 142394, from the Commercial (C) District to the Single-Family, (SF-5) Residential District to allow for residential use. (Case No. 2024-056Z).

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 5th day of July 2024.

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
NOTES**

Tuesday, June 25, 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 Chair Charlie Shearer, Vice Chair Robert Sylvester, Commissioners Linda Anderson, Angela Harwell, and Ernie Pickens.

Staff present were Dianne York, Planner; Felecia Winfrey, Development Coordinator; Kirk J. Kern, Chief Building Official; and Karen Avery, Deputy City Clerk.

The Invocation was delivered by Chair Shearer, followed by the Pledge of Allegiance led by Commissioner Anderson.

2. PUBLIC COMMENTS

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 June 11, 2024.
- B. Receive a report, hold a discussion, and take action on a Site Plan for Whataburger, a drive-thru restaurant located on the north side of FM 120. (Case No. 2024-030SP)

Commission Action

On motion by Commissioner Harwell, seconded by Commissioner Pickens, the Planning and Zoning Commission approved the Consent Agenda. [Commissioner Anderson abstained from the Minutes as she was absent at the June 11, 2024. Meeting.]

4. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a tract of land consisting of approximately 6.559 acres, being commonly known as GCAD Property ID No. 355667, 215 S. US Highway 75 from the Commercial (C) District to a Planned Development Overlay (PD) District to allow for the use of metal building material for the façade of the existing building. (Case No. 2024-040PD).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that this case is for Blake Utter Ford located on the west side of US 75, south of Walmart. Ms. York stated that the Applicant is requesting to rezone the subject property from the Commercial District (C) to a Planned Development Zoning District (PD) for the use of metal building material for the façade of the building. The subject property falls within the Highway Oriented and Corridor District Overlay (HO) District. Ms. York stated that, per Section 28.46.5.2.b, the use of metal building materials for facades within this Overlay is prohibited. The proposed PD will allow for the use of metal building material for the façade of an existing building located at 215 S. US Hwy 75 for the auto dealership known as Blake Utter Ford. Ms. York stated that approval of the proposed PD will allow Blake Utter Ford to move forward with utilizing Ford Motor's new Signature MV design, which incorporates Aluminum Composite Material (ACM), on the front façade of existing buildings. Staff recommended approval of the Planned Development Zoning District.

Ms. York stated that staff wants to be mindful that they do not place themselves in a situation where they come back and say that they should not have done something. She stated that she and Director of Development Mary Tate are reviewing the Highway Overlay to see if there is a way to build exceptions into the building material, because this is going to look substantially cleaner and will improve their façade. She stated that it will definitely improve the corridor area. Ms. York stated that staff appreciates the Applicant's patience with them as they work through the process, but, unfortunately, there's just no room in the Ordinance at the moment to allow them to move forward without this zoning change.

Chair Shearer asked if there was anyone else present who wished to speak on this agenda item.

Mr. Bruce Green came forward and provided the following information:

Name: Mr. Bruce Green, BWG Architecture (Applicant's Representative)
Address: 218 Emily Lane
Van Alstyne, TX 75494

Mr. Green stated that he was available for any questions from the Commission – to which there were none.

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

On motion by Commissioner Pickens, seconded by Vice Chair Sylvester, the Planning and Zoning Commission unanimously recommended approval of the subject property being rezoned to a Planned Development Zoning District for the use of metal building material for the façade of the existing building.

- B. Receive a report, hold a discussion, conduct a public hearing, and take action on Lot 1R, Block 1 of the Gateway East Professional Office Park, being a Replat of Lot 1R-1 & 1R-2, Block 1, of the Replat of Lot 1, Block 1 of the Gateway Addition, Phase 6. (Case No. 2024-058RP)

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. The Applicant is seeking approval of the proposed Replat consisting of approximately 3.893 acres. Ms. York stated that this property has come before the Commission twice for a Replat proposing two lots, as well as a site plan approval. Ms. York stated that the Applicant is now requesting this proposed Replat in order to turn those two lots into one. She stated that the site plan is still approved. Ms. York stated that the civil engineering plans are approved and they are under construction. The property is zoned Planned Development (PD) and is currently being developed. Ms. York stated that the property will have access to FM 691 and Theresa Drive and has access to water and sewer. Staff recommended approval of the Replat as submitted.

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

On motion by Commissioner Anderson, seconded by Commissioner Harwell, the Planning and Zoning Commission approved the proposed Replat.

5. STAFF UPDATES

Planner York stated that the Highway Overlay Ordinance will be brought before the Commission with proposed changes on July 9, 2024. She stated that if there are any items that the Commission wishes staff to consider, please send them an email as they want to ensure that they have a thorough examination of the amendments they prepare. Ms. York stated that at the June 17, 2024, City Council meeting, the Duck Creek Crossing Planned Development item was tabled to the July 1, 2024, City Council meeting.

6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:13 a.m.

CHARLIE SHEARER, Chairman

ATTEST:

Karen L. Avery, Deputy City Clerk

The 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 to rezone approximately 1.693 acres legally described as being part of the Ramon Rubio Survey, being Lot 2R, Block A, Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said blocks of North Side Addition, Abstract No. 996 an addition to the City of Denison, Grayson County, Texas as per plat of record in Doc. No. 2021-189; GCAD Property ID No. 438877, from the Commercial (C) District to the Single-Family (SF-5) Residential District to allow for residential use. (Case No. 2024-048Z).

Staff Contact

Dianne York, Planner
dyork@denisontx.gov
903-465-2720

Summary

- The applicant is requesting a rezone of the subject property from the Commercial (C) Zoning District to the SF-5, Single Family Residential District to allow for residential uses.
- Applicant wishes to develop the property in a single-family manner.
- The request complies with the Comprehensive Plan.

Staff Recommendation

Staff recommends approval of this request.

Recommended Motion

"I move to recommend approval of changing the zoning of the subject property from the Commercial (C) District to the Single Family (SF-5) Residential District to allow for residential use."

Background Information and Analysis

The applicant is requesting a rezone of the subject property located along North Lamar Avenue and East Washington Street east of Austin Avenue from the Commercial (C) District to the Single Family (SF-5) Residential District. The applicant wishes to develop the property in a residential manner. Approval of this request will allow the applicant to move forward with a Replat of the property and extension of infrastructure to serve future residential structures.

On June 6th, 2022, the City Council approved a rezone of property now known as Lots 1-6, Block A, Century Ridge Addition, Phase 1. These lots are interior, adjacent lots to the subject property for this request. Approval of this rezone request will provide consistent zoning from all lots located at the corner of East Washington Street and North Lamar Avenue. A proposed Replat of the subject property is a companion item to this request.

The Future Land Use Plan designates this area as “Neighborhood”. Per the Comprehensive Plan, areas depicted as “Neighborhood” should be developed in residential manner. Approval of this rezoning request complies with the Future Land Use Plan.

According to Ordinance Section 28.10, City staff and the Planning and Zoning Commission shall consider the following factors when reviewing rezone requests:

1. *Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;*

The proposed use is compatible with the area located around the property.

2. *Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;*

N/A

3. *The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development;*

Rezoning of this property will not impact the availability of similar land for development.

4. *The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;*

The overall area has been developed in a residential manner.

5. *How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;*

N/A

6. *Whether the zoning petition is consistent with the current land use plan; and*

The property is depicted on the Future Land Use Plan to be developed in a Neighborhood manner. This request complies with the Future Land Use Plan.

7. *Any other factors that will substantially affect the public health, safety, morals, or general welfare.*

Other factors which may substantially affect general welfare have been addressed above.

Financial Considerations

N/A

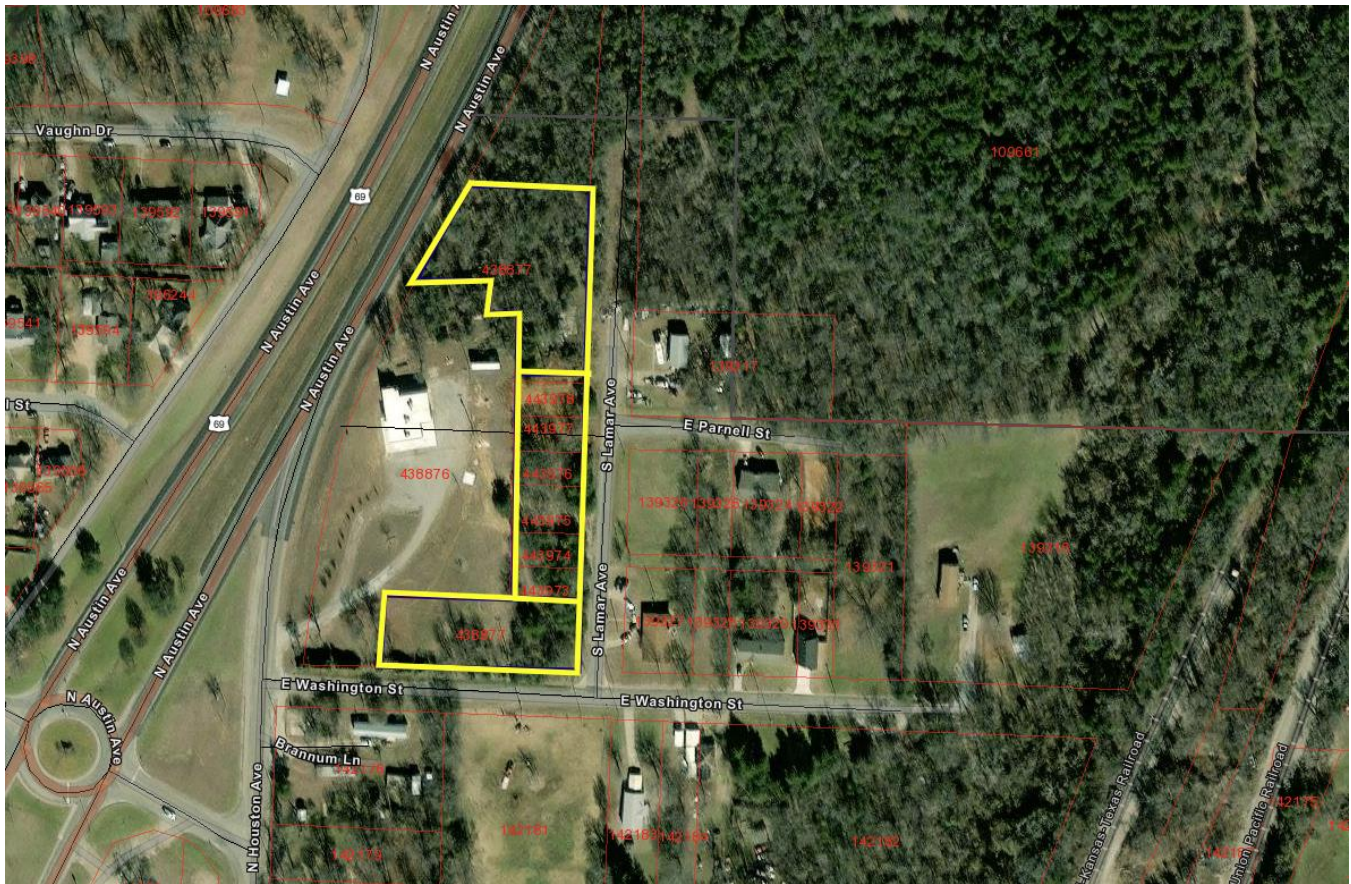
Prior Board or Council Action

N/A

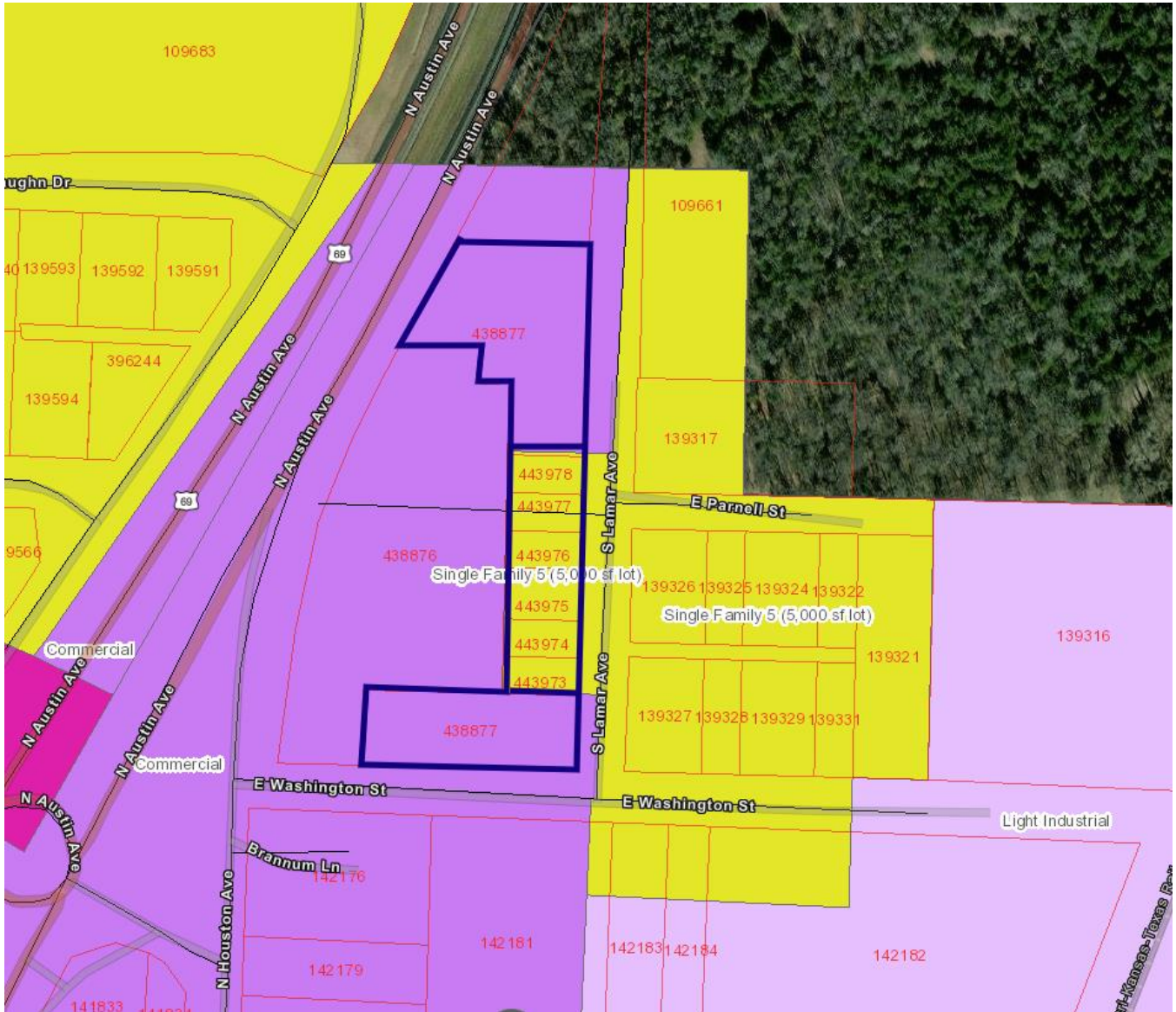
Alternatives

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

Aerial of Subject Area



Zoning Aerial of Subject Area



Vicinity map
(not to scale)



Curve #	Length	Radius	Delta	Chord
C1	219.90'	69.96'	180°05'12"	S01°11'10"W, 139.92'

Lot No.	Block No.	Square Feet
1	B	6129
2	B	6160
3	B	6160
4	B	5000
5	B	5000
1	C	5250
2	C	6676
4	C	11568
5	C	9108

General Notes:

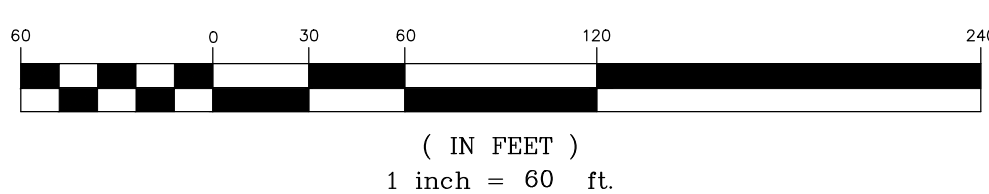
- Water Supply to be provided by City of Denison.
- Sewer service to be provided by City of Denison.
- Electrical service is provided by Oncor Electric and Delivery Co.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
- 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.
- The City of Denison will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- The property shown on the plot hereon lies within a Zone "X" (500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0170, Revised Date: September 29, 2010.
- 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.
- The owners and builders must comply with all other state and federal regulations regarding developments of this type.
- City of Denison Planning Department Case No. 2023-XXX.
- The current property is currently zoned Commercial.
- Selling off a portion of this addition by a 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 withholdings of utilities and building permits.
- Visibility Note. Intersection visibility triangles shall be shown and maintained in accordance with the Subdivision Regulations.
- The 25 ft. building line along the lots within this Replat are to be removed and abandoned by this plat and replace by those building lines shown hereon.

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

Legend:
cri(6578) = 1/2" capped rebar found (RPLS 6578)



GRAPHIC SCALE



**STATE OF TEXAS
COUNTY OF GRAYSON**

We, TX GAK, LLC, the undersigned Owners of the land shown hereon, and legally described herein above, and designated herein as the Century Ridge Addition, Phase 2 to the City of Denison, Texas and whose names are 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. We further certify that all other parties who have a mortgage or lien interest in the Century Ridge Addition, Phase 2 to the City of Denison, Texas have been notified and signed this plat

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

Gabe Howell
Managing Member

Amber Howell
Managing Member

Kent Hughlett
Managing Member

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

Given under my hand and seal of office this _____ day of _____, 2023.

Notary Public, Grayson County, Texas

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

Given under my hand and seal of office this _____ day of _____, 2023.

Notary Public, Grayson County, Texas

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

Given under my hand and seal of office this _____ day of _____, 2023.

Notary Public, Grayson County, Texas

Owner:
TX GAK, LLC
723 Cypress Point Drive
Gunter, TX 75058

Job No. CGD330723

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

LEGAL DESCRIPTION

BLOCK B FIELD NOTES:

SITUATED in the City of Denison, County of Grayson, State of Texas, and being a part of the Ramon Rubio Survey, Abstract No. 996 and being a part of Lot 2R, Block A of the Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said Blocks of North Side Addition to the City of Denison, Texas as per plat of record in Doc. No. 2021-189, Plat Records, Grayson County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found, lying at the intersection of the West right-of-way line of Lamar Avenue, a public street, with the North right-of-way line of Washington Street, a public street, being the Southeast corner of said Lot 2R and the herein described tract;

THENCE North 88 deg. 49 min. 29 sec. West, with the most Southerly line of said Lot 2R and the North line of said Washington Street, a distance of 284.50 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the most Southerly Southeast corner of Lot 1R, Block A, said Replat of a part of Blocks 1 and 4 in Doc. No. 2021-189 and the most Southerly Southwest corner of said Lot 2R and the Southwest corner of the herein described tract;

THENCE North 01 deg. 11 min. 10 sec. East, with an Easterly line of said Lot 1R and a Westerly line of said Lot 2R, a distance of 100.00 ft. to a 1/2 inch capped rebar found (RPLS 6578) at an Ell corner of said Lots 1R and the a Northwest corner of said Lot 2R, being the Northwest corner of the herein described tract;

THENCE South 88 deg. 49 min. 29 sec. West, with a Northerly line of said Lot 2R and a Southerly line of said Lot 1R, **PASSING** a 1/2 inch capped rebar found (RPLS 6578) at 184.49 ft. at the most Westerly Southwest corner of said Lot 1R and the Southwest corner of Lot 1, Block A, Century Ridge Addition, Phase 1 to the City of Denison, Texas as per plat of record in Doc. No. 2021-130, said Plat Records, continuing on now with the South line of said Lot 1, Block A, Century Ridge Addition, Phase 1 for a **TOTAL** distance of 284.50 ft. to a 1/2 inch capped rebar found (RPLS 6578) in the West right-of-way line of said Lamar Avenue, at the Southeast corner of said Lot 1, Block A, Century Ridge Addition, Phase 1 and the Northeast corner of the herein described tract;

THENCE South 01 deg. 11 min. 10 sec. West, with the West right-of-way line of said Lamar Avenue and the East line of said Lot 2R, a distance of 100.00 ft. to the **PLACE OF BEGINNING** and containing **0.653 ACRES** of land.

BLOCK C FIELD NOTES:

SITUATED in the City of Denison, County of Grayson, State of Texas, and being a part of the Ramon Rubio Survey, Abstract No. 996 and being a part of Lot 2R, Block A of the Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said Blocks of North Side Addition to the City of Denison, Texas as per plat of record in Doc. No. 2021-189, Plat Records, Grayson County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found, lying at the intersection of the West right-of-way line of Lamar Avenue, a public street, with the South line of Anne Street, a public street per Vol. 108, Pg. 161 (not open-improved), being the Northeast corner of both said Lot 2R and the herein described tract;

THENCE South 01 deg. 11 min. 10 sec. West, with the West right-of-way line of said Lamar Avenue and the East line of said Lot 2R, a distance of 292.42 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Northeast corner of Lot 6, Block A of Country Ridge Addition, Phase 1 to the City of Denison, Texas as per plat of record in Doc. No. 2022-130, said Plat Records, and being the Southeast corner of the herein described tract;

THENCE North 88 deg. 49 min. 29 sec. West, with the North line of said Lot 6, Block A, a distance of 100.01 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Northwest corner of said Lot 6, Block A, lying in the East line of Lot 1R, Block A, said Replat of part of Blocks 1 and 4 in Doc. No. 2021-189, being the most Southerly Southwest corner of the herein described tract;

THENCE North 01 deg. 11 min. 10 sec. East, with an Easterly line of said Lot 1R and a Westerly line of said Lot 2R, a distance of 102.50 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the most Easterly Northeast corner of said Lot 1R and an Ell corner of both said Lot 2R and the herein described tract;

THENCE North 88 deg. 49 min. 29 sec. West, with a Southerly line of said Lot 2R and a Northerly line of said Lot 1R, a distance of 33.51 ft. to a 1/2 inch capped rebar found (RPLS 6578) at an Ell corner of said Lot 1R and a middle Southwest corner of both said Lot 2R and the herein described tract;

THENCE North 01 deg. 11 min. 10 sec. East, with an Easterly line of said Lot 1R and a Westerly line of said Lot 2R, a distance of 50.00 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the most Northerly Northeast corner of said Lot 1R and an Ell corner of both said Lot 2R and the herein described tract;

THENCE North 88 deg. 49 min. 29 sec. West, with a Northerly line of said Lot 1R and a Southerly line of said Lot 2R, a distance of 104.30 ft. to a 1/2 inch capped rebar found (RPLS 6578), lying in the East right-of-way line of U.S. Highway No. 69, being the Northwest corner of said Lot 1R and the most Westerly Southwest corner of both said Lot 2R and the herein described tract;

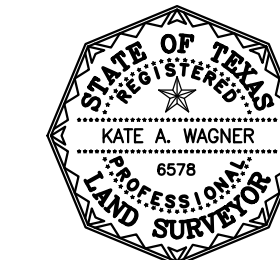
THENCE North 27 deg. 51 min. 56 sec. East, with the East right-of-way line of said U.S. Highway No. 69 and the Westerly line of said Lot 2R, a distance of 156.80 ft. to a 1/2 inch rebar found at the Northwest corner of both said Lot 2R and the herein described tract;

THENCE South 88 deg. 46 min. 00 sec. East, with the South line of said Anne Street and the Northerly line of said Lot 2R, a distance of 167.42 ft. to the **PLACE OF BEGINNING** and containing **1.040 ACRES** of land.

SURVEYOR'S CERTIFICATE

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

Kate A. Wagner, R. P. L. S. No. 6578 Date: _____



CITY ACCEPTANCE

I hereby certify that the above and foregoing plat of Century Ridge Addition, Phase 2 was approved by the Planning and Zoning Commission of the City of Denison this _____ day of _____, 2023.

Planning and Zoning Commission Chair
City of Denison, Texas

**Replat
Lots 1 thru 5, Block B
Lots 1 thru 5, Block C
Century Ridge Addition, Phase 2
(being a Replat of Lot 2R, Block A, of the Replat
of a part of Blocks 1 and 4 and a portion of those
abandoned alleys and street lying within said
Blocks of North Side Addition)
to the
City of Denison
Grayson County, Texas**

1.693 Acres

in the
**Ramon Rubio Survey
Abstract No. 996**

Date of Preparation: August 10, 2023

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 a Conditional Use Permit (CUP), for property zoned Central Area (CA) and within the Commercial Historic Overlay (CH) District to allow for the use of Bar, for Copacetic Cowboy located on property consisting of Lots 17, 18, and 19 of the Original Town Plat of Denison, Texas, GCAD Property ID No. 143144, being commonly known as 120 S. Burnett Avenue (Case No. 2024-064CUP)

Staff Contact

Dianne York, Planner
dyork@denisontx.gov
903-465-2720

Summary

- Staff is seeking a recommendation from the Commission for a previously approved Conditional Use Permit (CUP) allowing for the use of a Bar for Copacetic Cowboy. The previously approved CUP required the applicant obtain a Certificate of Occupancy (CO) within one hundred and eighty (180) days of Conditional Use Permit (CUP) approval.
- The Planning and Zoning Commission recommended approval of this Conditional Use Permit (CUP) on March 22nd, 2022, and City Council approved the CUP at their meeting held on April 4th, 2022.
- The applicant is requesting a CUP in order to operate a Bar. They wish to create a “unique and approachable” beverage and food menu with specialty crafted cocktails, beers and wines and limited food menu.
- The applicant has not amended the hours of operations requested in the previously approved CUP. Those hours of operation include Thursday-Friday 4:00 p.m. – 12:00 a.m., Saturday 11:00 a.m. - 1:00 a.m. and Sunday 12:00 p.m. – 12:00 a.m.
- The property is zoned Central Area

Recommended Motion

"I move to recommend approval of a Conditional Use Permit (CUP) as presented for the use of a Bar for Copacetic Cowboy."

Background Information and Analysis

Staff is bringing this request for a Conditional Use Permit (CUP) to operate a bar at property located at 120 S. Burnett Avenue before the Planning and Zoning Commission again for recommendation. The original CUP received a recommendation for approval by the Commission at their meeting held on March 22nd, 2022, and subsequently received final approval from City Council at their meeting held on April 4th, 2022. The previous CUP detailed a requirement for the applicant to obtain a Certificate of Occupancy (CO) within one hundred and eighty (180) days of the CUP being approved. Staff is asking that the Commission review the case once more and recommend approval in order for the CUP to move toward being active again. No requests or conditions have been changed; however, the potential business

provided a name change from Champagne Charlies to Copacetic Cowboy, from the original application. All information from the previous case can be reviewed below.

Applicant is requesting a Conditional Use Permit (CUP) for a Bar for Copacetic Cowboy, previously approved as Champagne Charlies, located at 120 S. Burnett Avenue. Copacetic Cowboy is a new cocktail house that will occupy suites 100 and 102, consisting of 3,000 square feet, for property located at 120 S. Burnett Avenue. The applicant wishes to establish a stylish and comfortable atmosphere with an “unique and approachable” beverage and food menu by providing a variety of specialty crafted cocktails, beers and wines as well as a limited bar menu. Applicant has provided their business model as well as a floor plan and both are consistent with the Bar use.

After receiving a Certificate of Appropriateness (COA) from the Historical Preservation Board in 2020, the property owner made significant improvements to the interior and exterior of the building. A CUP for the use of a Bar will allow the tenant and property owner to move forward with additional improvements or renovations needed for the business.

The Comprehensive Plan identifies the area the subject property is located within as the City’s Downtown Center. Per the Comprehensive Plan, Denison’s Downtown Center should be engaged in mixed-use activities with retail, restaurants, entertainment, offices, and some medium-density residential uses. Permitting the use of a bar conforms with the Comprehensive Plan.

Staff has reviewed the Conditional Use Permit criteria outlined within the Ordinance before reaching its recommendation for approval. No negative traffic impacts are anticipated from this project. On-street parking is available as well as three nearby parking lots available during hours of operation.

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. Per the Comprehensive Plan, Entertainment services are encouraged within the downtown area.

- 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 Bar is consistent with the Central Area 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 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.*

The applicant is encouraged to utilize the on-street parking and nearby public parking lots available throughout downtown Denison.

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.

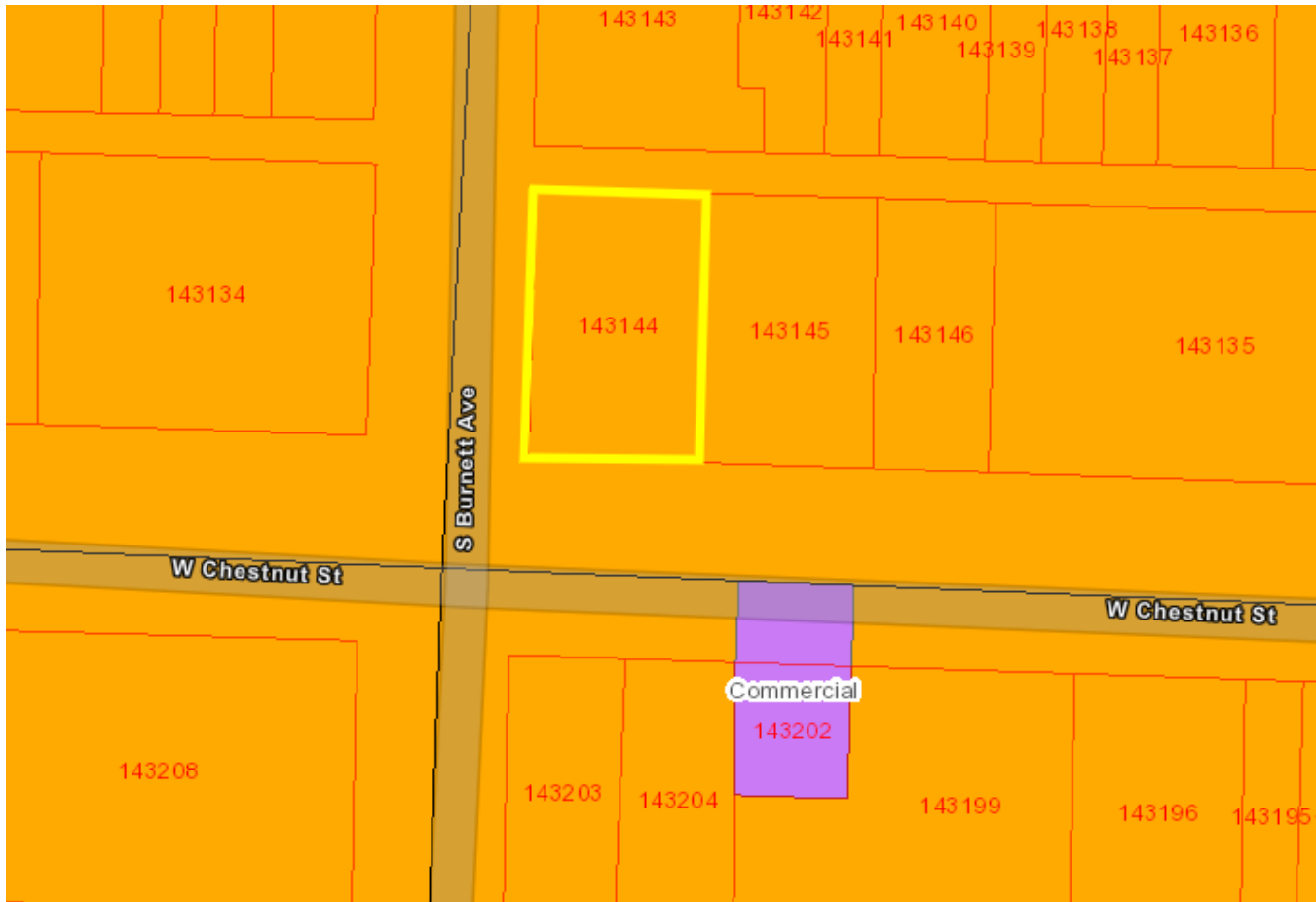
Alternatives

The Planning and Zoning Commission may recommend approval with conditions, denial, or table the request for an amended Conditional Use Permit.

Aerial of Subject Property



Zoning of Subject Property – Central Area

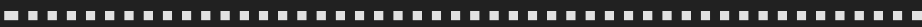





Copacetic Cowboy


BUSINESS PLAN

2024



 Cody Riggs

 120 S Burnett Ave 100/102 Denison, Texas 75020

 214.755.6680, 214.924.2639


 Criggs@champagnecharliesdenison.com, www.champagnecharliesdenison.com



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1.

Executive Summary

Business Overview

Mission Statement

Vision Statement

Market Opportunity Summary

Product/Service Summary

Next Steps

Capital Request

Business Overview

Coprcetic Cowboy is a new cocktail house that will proudly serve the downtown area of Denison, Texas and its surrounding communities, a welcoming place for patrons to celebrate life and foster easy conversation. **Copacetic Cowboy** will present a stylish, comfortable atmosphere with a unique yet approachable beverage and food menu, intentions that give a nod to the past while staying relevant to modern Denisonians. **Copacetic Cowboy** aims to provide an environment differing from current bar offerings in the area, which will be an ideal location for memorable date nights or marking life occasions, as well as strengthening the informal connections between frequenters after work hours or during community events. The desire and request for such a bar experience has been heard from many of the local area's residents and business owners; **Copacetic Cowboy** will meet the demand in Denison with offerings of affordable crafted cocktails and elevated dishes within the pleasing surroundings of diligent staff and a shared spirit of celebration.

Mission Statement

Copacetic Cowboy strives to become a premier night spot for the locals of Denison, Texas and all visitors who seek the enjoyment of crafted cocktails in an inclusive, memorable environment. **Copacetic Cowboy** will accomplish this distinguishable repute by offering expertly crafted drinks, a select list of beer and wine, and well paired food at reasonable prices with consistent execution. By providing the community with a cocktail house to visit for both special celebrations and open evenings, **Copacetic Cowboy** will become a Denison favorite. **The** business will be operated with the understanding that satisfied customers are imperative for a sustainable and prosperous business.

Vision Statement

Copacetic Cowboy will strive to become one of the premier venues in Denison that offers finely crafted cocktails, approachable food prepared from in-house recipes, and select champagne, beer and wine. We aim to work as a supporting function of the Denison community and continue to help enliven and revive the Downtown Denison area, while evolving with the needs of Denison residents and the greater population of North Texas and South Oklahoma.

Market Opportunity Summary

Copacetic Cowboy specifically caters to its target market and is truly a unique local bar experience. The bar differs in decor, atmosphere, extensive cocktail offerings, culinary options and music. At the time of opening, this will be the only dedicated cocktail house in the area, and will not focus on karaoke, sports, etc. This will be a much-needed location to converse, meet, celebrate and drink in fellowship.

Product/Service Summary

Copacetic Cowboy will offer a broad and deep variety of specialty crafted cocktails and champagne which will appeal to the public's ever-changing and increasingly more sophisticated demands for variety in alcoholic beverages. The bar will also offer a small food menu. **The Chef** will prepare unique bar foods pairings such as charcuterie boards, pickled egg, house made focaccia with rosemary and compound butter, Mortadella "BLT" sandwiches, gourmet **hotdogs, flatbreads** and other small items.

Next Steps

As we continue on to opening, we have milestones that we must accomplish. They are:

- Acquire CUP approval for the premises
 - of the interior space
- Obtain Certificate of Occupancy
- Complete installation of **final decor choices**
- Purchase **food and liquor** inventory
- Hire and train staff on site
- Soft Open
- Grand Opening

Capital Request

Ownership has a current investment of **\$300,000** for build-out and to purchase kitchen equipment, supplies, etc.

Total starts up costs are ever-changing, but sit at a current total of **\$350,000**. To date, the owners have contributed **\$300,000** or **98%** equity in the business and are utilizing grants and building allowances to retain working capital.

The owners are seeking a \$25,000 working capital loan to meet start-up inventory requirements, and licensing requirements. The loan will be secured by UCC filings on all inventories, and accounts receivables. Repayment of this loan will be through **Copacetic Cowboy's** operating income.

2.

Market Overview

Industry Analysis

Market Trends

Customers

Industry Analysis

The bar industry has grown over the years and through multiple recessions and international crises to become a very adaptable and sustainable business. They act as a healthy support for restaurants, retail and events in the area by providing a destination before, during and after patronage. The ability to adapt, find a favorable location and use ethical and wise business practices have been proven to increase the likelihood of success in this industry.

Market Trends

Copacetic Cowboy specifically caters to its target market and is truly a unique local bar experience. The bar differs in style, atmosphere, extensive cocktail offerings, culinary options and music. At the time of opening, this will be the only dedicated cocktail house in the area that will not focus on karaoke, sports, etc. This will be a much-needed location to converse, meet, celebrate and drink in fellowship.

Customers

Copacetic Cowboy's has identified a vast field of target customers, both locals from Denison itself and those traveling from nearby towns and the State of Oklahoma. They are comprised of customers with the expectation of a finely crafted cocktail, with interest in exploring the world of mixology in hope of encountering something beyond an average menu offering. The additional majority of patrons to appeal to are those looking for an elevated bar experience, customers who enjoy being at a bar but desire a more urban atmosphere.

3.

Product & Services

Products/Services

Unique selling position

Pricing strategy

Value to customer

Products/Services

Copacetic Cowboy will offer a broad and deep variety of specialty crafted cocktails and champagne which will appeal to the public's ever-changing and increasingly more sophisticated demands for variety in alcoholic beverages. The bar will also offer a small food menu. **Cheif** will prepare unique bar foods pairings such as charcuterie boards, pickled egg, house made focaccia with rosemary and compound butter, Mortadella "BLT" sandwiches, gourmet **hotdogs**, **gourmet** flatbreads and other small items.

Unique selling position

We will be offering an inviting and comfortable environment for our patrons to enjoy our cocktails and offerings over a conversation, celebration or book. Without televisions and bar games, **Copacetic Cowboys's** purpose will be the fellowship and meeting of individuals from Denison and the surrounding cities while focusing on crafted cocktails and champagne.

Pricing strategy

Pricing is being set to allow all to enjoy what is offered at **Copacetic Cowboy** and also garner the business of those that would like a more elevated experience. We will offer a wide array of spirits and champagnes to be approachable to all patrons. Our pricing standards are set with experience in the overall liquor sales market and the knowledge of the area.

Value to customer

In addition to providing a unique, approachable and needed experience and meeting place on its own, **Copacetic Cowboy** will be a proud and avid supporter of all City of Denison and Denison Live events taking place on Main Street and the surrounding areas, as well supporting and partnering with all other local businesses and their owners. **Copacetic Cowboy's** looks to become a staple of it's patrons and a place of pride for Denison and its residents.

Examples of Offered Products



Expertly Crafted Cocktails

Old Fashioned, Champagne Charlie, Morning Routine, Bitter Marriage



Champagne

Charles Heidsieck, Piper Heidsieck, Perrier, Veuve Cliqcut



Fresh Made Food

Flatbreads, Sandwiches and other small bites



Charcuterie

Meats, Cheeses, House made relishes and jams

4.

Competitive Analysis

Competitors

Traction

Similarities & Differences

Competitors

Competitor 1



The Green Growler is a beer purveyor on main street that focuses mainly on craft beers served on tap.

Features

A multitude of beer options

Strengths

Variety and Seating Capacity

Weaknesses

Busy environment

Competitor 2



Red Rock Saloon

Features

Large Space, Stage, Games

Strengths

Offers a variety of events and a large space

Weaknesses

Does not cater to those looking for a more private experience

Traction

Similarities & Differences

Though both of these venues offer liquor, they do not focus primarily on cocktails and champagne. Both of these establishments are large, open and have many focuses that appeal to large crowds (pool tables, stages, food purveyors). Our establishment will offer comfortable seating, lighting and more quiet spaces for people to have conversations, celebrations, etc.

5.

Marketing Plan

Customer Definition

Customer Acquisition

SWOT – Internal and external forces

Customer Definition

Copacetic Cowboy's base of customers will be residents of Denison and its neighboring towns, cities and states. As a historic destination that is continuing to grow, Denison, Texas and its Main Street offer the unique patronage of local residents and travelers from other cities and states. **Copacetic's** aims to be a main stop for all travelers and shoppers of legal drinking age that come to Denison as well as an establishment that promotes knowledge of Denison's history and pride of its residents.

Customer Acquisition

Copacetic Cowboy's plans to market online via websites and social media, including our own website, facebook, instagram and twitter. We plan to work with the City of Denison and Denison Live to promote events and programs, as our location on Heritage Park frontage lends us the ability to serve patrons of these events. In order to gain customers outside of Denison, we plan to market on billboards and at events outside of Denison proper.

SWOT – Internal and external forces

Strengths

- Committed Owner with combined 30 years industry experience.
- Owner residence in Denison.
- Partnerships with experts in place for potential problems unique to a bar (Systems, Insurance, Legal, Accounting, Financial)
- Relatively easy entry and low capital outlay.
- Copacetic Cowboy** will be a unique one-of-a-kind destination experience in Denison's Downtown.
- Targeted, specific focus on its customers will create a memorable experience for patrons resulting in repeated business.

S

Weaknesses

- Employee theft can make or break a bar business. Exclusive use of the bar-centric POS system mitigates this risk
- Disorderly patrons can harm business and reputation. Extensive training and management oversight mitigates this risk.
- Limited or unique food offerings can lessen patronage. The adaptability of ownership and the business as a whole can mitigate this risk.
- High turnover in the bar industry, closing of bars. Preparation, oversight and strict business practices can mitigate this risk.

W

Opportunities

- To become a part of Denison's drive to build community and build Main Street to the City's desired form.
- To obtain a share of the multi-million dollar liquor sales market in Texas.
- To offer Denison residents and those from neighboring cities and states a unique destination experience on historic Main Street.

O

Threats

- Another viral event or exacerbation of COVID that could potentially hurt the entertainment/service industry.

T

6.

Management & Organization

Management Team

Organization Chart

Hiring Plan

Professional Services

Management Team



CODY RIGGS

Owner, Director of Food & Beverage

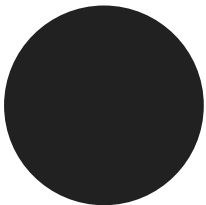
CRiggs@ChampagneCharliesDenison.com



Teri Riggs

Owner, Director of Operations

Triggs.champagnecharlies@gmail.com



Organization Chart

Our executive staff will consist of Cody Riggs **and Teri Riggs**, overseeing financial and business practices, decisions and implementation.

Our in house staff will consist of multiple bartenders, a kitchen manager, cooks, a dish machine operator and porter.

Hiring Plan

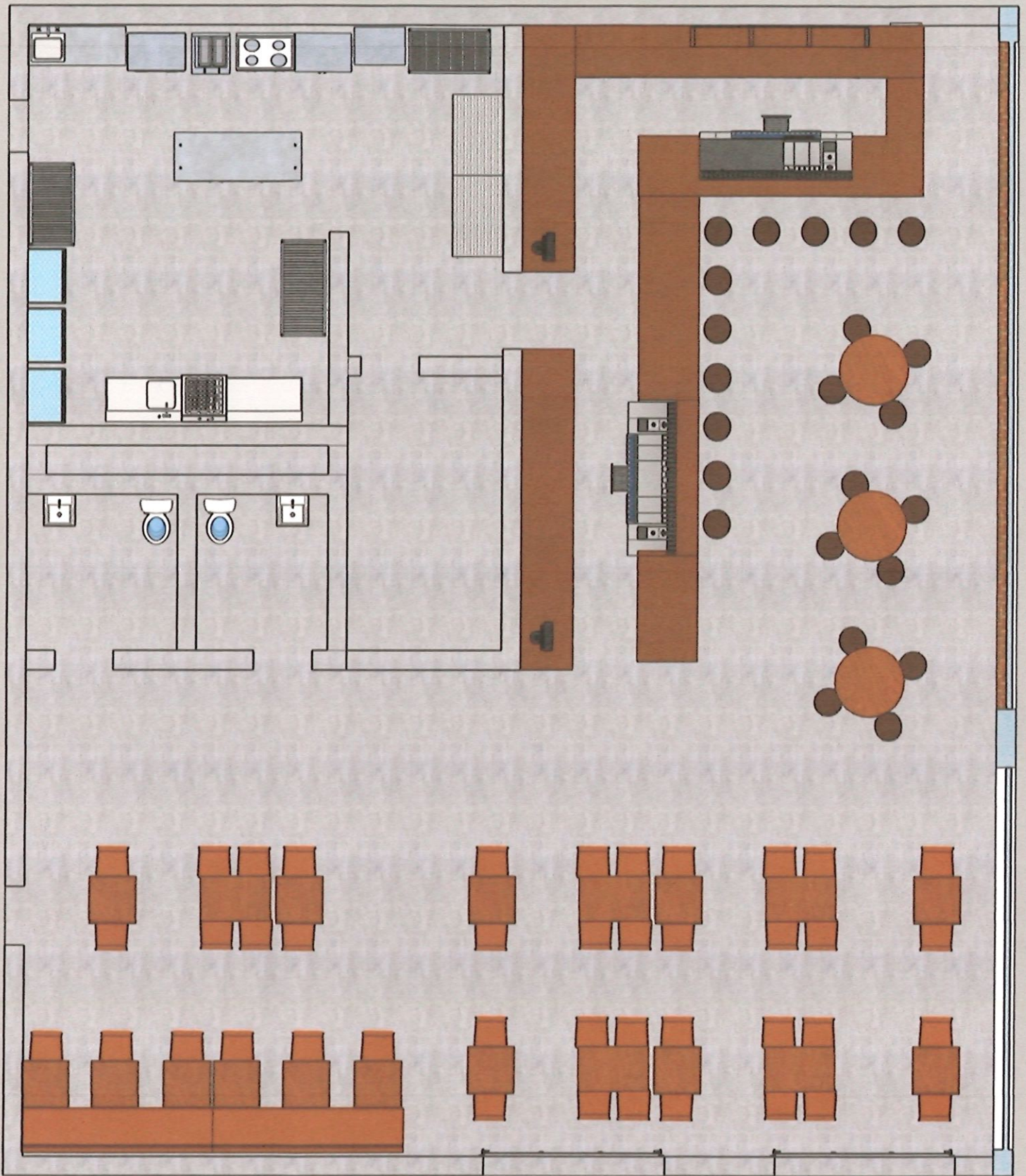
We will be implementing extensive and ongoing employee training. Employees will be rewarded financially for providing impeccable service with opportunities to benefit in profit sharing. All staff will be hand-selected and share the same core beliefs of the owners; everyone will be trained to be keenly aware of patrons and anticipate their needs before the customer does. Provide/enhance customer's knowledge and education of spirits in a fun and non-intimidating environment.

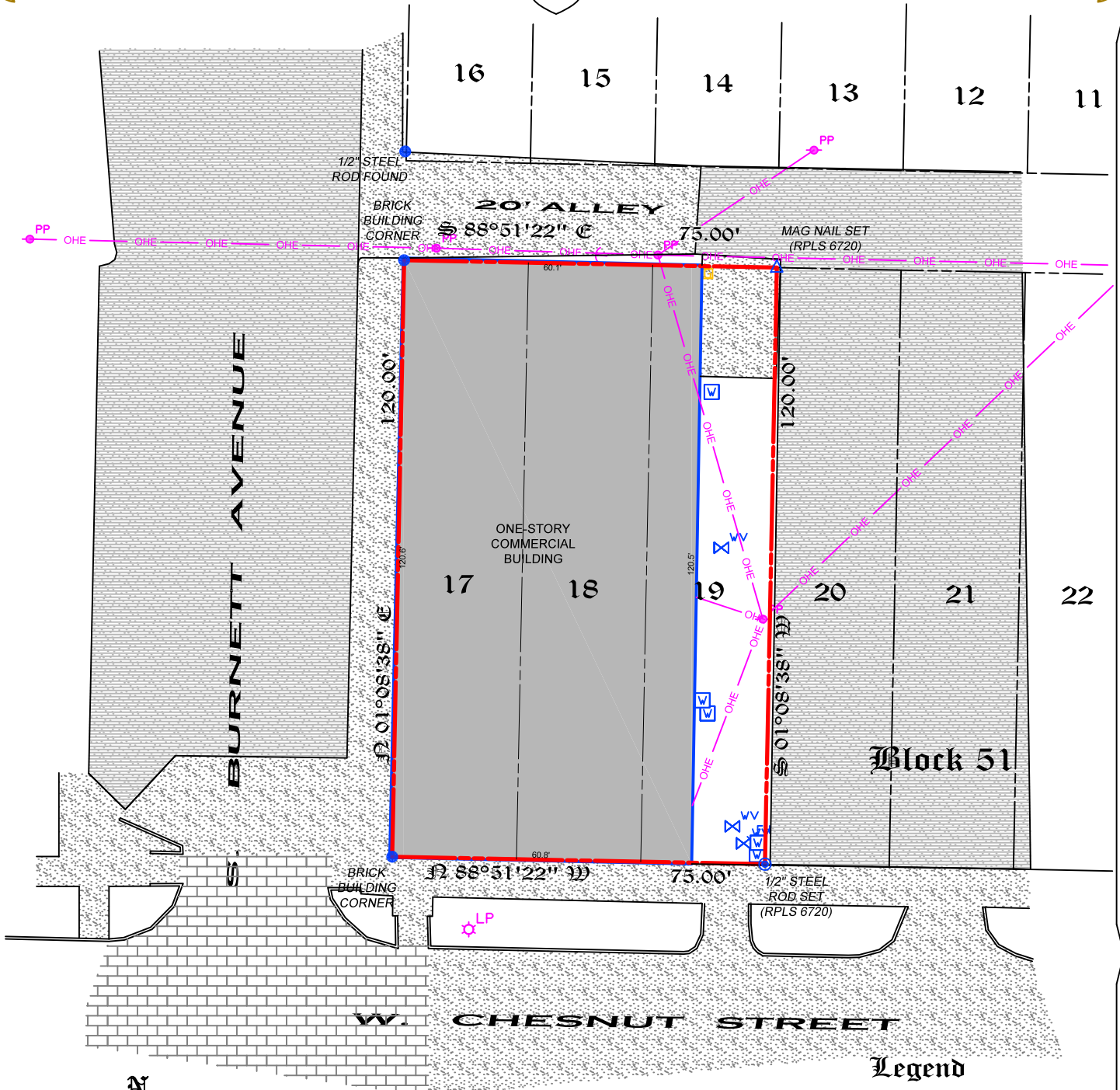
Professional Services

R&R Concepts and Consultation, LLC and in turn **CopaceticCowboy's** have contracted professional

services including accounting, bookkeeping, financial planning, tax assessing and legal oversight from bookkeeping services, licensed CPA's and licensed attorneys.

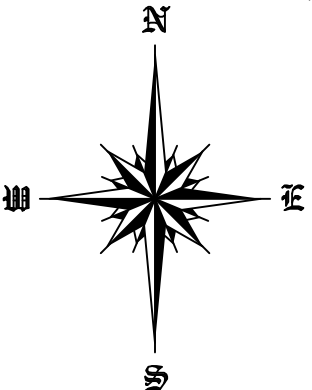
In the daily business of **Copacetic Cowboy's** we will be in use of a national and bar-centric POS system and each of our staff will be required to complete an online course about the history and use of spirits, cocktails and service on top of the required TABC certification from the state and in-person training we will offer.





Legend

- LIGHT POLE
- GAS
- POWER POLE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- BOUNDARY LINE
- PROPERTY LINE
- OVERHEAD ELECTRIC BUILDING
- ASPHALT
- CONCRETE
- BRICK



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

0 30 60

SCALE ~ 1" = 30'

Copyright © 2022
 Copley Land Surveying, Inc.
 All rights reserved.

I, John C. Copley, Registered Professional Land Surveyor do hereby certify that on the 16th day of December, 2021, a survey was made on the ground of the property shown hereon, described as **Lots 17, 18 & 19, Block 51, of the ORIGINAL TOWN PLAT OF DENISON, TEXAS**, as shown by plat of record in Volume 28, Page 362 & 363, Deed Records, Grayson County, Texas, and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown on the plat herewith, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

The building on said lot is known as **120 S. Burnett Avenue, Denison, Texas**, and is wholly located on said lot; there are no encroachments or protrusions from buildings on adjoining lots or tracts of land except as shown.

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



Copley Land Surveying
 1702 Verdi Ln., Sherman, Texas 75090
 TX 903-415-0643, OK 580-980-0181
 john@copleylandsurveying.com



The Planning and Zoning Commission Meeting Staff Report



Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and take action on Lots 1R thru 5R, Block B and Lots 1R thru 5R, Block C, being a Replat of Lot 2R, Block A, of the Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said Blocks of North Side Addition. (Case No. 2024-037RP).

Staff Contact

Dianne York, Planner
dyork@denisontx.gov
903-465-2720

Summary

- The purpose of the Replat is to create ten (10) lots from two (2) parcels to allow for the construction of residential structures.
- The property is located at the northwest corner of E. Washington Street and N. Lamar Avenue.

Staff Recommendation

Staff recommends conditional approval of the Replat pending zoning approval by the City Council and approval of Civil Engineering Plans.

Recommended Motion

"I move to conditionally approve the proposed Replat pending zoning approval by the City Council and approval of Civil Engineering Plans."

Background Information and Analysis

The applicant is seeking approval of the proposed Replat so they may create ten (10) residential lots. The property is currently zoned Commercial (C); however, the applicant is seeking a rezone to the SF-5, Single Family Residential District to allow for the development of single-family dwellings. This rezone request is a companion item on this agenda. All lots meet the minimum lot length, depth, and square footage requirement listed within the SF-5, Single-Family Residential Zoning District.

Significant infrastructure construction is required for this subdivision. To move forward with the development, water and sewer extensions are both required in addition to the installation of curb and gutter on Washington Street and Lamar Avenue. Civil Engineering Plans are required for the extension of all infrastructure. These plans are to be submitted to City staff to be reviewed and approved prior to any infrastructure construction. Upon acceptance of all infrastructure, the City can move forward with filing the plat.

Financial Considerations

N/A

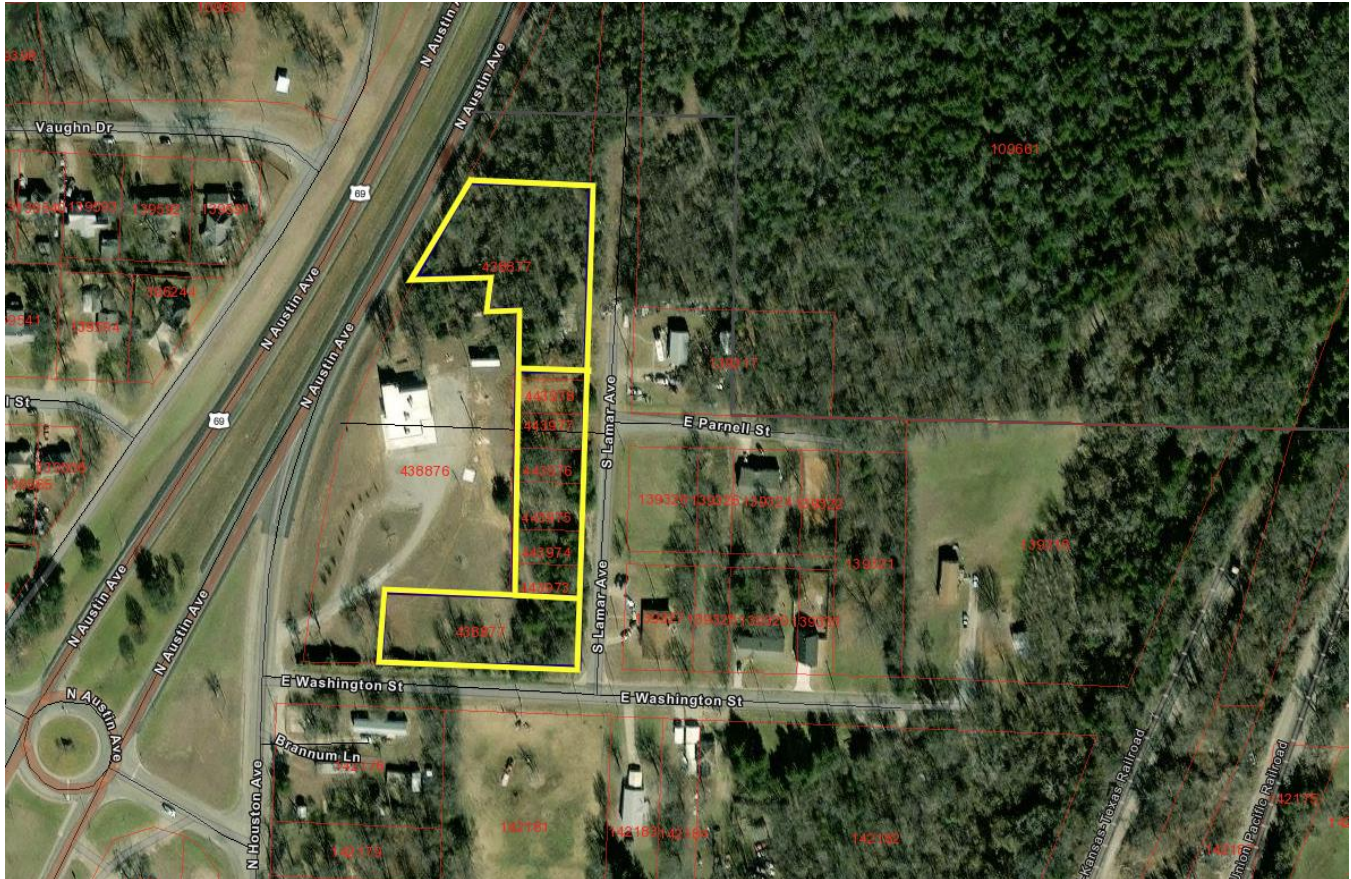
Prior Board or Council Action

N/A

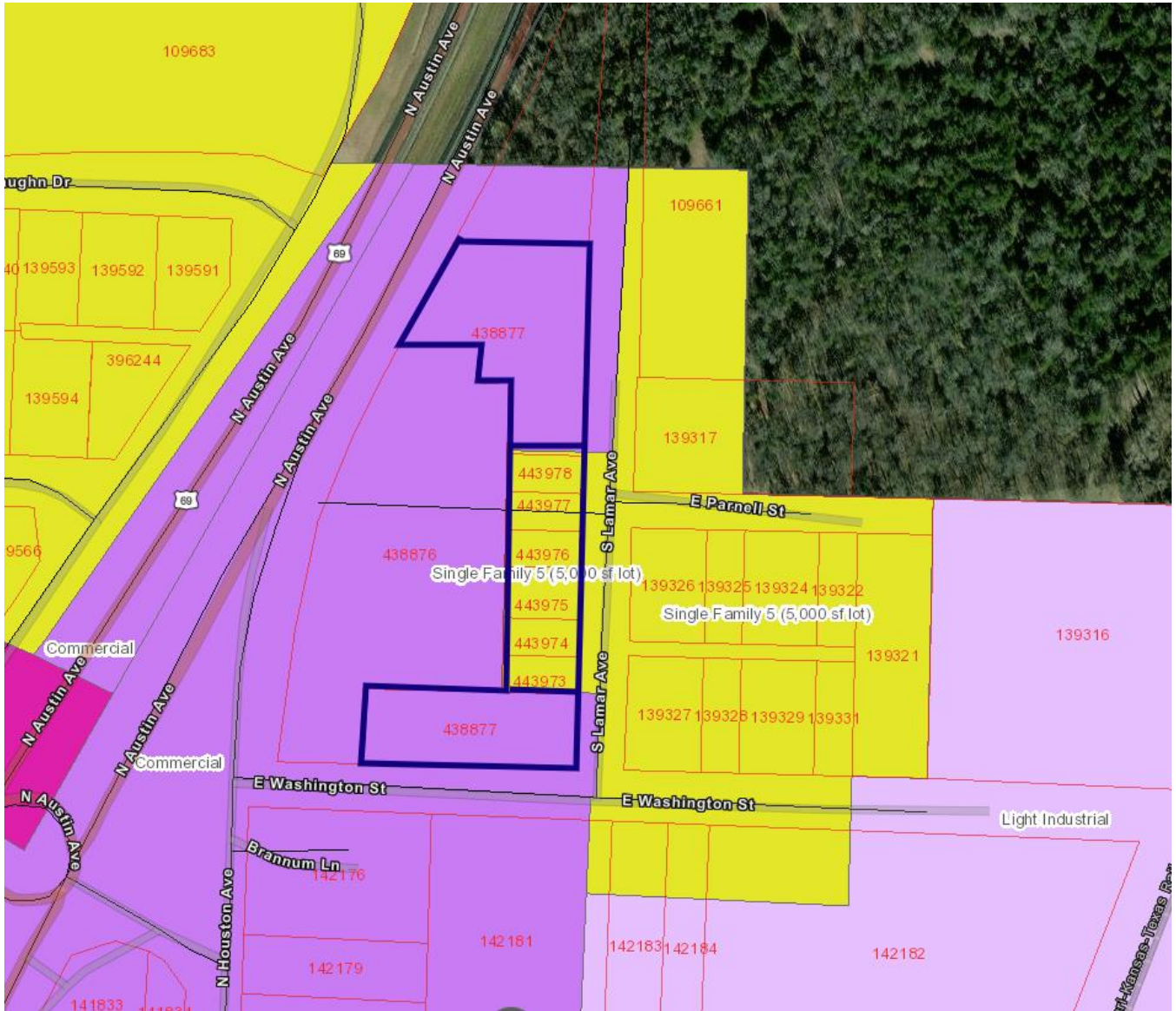
Alternatives

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

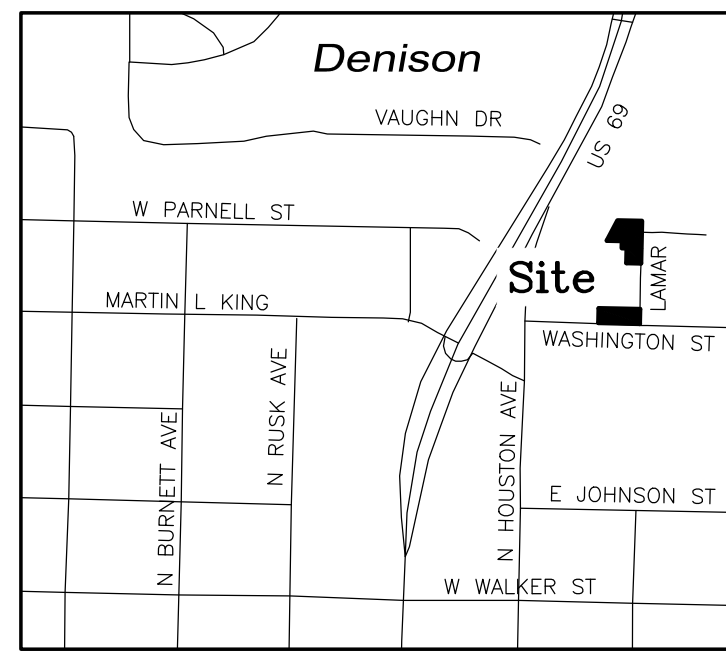
Aerial of Subject Property



Zoning Aerial of Subject Property



Vicinity map
(not to scale)



Curve #	Length	Radius	Delta	Chord
C1	216.76'	70.00'	177°25'17"	S00°08'47"E, 139.96'

Lot No.	Block No.	Square Feet
1R	B	6129
2R	B	6160
3R	B	6160
4R	B	5000
5R	B	5000
1R	C	5250
2R	C	6676
4R	C	11567
5R	C	9101

General Notes:

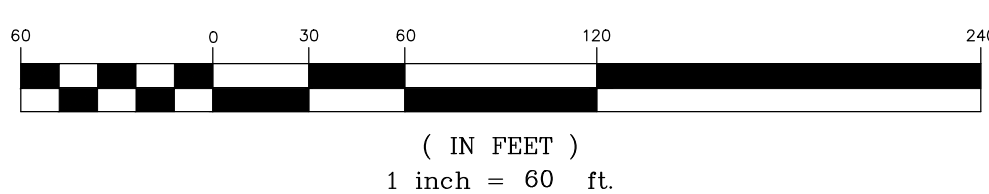
- Water Supply to be provided by City of Denison.
- Sewer service to be provided by City of Denison.
- Electrical service is provided by Oncor Electric and Delivery Co.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
- 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.
- The City of Denison will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- The property shown on the plot hereon lies within a Zone "X" (500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0170, Revised Date: September 29, 2010.
- 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.
- The owners and builders must comply with all other state and federal regulations regarding developments of this type.
- City of Denison Planning Department Case No. 2024-037RP.
- The current property is currently zoned Commercial.
- Selling off a portion of this addition by a 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 withholdings of utilities and building permits.
- Visibility Note. Intersection visibility triangles shall be shown and maintained in accordance with the Subdivision Regulations.
- The 25 ft. building line along the lots within this Replat are to be removed and abandoned by this plat and replace by those building lines shown hereon.

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

Legend:
 crf(6578) = 1/2" capped rebar found (RPLS 6578)
 ● = 1/2" capped rebar set (RPLS 6578), unless noted otherwise



GRAPHIC SCALE



LEGAL DESCRIPTION

BLOCK B FIELD NOTES:

SITUATED in the City of Denison, County of Grayson, State of Texas, and being a part of the Ramon Rubio Survey, Abstract No. 996 and being a part of Lot 2R, Block A of the Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said Blocks of North Side Addition to the City of Denison, Texas as per plat of record in Doc. No. 2021-189, Plat Records, Grayson County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found, lying at the intersection of the West right-of-way line of Lamar Avenue, a public street, with the North right-of-way line of Washington Street, a public street, being the Southeast corner of said Lot 2R and the herein described tract;

THENCE North 88 deg. 49 min. 29 sec. West, with the most Southerly line of said Lot 2R and the North line of said Washington Street, a distance of 284.50 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the most Southerly Southeast corner of Lot 1R, Block A, said Replat of a part of Blocks 1 and 4 in Doc. No. 2021-189 and the most Southerly Southwest corner of said Lot 2R and the Southwest corner of the herein described tract;

THENCE North 01 deg. 11 min. 10 sec. East, with an Easterly line of said Lot 1R and a Westerly line of said Lot 2R, a distance of 100.00 ft. to a 1/2 inch capped rebar found (RPLS 6578) at an Ell corner of said Lots 1R and the a Northwest corner of said Lot 2R, being the Northwest corner of the herein described tract;

THENCE South 88 deg. 49 min. 29 sec. East, with a Northerly line of said Lot 2R and a Southerly line of said Lot 1R, **PASSING** a 1/2 inch capped rebar found (RPLS 6578) at 184.49 ft. at the most Westerly Southwest corner of said Lot 1R and the Southwest corner of Lot 1, Block A, Century Ridge Addition, Phase 1 to the City of Denison, Texas as per plat of record in Doc. No. 2022-130, said Plat Records, continuing on now with the South line of said Lot 1, Block A, Century Ridge Addition, Phase 1 for a **TOTAL** distance of 284.50 ft. to a 1/2 inch capped rebar found (RPLS 6578) in the West right-of-way line of said Lamar Avenue, at the Southeast corner of said Lot 1, Block A, Century Ridge Addition, Phase 1 and the Northeast corner of the herein described tract;

THENCE South 01 deg. 11 min. 10 sec. West, with the West right-of-way line of said Lamar Avenue and the East line of said Lot 2R, a distance of 100.00 ft. to the **PLACE OF BEGINNING** and containing **0.653 ACRES** of land.

BLOCK C FIELD NOTES:

SITUATED in the City of Denison, County of Grayson, State of Texas, and being a part of the Ramon Rubio Survey, Abstract No. 996 and being a part of Lot 2R, Block A of the Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said Blocks of North Side Addition to the City of Denison, Texas as per plat of record in Doc. No. 2021-189, Plat Records, Grayson County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found, lying at the intersection of the West right-of-way line of Lamar Avenue, a public street, with the South line of Anne Street, a public street per Vol. 108, Pg. 161 (not open-improved), being the Northeast corner of both said Lot 2R and the herein described tract;

THENCE South 01 deg. 11 min. 10 sec. West, with the West right-of-way line of said Lamar Avenue and the East line of said Lot 2R, a distance of 292.42 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Northeast corner of Lot 6, Block A of Country Ridge Addition, Phase 1 to the City of Denison, Texas as per plat of record in Doc. No. 2022-130, said Plat Records, and being the Southeast corner of the herein described tract;

THENCE North 88 deg. 49 min. 29 sec. West, with the North line of said Lot 6, Block A, a distance of 100.01 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Northwest corner of said Lot 6, Block A, lying in the East line of Lot 1R, Block A, said Replat of part of Blocks 1 and 4 in Doc. No. 2021-189, being the most Southerly Southwest corner of the herein described tract;

THENCE North 01 deg. 11 min. 10 sec. East, with an Easterly line of said Lot 1R and a Westerly line of said Lot 2R, a distance of 102.50 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the most Easterly Northeast corner of said Lot 1R and an Ell corner of both said Lot 2R and the herein described tract;

THENCE North 88 deg. 49 min. 29 sec. West, with a Southerly line of said Lot 2R and a Northerly line of said Lot 1R, a distance of 33.51 ft. to a 1/2 inch capped rebar found (RPLS 6578) at an Ell corner of said Lot 1R and a middle Southwest corner of both said Lot 2R and the herein described tract;

THENCE North 01 deg. 11 min. 10 sec. East, with an Easterly line of said Lot 1R and a Westerly line of said Lot 2R, a distance of 50.00 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the most Northerly Northeast corner of said Lot 1R and an Ell corner of both said Lot 2R and the herein described tract;

THENCE North 88 deg. 49 min. 29 sec. West, with a Northerly line of said Lot 1R and a Southerly line of said Lot 2R, a distance of 104.30 ft. to a 1/2 inch capped rebar found (RPLS 6578), lying in the East right-of-way line of U.S. Highway No. 69, being the Northwest corner of said Lot 1R and the most Westerly Southwest corner of both said Lot 2R and the herein described tract;

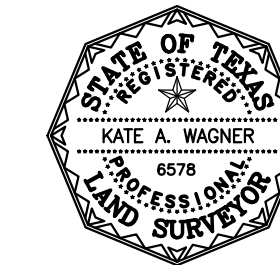
THENCE North 27 deg. 51 min. 56 sec. East, with the East right-of-way line of said U.S. Highway No. 69 and the Westerly line of said Lot 2R, a distance of 156.80 ft. to a 1/2 inch rebar found at the Northwest corner of both said Lot 2R and the herein described tract;

THENCE South 88 deg. 46 min. 00 sec. East, with the South line of said Anne Street and the Northerly line of said Lot 2R, a distance of 167.42 ft. to the **PLACE OF BEGINNING** and containing **1.040 ACRES** of land.

SURVEYOR'S CERTIFICATE

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

Kate A. Wagner, R. P. L. S. No. 6578 Date: _____



CITY ACCEPTANCE

I hereby certify that the above and foregoing plat of Century Ridge Addition, Phase 2 was approved by the Planning and Zoning Commission of the City of Denison this _____ day of _____, 2024.

Planning and Zoning Commission Chair
City of Denison, Texas

OWNER'S CERTIFICATE

We, TX GAK, LLC, the undersigned Owners of the land shown hereon, and legally described herein above, and designated herein as the Century Ridge Addition, Phase 2 to the City of Denison, Texas and whose names are 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. We further certify that all other parties who have a mortgage or lien interest in the Century Ridge Addition, Phase 2 to the City of Denison, Texas have been notified and signed this plat

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

Gabe Howell
Managing Member

Amber Howell
Managing Member

Kent Hughlett
Managing Member

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

Given under my hand and seal of office this _____ day of _____, 2024.

Notary Public, Grayson County, Texas

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

Given under my hand and seal of office this _____ day of _____, 2024.

Notary Public, Grayson County, Texas

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

Given under my hand and seal of office this _____ day of _____, 2024.

Notary Public, Grayson County, Texas

Owner:
TX GAK, LLC
723 Cypress Point Drive
Gunter, TX 75058

Job No. CGD330723

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

Replat
Lots 1R thru 5R, Block B
Lots 1R thru 5R, Block C
Century Ridge Addition, Phase 2
(being a Replat of Lot 2R, Block A, of the Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said Blocks of North Side Addition)
to the
City of Denison
Grayson County, Texas

1.693 Acres
in the
Ramon Rubio Survey
Abstract No. 996

Date of Preparation: May 6, 2024

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 a Conditional Use Permit (CUP), for property zoned Local Retail (LR) and within the Austin Avenue Overlay (AO) District, to allow for the use of Bar, for SLUSH Premium Daiquiris located on property consisting of ±.1481 acres, Lot 1, Block 38, out of the OTP Denison Survey, 150 X 43 (C), 6,450 SQ FT., GCAD Property ID No. 143046, commonly known as 221 North Austin Avenue. (Case No. 2024-062CUP)

Staff Contact

Dianne York, Planner
dyork@denisontx.gov
903-465-2720

Summary

- Staff is seeking a recommendation from the Commission for a previously approved Conditional Use Permit (CUP) allowing for the use of a Bar for SLUSH Premium Daiquiris. The previously approved CUP required the applicant to obtain a Certificate of Occupancy (CO) within one hundred and eighty (180) days of Conditional Use Permit approval.
- The Planning and Zoning Commission recommend approval of the proposed CUP at their meeting held on June 28th, 2022, and the City Council approved the proposed CUP at their meeting held on July 11th, 2022.
- The Texas Alcoholic Beverage Code (TABC) allows certain alcoholic beverages, including frozen daiquiris made with wine instead of liquor, to be sold for both on- and off-premises consumption if all permit requirements are met.
- Under the city's zoning regulations, this use is classified as a bar and requires a Conditional Use Permit in the Local Retail zoning district.

Staff Recommendation:

Staff recommends approval of this Conditional Use Permit request.

Recommended Motion

"I move to recommend approval/denial of the request for a Conditional Use Permit for a Bar for SLUSH Premium Daiquiris located at 221 North Austin Avenue."

Background Information and Analysis

Staff is bringing this request for a Conditional Use Permit (CUP) to operate a frozen drink shop serving alcoholic and non-alcoholic beverages on property located at 221 N. Austin Avenue before the Planning and Zoning Commission again for recommendation. The original CUP received a recommendation for approval by the Commission at their meeting held on June 28th, 2022, and subsequently received final approval from City Council at their meeting held on July 11th, 2022. The previous CUP detailed a requirement for the applicant to obtain a Certificate of Occupancy (CO) within one hundred and eighty (180) days of the CUP being approved. Staff is asking that the Commission review the case once more

and recommend approval in order for the CUP to move toward being active again. The applicant has proposed different hours of operations from the originally approved Conditional Use Permit (CUP). Those hours of operation include Wednesday-Thursday, 12:00 p.m.-9:00 p.m., Friday-Saturday, 12:00 p.m.-10:00 p.m., and Sunday, 12:00 p.m.-5:00 p.m. SLUSH Premium Daiquiris will be closed Monday-Tuesday. No other changes have been made to the original application. All information from the previous case can be reviewed below.

Applicant is requesting a Conditional Use Permit for a Bar on property located at 221 N. Austin Avenue. The property is zoned Local Retail and is within the Austin Avenue Overlay District.

The applicant intends to sell alcoholic and non-alcoholic frozen drinks for both on-and off-premises consumption. Seating for customers will be provided at the business, which will also have a drive-thru lane. The business will be located in a former gasoline service station.

The Texas Alcoholic Beverage Code offers a permit that allows certain alcoholic beverages to be sold for both on- and off-premises consumption. Daquiris may be sold if they are made with wine or beer instead of liquor. Containers must be sealed before sale for off-premises consumption.

Under Denison's zoning ordinance definitions, this business is defined as a bar, necessitating the approval of a Conditional Use Permit.

According to Ordinance Section 28.10, City staff and the Planning and Zoning Commission shall consider the following factors when reviewing rezone requests:

1. *Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;*

Yes, the proposed use is compatible with other commercial, restaurant and entertainment uses in the downtown Denison area.

2. *Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;*

There are no proposed plans to improve existing street, water supply, sanitary sewer systems, or other utilities.

3. *The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development;*

The area around has mostly been developed.

4. *The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;*

N/A

5. *How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;*

N/A

6. *Whether the zoning petition is consistent with the current land use plan; and*

Yes, this zoning petition is consistent with the Comprehensive Plan.

7. *Any other factors that will substantially affect the public health, safety, morals, or general welfare.*

Other factors which may substantially affect general welfare have been addressed above.

Financial Considerations

N/A

Prior Board or Council Action

- The Planning and Zoning Commission recommended approval of the inactive Conditional Use Permit (CUP) at their meeting held on June 28th, 2022.
- The City Council approved the inactive Conditional Use Permit (CUP) at their meeting held on July 11th, 2022.

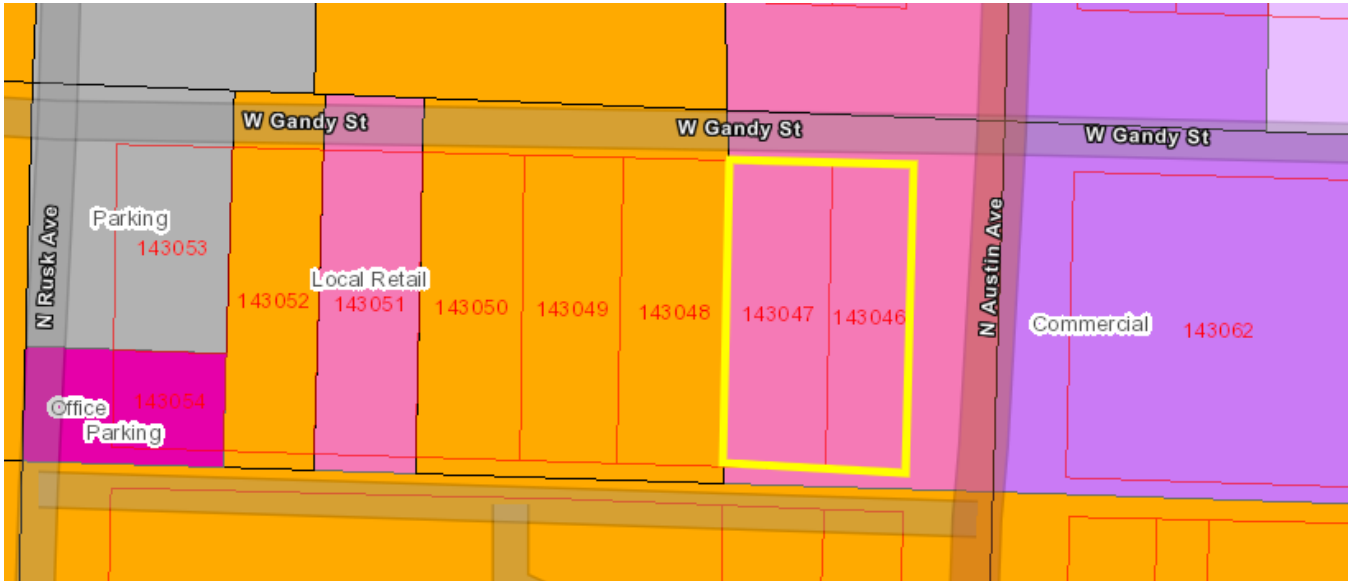
Alternatives

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

Aerial of Subject Property



Zoning of Subject Property





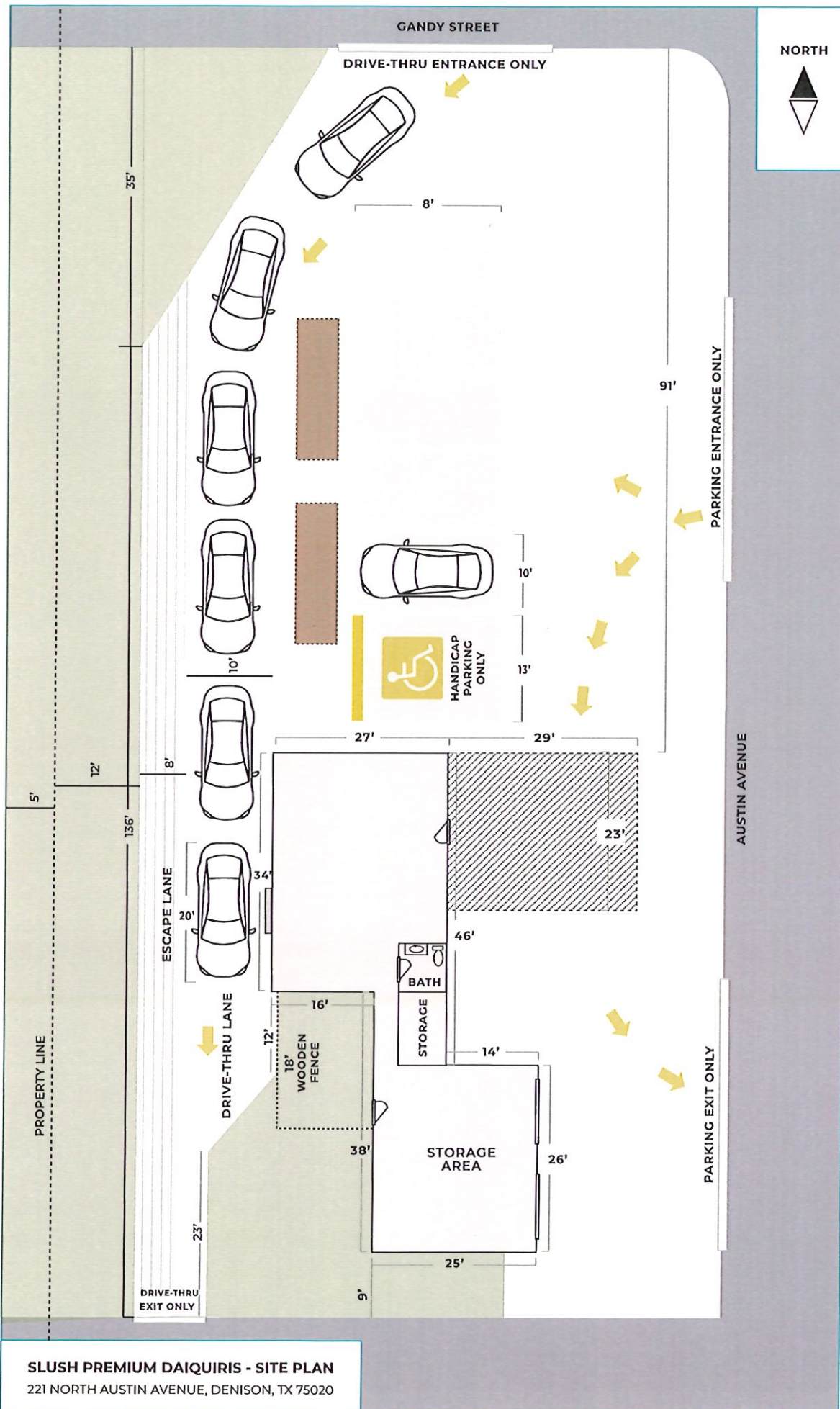
Project Narrative

221 N. Austin Ave

- SLUSH Premium Daiquiris will be a frozen drink shop, serving alcoholic, non-alcoholic and THC beverages. We will sell for on-premise and off-premise consumption, with limited seating inside (16 seats). There will be an area in the parking lot with some tables and chairs, however, this space will not be part of our TABC permitted area and will not be “serviced” by us.
- Our TABC license allows for on-premise consumption and “to go” sales.
- In reviewing the comprehensive plan, our concept will fit in as a family-friendly, fun concept that will encourage additional traffic to our area. Also, we will sell a line of brand specific merchandise, in store and on-line, including t-shirts, coozies, hats, tumblers, etc
- Our proposed hours of operation are as follows....

Sunday	12-5
Monday – Tuesday	closed
Wednesday - Thursday	12-9
Friday – Saturday	12-10

We will make adjustments if needed
- We propose to make use of a drive-thru lane which will funnel traffic to the back side of the building. This lane will be entered off of Gandy, to avoid any backup onto Austin Ave.
- Visually, the exterior of the building will adhere to the criteria set up by the historical board while showcasing a fun, unique concept.



SLUSH PREMIUM DAIQUIRIS - SITE PLAN
 221 NORTH AUSTIN AVENUE, DENISON, TX 75020

The 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 to initially zone a tract of land legally described as Lots 1, 2, and 3, Block A, ROS Estates, Grayson County, Texas; being further identified as Grayson County Appraisal District, Property ID Nos. 449977, 449978, and 449979; and being generally known as 4836 Thereesa Drive, 4858 Theresa Drive and 44890 Theresa Dive to a Single-Family (SF-7.5) District, to allow for residential use. (Case No. 2024-047Z).

Staff Contact

Dianne York, Planner
dyork@denisontx.gov
903-465-2720

Summary

- The applicant is pursuing annexation of the subject property in order to connect to City utilities.
- The applicant is requesting an initial zoning of SF-7.5, Single Family Residential.
- The property has been developed in a residential manner with three (3) new construction single-family dwellings located on the subject property.

Staff Recommendation

Staff recommends approval of this request.

Recommended Motion

"I move to recommend approval of initially zoning the subject property to the SF-7.5, Single Family Residential Zoning District."

Background Information and Analysis

The applicant has submitted a Voluntary Annexation Petition to bring the subject property into the Denison City limits. The applicant is pursuing annexation in order to connect to City utilities. In addition to the Voluntary Annexation Petition the applicant has submitted a Zoning Application requesting the initial zoning of the property be SF-7.5, Single Family Residential. The applicant has constructed three (3) single family dwellings on the subject property. This initial zoning district complies with not only the development of the property, but it also complies with the Future Land Use Plan. The single-family structures comply with the parking and dwelling square foot requirement detailed in the SF-7.5, Single Family Residential Zoning Ordinance.

The Future Land Use Plan designates this area to be developed in a "Neighborhood" manner. Initially zoning the subject property to SF-7.5, Single Family Residential complies with the Future Land Use Plan.

According to Ordinance Section 28.10, City staff and the Planning and Zoning Commission shall consider the following factors when reviewing rezone requests:

1. *Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;*

The proposed land use is compatible with the area located around the property as well as the Comprehensive Plan and Future Land Use Plan.

2. *Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;*

N/A

3. *The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development;*

Approval of initially zoning the subject property to SF-7.5, Single Family Residential will not impact the availability of similar land for development.

4. *The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;*

Property located along Theresa Drive have been developed in a residential manner.

5. *How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;*

N/A

6. *Whether the zoning petition is consistent with the current land use plan; and*

The property is depicted on the Future Land Use Plan to be developed in a Neighborhood manner. This request complies with the Future Land Use Plan.

7. *Any other factors that will substantially affect the public health, safety, morals, or general welfare.*

Other factors which may substantially affect general welfare have been addressed above.

Financial Considerations

N/A

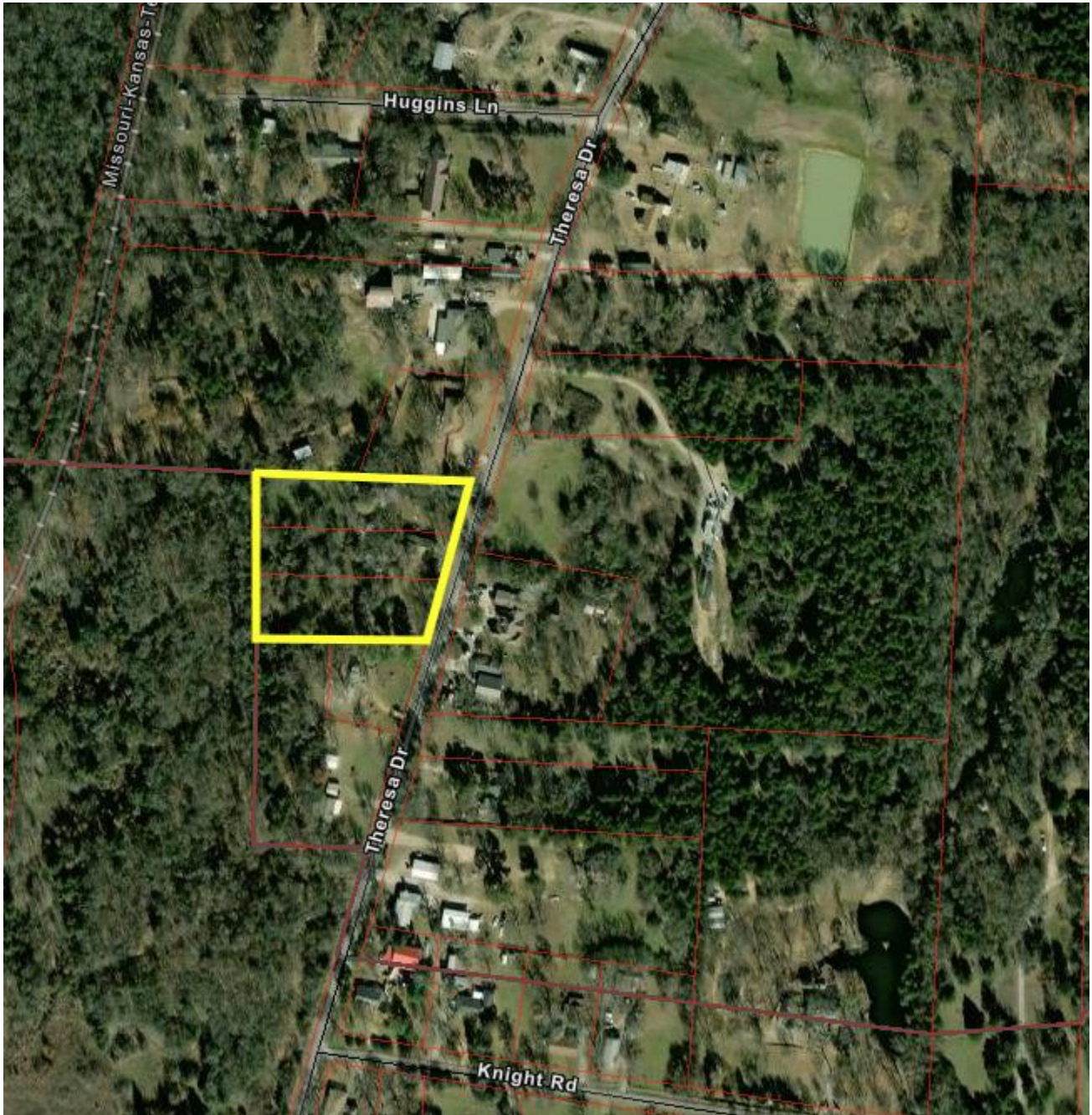
Prior Board or Council Action

N/A

Alternatives

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

Aerial of Subject Area



Project Narrative

Ros Estates

Three houses have been built on three contiguous lots totaling 2.8 acres outside the city limit of Denison. We are requesting annexation of these three lots and thus a zoning change to comply with city requirements. Two lots are 1.0 acre and one lot is .8 acres. Other vacant land located in Denison is not relevant to this discussion as we are seeking annexation as part of the zoning process. Since these houses are already built, we are not a competing project. This project should not have any effect on other projects designated for similar development because this project is so small as to be almost irrelevant in the larger scheme of city development. The immediate area surrounding these houses is almost all residential.

Submitted by
Jim Livingston



DANIEL C. SHELPS SURVEY ABSTRACT NO. 1097

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.999998919.

CALLED 6.339 ACRES JOSE T. MENJIVAR VOL. 3783, PG. 332 O.R.G.C.T.

CALLED 0.9823 OF AN ACRE DAVID S. MINOR AND LAURA J. MINOR INST. NO. 2017-16246 O.R.G.C.T.

CALLED 2.00 ACRE TEXOMA MOBILEPHONE INC. TRACT TWO VOL. 1317, PG. 553 D.R.G.C.T.

CALLED 10.889 ACRES DALLAS G. HUTTON AND JOE C. RICHARDSON VOL. 1315, PG. 181 D.R.G.C.T.

CALLED 2.000 ACRES JOSE MANUEL MANDUJANO AND WIFE, VENITA RAQUEL MANDUJANO VOL. 5460, PG. 824 O.R.G.C.T.

CALLED 2.35 ACRES JAMES JOHN LANG INST. NO. 2019-8968 O.R.G.C.T.

BLOCK 1, LOT 1 MITCHELL ACRES INST. NO. 2021-85 P.R.G.C.T. (OWNER: ELIZABETH MITCHELL)

BLOCK 1, LOT 2 MITCHELL ACRES INST. NO. 2021-85 P.R.G.C.T. (OWNER: ELIZABETH MITCHELL)

BLOCK 1, LOT 3 MITCHELL ACRES INST. NO. 2021-85 P.R.G.C.T.

LEGAL DESCRIPTION

WHEREAS HOME INVESTORS, LLC is the owner of all of that certain tract or parcel of land situated in Daniel C. Shelp Survey, Abstract No. 1097, the Extra-Territorial Jurisdiction of the City of Denison, Grayson County, Texas, and being all of a called 3.05 acre tract of land described in the deed to Home Investors, LLC, recorded in Instrument No. 2023-3268, Official Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the northwest corner of said 3.05 acre tract, common to the northern-most northeast corner of Lot 1, in Block 3, of Gateway Addition, Phase 6, an addition to the City of Denison, Grayson County, Texas, according to the plat thereof recorded in Volume 23, Page 28, Plat Records, Grayson County, Texas, and on the southerly line of a called 6.339 acre tract of land described in the deed to Jose T. Menjivar, recorded in Volume 3783, Page 332, said Official Records, from which a 1/2-inch iron rod found for the southwest corner of said 6.339 acre tract bears North 87°02'07" West, a distance of 310.40 feet;

THENCE South 89°20'43" East, with the northerly line of said 3.05 acre tract, and with the southerly line of said 6.339 acre tract, a distance of 241.90 feet to a 1/2-inch iron rod found for the southeast corner of said 6.339 acre tract, common to the southwest corner of a called 0.9823 of an acre tract of land described in the deed to David S. Minor and Laura J. Minor, recorded in Instrument No. 2017-16246, said Official Records;

THENCE South 88°43'29" East, continuing the northerly line of said 3.05 acre tract, and the southerly line of said 0.9823 acre tract, a distance of 106.32 feet to a metal fence corner post found for corner;

THENCE South 85°23'33" East, continuing the northerly line of said 3.05 acre tract, and the southerly line of said 0.9823 acre tract, a distance of 114.70 feet to a PK Nail found for the northeast corner of said 3.05 acre tract, common to the southeast corner of said 0.9823 acre tract, on the westerly line of a called 10.889 acre tract of land described in the deed to Dallas G. Hutton and Joe C. Richardson, recorded in Volume 1315, Page 181, Deed Records, Grayson County, Texas, and in said Theresa Drive;

THENCE South 16°04'28" West, with the easterly line of said 3.05 acre tract, and with the westerly line of said 10.889 acre tract part of the way, and with the westerly line of a called 2.000 acre tract of land described in the deed to Jose Manuel Mandujano and wife, Venita Raquel Mandujano, recorded in Volume 5460, Page 824, said Official Records, and in said Theresa Drive, a distance of 318.42 feet to a PK Nail found for the southeast corner of said 3.05 acre tract, common to the northeast corner of a called 0.74 of an acre tract of land described in the deed to Jennifer Bailey, recorded in Instrument No. 2018-26790, said Official Records;

THENCE North 89°18'02" West, with the southerly line of said 3.05 acre tract, and with the northerly line of said 0.74 acre tract part of the way, and with the northerly line of a called 2.35 acre tract of land described in the deed to James John Lang, recorded in Instrument No. 2019-8968, said Official Records, a distance of 380.55 feet to a wood fence corner post found for the occupied southwest corner of said 3.05 acre tract, common to the northwest corner of said 2.35 acre tract, on an easterly line of aforesaid Lot 1;

THENCE North 01°07'21" East, with the westerly line of said Theresa Drive, and with an easterly line of said Lot 1, a distance of 315.73 feet to the POINT OF BEGINNING and enclosing 3.051 acres (132,913 square feet) of land, more or less.

OWNER'S CERTIFICATE

STATE OF TEXAS COUNTY OF GRAYSON

I, the undersigned owner of the land shown hereon, and legally described hereinabove, and designated herein as ROS ESTATES, 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 for the purpose and consideration therein expressed.

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

BY: Home Investors, LLC James D. Livingston, Vice President

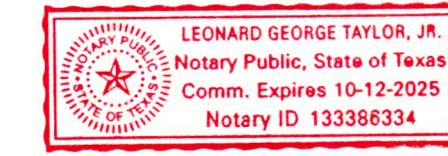
STATE OF TEXAS COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared James D. Livingston, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE 31st DAY OF June 2023

Notary Public in and for the State of Texas

To the best of my knowledge, there are no liens against this property.



CITY SIGNATURE BLOCK

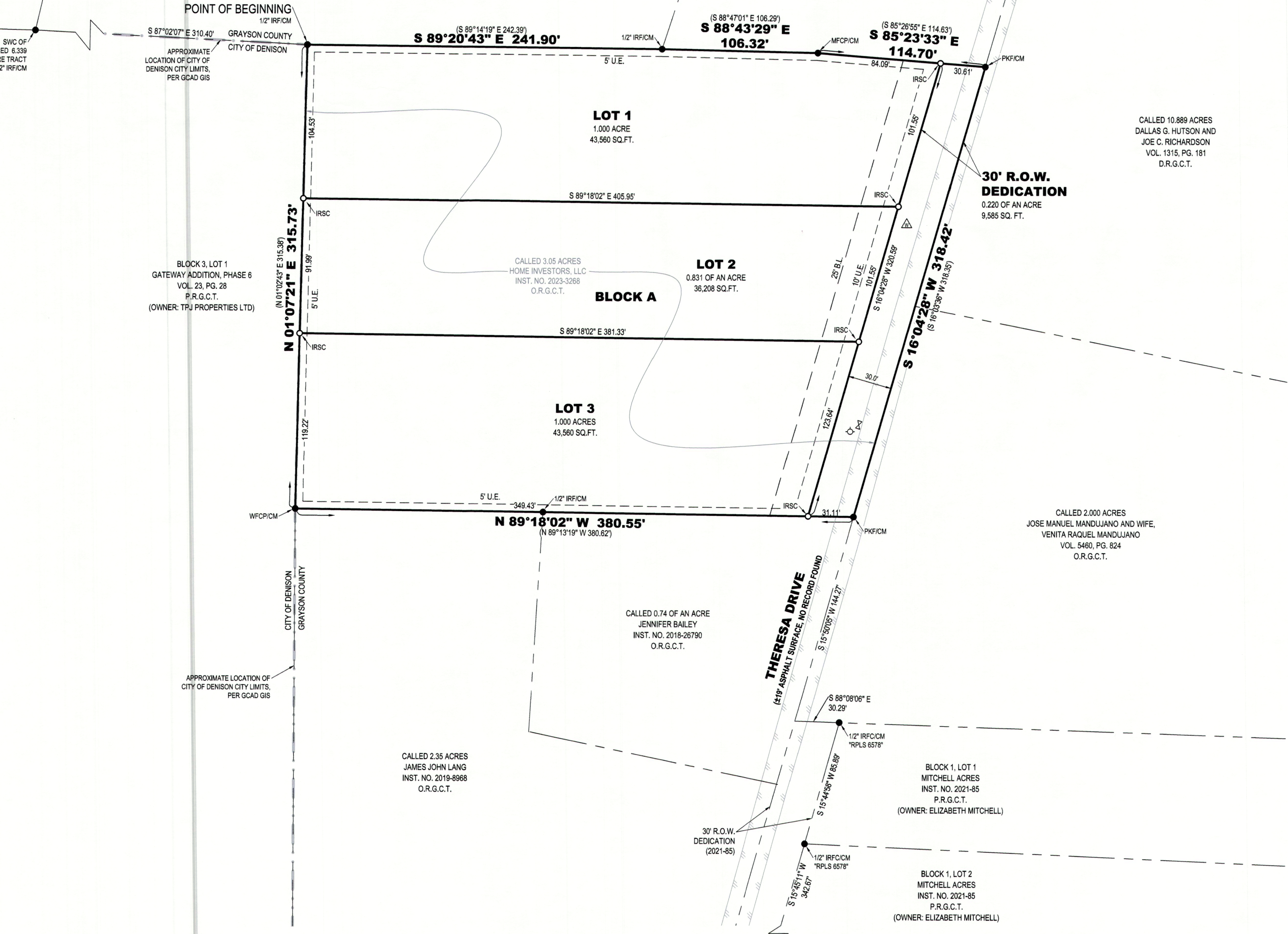
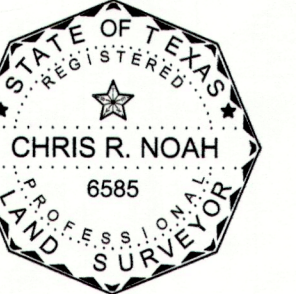
I hereby certify that the above and foregoing ROS ESTATES, to the City of Denison, Texas, was approved by the Planning Director of the City of Denison this 12 day of July 2023

Christine Ford Planning Director City of Denison

SURVEYORS CERTIFICATE

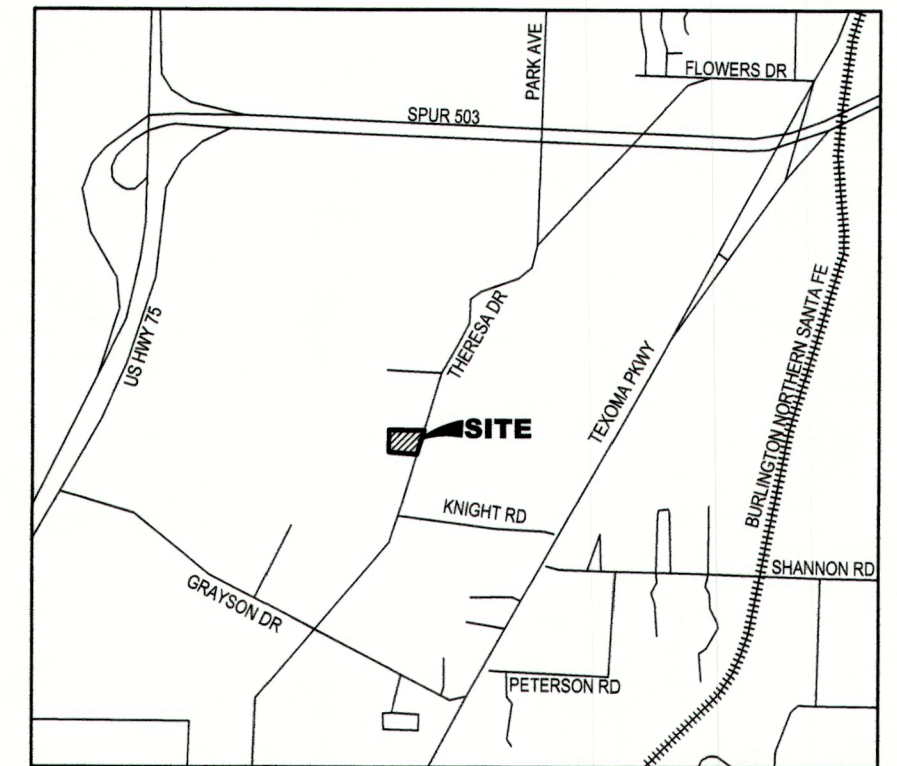
I, Chris Noah, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monument meets the standards set according to the Subdivision Regulation of the City of Denison, Texas.

Chris R. Noah Registered Professional Land Surveyor No. 6585



- GENERAL NOTES: 1. Water supply to be provided by City of Denison, Texas. 2. Sewer Disposal Service to be provided by approved on-site septic system. 3. Electrical service is provided by Oncor. 4. Neither 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. 5. 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. 6. City of Denison Case No. 2023-043MP 7. This property is located within the Extra Territorial Jurisdiction of the City of Denison. 8. The property shown on the plat hereon lies within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on the Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0280F, Revised Date 09/29/2010. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

LEGEND table with symbols for monuments, boundaries, easements, and other features.



Filed for Record in the Official Records Of: Grayson County Clerk On: 7/6/2023 10:17:00 AM in the PLAT Records ROS ESTATES MINOR PLAT Doc Number: 2023-136 Number of Pages: 1 Amount: 43.00 Order#: 2023070600032 By: LD

MINOR PLAT ROS ESTATES BLOCK A, LOTS 1-3 3.051 ACRES DANIEL C. SHELPS SURVEY, ABSTRACT NO. 1097 City of Denison Extra-Territorial Jurisdiction Grayson County, Texas Plat Prepared 02/28/2023

OWNER/DEVELOPER: Home Investors, LLC 3213 Bullock Drive Plano, TX 75023 ATTN: Manuel Ros Ph: 214-862-3589

SURVEYOR: Chris Noah, RPLS 6585 Preston Trail Land Surveying, LLC 787 W FM 996 Pottsboro, TX 75076 Ph: 903-786-6029

Preston Trail LAND SURVEYING logo and contact information.

The 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 to amend Section 28.46.- HO – Highway Oriented and Corridor District. (Case No. 2024-060ZO)

Staff Contact

Dianne York, Planner
dyork@denisontx.gov
903-465-2720

Summary

- The City is requesting to amend the “Authorized Uses” listed under Section 28.46.2. of the Highway Oriented and Corridor District in order to remove language pertaining to the Use Regulation Chart that is no longer applicable and to allow for the use of Warehouse (mini)/self-storage with an approved Conditional Use Permit (CUP) within the Overlay District.

Staff Recommendation

Staff recommends approval of this request.

Recommended Motion

"I move to recommend approval of the proposed amendment."

Background Information and Analysis

This item is a City initiated request to amend Section 28.46. of the Zoning Ordinance. The proposed amendment would amend the “Authorized Uses” section listed under Section 28.46.2. of the Highway Oriented and Corridor District by removing language pertaining to the Use Regulation Chart that is no longer applicable and to allow for the use of Warehouse (mini)/self-storage with an approved Conditional Use Permit (CUP) within the Overlay District.

These amendments will provide congruency with the Use Regulation Chart as well as prevent nonconformities for existing uses located within the Highway Oriented and Corridor Overlay District

Financial Considerations

N/A

Prior Board or Council Action

N/A

Alternatives

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

Sec. 28.46. HO—Highway Oriented and Corridor District.

28.46.1. General purpose and description:

The intent of the HO District 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.

28.46.2. Authorized uses:

- A. Those uses listed for the underlying zoning 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 except for the uses as follows, which shall be expressly prohibited within the HO District:
- B. The following uses shall be prohibited in the HO Overlay District:
- ~~1. Any use listed under manufacturing and industrial in section 28.49, use charts.~~
 1. Auto dealer-used primary use.
 2. Auto wrecker service.
 3. Kennels.
 4. Landscaping business except if not part of a home improvement center.
 5. Livestock sales.
 6. Machine shop.
 7. Maintenance and repair service for buildings.
 8. Manufactured home display, storage or sales.
 9. Motor freight company.
 10. Motorcycle dealer (used).
 11. Personal watercraft sales (used).
 12. Portable building sales (outdoor display).
 13. Sand, gravel, caliche, stone sales or storage.
 14. Sign manufacturing.
 15. Stables of any kind.
 16. Tire re-treading and capping.
 17. Trailer rental or RV sales.
 - ~~19. Warehouse (mini)/self-storage.~~
 18. Warehouse, storage.
 19. Welding shop.
 20. Window and door frame manufacturing.

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21. Wrecking or salvage yard.
 22. Used merchandise sales.
 23. Used vehicle sales (including motorcycles) as a primary use.

C. The following uses shall be allowed with an approved Conditional Use Permit (CUP):

1. Warehouse (mini)/self-storage.

28.46.3. District boundaries:

The HO District applies to the future development, improvement or redevelopment of all land within the depth of a lot to a maximum of one thousand (1,000) feet or to the entirety of any lot that has frontage on either side of the highway right-of-way along U.S. Highway 75, Spur 503, F.M. 120 and F.M. 691, whichever is greater. Boundaries for the HO District are as follows: U.S. Hwy. 75 from the city limits at F.M. 691 on the south, north to the city limits at the Red River; Spur 503 with its intersection of U.S. Hwy. 75 on the west, east to the railroad overpass at its intersection with Texoma Parkway (S.H. 91) and Eisenhower Parkway; F.M. 120 at its intersection with F.M. 1417 on the west, east to the intersection of F.M. 120 (Morton St) and York Ave.; F.M. 691 at its intersection with F.M. 1417 on the west, east to its intersection with Texoma Parkway (S.H. 91).

28.46.4. Application:

- A. The HO District standards apply to the following:
 1. Development of any land;
 2. An increase in any existing structure that is equal to or greater than thirty (30) percent of the existing square footage; or
 3. Any new construction on a lot that provides for an increase that is equal to or greater than thirty (30) percent of the lot or tract that is covered by a permanent structure(s).
- B. Unless otherwise specified by this section, the standards of the base district shall apply. Where there is a conflict between the standards of this subsection and those of the base District, the standards of this subsection shall apply.
- C. A site plan shall be required for all development in the HO District. In addition to the site plan requirements set forth in section 28.13, a complete set of architectural elevations shall be submitted for review.

28.46.5. Special area and design standards:

- A. *Size of yards:*
 1. *Minimum front yard*—Thirty (30) feet from ultimate right-of-way line of U.S. Highway 75, Spur 503, F.M. 120 or F.M. 691 all yards adjacent to a street shall be considered a front yard (see article V for additional setback requirements).
 2. *Side yards*—Forty (40) feet from any residential single-family dwelling.
- B. *Minimum design criteria:*
 1. *Orientation and scale of primary structure(s).*
 - a. The design, color, materials and basic proportions of structures shall be harmonious with and complement the character and design of existing buildings, if appropriate.
 - b. Primary entrances:

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1. Primary entrances should be emphasized by a dominant, recognizable feature through projecting or recessed forms, details, color, or material.
 2. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to primary entrances.
 3. Loading docks or loading areas are not permitted to be visible from the street and may not be accessed directly from the street.
 4. These requirements may be waived if the building is not accessed by pedestrians, such as warehouses, industrial buildings without attached offices.
2. *Building materials for primary structures.*
- a. These standards do not apply to those uses where the building or structure is fully screened from Highway 75, Spur 503, F.M. 120, F.M. 691 or any other roadway(s) designated on the Denison Thoroughfare Plan, as amended, by another building or structure.
 - b. Shall consist of one hundred (100) percent exterior cladding to include brick, split face concrete block or panels, glass, stone, cast stone, glass block, tile, cementitious composite fiberboard, EFIS, or stucco, or a combination of those materials for each side of a primary structure that is visible from a public street or an adjacent residentially zoned property. Said exterior cladding shall be exclusive of doors, windows, glass, and entryway treatments and atriums of glass and metal construction.
 - c. Metal siding shall be prohibited.
3. *Color*—Establish a palette of options for exterior building colors for use throughout the project (or component in large scale mixed-use developments). The range should be wide enough to allow for variety, yet narrow enough to unify all buildings. The use of light tints and bright accents should be encouraged in lieu of earthtones.
4. *Architectural design.*
- a. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have similar architectural design.
 - b. Review of the architectural design of a proposed development shall include, but not be limited to:
 1. Consistency of scale and proportion with any immediately adjacent buildings or structures;
 2. Design in relation to surrounding buildings;
 3. Design in relation to topography of the site;
 4. Design in relation to proposed landscaping; and
 5. Aesthetics of the proposed building, including color.
5. *The design of a development shall meet the following standards:*
- a. *Roofs:*
 1. Flat roofs shall be screened on all sides by parapet or mansard walls.
 2. Pitched or gabled roofs shall contain a minimum 7:12 pitch (seven (7) feet of rise for every twelve (12) feet of run).

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3. Installed roofing shingles must consist of dimensional shingles with a minimum manufacturers rating of twenty (20) years. Roofing systems or materials exceeding the standards established herein may be used pursuant to approval by the building official or designee.
- b. *Glare and illumination.* Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent uses are not detrimentally affected (See section 28.57).
 - c. *Landscaping.* Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification (see section 28.51).
 - d. *Screening.* Required screening shall accomplish visual screening of the site, noise attenuation, and barrier to vehicular traffic between nonresidential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices (see section 28.53).
- C. *Landscaping.*
1. Along the US 75 frontage road, a minimum thirty-foot wide landscape strip is required, which is measured from the property line and exclusive of rights-of-way. This landscape strip may be reduced to fifteen (15) feet in width if the combined width of the unpaved right-of-way and the landscaped edge is at least forty (40) feet.
 - a. Within the landscape strip, one (1) tree with a minimum caliper of three (3) inches and one (1) ornamental tree with a minimum caliper of two (2) inches shall be planted at thirty (30) feet on-center in an alternating pattern. Trees may be planted in clusters not to exceed eight (80) feet between clusters.
 - b. Where parking spaces are located adjacent to the landscape strip, evergreen shrubs, a minimum size of five (5) gallons and selected from the list of approved shrub materials in appendix C, shall be planted to provide a solid three-foot tall opaque screen within two (2) years of planting.
 2. Along intersecting streets that are designated as minor arterials or larger on the thoroughfare plan, a minimum fifteen-foot wide landscape strip is required within the boundaries of the HO district as described in section 28.46.3.
 - a. Within the landscape strip, one (1) shade tree a minimum caliper of three (3) inches shall be planted at thirty (30) feet on-center. Trees may be planted in clusters not to exceed eighty (80) feet between clusters.
 - b. Where parking spaces are located adjacent to the landscape strip, evergreen shrubs, a minimum size of five (5) gallons and chosen from the list of approved shrub materials in appendix C must be planted to provide a solid two (2) foot tall opaque screen within two (2) years of planting.

28.46.6. Special requirements:

- A. *Screening walls and fences:* All screening walls and fences, including residential subdivision fences, shall be set back a minimum of fifty (50) feet from a property line immediately adjacent to the right-of-way for any highway, arterial or collector as designated on the City of Denison Thoroughfare Plan, as amended.
- B. *Open storage areas:* All open storage areas, where permitted by the underlying zoning district, shall be set back a minimum of seventy-five (75) feet from the right-of-way for any highway, arterial or collector as designated on the City of Denison Thoroughfare Plan, as amended.
- C. *Floodways/Creeks/Drainageways:* No buildings, parking areas, or other impervious structures (except as noted herein) are permitted within the recognized floodway, as identified by the city engineer, or within fifty (50) feet of the high bank, whichever is greater, of a creek or other drainage way. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
- D. *Cross access required:* Each lot must provide a "cross access and fire lane" easement that provides for access to immediately adjacent tracts. Said easement shall meet the following minimum criteria:
 - 1. Newly-dedicated easements shall align appropriately with previously dedicated or existing "cross access and fire lane" easements. Where no existing easement controls, the newly-dedicated easement may be located appropriately to the plans for development of the site.
 - 2. "Cross access and fire lane" easements shall contain a minimum width of twenty-four (24) feet or other such minimum width as required by the city.
 - 3. "Cross access and fire lane" easements shall contain minimum inside turning radii of twenty-five (25) feet.
- E. *Utilities: Definitions.*
 - 1. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:
 - a. *Feeder line*—Any line, wire or cable which distributes, transmits or delivers a utility service to a general area and not to a specific end user.
 - b. *Lateral line*—Any line, wire or cable used to distribute, transmit or deliver a utility service from a feeder line to two (2) or more sites or end users of the utility service.
 - c. *Service line*—Any line, wire or cable used to distribute, transmit or deliver a utility service from a feeder or lateral line to an end user.
 - d. *Transmission line*—Any line, wire or cable which distributes, transmits or delivers a utility service from a substation or generating plant to a feeder system.
 - 2. Placement requirements.
 - a. Except as herein provided, all utilities within the HO District, which are within three hundred (300) feet of U. S. Highway, Spur 503, F.M. 120 or F. M. 691 the highway right-of-way, shall be placed underground.
 - b. Transmission lines may be placed overhead no matter where they are located within the corridor.
 - c. Location of feeder lines may be overhead, subject to the approval of such location by the planning and zoning commission. Feeder lines which cross the highway may be placed overhead, provided that they cross at plus or minus ten (10) degrees perpendicular to the centerline of the highway and that crossings are made at locations shown on an approved site plan.

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- d. The planning and zoning commission may, through the standard review process, approve overhead placement of lateral lines, if it can be demonstrated that placement underground would be an undue financial hardship and that measures will be taken to minimize the visual impact of overhead utilities. Such measures shall include:
 1. Construction alternatives.
 2. Coordination and sharing of facilities and easements among all utilities with overhead lines.
 3. Placement of overhead lines behind structures in alleys and easements rather than in the highway right-of-way.
 4. Auxiliary equipment for underground utility service, such as transformers, connection enclosures, switching devices and amplifiers, may be pads-mounted on grade or placed underground.
 3. Additional requirements.
 - a. All electrical distribution service lines shall be placed underground.
 - b. All utility companies and city departments which provide utility service within the planned parkway development area shall share facilities and easements where possible to minimize the visual impact of overhead utilities.
 - c. Any utility lines in place prior to the effective date of the ordinance from which this section was derived that are contrary to same are nonresidential conforming. However, relocation or substantial improvement of existing utility lines shall occur in accordance with the standards set forth herein. Substantial improvement shall mean any improvement which results in an increase in the capacity of existing lines, such as the addition of lines or upgrading the size of lines.
 - d. The owner/developer is responsible for all costs involved in the location of utilities underground.
 - e. The utility companies shall coordinate with the planning director on all site plans submitted.
 - F. *[Site plan:]* A site plan prepared in accordance with section 28.15 must be submitted for approval by the planning and zoning commission.
 1. The planning and zoning commission shall review the specific elements of site and building plans for development within the HO development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.
 2. The planning and zoning commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the requested exception or variation.
 3. If the planning and zoning commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.
 4. Any applicant aggrieved by a decision of the planning and zoning commission may appeal the commission's action to the city council by filing a request for appeal with the city secretary within ten (10) days of the commission's decision. Such appeal shall be heard within thirty (30) calendar days.

(Ord. No. 5167, § 5, 10-4-21; Ord. No. 5314, § 3, 9-18-23)

The 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 to rezone a tract being approximately .2066 of an acre legally described as Lot 1, Block 1, of the H Tones First, an addition to the City of Denison, Grayson County, Texas, as shown by plat of record in Volume 67, Page 75, Deed Records, Grayson County, Texas; being commonly known as 129 E. Johnson Street, GCAD Property ID No. 142394, from the Commercial (C) District to the Single-Family, (SF-5) Residential District to allow for residential use. (Case No. 2024-056Z).

Staff Contact

Dianne York, Planner
dyork@denisontx.gov
903-465-2720

Summary

- The applicant is requesting a rezone of the subject property from the Commercial (C) District to the SF-5, Single Family Residential District to allow for residential uses.
- Applicant wishes to develop the property in a single-family manner.
- The request complies with the Comprehensive Plan.

Staff Recommendation

Staff recommends approval of this request.

Recommended Motion

"I move to recommend approval of changing the zoning of the subject property from the Commercial (C) District to the Single Family (SF-5) Residential District to allow for residential use."

Background Information and Analysis

The applicant is requesting a rezone of the property located at 129 E. Johnson Street from the Commercial (C) District to the SF-5, Single Family Residential District. The applicant wishes to develop the property in a residential manner. The Future Land Use Plan depicts this area as "Neighborhood". Per the Comprehensive Plan, areas depicted as "Neighborhood" should be developed in residential manner. This request complies with the Comprehensive Plan. Additionally, the subject property meets development standard requirements for lot size, width, and depth listed within the SF-5, Single Family Residential zoning ordinance. Approval of this request will allow the applicant to move forward with construction of a single-family dwelling.

According to Ordinance Section 28.10, City staff and the Planning and Zoning Commission shall consider the following factors when reviewing rezone requests:

1. *Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;*

The proposed use is compatible with the area located to the west and south of the property.

2. *Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;*

N/A

3. *The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development;*

Rezoning of this property will not impact the availability of similar land for development.

4. *The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;*

The overall area has been developed in a residential manner.

5. *How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;*

N/A

6. *Whether the zoning petition is consistent with the current land use plan; and*

The property is depicted on the Future Land Use Plan to be developed in a Neighborhood manner. This request complies with the Future Land Use Plan.

7. *Any other factors that will substantially affect the public health, safety, morals, or general welfare.*

Other factors which may substantially affect general welfare have been addressed above.

Financial Considerations

N/A

Prior Board or Council Action

N/A

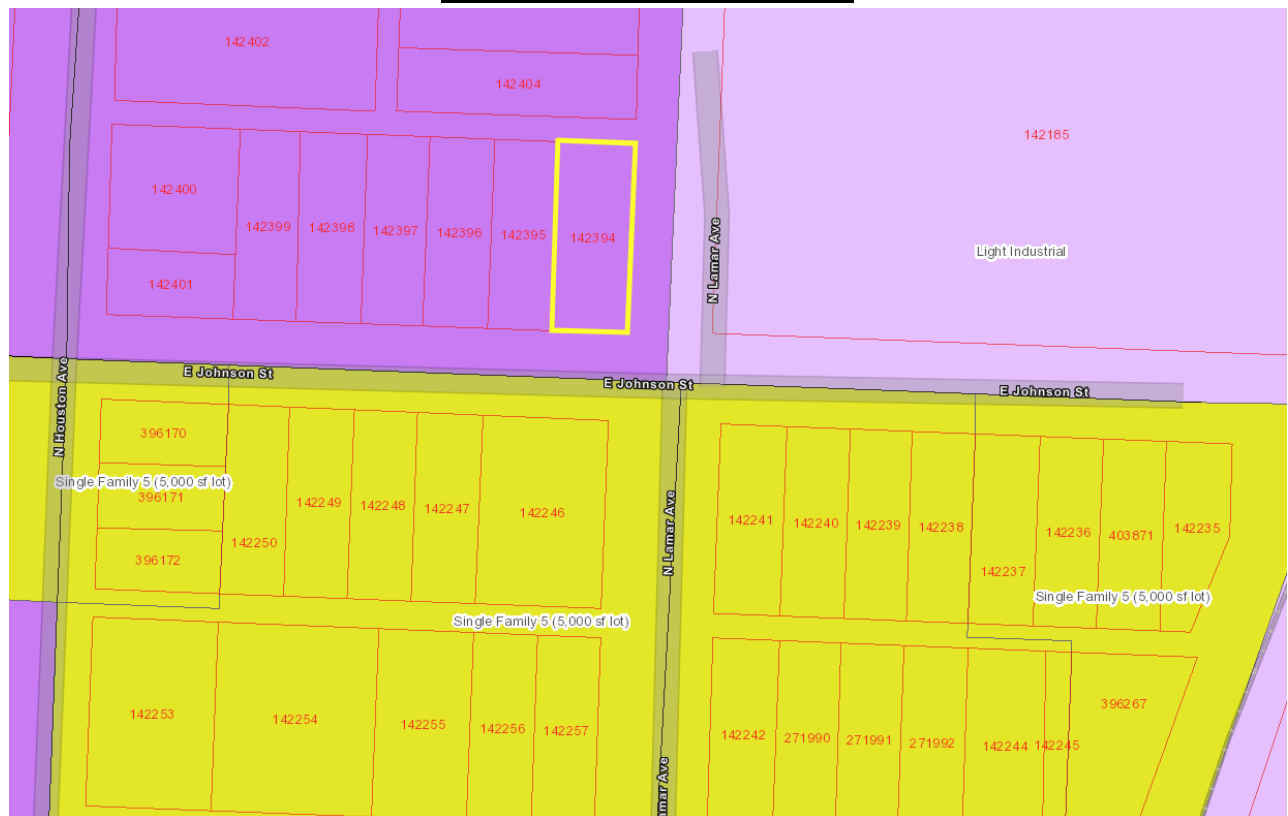
Alternatives

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

Aerial of Subject Area



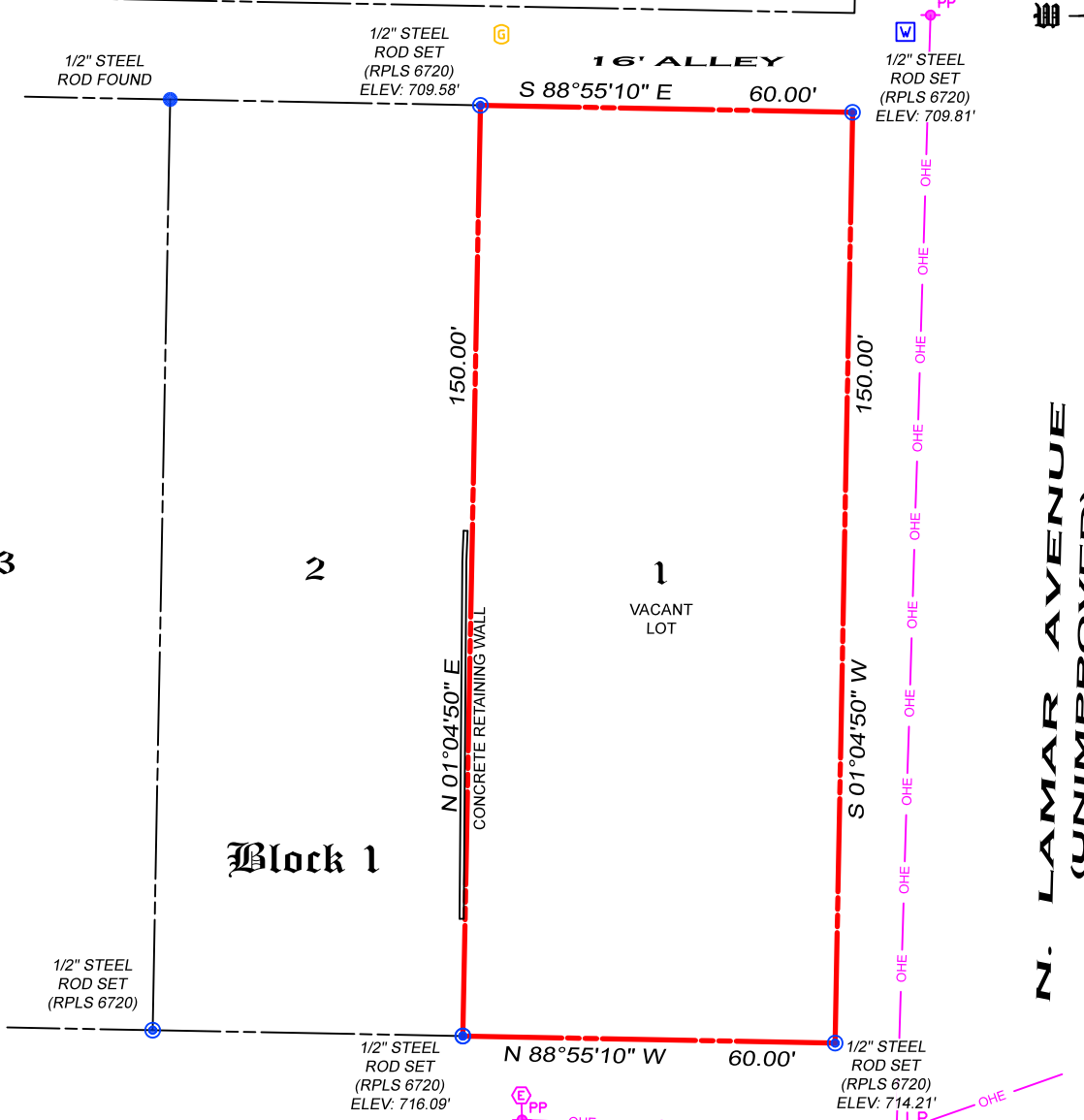
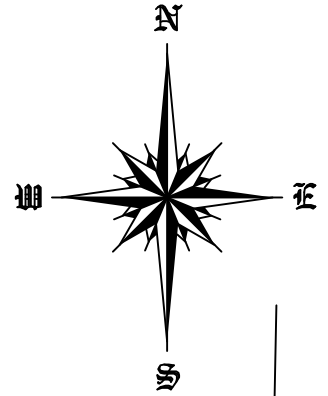
Zoning Aerial of Subject Area



~ PROPERTY ADDRESS ~
129 E. JOHNSON STREET
DENISON, TEXAS



14



Block 1

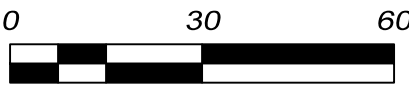
VACANT LOT

N. LAMAR AVENUE
(UNIMPROVED)

E. JOHNSON STREET

Legend

- LIGHT POLE
- ELECTRICAL PEDESTAL
- NATURAL GAS MARKER
- POWER POLE
- WATER METER
- BOUNDARY LINE
- PROPERTY LINE
- OVERHEAD ELECTRIC
- ASPHALT



SCALE ~ 1" = 30'

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

I, John C. Copley, Registered Professional Land Surveyor do hereby certify that on the 4th day of April, 2024, a survey was made on the ground of the property shown hereon, described as **Lot 1, Block 1, H TONES FIRST ADDITION**, an addition to the City of Denison, Texas, as shown by plat of record in Volume 67, Page 75, Deed Records, Grayson County, Texas and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown on the plat herewith, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

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



Copley Land Surveying

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