



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

Tuesday, March 26, 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, March 26, 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 March 12, 2024.

4. PUBLIC HEARINGS

A. Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of Lots 13 and 14, Block 22 of the OTP Denison Addition creating Lot 13R, Block 22 of the OTP Denison Addition (Case No. 2024-011RP).

B. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone an approximately .1148 of an acre tract legally described as Lot 8, Block 1 of the J.P. Dumas Addition, commonly known as 301 E. Shepherd Street, GCAD Property ID No. 146205, from the Local Retail (LR) District to the Single-Family (SF-5) Residential District to allow for residential use. (Case. No. 2024-010Z).

C. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a \pm 3,114.1-acre tract of land more commonly known as being located at the northwest corner of SH 84 and FM 406, from the Agricultural (A) District to a Planned Development Overlay District established as a freestanding Planned Development to allow for a mixed-use development. (Case No. 2024-012PD)

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 22nd day of March 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
MINUTES**

Tuesday, March 12, 2024

1. CALL TO ORDER

Announced the presence of a quorum.

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

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

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

2. PUBLIC COMMENT

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

3. CONSENT AGENDA

A. Receive a report, hold a discussion, and take action on approving the Minutes from the Planning and Zoning Commission Meeting held on February 27, 2024.

Commission Action

On motion by Commissioner Harwell, seconded by Vice Chair Sylvester, the Planning and Zoning Commission unanimously approved the Consent Agenda.

4. PUBLIC HEARINGS

A. Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of Lots 1-5, Block 1 of the B. Wright's 2nd Addition being all of Block 48, Decker's Replat of Chelsea Park. (Case No. 2024-006RP).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that the purpose of the Replat is to create five (5) lots from an entirely platted Block. The property is zoned SF-7.5, Single Family Residential. The proposed lots meet the lot size, width, and depth requirements listed within the SF-7.5 zoning district ordinance. Extensions for both water and sewer will be required to service the property and additional improvements may be required to S. French Avenue for access

purposes. Ms. York stated that staff is requesting to change the motion from what was stated in the staff report to: “Staff recommends approval subject to a Plat note being added to the Plat stating that completion of the required public infrastructure, as required by the City's subdivision ordinance, shall be deferred until the subsequent development of the property and prior to any building permit being released.” Ms. York stated that she will work with the surveyor to get that added and once it's added they can move forward with filing and then present for any questions.

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

On motion by Commissioner Anderson, seconded by Vice Chair Sylvester, the Planning and Zoning Commission unanimously approved the proposed Replat subject to a Plat note being added to the Plat stating that completion of the required public infrastructure, as required by the City's subdivision ordinance, shall be deferred until the subsequent development of the property and prior to any building permit being released.

- B. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a ± 32.361-acre tract of land commonly known as 2700 Texoma Drive, GCAD Property ID Nos. 109826 and 112271, from the Light Industrial (LI) District to the Heavy Industrial (HI) District to allow for a concrete products manufacturer. (Case No. 2024-008Z).

Commission Action

Mary Tate, Director of Development, presented this agenda item. Ms. Tate stated that the Applicant has requested to rezone the subject property from the Light Industrial (LI) District to a Heavy Industrial (HI) District [just south of Texoma Drive and to the east of Highway 75 and north of the railyard]. Ms. Tate stated that the Applicant's intent is to allow for the use of a concrete products manufacture in which recycled concrete materials will be manufactured into new products. She stated that the use of a concrete recycling center does not fit into the Light Industrial District and the only area in which that does [fit] is a Heavy Industrial District. Ms. Tate stated that currently all uses must be accommodated, per state law. The operation includes recycling concrete construction materials to create new products and they will be utilized for the developer to use in future product projects, as well as open to the public for purchase. Ms. Tate stated that developers can also make orders for purchase at that location. The recycling center hours of operation are proposed as follows:

- Recycling Center: shall not occur earlier than one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
- Manufacturing: 6:00 a.m. to 8:00 p.m., however, it should be noted that hours of operation are dictated by the needs and requirements of the applicants' customers. Applicant states that they will commit to the hours presented, but they may need to operate the plant outside of the proposed hours.

Ms. Tate stated that it should also be noted that hours of operation are not required to be established during a zoning change. She stated that typically staff will see that during a Conditional Use Permit in which that condition is stated. The Applicant will also have to adhere to all of the requirements by OSHA, EPA, and TCEQ, noting that there are a lot of different layers of approval that will need to be conducted. Ms. Tate stated, though, that the zoning is approved. The Applicant has also stated that they are willing to build a six-foot berm on the western and eastern sides of the property to improve the visual quality of the location. Ms. Tate stated that the berm would also include eastern red cedars that would be planted on forty (40)-foot centers. According to the Future Land Use Plan, the subject property is designated to be developed in a “Mixed Commercial” manner with a “Revitalization Area” overlay. Per the Comprehensive Plan, Mixed Commercial development includes industrial and manufacturing type uses and the intent of the “Revitalization Area” designation is to redevelop areas into a walkable and mixed-use area. Ms. Tate stated that Ruiz Foods, and many of our industrial locations, are along that corridor of Texoma Drive. Ms. Tate stated that it was noted by an individual that Texoma Drive (FM84) is a scenic byway so according to the Comprehensive Plan (Comp Plan), more landscaping has to be included in the development. Ms. Tate stated that redevelopment projects that have taken place further down Texoma Drive have been required to have those additional landscape requirements and this Applicant would be required to do so as well. Ms. Tate stated that staff recommends approval of this request.

Commissioner Pickens stated that he understands this is part of the long-term plan and inquired if that is fully taking into consideration that this is now a major thoroughfare to what is going to be connecting the 7,500 new homes out on the lake [Preston Harbor]. Ms. Tate stated that staff does take that into consideration. She noted that the Comp Plan is a recommendation and staff do their best to make sure that the uses are compatible with what is already there. Ms. Tate stated that the Comp Plan was completed in 2018 and they are about to look at it again. In response to Commissioner Anderson’s inquiry, Ms. Tate stated that the City does not have any other currently operational Heavy Industrial sites. Ms. Tate stated that the Applicant could answer Commissioner Anderson’s questions based on traffic and what they anticipate in production, noting that they will have to require a Traffic Impact Analysis (TIA), most likely, on how many trips are generated. Ms. Tate stated that there are a lot of steps to ensure that this is a good location for this use. In response to Commissioner Harwell’s inquiry regarding the effect to the infrastructure as far as wear and tear on the roads, Ms. Tate stated that she wanted to make it clear that this is a concrete recycling facility – not to be confused with a concrete plant, noting that those are two different uses. She stated that this road is already used to heavy traffic with Ruiz Foods being there. Ms. Tate stated that the road is a TxDOT highway that must be maintained to a certain standard and any development that comes in has to meet that standard. Additionally, she stated that water and sewer have already been vetted out with Public Works. Commissioner Harwell inquired as to what products the Applicant plans to recycle and produce and Ms. Tate stated that this would be a question for the Applicant and called for the Chair to open the Public Hearing. Chair Shearer inquired about the John Mansfield property, to which Ms. Tate stated that those plans have not been made public yet, so she was unable to comment on it, noting that those discussions are ongoing.

For the record, a **letter in support** of the project was received from Erik Gripp - Texoma Drive.

For the record, the following **letters in opposition** of the project were received:

Kelly Cannell – Texoma Gateway, Ltd.
Jim Meara - Texoma Gateway, Ltd.
Dino Rendon – Texoma Drive
Jeff Paschal – Denison Douglas, LLC
Betty Price – Texoma Drive

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

Mr. James Craig, Applicant, came forward to address the Commission and provided the following information for the record:

Name: Mr. James Craig, Applicant
Craig International, Inc.

Address: 6850 TPC Drive, Ste. 104
McKinney, TX 75070

James Craig, Applicant, thanked the Commission for allowing him to speak. Mr. Craig stated that, in response to Commissioner Harwell's question, the products are all recycled materials. He stated that, essentially, they will have an aggregate of products used during development - everything from flex base that you put down before you lay the concrete or put down the roads and all the way to riprap, etc. Mr. Craig confirmed for Commissioner Harwell that the recycling products will be available for public use and purchase. Commissioner Anderson inquired as to the noise pollution because of larger pieces of concrete being brought in in huge chunks. Mr. Craig stated that there are many different TCEQ guidelines that govern noise pollution – one of those being that by their regulation, it has to be at least 200 feet off of any property line; however, they are anticipating placing this site somewhere in the range of 400 to 600 feet off any site. Mr. Craig stated that they are also willing to place any additional noise attenuation components, such as the berms, cedars, etc. In response to Commissioner Anderson's inquiry, Mr. Craig stated that as far as air pollutants are concerned, that is almost 100% mitigated by the TCEQ guidelines, such as spraying the ground periodically so that dust does not rise. Mr. Craig stated that that is all heavily regulated by TCEQ and they are inspected yearly so they have more than one safeguard in place to address these concerns. Commissioner Anderson asked Mr. Craig to address the Applicant's statement wherein they have committed to the hours of operation presented, but they may need to operate the plant outside of the proposed hours. Mr. Craig stated that typically these types of facilities operate from about 6 a.m. to 8 p.m., but that is just a range. He stated that the only time those hours would fluctuate is if they had some sort of special order because that's the only day they are at the mercy of their clients to get the job completed. Mr. Craig stated that those special cases are not the norm. Vice Chair Sylvester asked Mr. Craig to address the major concerns that the Commission has and what they might foresee. Mr. Craig stated

that he understands the concerns of the Commission (i.e., traffic pollution, noise and air pollution, etc.) and stated that they are well founded. He stated that by and large, they have seen that, based on the existing infrastructure in place, there is not more wear and tear than you would normally have in a light industrial or industrial type area, noting that is not a concern on their part. In response to Commissioner Harwell's inquiries, Mr. Craig stated 1) that the square footage of the improvements is approximately an acre to two acres; and 2) they anticipate bringing in between 100 to 300 jobs, but they are conducting a few different studies and will have more information later. Commissioner Anderson inquired about other CDSix recycling centers in the area and Mr. Craig stated that the 380 and Hillcrest center in Frisco is approximately a quarter mile or less to residential neighborhoods and he has never heard of any issues. Mr. Craig stated that this is a family investment. They believe in the future of Denison and believe this is kind of the forefront of how they can continue to be development friendly, yet still be energy efficient and conscious of nature as a whole. Mr. Craig stated that one thing they liked about the City of Frisco, just as an example, is they have a recycling zoning district. He stated that they have been encouraging more cities to look at creating those types of districts so that everyone tries to become more carbon neutral and energy efficient. In response to Commissioner Harwell's inquiry, Mr. Craig stated that they have not decided as to who they will partner with as far as waste management production but assured her that whomever they choose will be top of class.

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

Dr. Linda Twain came forward to address the Commission and provided the following information for the record:

Name: Dr. Linda Twain

Address: [no address provided]

Dr. Twain stated that she is in opposition to this project for several reasons. She stated that Denison is doing such a good job with the major plans for the northwest corner of 84 and putting in a facility like this with trucks coming through there all of the time will cause major noise and air pollution. Dr. Twain stated her believe that the trucks will try to get in as many loads a day as possible, noting that, the more loads they do per day, the more money they make. She is of the belief that no one will want to come to Denison with this type of plant here. Dr. Twain stated that she has an office by the proposed facility and is completely opposed to the idea.

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

Mr. Ben Price came forward to address the Commission and provided the following information for the record:

Name: Mr. Ben Price

Address: 2931 Texoma Drive
Denison, TX

Mr. Price stated that he works at 2931 Texoma Drive - just across the street from the proposed location. He stated that he is here to voice his strong opposition to the rezoning request. Mr. Price stated that the VOCs [volatile organic compounds] emitted from any concrete manufacturing would be detrimental to businesses, employees, and patrons of this area - not to mention, wildlife. He stated that settled dust on all surfaces would be enough of a nuisance, but breathing in that dust creates its own set of problems for humans, animals, and machinery. Mr. Price stated that the road already has high constant commercial traffic, but adding heavy equipment traffic around the clock, potentially so close to the mouth of a major highway on a hill with limited visibility would increase the risk for vehicle accidents unnecessarily. Mr. Price stated that - to address some of the concerns that the Commissioners have already expressed - he can speak from personal experience [having worked there since 2016] about the traffic. He stated that it is heavy, industrial traffic and it is a danger for him every single day turning into his work. Mr. Price also spoke to the maintenance of the roads because of the heavy traffic and how difficult it is to upkeep. He stated that the maintenance would be even more of a concern now because of adding constant traffic for cement recycling. Mr. Price, referencing abatement and prevention of pollution, stated that the facility would only be required to maintain those standards on their property and it would take no consideration for the properties around it that are also affected by the pollutants (such as dust). Mr. Price stated that if the Commission is still "on the fence" about their recommendation, he encouraged them to look up Aldine, Texas (Houston area), noting that they have several of these manufacturing plants and there were many citizen concerns regarding the plants.

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

Mr. Jim Meara came forward to address the Commission and provided the following information for the record:

Name: Mr. Jim Meara, Partner
Texoma Gateway, Ltd.

Address: 2116 N. Haskell Avenue
Dallas, TX 75204

Mr. Meara stated that he is here today to oppose the proposed rezoning. Mr. Meara stated that he is a partner in Texoma Gateway, Ltd., and they own 153 acres directly across 84 at the future intersection of the Tollway 75 and 84. He stated that they started investing at the intersection in the early 2000's. It is Mr. Meara's belief that the intersection of 75 and the Tollway will become one of the premier intersections in Grayson County in North Texas. He stated that they are in discussions with a data center company to acquire a portion of their property - therefore, he has many reasons why he opposes the request. Mr. Meara stated that a typical data center today [200,000 square feet] is almost \$1.5 billion

in investment. He stated that the potential for a \$10 billion data center on their property is real. Mr. Meara stated that they have 30 acres of multifamily which is directly across the street from the proposed use and it is his belief that their use is not conducive to residents in multifamily property. He stated that they would be directly north of the center and the wind blows in Texas 85% of the time from the south so they would be right in the line of fire. Mr. Meara stated that they believe the use can be better served in other places and they think that destroying an intersection like 75 and the Tollway would have a very detrimental effect on our values today and in the future.

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

Mr. David Craig came forward to address the Commission and provided the following information for the record:

Name: Mr. David Craig, Applicant
Craig International, Inc.

Address: 6850 TPC Drive, Ste. 104
McKinney, TX 75070

Mr. David Craig stated that after hearing all of the public comments (especially Mr. Meara [and the Schuler family] that they are very close to) and noting that they were unaware of their holdings across the street from the facility - but also listening to location and traffic concerns – they have decided to rescind their application so that they do not put the Commission in a compromising position. Mr. Craig stated that he does believe that the Commission would have voted the right way, however. He stated that they will pull their application and begin looking for another site. Mr. Craig stated that they believe in the growth of Denison and this meeting has been highly informative for them. He apologized if they wasted the staff's time and thanked the Commission for their time.

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.

The Application was rescinded by the Applicant and no action was taken by the Commission.

5. STAFF UPDATES - There were no Staff Updates.

6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:38 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 take action on a Replat of Lots 13 and 14, Block 22 of the OTP Denison Addition creating Lot 13R, Block 22 of the OTP Denison Addition (Case No. 2024-011RP).

Staff Contact

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

Summary

- The purpose of the Replat is to create one (1) lot from two (2) lots.
- Property is zoned MF-1, Multi-Family Residential.
- The subject property has already been developed in a residential manner.

Staff Recommendation

Staff recommends approval of the Replat as submitted.

Recommended Motion

"I move to approve the proposed Replat."

Background Information and Analysis

The applicant is seeking approval of the proposed Replat in order to consolidate two (2) lots into one (1) lot. The subject property is zoned MF-1, Multi-Family Residential and has been developed in a single-family manner. The applicant wishes to construct an accessory building on the property. Per Section 28.52.1. of the Zoning Ordinance, an accessory building shall not be permitted without a main building or primary use being existence. Approval of the proposed Replat will bring the property into compliance and provide the applicant with the ability to construct an accessory building.

The proposed lot meets the lot size requirements for single-family development within the MF-1, Multi-Family zoning district.

Financial Considerations

N/A

Prior Board or Council Action

N/A

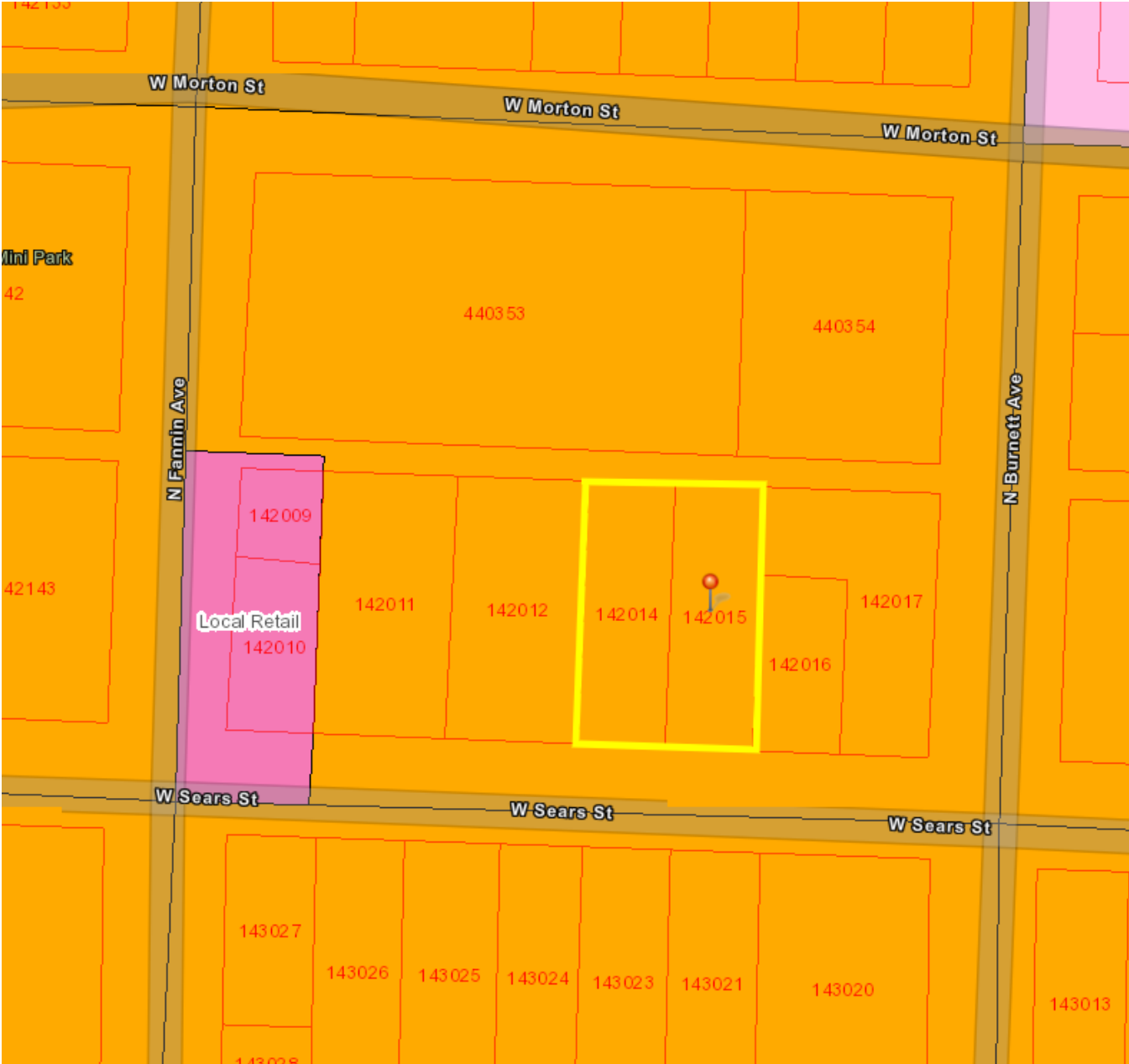
Alternatives

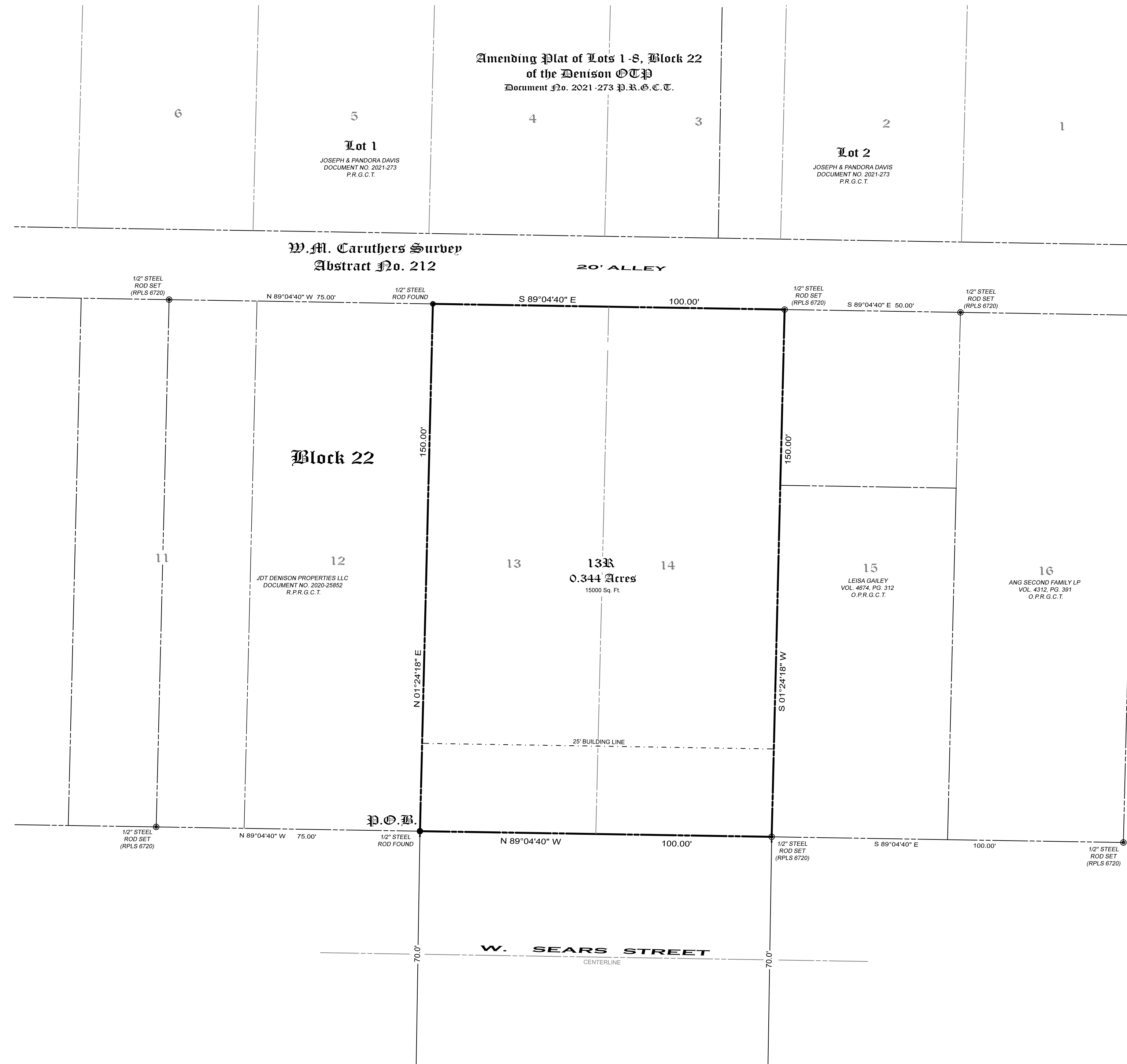
- The Planning and Zoning Commission may deny or conditionally approve the request.

Aerial of Subject Property



Zoning of Subject Property





Legal Description

Situated in the City of Denison, County of Grayson, State of Texas being a part of the W.M. Caruthers Survey, Abstract No. 212, and being all of Lot 13 and Lot 14, Block 22 of OTP Denison as shown by plat of record in Volume 28, Page 362 Deed Records, Grayson County, Texas, same tract of land being conveyed to Ernest and Kathryn Pickens by deed of record in 2024-1736 Real Property Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found in the south line of said Block 22, maintaining the southwest corner of said Lot 13, the southeast corner of Lot 12 of said Block 22, and in the north line of W. Sears Street;

Thence North 01°24'18" East, along the west line of said Lot 13 and the east line of said Lot 12, a distance of **150.00 feet** to a 1/2" steel rod found maintaining the northwest corner of said Lot 13, the northeast corner of said Lot 12, and in the south line of a 20' wide alley;

Thence South 89°04'40" East, along the north lines of said Lot 13 and Lot 14 and the south line of said 20' wide alley, a distance of **100.00 feet** to an aluminum cap marked COPLEY RPLS 6720 for the northeast corner of said Lot 14 and the northwest corner of Lot 15 of said Block 22;

Thence South 01°24'18" West, along the east line of said Lot 14 and the west line of said Lot 15, a distance of **150.00 feet** to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 in the south line of said Block 22, for the southeast corner of said Lot 14, the southwest corner of said Lot 15, and in the north line of said W. Sears Street;

Thence North 89°04'40" West, along the south line of said Block 22 and the north line of said W. Sears Street, a distance of **100.00 feet** to the **Point-of-Beginning** and containing **0.344 acres** of land.

Surveyor's Certificate

KNOWN ALL MEN BY THESE PRESENTS:

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

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

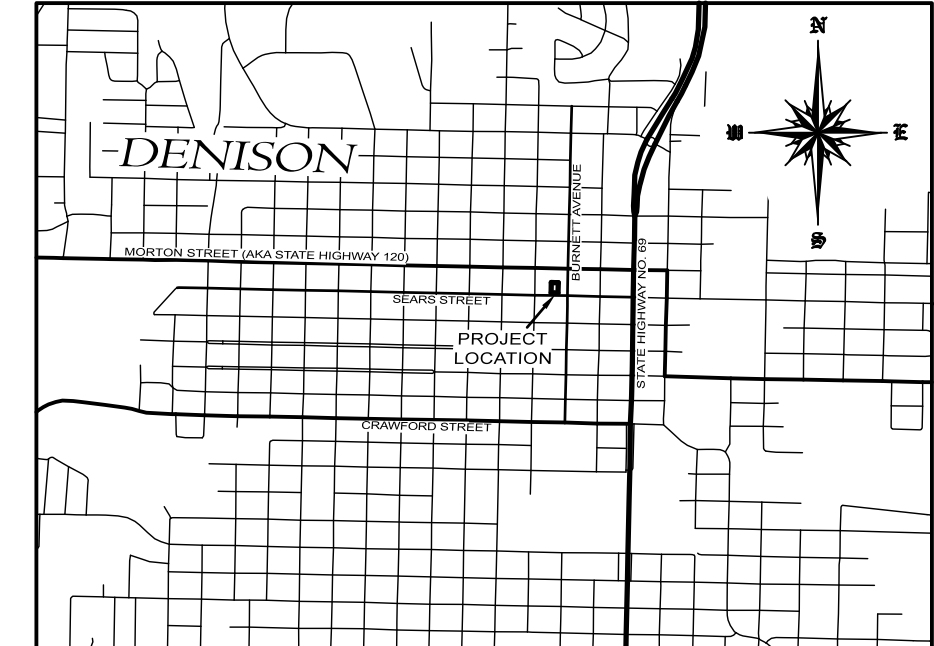
Date

GENERAL NOTES

- Water Supply to be provided by the City of Denison.
- Sewer service to be provided by the City of Denison.
- Electrical service is provided by Oncor Electrical Delivery.
- 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.
- 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 local, state and federal regulations regarding developments of this type.
- Bearings are based on the City of Denison Control Monument Network.
- The City of Denison reserves the right to require submission of Development Plat based on proposed use of each lot.
- All proposed lots situated in whole or in part within the City's Corporate Limits comply with the minimum size requirements of the Governing Zoning District and the requirements of the Subdivision Ordinance.
- 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.
- Visibility Note: Intersection visibility triangles shall be shown and maintained in accordance with the subdivision regulations.
- The subject tract lies within Zone "X" (areas determined to be outside of the 500 year flood) Designation, as shown by FEMA Flood Insurance Rate Map No. 48181C0170F, Map Revised September 29, 2010.
- Lots are to be used as Residential.
- Property is zoned as MF-1.
- Accessory building setbacks: Side yard and Rear yard setbacks for Accessory Buildings shall be not less than 3 feet from any lot line, or alley or easement line.
- Case No. 2024.011RP

Purpose: To combine Lots 13 & 14, Block 22 of OTP Denison into a single lot.

Vicinity Map



Owners Certificate & Dedication

STATE OF TEXAS
COUNTY OF GRAYSON

I (we), the undersigned owner(s) of the land shown on this plat and designated herein as the Replat of LOT 13R, BLOCK 22 OTP DENISON, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the Replat of LOT 13R, BLOCK 22 OTP DENISON have been notified and signed this plat.

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

WITNESS MY HAND this ____ day of _____, 2024.

ERNEST PICKENS

KATHRYN PICKENS

STATE OF TEXAS
COUNTY OF GRAYSON

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

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

Notary Public in and for the State of Texas

My Commission Expires: _____

STATE OF TEXAS
COUNTY OF GRAYSON

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

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

Notary Public in and for the State of Texas

My Commission Expires: _____

City Signature Block

I hereby certify that the above and foregoing plat of LOT 13R, BLOCK 22 OTP DENISON, Texas, was approved by the Planning & Zoning Commission of the City of Denison on the ____ day of _____, 2024.

Planning & Zoning Commission
City of Denison

**Replat of
Lot 13R, Block 22
OTP Denison
an addition to
the City of Denison
Being a replat of all of
Lots 13 & 14, OTP Denison
Grayson County, Texas
Being 0.344 Acres in the W.M.
Caruthers Survey, Abstract No. 212**

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 .1148 of an acre tract legally described as Lot 8, Block 1 of the J.P. Dumas Addition, commonly known as 301 E. Shepherd Street, GCAD Property ID No. 146205, from the Local Retail (LR) District to the Single-Family (SF-5) Residential District to allow for residential use. (Case. No. 2024-010Z).

Staff Contact

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

Summary

- The applicant is requesting a rezone of the subject property from the Local Retail 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 Local Retail (LR) 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 property located at 301 E. Shepherd Street from the Local Retail (LR) District to the SF-5, Single Family Residential District. The applicant wishes to construct a single-family structure comparable to the residential structures developed within the same block. 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 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

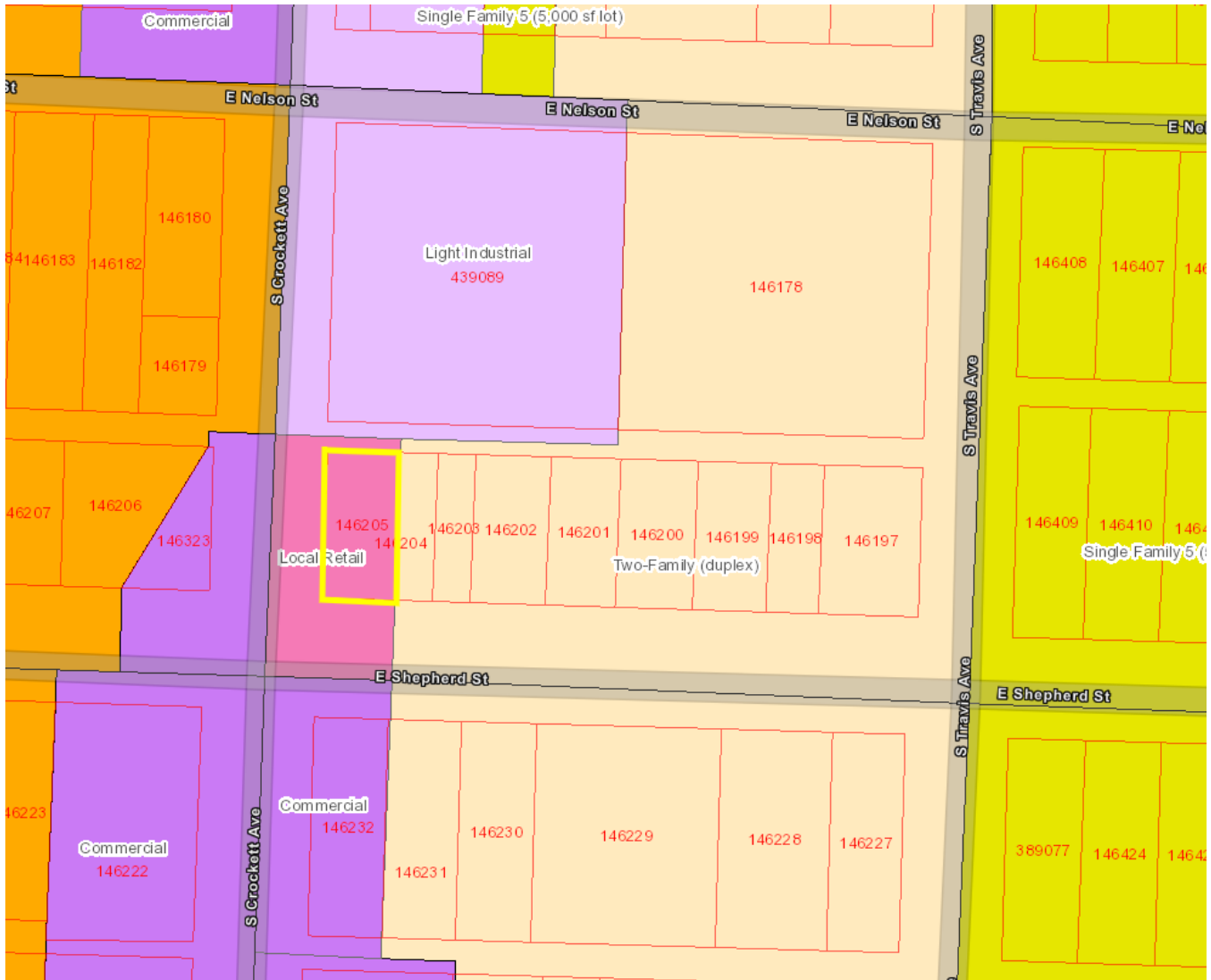
Alternatives

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

Aerial of Subject Area



Zoning Aerial of Subject Area



Project Narrative: 301 E Shepherd

1. We are requesting a zoning change from local retail to SF5 so that we are able to build a product of comparable size and function to those which exist in the surrounding area. The lot size and location is most conducive to a single-family dwelling and could accommodate a single vehicle garage. In the immediate areas surrounding these lots, the homes have either no dedicated parking structure, or a carport.
2. Our current plans would comply with the adopted comprehensive plan for SF5 zoning.
3. Perhaps; however, acquisition costs are high, and this lot which we already own would be ideal locations for our proposed plan, and this new build will complement and elevate the surrounding community.
4. If accepted, similar changes in zoning may be appropriate in other areas, when lot size, and surrounding properties are not conducive to larger footprints and/or two-family dwellings.
5. The proposed use of this lot will complement the existing surrounding structures. This lot is surrounded by other single-family domiciles.

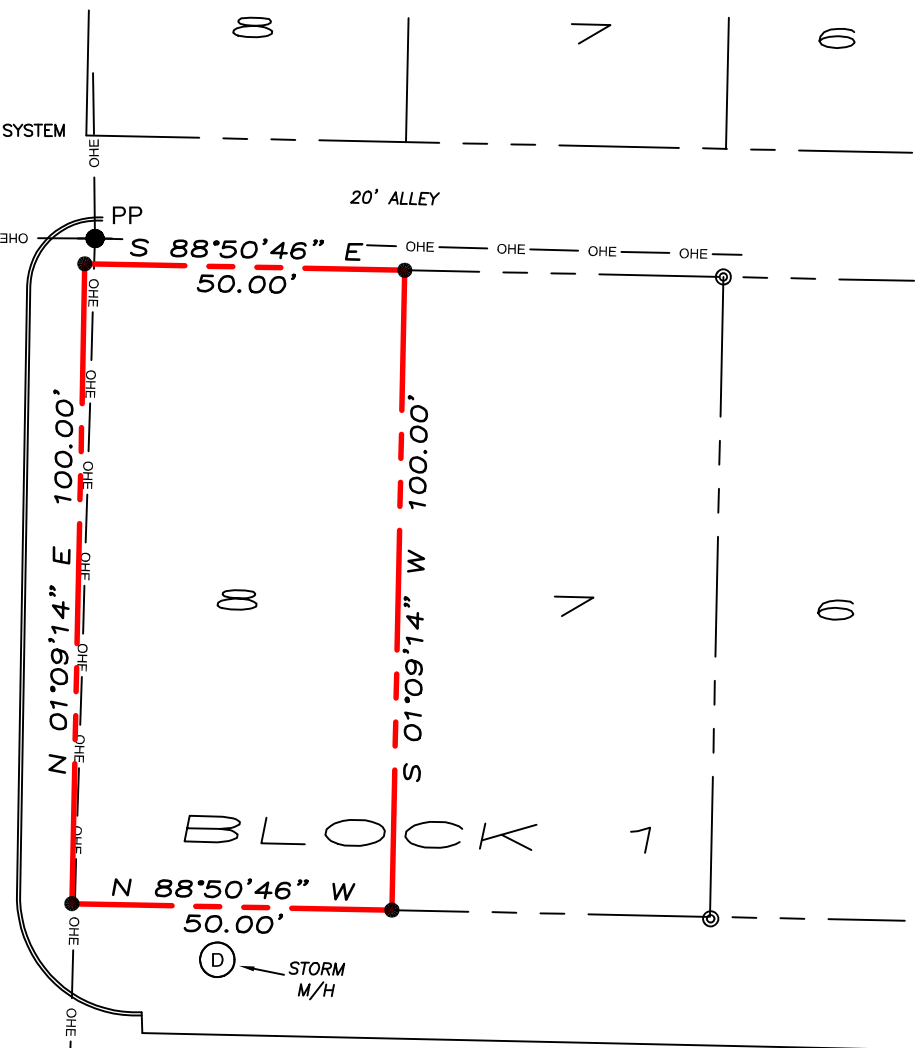
COOK'S FIRST
 ADDITION, BLOCK 7

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



SCALE
 1" = 30'

CROCKETT AVE.



SHEPHERD ST.

LEGEND

- 1/2" STEEL ROD SET
- ⊙ 1/2" STEEL ROD FOUND
- PP POWER POLE
- BOUNDARY LINE
- - - PROPERTY LINE
- OHE — OHE — OVERHEAD ELECTRIC LINE

This survey contains information that is proprietary to Underwood Drafting & Surveying, Inc. Its use or disclosure in whole or part without the express written permission of Underwood Drafting & Surveying, Inc. is prohibited.

This survey is also unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the following notice shall apply:

Copyright © 2021
 Underwood Drafting & Surveying, Inc.
 All rights reserved.

I, Douglas W. Underwood, Registered Professional Land Surveyor do hereby certify that on the 2nd day of August 2021, a survey was made on the ground of the property shown hereon, described as Lot 8, Block 1, of the J. P. Dumas Addition, an addition to the City of Denison, Texas, as shown by plat of record in Volume "Y", Pages 324 & 325 of the 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.



Douglas W. Underwood

UNDERWOOD
 DRAFTING & SURVEYING

Douglas W. Underwood
 Registered Professional
 Land Surveyor No. 4709
 Firm No. 10006300

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 ± 3,114.1-acre tract of land more commonly known as being located at the northwest corner of SH 84 and FM 406, from the Agricultural (A) District to a Planned Development Overlay District established as a freestanding Planned Development to allow for a mixed-use development. (Case No. 2024-012PD)

Staff Contact

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

Summary

- In 2013, the subject property was annexed into the City of Denison.
- Property is zoned Agricultural (A). Applicant wishes to rezone to a Planned Development Overlay District to allow for a mixed-use development.
- The master planned community will include several residential uses, adequate open space, trail connectivity and non-residential uses.

Staff Recommendation

City staff recommends approval of the Planned Development Overlay District.

Recommended Motion

"I move to recommend approval of the subject property being rezoned to a Planned Development Overlay District, established as a freestanding Planned Development, to allow for a mixed-use development."

Background Information and Analysis

The applicant is requesting a rezone of the subject property from the Agricultural (A) District to a Planned Development Overlay District, established as a freestanding PD, to allow for the development of a master planned community named Preston Harbor. Exhibit B – *Concept Plan* of the attached Preston Harbor Planned Development District (PD) document depicts an approximate location of each use that will be developed within the 3,114.1 acre-tract of land.

Preston Harbor is located, as depicted via Exhibit A – *Area Location Map* of the Preston Harbor Planned Development District document, along the west side of FM 84 and north of FM 406 with a substantial amount of shoreline along Lake Texoma to the west. It is the intent of the PD document to develop a variety of residential types throughout the property and to provide non-residential uses along the perimeter of the property while less intense non-residential uses are developed throughout the residential neighborhoods and clustered in mixed-use areas.

A variety of residential uses are listed in Exhibit D-*Residential Permitted Uses* of the Preston Harbor Planned Development District document. Development standards such as, but not limited to, lot size, lot width, lot depth, minimum setbacks and exterior building material requirements are listed within the PD document. These standards are established specific to each use type titled as residential, townhome and multi-family within the document.

There shall be no maximum number of dwelling units for any particular area or development within the Property, however, the cumulative number of dwelling units at build-out shall not exceed ten thousand (10,000) dwelling units.

Areas to be developed as non-residential will allow for the development of a variety of non-residential uses all of which are listed in Exhibit E – *Non-Residential Permitted Uses* of the Preston Harbor Planned Development District document. Non-residential areas are required to meet specific development standards.

Temporary uses listed within the Preston Harbor Planned Development District document are allowed when appropriate and for the length of time detailed within the document.

Landscaping shall comply with the provisions set forth in Section 28.51. of the City of Denison Zoning Ordinance. Given the topography and natural landscape of the property, natural areas may be included within Landscape Plans and counted towards any landscape percentage requirement for development other than single-family detached and duplex lots. A full list of landscape and tree preservation requirements and deviations from Section 28.51. of the City of Denison Zoning Ordinance are detailed within the Preston Harbor Planned Development District document.

All fence, screening and wall regulations shall comply with Section 28.53. of the City of Denison Zoning Ordinance with a deviation related to multi-family and non-residential uses which may be revised through approval of a Site Plan.

All signage within the Preston Harbor development will comply with standards set forth within Chapter 19 – Signs, of the City of Deison Code of Ordinances except for the deviations listed within the PD document.

This PD reflects the intent that Preston Harbor be developed in a manner that offers walkability, connectivity, and multi-modal options. Hike and bike trails and a golf cart path will be constructed in addition to typical vehicular infrastructure providing residents and visitors multi-transit opportunities. Additionally, the property is intended to be planned and constructed in a manner that ensures adequate open and park spaces. Open space, both active and passive, will be provided throughout the entire development. In addition to the development of open space, the PD establishes a Park Dedication fee of two hundred and fifty dollars (\$250) per dwelling unit. All parkland and open space shall be dedicated via plat to one or more of the property or homeowners' associations or the Lake Texoma Municipal Utility District for maintenance purposes. Open Space and the Conceptual Trail Plan are depicted in Exhibit B – *Concept Plan* and Exhibit B-1 – *Conceptual Trail Plan* of the Preston Harbor Planned Development District document.

Staff has reviewed the provided Preston Harbor Planned Development District document against the approved Development Agreement and amendments for compliance. All documents' standards and requirements mirror and do not contradict one another.

Financial Considerations

- N/A

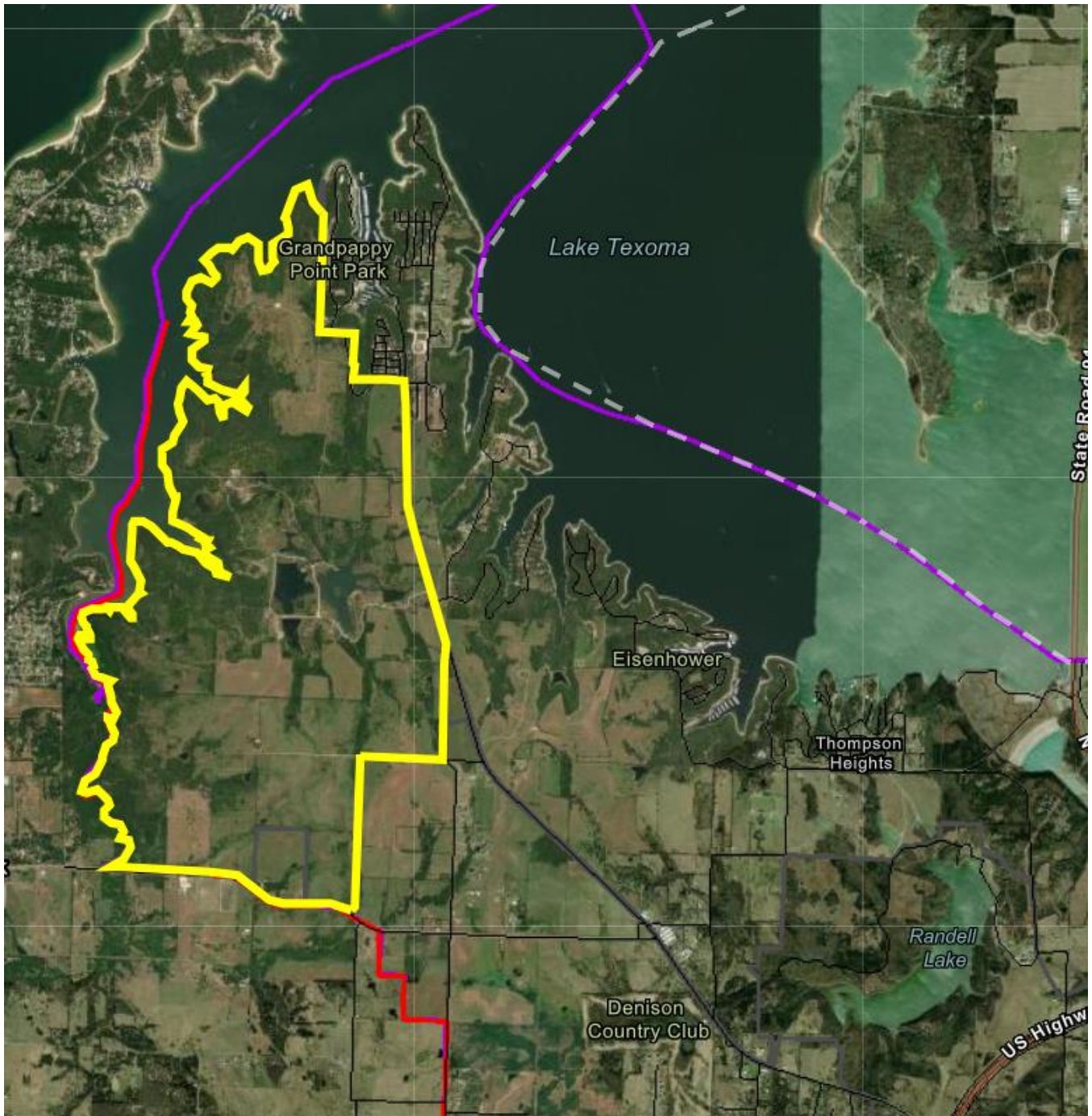
Prior Board or Council Action

- City Council approved a Municipal Utility District for the subject property at their meeting held on February 18th, 2013.
- City Council approved the annexation request of the subject property at their meeting held on October 7th, 2013.
- City Council approved the Development Agreement on May 31st, 2023.
- City Council approved the First Amendment to the Development Agreement on December 13, 2023.

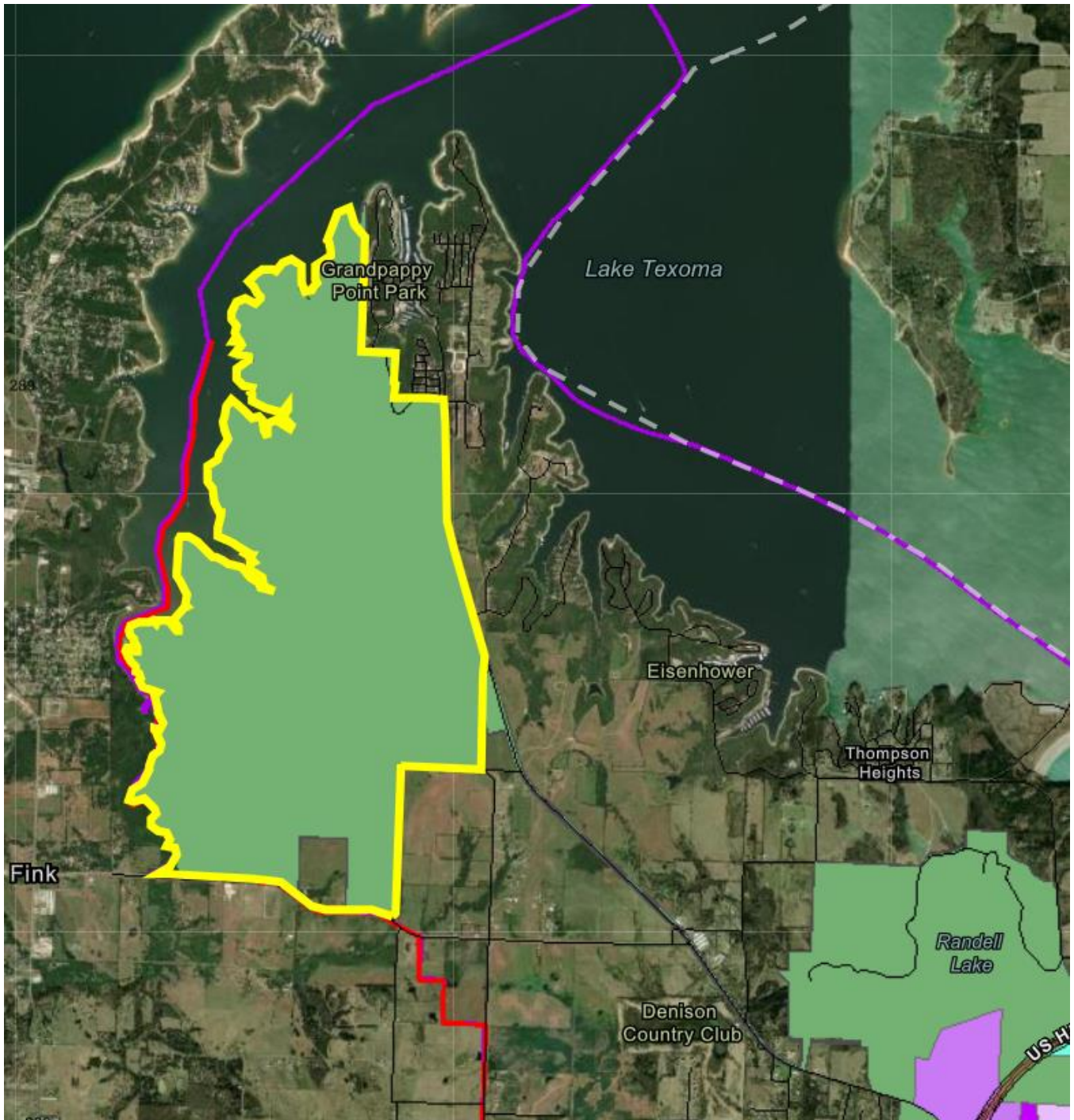
Alternatives

- The Planning and Zoning Commission may table, recommend denial, or conditionally approve the request.

Aerial of Subject Property



Zoning Aerial of Subject Property



PRESTON HARBOR
PLANNED DEVELOPMENT DISTRICT

I. STATEMENT OF PURPOSE AND INTENT

This 3,114-acre Preston Harbor Planned Development District (PD) document has been prepared pursuant to Denison City Code (Code) Section 28.43.1 as a stand-alone Planned Development District. The purpose of this PD is to encourage high-quality development of the Property lying within the City of Denison, Texas (City), by providing additional flexibility to take advantage of unique site characteristics and adjacency to Lake Texoma with a mixture of residential types and non-residential uses accompanied by a high level of amenities to create a quality master-planned community.

II. PROJECT LOCATION/CURRENT CONDITION

The property made the subject of this PD (Property) is bounded by FM 406 on the south, Texas Highway 84 on the east and the waters of Lake Texoma on the north and west. The Property Survey (**Exhibit 1**) and Area Location Map (**Exhibit A**) illustrate the Property's boundaries and location. The Property is currently vacant land lying within the corporate limits of the City, and the land uses proposed by this PD conform to the City's Master/Comprehensive Plan.

III. PROJECT OVERVIEW

This PD will establish minimum development standards within the Property. When there is a conflict between the Code and this PD, this PD will supersede any contrary standards and control over the development. The project shall be developed substantially in accordance with this PD and the attached exhibits as a master-planned community with a network of vehicular, bicycle and pedestrian circulation systems that provide connectivity within the entire project. There will be a diversity of housing types ranging from single-family detached homes to clusters of paired cottages and villas, from townhomes to multiple family, and from active adult living spaces to condominiums, all based upon market-driven forces. The Project will include non-residential uses located primarily along the perimeter of the Property; however, low intensity, non-residential uses and the spaces therefor shall be allowed within the Property at locations shown at the time of platting. Open space, both active and passive, will be provided throughout the development, with golf cart paths and hike and bike trails traversing the Property. Scenic overlooks will be provided from public rights-of-way and from private trails and paths where appropriate.

IV. CONCEPT PLAN; CONCEPTUAL TRAIL PLAN; SITE PLANS

Development of the Property shall conform generally with the Concept Plan attached hereto as **Exhibit B** and the Conceptual Trail Plan attached hereto as **Exhibit B-1**, which are deemed approved upon the approval of this PD by the City Council. Changes to the Concept Plan, except those defined below as "minor changes", shall require approval by the City Council. A change in the overall total number of acres allocated for a particular land use category shown on the Concept Plan that results in a net increase of less than 15 percent of the acreage allocated to such land use category; an adjustment or relocation of public utility infrastructure that does not affect the adequacy of such infrastructure; or any modification that is an interpretation, elaboration, refinement or clarification of any

applicable regulations shall be deemed a minor change that does not require Council action and may be approved by the City Manager or designee following written notice and documentation of the changes. The Conceptual Trail Plan is intended to show how the Property will be connected in a unified manner through the use of a trail system. The location and size of the proposed trails may be amended without City Council approval so long as such amendments do not materially affect the connectivity of the Property and so long as such amendments are approved by the City Manager or designee following written notice and documentation of the amendments.

No site plan approval shall be required for any development within the Property other than multi-family, townhome, or non-residential development. For multi-family, townhome and non-residential development, site plan approval shall be required in accordance with Section 28.13 of the Code (subject to the exceptions contained in Section 28.13.3), and the criteria for approval shall be that the site plan demonstrates compliance with this PD Ordinance.

V. THOROUGHFARES/ACCESS/ROAD CROSS-SECTIONS

The developer intends to construct the two (2) primary streets (Primary Streets) and two (2) secondary streets (Secondary Streets) shown and labeled on the Concept Plan. Street sections for the Primary and Secondary Streets, as well as proposed street sections for interior residential streets, all shown with and without curbs, shall be constructed generally as depicted on **Exhibit C**. Street sections may be modified to accommodate traffic needs, create enhanced visual opportunities for the surrounding areas or impart a specific sense of place upon approval of the City Manager or designee following written notice and documentation of the modification.

VI. SUBDISTRICTS; PERMITTED USES

A. Residential Subdistricts. Permitted uses, including accessory uses incidental thereto, shall include all of those uses listed as Residential on the attached **Exhibit D**.

B. Non-Residential Subdistricts. Permitted uses, including accessory uses incidental thereto, shall include all of those uses listed on the attached **Exhibit E**.

C. Temporary Uses. Temporary uses, including construction offices, temporary concrete/asphalt batching plants and temporary parking areas constructed of gravel or flexbase material are permitted during construction of infrastructure and phasing of improvements on the Property. Model homes/sales offices are permitted as temporary uses until such model home/sales office is sold to a resident and its use as a model home is discontinued or the model home/sales office is removed. A maximum of two HUD-certified manufactured homes may be located on the Property for any purpose necessary for the administration of the Lake Texoma Municipal Utility District No. 1 (District), including, but not limited to, providing qualified voters within the District or qualifying persons to serve on the Board of Directors of the District, which HUD-certified manufactured homes shall be promptly removed when no longer needed for the administration of the District, or any sub-District.

VII. PARKS/OPEN SPACE

- A. Development of the Property shall be planned and constructed in a manner that ensures adequate park and open space that benefits the needs created by the development of the Property. Park dedication fees and parkland and open space dedications shall be provided as set forth herein.
- B. A park dedication fee of two hundred fifty dollars (\$250) per dwelling unit shall be imposed on all residential development with the Property.
- C. In addition to the payment of park dedication fees, parkland and/or open space shall be dedicated at a rate of one (1) acre of land per fifty (50) dwelling units, subject to a parkland credit of ninety (90) acres, or the equivalent of 4,500 residential units. Proposed areas for parkland and open space dedications are shown on the Concept Plan and the acreages thereof shall apply to the entire Property; no specific parkland or open space requirement shall be placed on individual neighborhoods or sub-developments within the Property.
- D. Parkland may consist of land identified for (1) active park areas, (2) amenity centers serving residents of subdivisions within the Property and (3) public boat ramps with associated parking and amenity areas open to the general public. Open space may consist of (1) accessible areas within the Property that provide scenic views of, or access to, Lake Texoma or any of the inland lakes within the Property, (2) pedestrian walkways, hike and bike trails, and golf cart pathways (including those in dedicated lanes within public streets) and (3) identified preserved natural areas, including inland lakes, undevelopable slopes and land within the 100-year flood plain that is unaltered by channelization.
- E. Parkland and open spaces shall be dedicated by plat to one or more property/homeowners' associations or to the Lake Texoma Municipal Utility District No. 1 or a sub-district thereof which shall be responsible for the maintenance thereof.

VIII. DEVELOPMENT STANDARDS

A. General.

In keeping with the intent of this Planned Development to encourage and accommodate a variety of residential products, the development of residential uses within the Property shall comply with the following, which shall be the exclusive lot size, setback, building height, lot coverage, parking, and masonry requirement applicable to development within the Property:

B. Residential.

- 1. Single Family Detached (includes Duplex).
- 2. Minimum lot size – 2,500 square feet;
- 3. Minimum lot width – 25 feet;
- 4. Minimum lot depth – 80 feet;
- 5. Minimum side yard – 5 feet for centered dwellings, 0 and 10 feet for zero lot line dwellings, and 0 and 5 feet for duplex;

6. Minimum side yard for corner lot – 10 feet;
7. Minimum front or rear building line – none;
8. Minimum floor area per dwelling – none;
9. Minimum setback for garages or accessory structures– none;
10. Maximum height – none;
11. Minimum exterior construction standards shall include stucco and cementitious composition fiberboard as masonry materials.

C. Townhome. The height and area regulations contained in Section 28.26 of the Code shall apply except as indicated below:

1. Minimum lot size – 1,700 square feet;
2. Maximum density – 14 units per net acre;
3. Minimum lot width – 20 feet;
4. Minimum lot depth – 80 feet;
5. Minimum floor area per dwelling unit – none;
6. Minimum floor area per dwelling – none;
7. Maximum height – none;
8. Minimum exterior construction standards shall include stucco and cementitious composition fiberboard as masonry materials.

D. Multi-Family. The height and area regulations contained in Section 28.31 of the Code shall apply except as indicated below:

1. Minimum lot size – 5 acres;
2. Maximum density – 30 units per net acre;
3. Minimum floor area per dwelling unit – none;
4. Minimum side yard setback – 25 feet;
5. Minimum front yard setback – 50 feet;
6. Minimum rear yard setback – 25 feet;
7. Maximum height – none;
8. Minimum exterior construction standards shall include stucco and cementitious composition fiberboard as masonry materials, and metal exterior panels or accent components not exceeding 25% of the gross area on any exterior face of the main structure.

E. Minimum Parking Requirements.

1. Single family and townhome – two (2) off-street parking spaces per dwelling unit, one (1) of which may be provided through a centralized parking cluster located within 1,500 feet of the residence;
2. Multi-family – 1.75 off-street spaces per unit.

F. Non-residential.

Development of non-residential office uses, as defined in Section 28.63.1. of the Code, shall comply with the area regulations in Section 28.33 of the Code, except for the following:

1. Maximum lot coverage – none;
2. Maximum height – none.

Development of non-residential uses other than office located adjacent to FM 406 or State Hwy 84 shall comply with the area regulations in Sections 28.35, except for the following:

3. Maximum floor-to-area ratio- none;
4. Maximum height - none.

Development of non-residential uses other than office in other areas within the Property shall comply with the area regulations in Section 28.34, except for the following:

5. Maximum lot coverage – 60%;
6. Floor-to-Area Ratio – none;
7. Maximum height – none;
8. No restriction on percentage of mandatory parking spaces between the primary structure or building and the front property line.

G. Recreational Complexes.

Development of recreational complexes and amenities designed to serve neighborhoods within the Property, including, but not limited to, parking, screening, outdoor recreational facilities, lighting, and landscaping may vary from the above-stated regulations following the submittal and approval of a site plan showing the variance therefor.

H. Overall Density.

There shall be no maximum number of dwelling units for any particular area, use or development within the Property; however, the cumulative number of dwelling units at build-out shall not exceed 10,000 units.

I. Landscaping. Landscaping shall comply with the provisions of Section 28.51 of the Code, except for the following revisions:

Landscape plans for development of other than single family detached, and duplex lots may include natural areas as delineated thereon and may permit tree, plant materials and irrigation systems to be installed in public rights-of-way without an encroachment agreement with the exception of trees over utility lines. Any grassy areas within the right-of-way that are removed will be re-sodded.

Any tree, plant material or irrigation system component installed in a public right-of-way shall be maintained by a property/homeowner's association or the Lake Texoma Municipal Utility District No. 1 or a sub-district thereof.

Required landscaping along rights-of-way may be satisfied by designating land adjacent to such rights-of-way as natural areas and irrigation thereof shall not be required.

Required trees for single-family detached or duplex lots may be located within a public or private right-of-way adjacent to the front yard as long as the separation required for utilities is provided.

No tree survey shall be required for any development within the Property.

An aerial photograph or depiction of the area subject to the submittal of any plat or site plan for lots developed as single-family residential or duplexes depicting locations of undisturbed natural areas and heritage trees shall constitute a tree preservation plan, if required

Clear-cutting shall be permitted without a permit in areas where the existing topography or the proposed layout of lots for single-family residential or duplexes requires mass grading for the efficient and cost-effective development of such lots as shown on an aerial photograph or depiction and approved by the City Manager or designee. In addition, given the topography of, and existing vegetation on, the Property, there shall be no minimum percentage of caliper inches of protected trees that must be preserved.

Thinning of protected trees shall be allowed without a permit to create enhanced visual opportunities of Lake Texoma and the inland lakes following a thirty (30) day written notification to the city staff and a general depiction of the locations where the thinning will occur. Removal of underbrush and dead trees may be done without a permit.

- J. Fence, screening and wall regulations. The regulations pertaining to fencing, screening and walls in Section 28.53 of the Code shall apply, except required screening for multi-family and non-residential uses may be revised through approval of a site plan.
- K. Signage. All signage within the Property shall comply with Chapter 19 of the Code, except as listed below. Signage shall not be required in any part of the development and may be done solely at the discretion of the developer.

Subdivision entry signs may be placed at the main entry points to the Property and shall be subject to a maximum height of thirty-five feet (35') and an attached or isolated blade sign wall with a maximum size of fifteen feet (15") tall by forty feet (40') feet in length (15'X40').

Property Boundary Monument signs may be placed on the corner or edge of the Property to provide project identity features with a maximum height of thirty-five feet

(35') and an attached or isolated sign blade with a maximum size of fifteen feet (15') tall by forty feet in length (15'X40').

Secondary entry monument signs may be placed at secondary entry points to the Property with a maximum height of twenty-five feet (25') and an attached or isolated sign blade wall with a maximum size of fifteen feet (15') tall by forty (40') feet in length (15'X40').

Residential entry monument signs may be placed at the entry points to residential subdivisions within the Property with a maximum height of fifteen feet (15') and an attached or isolated sign blade wall with a maximum size of fifteen feet (15') tall by forty feet (40') in length (15'X40').

Community center monument signs may be placed at the community center with a maximum height of ten feet (10') and an attached or isolated sign blade wall with a maximum size of eight feet (8') tall by twenty-five feet (25') in length (8'X25').

Parks monument signs not to exceed twelve feet (12') feet in height may be placed at parks located throughout the Property.

Directional/Information signs not exceeding eight feet (8') in height may be placed to direct residents to various parks or trails located throughout the Property; additionally, informational signs about wildlife, wellbeing messaging and navigation not to exceed eight feet (8') in height may be placed throughout the Property.

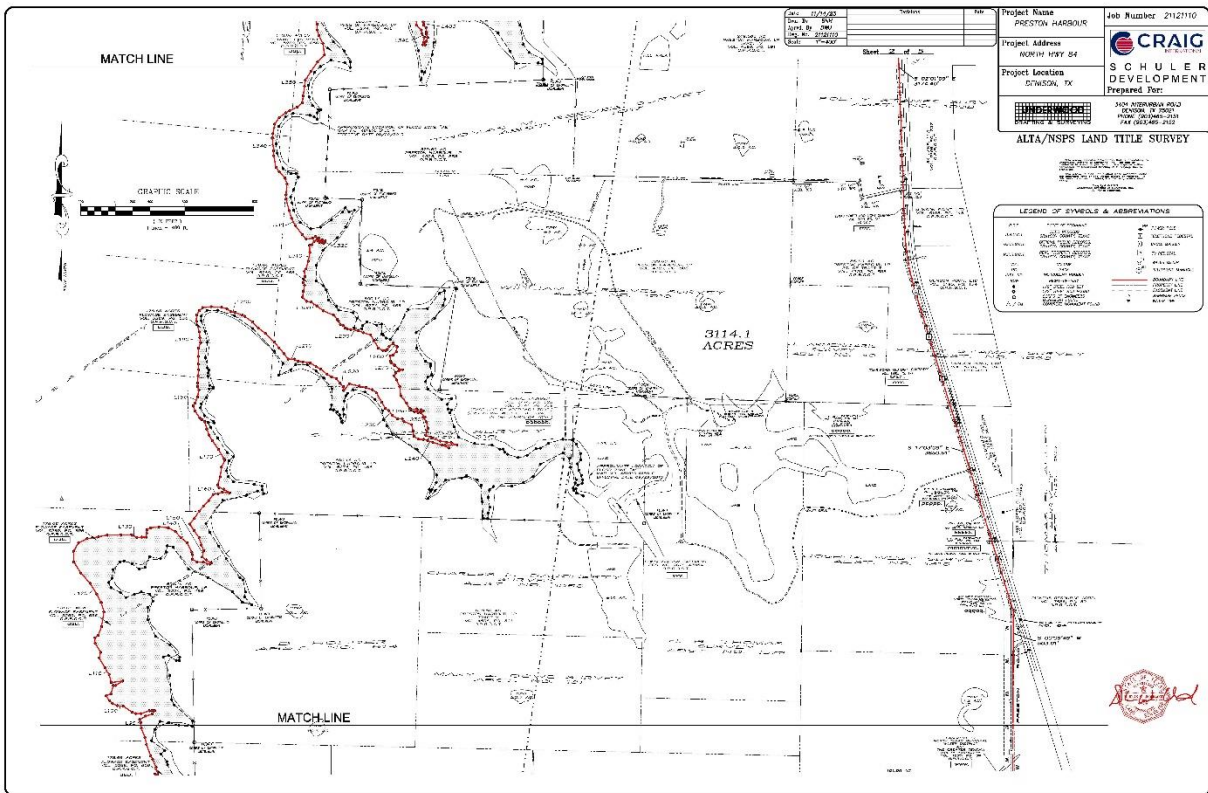
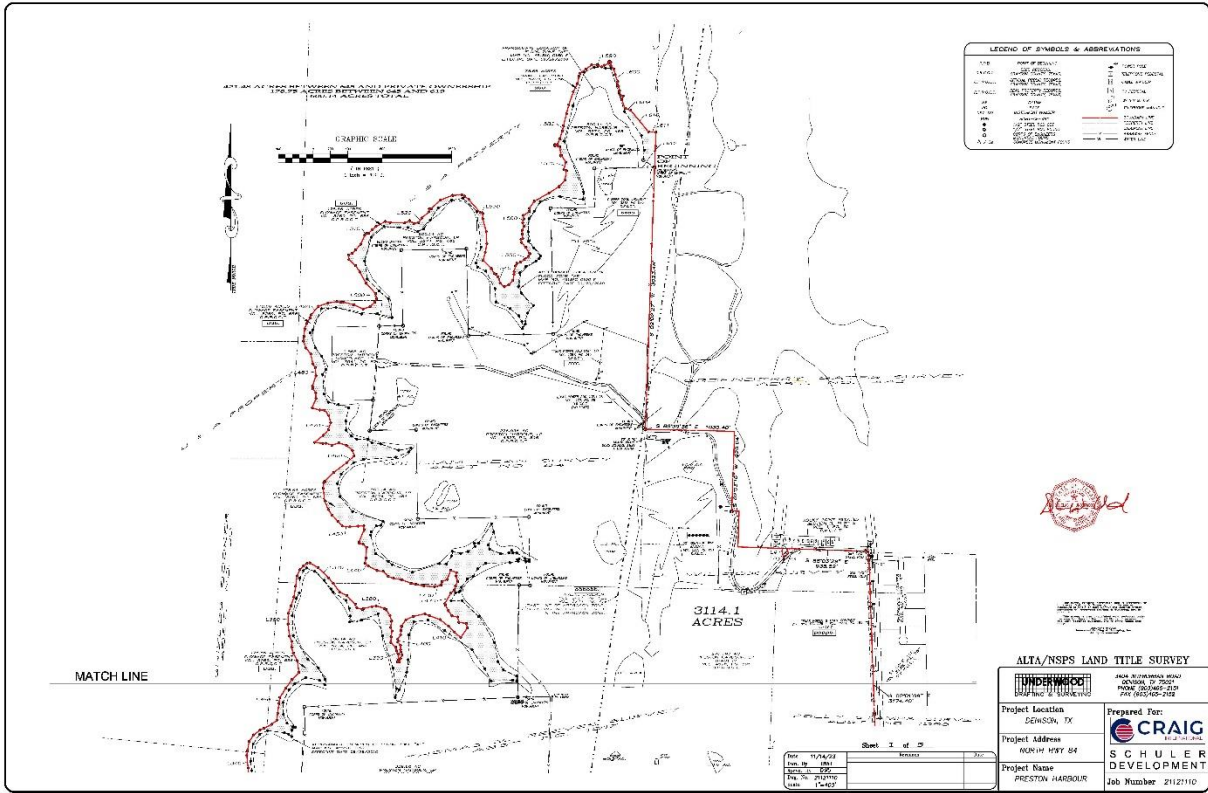
IX. MISCELLANEOUS

A. Variances from City Code

1. Consistency. This PD is generally consistent with the Comprehensive Plan, the Future Land Use Map, the Major Thoroughfare Plan, and applicable law. By adoption of this PD, the Comprehensive Plan, the Future Land Use Map and the Thoroughfare Plan are amended to be consistent with this PD and such modifications shall supersede any contrary standards imposed by the Denison City Code of Ordinances.
2. References to the City Code or Code shall mean the Code of Ordinances of the City of Denison, Texas, as the same exists on the date of adoption of this Planned Development Ordinance or as it may be amended in the future.⁵⁴
3. Exhibits. The exhibits attached are incorporated herein for all purposes. The exhibits are not construction drawings, and the final construction drawings for the project approved by the City may differ in detail from the exhibits, but the final approved construction drawings shall control over the exhibits and, when approved, are deemed to substantially conform with the design intent of the PD Plan.

4. Certificates of Occupancy/Final Acceptance of Infrastructure. The issuance of certificates of occupancy for any structure or final acceptance of infrastructure shall be confirmation of satisfaction with this PD plan for the relevant items.
5. Notice and Option to Cure. The City shall provide written notice to the owner/developer and reasonable opportunity (not less than 30 days) to cure any alleged violation under the PD. Violations are limited to the platted lot where the violation occurs. The violation by the owner of one platted lot shall not affect any other platted lot or the owner thereof.
6. Once the first plat within the Property is approved then the Concept Plan shall never lapse.

Exhibit 1
Survey



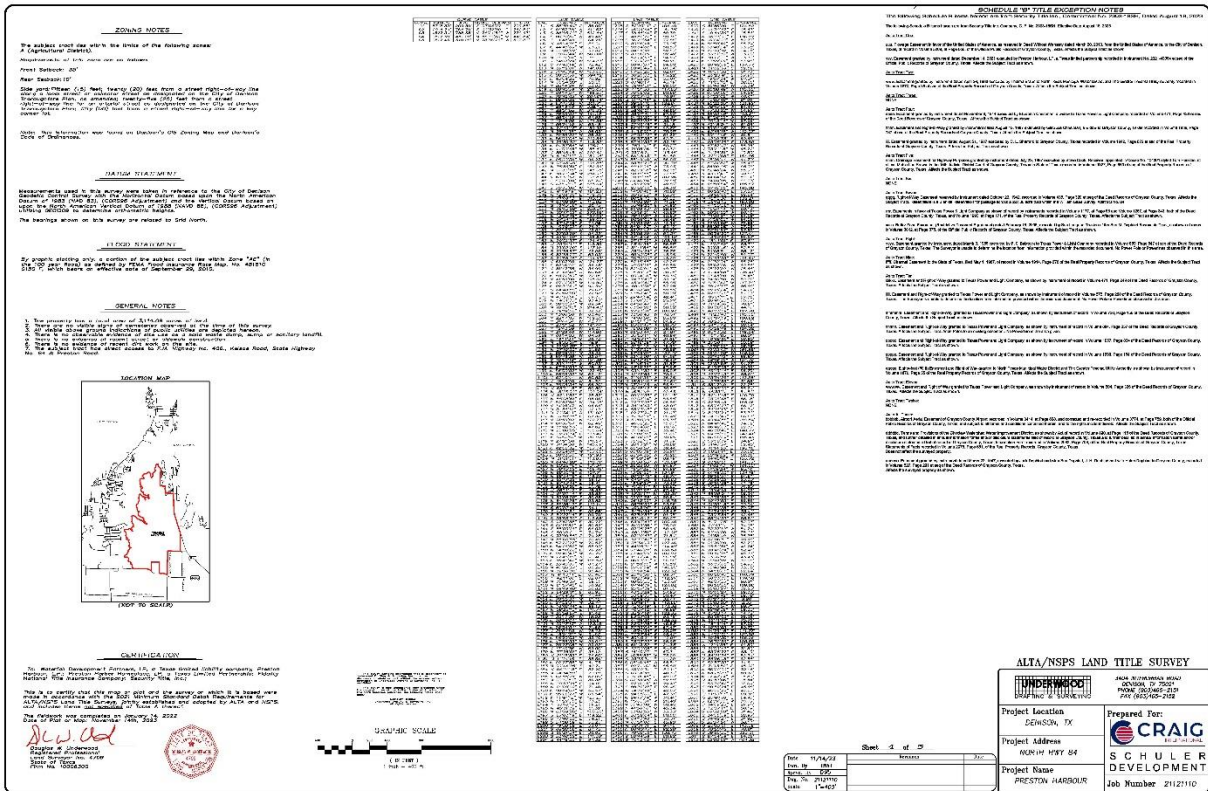
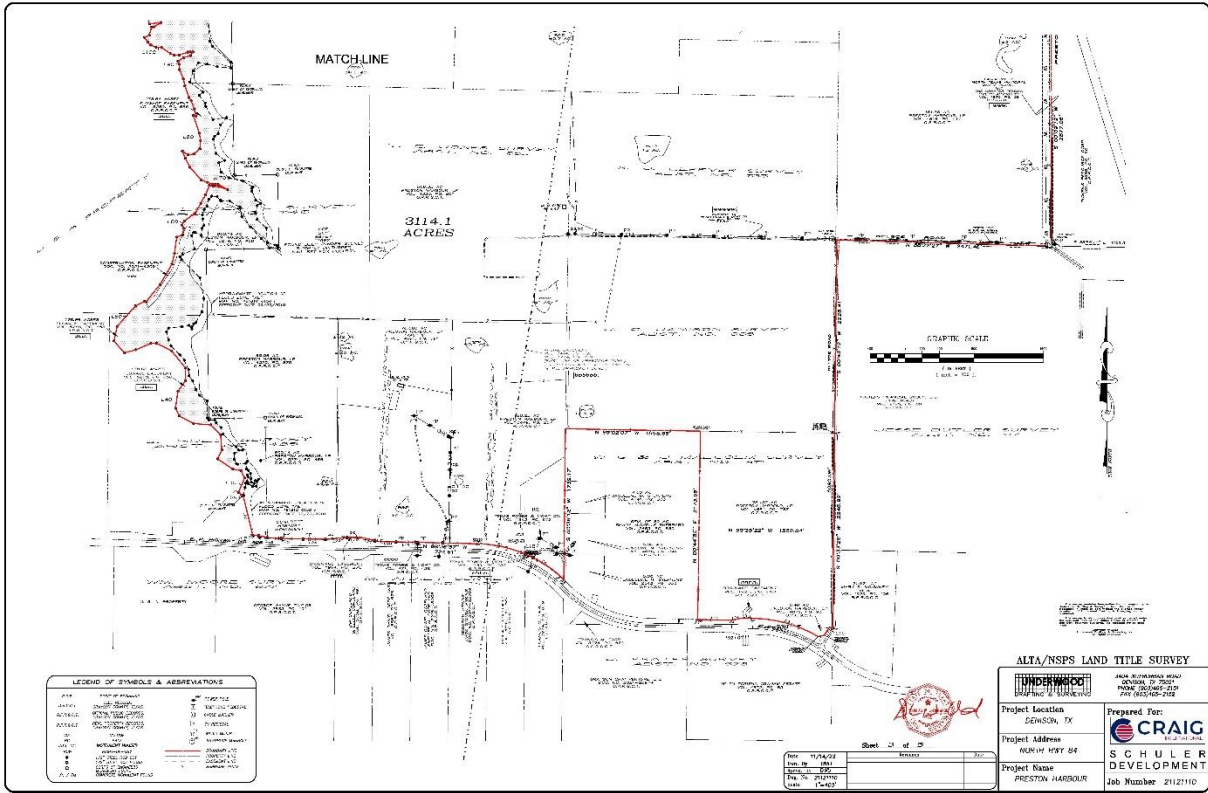
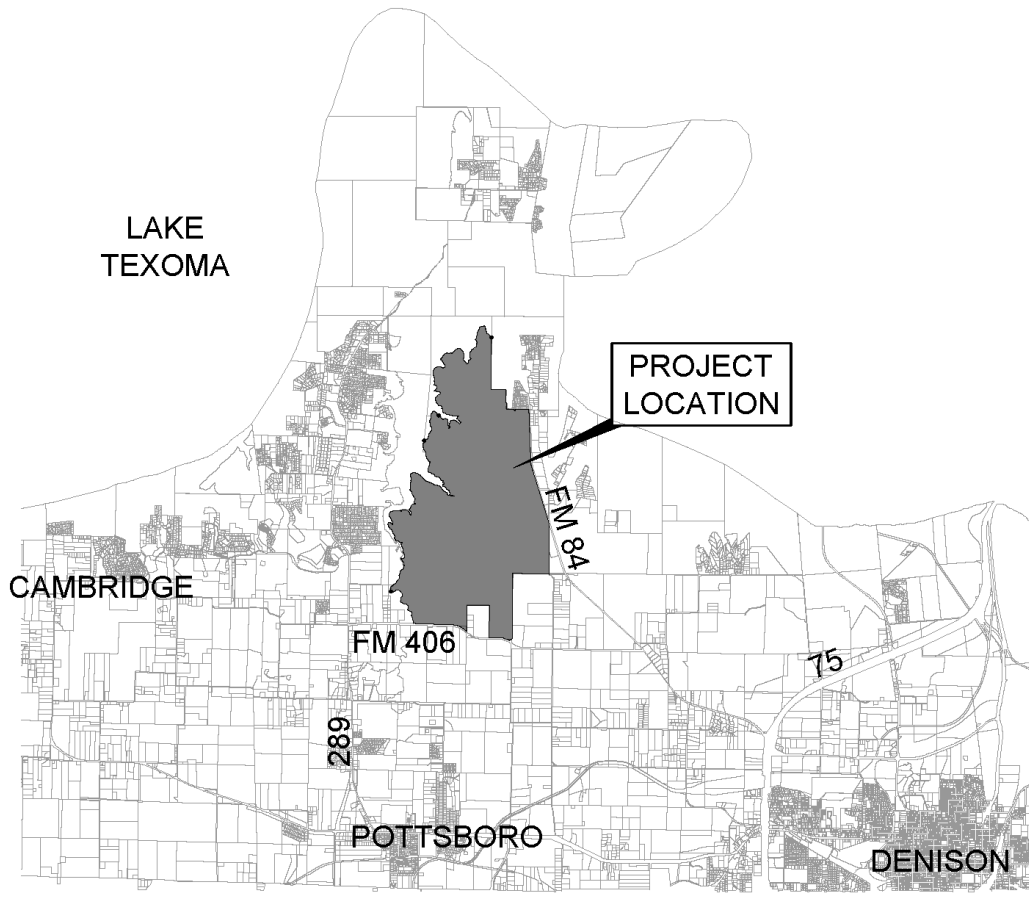


Exhibit A
Area Location Map



AREA LOCATION MAP

SCALE 1:10,000

Preston Harbor
Denison, Texas
February 2024

Kimley»Horn
13425 Noel Rd
Suite 700
Dallas, Texas 75240
972-335-3580
State of Texas Registration No. F-928
NOTE: THIS PLAN IS FOR REFERENCE ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION AND DATA PROVIDED HEREON.

Exhibit B
Concept Plan

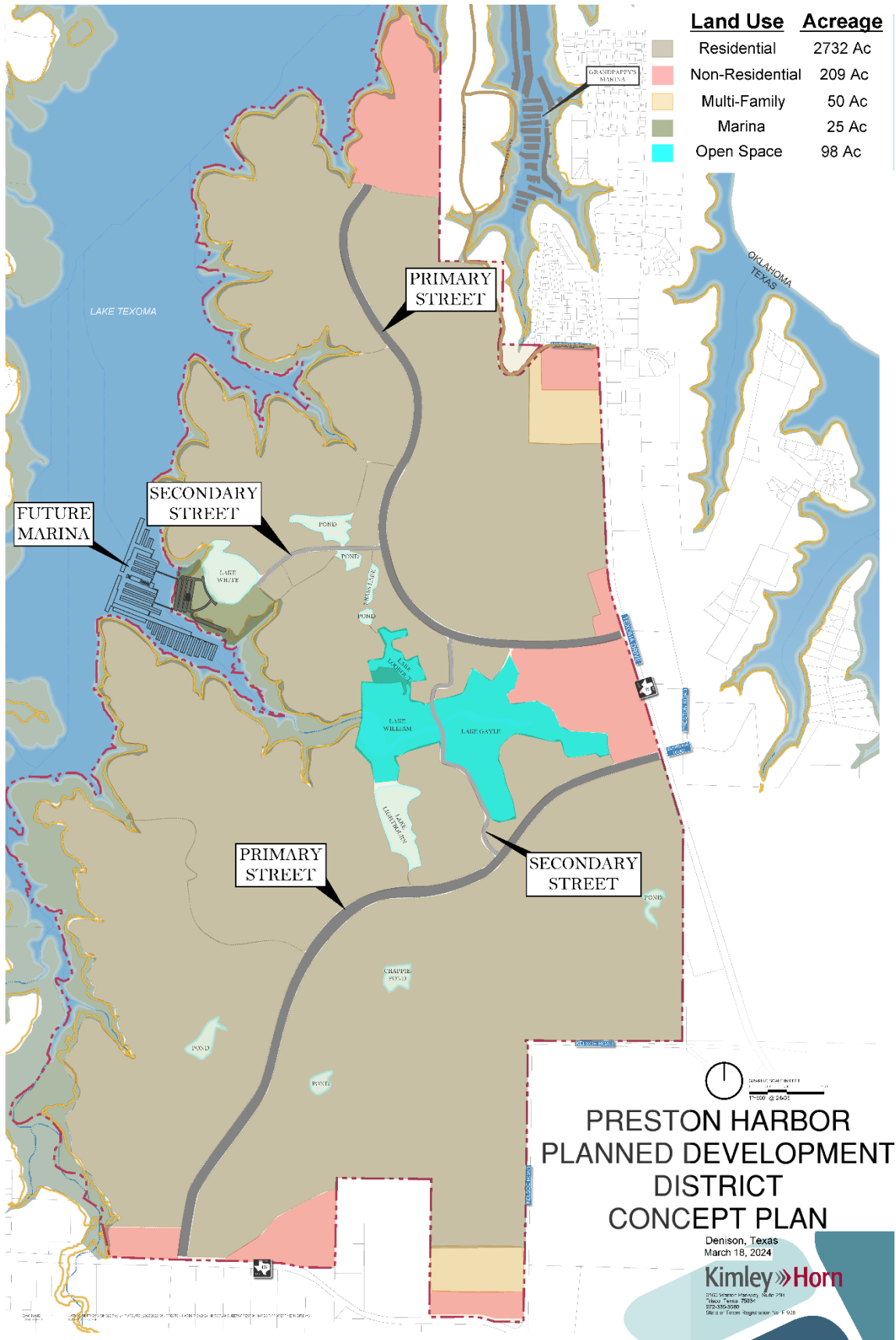
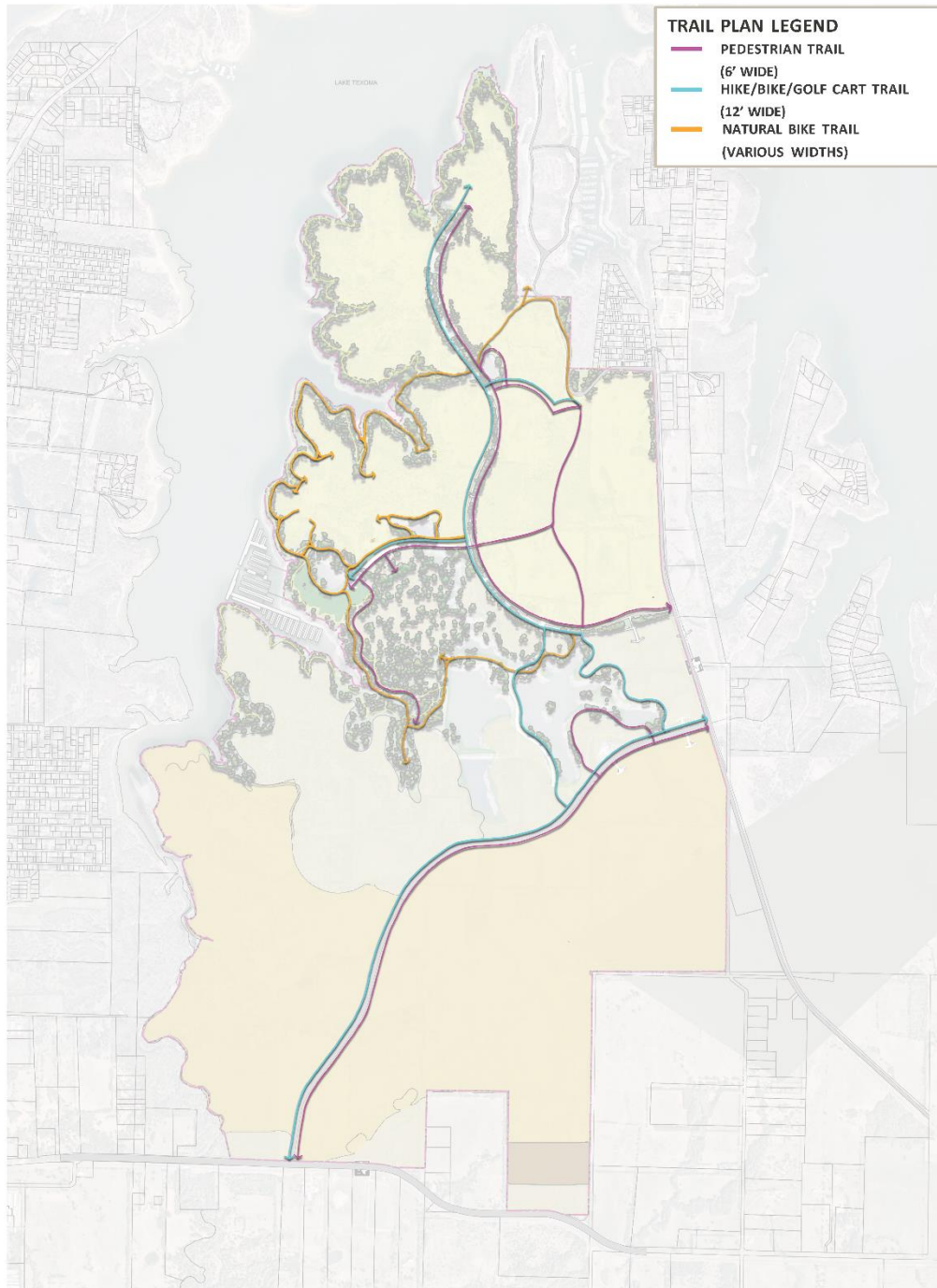


Exhibit B-1
Conceptual Trail Plan



TRAIL PLAN LEGEND
 — PEDESTRIAN TRAIL
 (6' WIDE)
 — HIKE/BIKE/GOLF CART TRAIL
 (12' WIDE)
 — NATURAL BIKE TRAIL
 (VARIOUS WIDTHS)

THE TRAIL GRAPHIC IS CONCEPTUAL. THE INFORMATION IS BASED ON THE BEST INFORMATION AVAILABLE AND IS SUBJECT TO CHANGE.



MARCH 2024

EXHIBIT B-1 – CONCEPTUAL TRAIL PLAN – DENISON, TEXAS

Exhibit C Street Sections

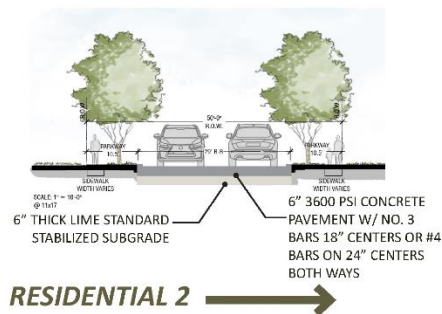
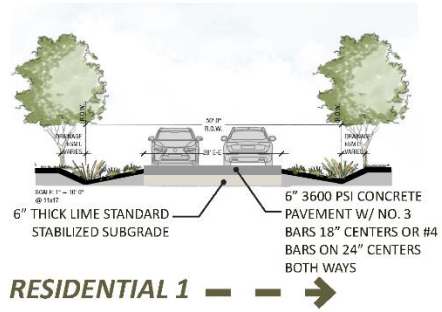
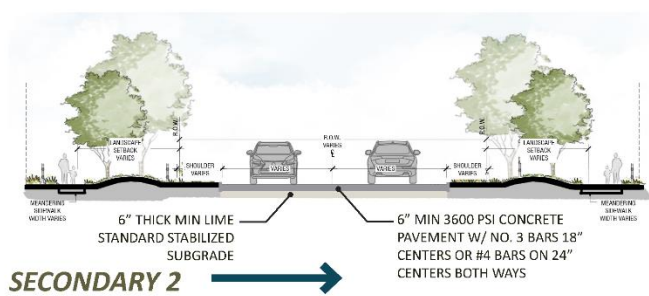
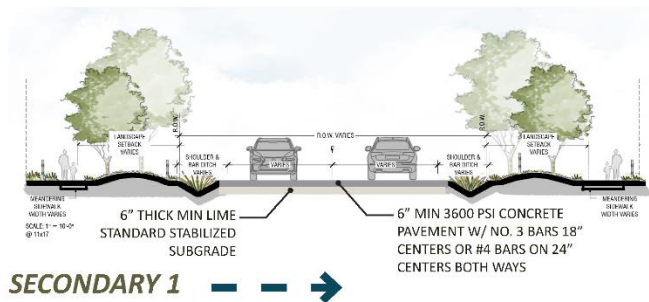
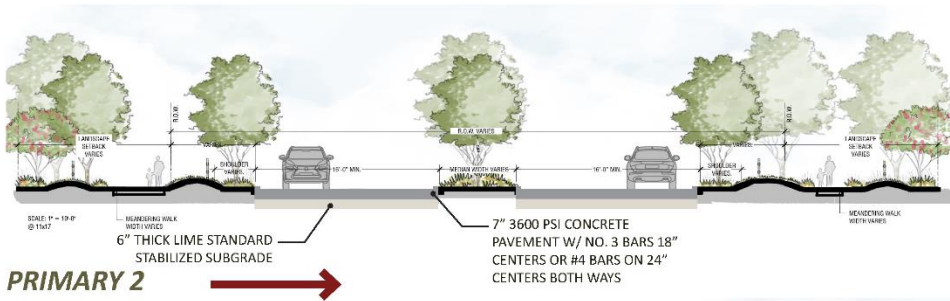
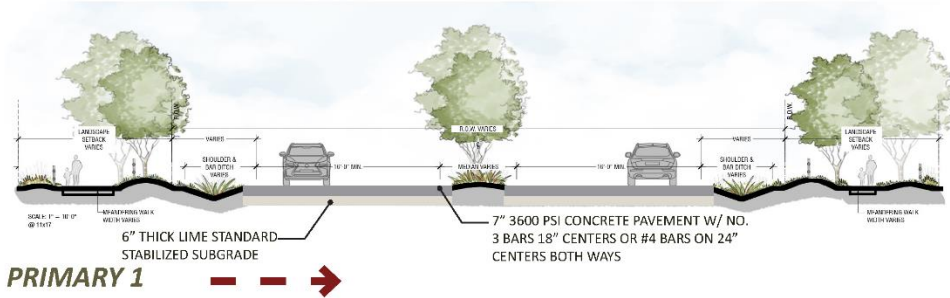


Exhibit D
Residential Permitted Uses

Accessory Building/Structure (Residential)
Accessory Dwelling
Duplex
Home Occupation
Multi-Family (Apartments)
Single-Family Detached
Swimming Pool (Private)
Townhome

Exhibit E
Non-Residential Permitted Uses

Alcohol Beverage Off-Premise Retail Sales
Alcoholic Beverage Off-Premises Retail (See section 28.60)
Amusement, Commercial with or without alcohol
Art Dealer/Gallery
Art Supply Store
Artist Studio
Assisted Living Facility
Auto Gasoline or Motor Fuel Service Station
Automatic Teller Machines (ATMs)
Bakery (Retail)
Bank, Savings & Loan or Credit Union
Bar
Barber Shop (Non-College)
Beauty Shop, (Non-College)
Bike Sales, Golf Cart and/or Repair (No outside storage)
Boat Sales/Rental/Repair
Boat Marina (including commercial uses related to lake uses)
Book Store
Bowling Center
Brew Pub/Micro-Brewery
Brewery or Distillery
Cafeteria
Candy or Cake Shop
Car Wash (Self-Service)
Child Day Care (Business)
Cleaning, Small Plant or Shop
Clinic (Medical)
Computer Sales
Confectionery Store (Retail)
Convenience Store with gas sales
Convenience Store without gas sales
Custom Personal Service Shop
Dance/Drama/Music Schools/Gymnastics (Performing Arts)
Emergency Care Clinic
Financial Services (Advice/Invest)
Florist Shop
Food or Grocery Store
Food Truck Park
Full-Service Car Wash (Detail Shop)
Hardware Store
Health Club (Physical Fitness)
Hospice
Hospital (Acute Care)

Hotel
Insurance Agency Offices
Kennel (outside pens)
Laundry and Cleaning, Self-Service Automatic
Laundry/Dry Cleaning (Drop Off/Pick Up)
Locksmith
Martial Arts School
Nursing/Convalescent or Skilled Home
Office (Administrative, Medical, and Professional)
Personal Watercraft Sales (New)
Pet Shop/Supplies/Grooming
Pharmacy
Photo Studio
Photocopying/Duplicating
Plant Nursery (Retail Sales)
Post Office (Governmental)
Private Recreation Facility (Private Park)
Quick Lube/Oil Change/Minor Inspection
Real Estate Offices
Recreation Center
Rehabilitation Care Facility
Restaurant (Drive-in)
Restaurant (with Drive-thru)
Restaurant (without Drive-thru)
Retail Shop (Misc.)
R.V. Park
Security Systems Installation Company
Shopping Center
Spa
Tennis Court (Private/For Profit)
Tire Sales (No Outdoor Storage)
Travel Agency
Travel Trailers/R.V.s (Short-Term Stays)
Veterinarian
Warehouse (Mini)/Self-Storage
Wastewater Treatment Plant (Public)
Water Supply Facility (Elevated Water Storage)