



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

Tuesday, December 12, 2023

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, December 12, 2023, 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 November 14, 2023, Planning and Zoning Commission Meeting.

B. Receive a report, hold a discussion, and take action on a Preliminary Plat for the Denison Foundation Park Addition. (Case No. 2023-112PP)

4. PUBLIC HEARINGS

A. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone property legally described as a 3.513-acre tract being located partially in the I. G. Belcher Survey, Abstract No. 133, and partially in the William Oldham Survey, Abstract No. 919, Grayson County, Texas, according to the deed recorded in Volume 3183, Page 929, Deed Records of Grayson County, Texas; being commonly known as 2700 S. Fannin Avenue, GCAD Property ID No. 150060, from the Local Retail (LR) District partially within the Austin Avenue Overlay District to the Single Family-5 (SF-5) District partially within the Austin Avenue Overlay District, to allow for residential use. (Case No. 2023-105Z).

- B. Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of Lot 1R, Block 7 of the 604 W. Morton Addition. (Case No. 2023-108RP)
- C. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a 3.213-acre tract legally described as being a part of the M. C. Davis Survey, Abstract No. 336 and being all of the 2.33 acre tract of land conveyed by deed without warranty from the Union Pacific Railroad Company to the City of Denison, Texas on February 18, 1999 and recorded in Volume 2771, Page 355, and being all of the 0.88 acre tract of land conveyed to the City of Denison, Texas by Affidavit of Lost Deed on February 17, 2023 as recorded in Inst. No. 2023-4052; Grayson County, Texas; GCAD Property ID No.'s 438291 and 438292, from the Single Family 7.5 (7.5) Residential District within the Highway Oriented and Corridor District to the Commercial Zoning District within the Highway Oriented and Corridor District to allow for retail or commercial use. (Case No. 2023-109Z).
- D. Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of Lot 1R, Block A of the Denison Plaza Phase One Addition. (Case No. 2023-111RP)

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 8th day of December 2023.

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, November 14, 2023

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 Mary Karam, Commissioner Brett Evans, and Alternate Commissioners Robert Sylvester and Mike Zapata. Commissioner Linda Anderson was absent.

Staff present were Dianne York, Planner; Felecia Winfrey, Development Coordinator, Planning and Development Services; and Karen Avery, Deputy City Clerk.

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

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 October 24, 2023, Planning and Zoning Commission Meeting.

Commission Action

On motion by Vice Chair Karam, seconded by Commissioner Evans, 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 make a recommendation on a request to rezone a tract or parcel of land situated in the Ben J. Goode Survey, Abstract NO. 464, City of Denison, Grayson County, Texas and being all of the remaining portion of a called 1.0 acre tract of land described in the deed to Myron Louie Noles recorded in Volume 2869, Page 725, Official Records of Grayson County, Texas, and all remaining portion of a called 0.873 acre tract of land described as Tract One in the deed to Myron Louie Noles recorded in Volume 2813, Page 768, said Official Records, and all the remaining portion of a called 0.796 acre tract of land described as Tract Two in said Volume 2813, Page 768; being commonly known as 7301 Driggs Drive, GCAD Property ID No. 115326, from the Light Industrial (LI) Zoning District, Commercial (C) Zoning District, and Local Retail (LR) Zoning District within the Highway Oriented and Corridor District Overlay (HO) to the Light Industrial (LI) within the Highway Oriented and Corridor District Overlay (HO), to allow for light industrial allowed uses. (Case No. 2023-099Z).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. The subject property is currently split zoned between the Light Industrial (LI), Commercial (C), and the Local Retail (LR) Zoning Districts. The Applicant wishes to clean up the zoning by requesting a rezone to Light Industrial (LI). The property also falls within the Highway Oriented and Corridor District Overlay (HO). Uses such as warehouse/office and auto repair major/minor are not prohibited and allowed by right in the Light Industrial Zoning District. These uses will allow for the existing metal building located on the property to be utilized. Ms. York stated that the Applicant plans to upgrade the parking, as well as provide some landscaping. She stated that, within the Applicant's project narrative, they are proposing 12% landscaping; however, staff is open to meeting the minimum standards for landscaping. Ms. York stated that the property is not platted so a plat would need to come forward at some point. She stated that, if there is new development, that property or that structure would have to meet the standards of the highway overlay and any other development standards called out in the zoning district. Staff recommended approval of this request.

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

Mr. Steve Avila came forward to address the Commission and provided the following information for the record:

Name: Mr. Steve Avila
Multivision Properties

Address: P.O. Box 647
Denison, TX

Mr. Avila stated that his company (Multivision Properties) owns the subject property. Mr. Avila stated that he has no plans at this time to make any changes – only to lease it out. There are “potential” plans to add a warehouse and further develop the property. Mr. Avila stated that if they develop the property, they will follow the requirements (i.e., 20% masonry on the buildings and maintain at least the 12% landscaping, noting that it has more than that now).

Chair Shearer asked if there was anyone else wishing to speak on the agenda item, to which there was none. With that, the Public Hearing was closed.

On motion by Vice Chair Karam, seconded by Commissioner Evans, the Planning and Zoning Commission unanimously recommended approval of changing the zoning of the subject property to the Light Industrial Zoning District within the Highway Oriented and Corridor District Overlay.

5. STAFF UPDATES

Planner York provided an update to the Commission regarding the zoning case presented to City Council at their November 6, 2023, Meeting. Ms. York confirmed that the City Council approved the following case:

- ORDINANCE FOR A CONDITIONAL USE PERMIT (CUP) FOR PROPERTY LEGALLY DESCRIBED AS BEING ALL OF LOT 1 AND 2, BLOCK 7 OF STEVEN’S ADDITION, AN ADDITION, TO THE CITY OF DENISON, ACCORDING TO THE PLAT RECORDED IN VOLUME 28, PAGE 362, DEED RECORDS OF GRAYSON COUNTY, TEXAS; ALSO KNOWN AS 604 W. MORTON STREET, GCAD PROPERTY ID NO. 142139, TO ALLOW FOR A RESTAURANT WITH DRIVE-THRU IN THE NEIGHBORHOOD SERVICES ZONING DISTRICT.

6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:11 a.m.

CHARLIE SHEARER, Chairman

ATTEST:

Karen L. Avery, Deputy City Clerk

Planning and Zoning Commission Meeting Staff Report



Agenda Item

Receive a report, hold a discussion, and take action on a Preliminary Plat for the Denison Foundation Park Addition. (Case No. 2023-112PP)

Staff Contact

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

Summary

- The applicant is requesting approval of a Preliminary Plat for a subdivision consisting of four (4) lots with two (2) lots dedicated to drainage and open space.
- Property is zoned Light Industrial (LI).
- Civil Engineering plans must be submitted to City Engineering staff and approved.
- Pending Preliminary Plat approval, the applicant will move forward with submitting a Final Plat

Staff Recommendation

Staff recommends conditional approval of this request.

Recommended Motion

"I move to conditionally approve the Preliminary Plat for Denison Foundation Park Addition pending Civil Engineering Plans and Final Plat review and approval ."

Background Information and Analysis

Applicant is seeking conditional approval for the proposed Preliminary Plat for Denison Foundation Park, establishing four (4) lots to be developed and two (2) lots intended for drainage and open space. The subject property consists of approximately 38.874 acres and is located east of SH 91 and south of Wayne Cabaniss Drive. The proposed plat depicts that all lots to be developed will have frontage on "Bluestem Street." The proposed street exceeds the maximum allowed length of 600' per Section 22.86.m of the Subdivision Ordinance. Staff is supportive of the length depicted on the plat due to the use and additional fire safety requirements. A Tree Survey, required by Section 28.51.9.6, has not been provided with this application. However, Staff has advised the applicant to submit one prior to making application for a Final Plat. Conditional approval of the proposed Preliminary Plat will allow the applicant to move forward with submitting Civil Engineering Plans and a Final Plat.

Financial Considerations

N/A

Prior Board or Council Action

N/A

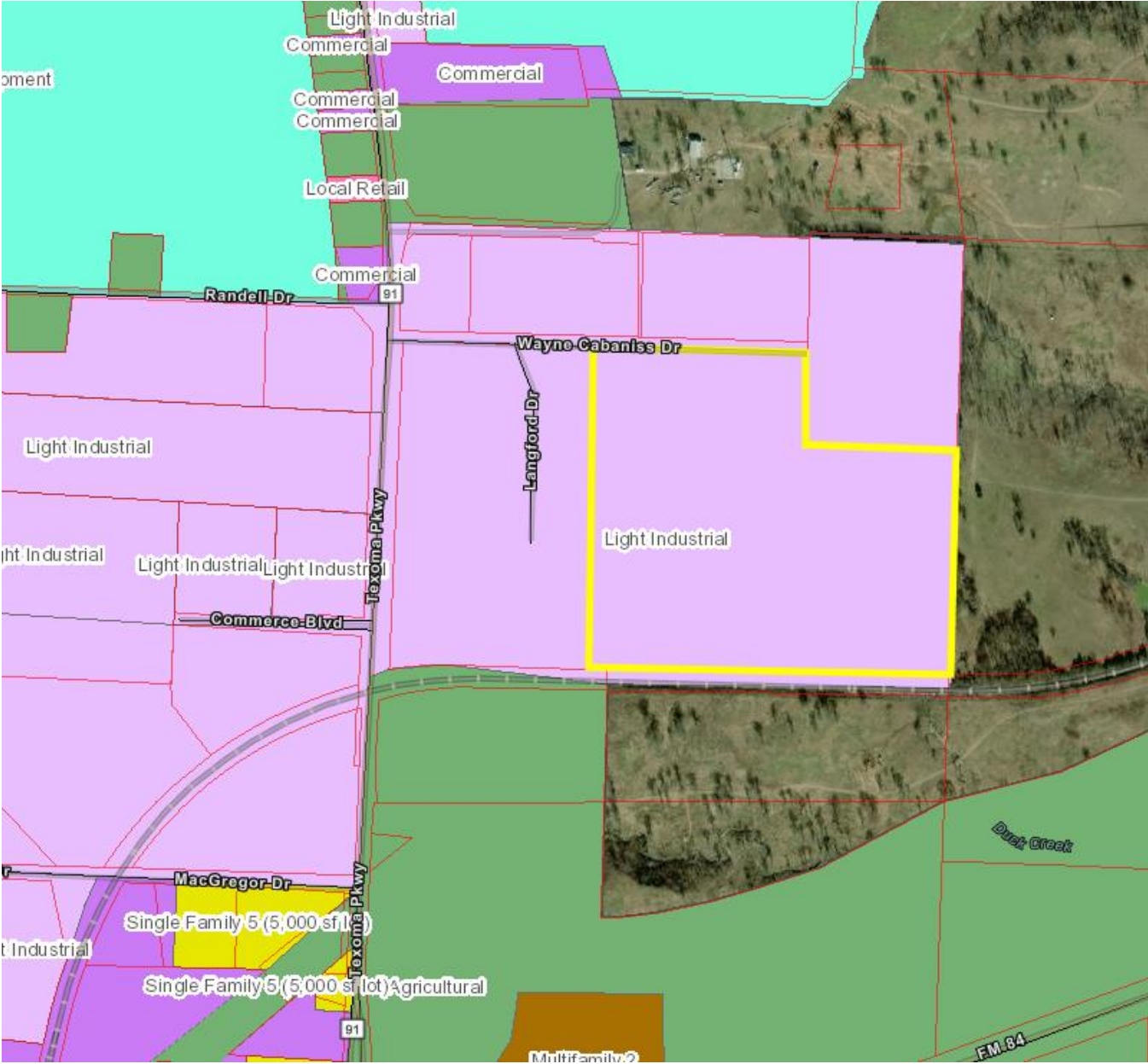
Alternatives

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

Aerial of Subject Property

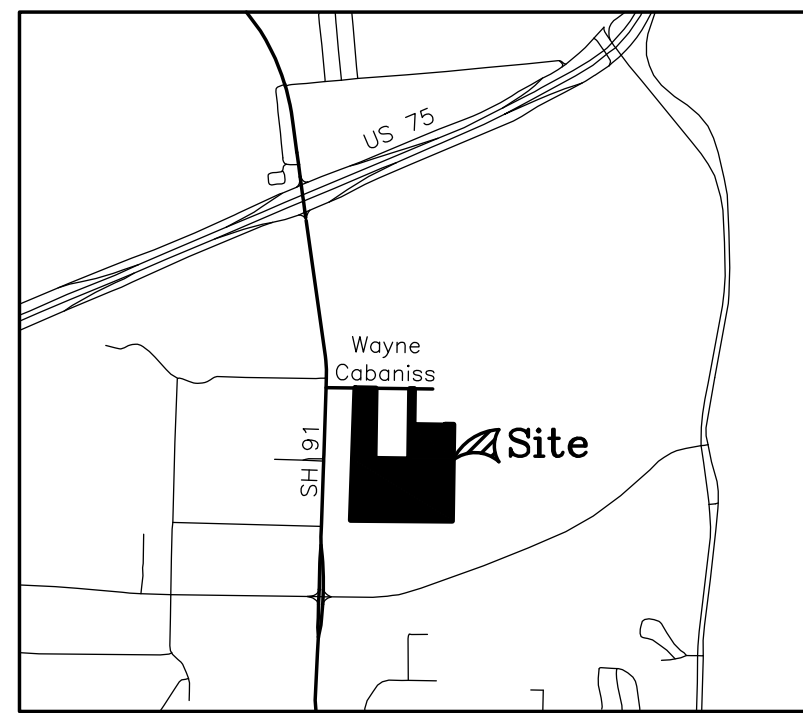


Zoning of Subject Property



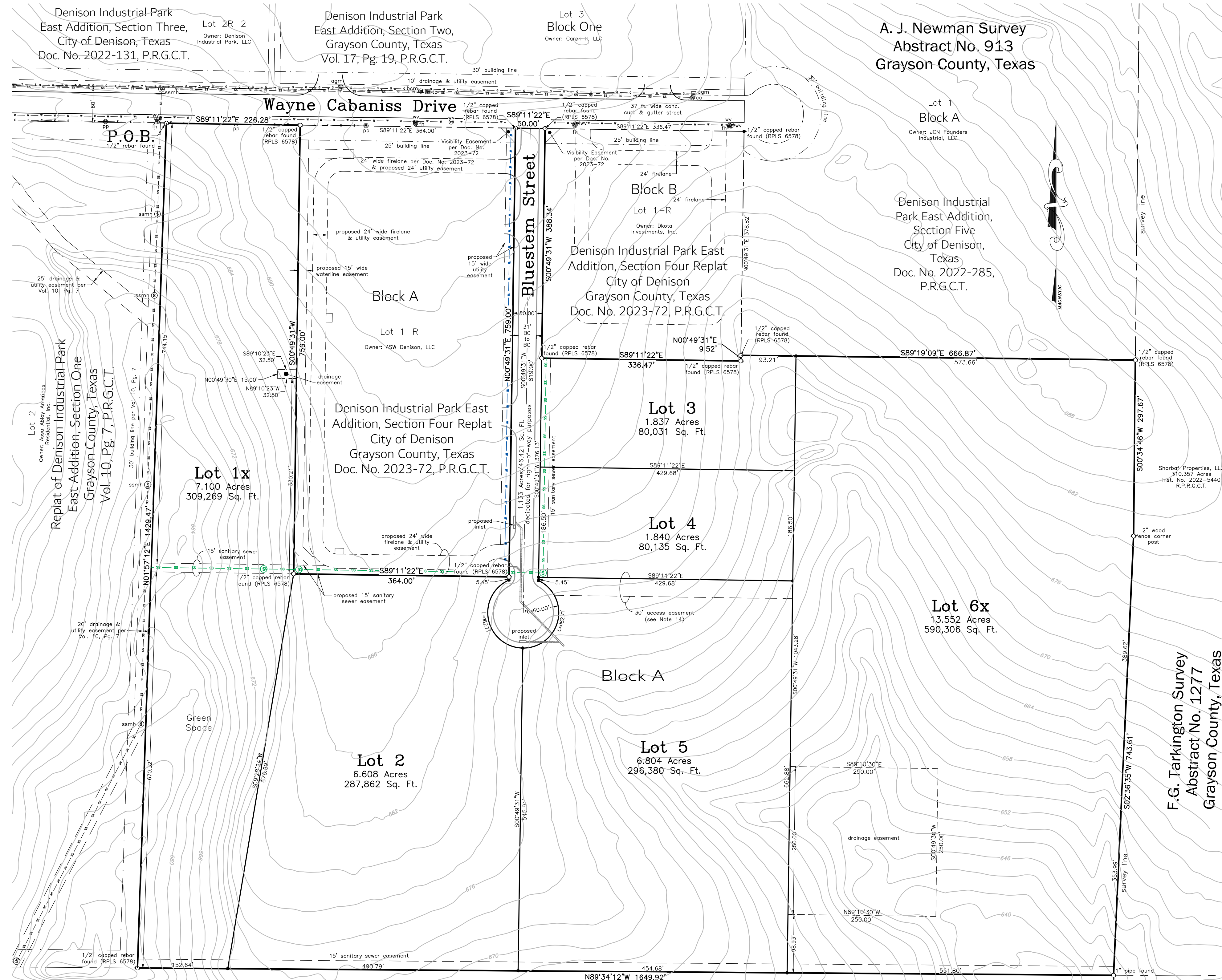
Location Map

(not to scale)



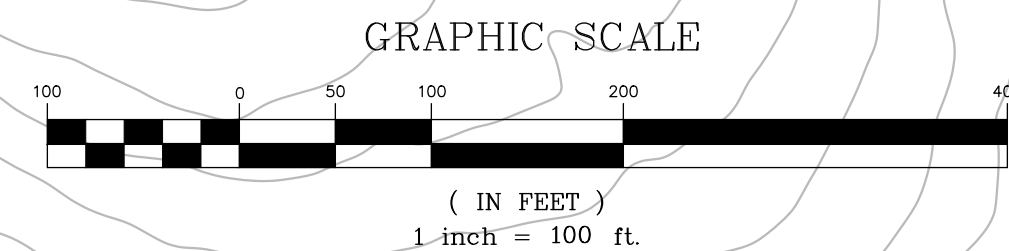
General Notes:

1. Water Supply to be provided by City of Denison.
2. Sewer service to be provided by City of Denison.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Denison will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat herein lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0170 F, Revised Date: September 29, 2010.
8. 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.
9. Zone of subject property is Light Industrial.
10. City of Denison Planning Case No. 2023-122PP.
11. Lots 1 and 6, Block A are Green Space areas to be owned and maintained by Business and Industrial Corporation of Denison, Inc.
12. Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building permits.
13. Topography shown herein are at 2 ft. contour intervals provided by others.
14. Lots 5 & 6, Block A, do not front upon a public street, but has access to a public street by means of a private access easement depicted on the plat. Maintenance of the private access easement is not an obligation of the public. For information on the maintenance of private access easements, consult the developer or county real property records for documents pertaining to the maintenance of such private access easements or commonly owned areas.
15. Lots 1x and 6x, Block A are to be open spaces owned and maintained by the property owner(s).



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

- Legend:**
- agl = Atmos Gas marker
 - bcm = buried cobble marker
 - co = cleanup
 - ft = fire hydrant
 - pp = power pole
 - ssmh = sanitary sewer manhole
 - tp = telephone pedestal
 - wn = water meter
 - wa = water valve
 - ⊙ = proposed sanitary sewer manhole
 - = existing gas line
 - = existing sanitary sewer line
 - = proposed 8" sanitary sewer line
 - = existing telephone line
 - = existing water line
 - = proposed water line



Preliminary Plat
Lot 1x, 2, 3, 4, 5, & 6x, Block A
Denison Foundation Park Addition
 being a part of Lot 1, Conveyance Plat of Denison Industrial Park East Addition, Section Four to the City of Denison Grayson County, Texas
38.874 Acres

in the
A. J. Newman Survey
Abstract No. 913
 Preparation Date: December 5, 2023

Job No. CGD331023
Helvey-Wagner Surveying, Inc.
 222 W. Main St., Denison, Texas 75020
 Phone (903) 463-6191
 Email: kate@helvewagnersurveying.net
 TPFLS Firm Registration No. 10088100

Owner:
Business and Industrial Corporation of Denison, Texas
 311 W. Woodard Street
 Denison, Texas 75020

LEGAL DESCRIPTION

SITUATED in the City of Denison, County of Grayson, being a part of the A.J. Newman Survey, Abstract No. 913, being the remainder of Lot 1, of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four to the City of Denison, Texas, as per plat of record in Doc. No. 2017-3289, 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 in the South right-of-way line of Wayne Cabaniss Drive, a public street, being the Northeast corner of Lot 2 of the Replat of Denison Industrial Park East Addition, Section One, to Grayson County, Texas, as per plat of record in Vol. 10, Pg. 7, said Plat Records, being the Northwest corner of said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four and being the most Westerly Northwest corner of the herein described tract;

THENCE South 89 deg. 11 min. 22 sec. East, with the South line of said Wayne Cabaniss Drive and the North line of said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four, a distance of 226.28 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Northwest corner of Lot 1-R, Block A of Denison Industrial Park East Addition, Section Four Replat to the City of Denison, Grayson County, Texas, as per plat of record in Doc. No. 2023-72, said Plat Records, and being a Northern corner of the herein described tract;

THENCE South 00 deg. 49 min. 31 sec. West, with the West line of Lot 1-R, Block A of said Denison Industrial Park East Addition, Section Four Replat, a distance of 759.00 ft. to a 1/2 inch capped rebar found (RPLS 6578) found at the Southwest corner of Lot 1-R, Block A of said Denison Industrial Park East Addition, Section Four Replat, and being an Ell corner of the herein described tract;

THENCE South 89 deg. 11 min. 22 sec. West, with the South line of Lot 1-R, Block A of said Denison Industrial Park East Addition, Section Four Replat, a distance of 364.00 ft. to a 1/2 inch capped rebar found (RPLS 6578) found at the Southeast corner of Lot 1-R, Block A of said Denison Industrial Park East Addition, Section Four Replat, and being an Ell corner of the herein described tract;

THENCE North 00 deg. 49 min. 31 sec. East, with the East line of Lot 1-R, Block A of said Denison Industrial Park East Addition, Section Four Replat, a distance of 775.70 ft. to a 1/2 inch capped rebar found (RPLS 6578) found in the South line of said Wayne Cabaniss Drive, at the Northeast corner of Lot 1-R, Block A of said Denison Industrial Park East Addition, Section Four Replat, and being a Northerly corner of the herein described tract;

THENCE South 89 deg. 11 min. 22 sec. East, with the South line of said Wayne Cabaniss Drive, a distance of 50.00 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Northwest corner of Lot 1-R, Block B of said Denison Industrial Park East Addition, Section Four Replat, and being the most Northerly Northeast corner of the herein described tract;

THENCE South 00 deg. 49 min. 31 sec. West, with the West line of Lot 1-R, Block B of said Denison Industrial Park East Addition, Section Four Replat, a distance of 388.34 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Southwest corner of Lot 1-R, Block B of said Denison Industrial Park East Addition, Section Four Replat, and being an Ell corner of the herein described tract;

THENCE South 89 deg. 11 min. 22 sec. East, with the South line of said Lot 1-R, Block B of said Denison Industrial Park East Addition, Section Four Replat, a distance of 336.47 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Southeast corner of Lot 1-R, Block B of said Denison Industrial Park East Addition, Section Four Replat, and being an Ell corner of the herein described tract;

THENCE North 00 deg. 49 min. 31 sec. East, with the East line of Lot 1-R, Block B of said Denison Industrial Park East Addition, Section Four Replat, a distance of 9.52 ft. to a 1/2 inch capped rebar found at the Southwest corner of Lot 1, Block A, of Denison Industrial Park East Addition, Section Five to the City of Denison, Grayson County, Texas, as per plat of record in Doc. No. 2022-285, said Plat Records, and being an Ell corner of the herein described tract;

THENCE South 89 deg. 19 min. 09 sec. East, with the South line of Lot 1, Block A of said Denison Industrial Park East Addition, Section Five, a distance of 666.87 ft. to a 1/2 inch capped rebar found (RPLS 6578) at an angle point of 310.357 ac. conveyed to Sharbaf Properties, LLC as recorded in Inst. No. 2022-5440, Real Property Records, Grayson County, Texas, at the Southeast corner of Lot 1, Block A of said Denison Industrial Park East Addition, Section Five, and being the most Easterly Northeast corner of said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four and the herein described tract;

THENCE in a Southwesterly direction, with the East lines of said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four, and the Westerly lines of said Sharbaf Properties, LLC 310.357 ac., the following calls and distances:

1. South 00 deg. 34 min. 46 sec. West, a distance of 297.67 ft. to a 2-inch wood fence corner post at an angle point of both said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four and the herein described tract;
2. South 02 deg. 36 min. 35 sec. West, a distance of 743.61 ft. to a 1-inch pipe found in the North right-of-way line of M. K. & T. Railroad, having a 100 ft. right-of-way, at the Southwest corner of said Sharbaf Properties, LLC 310.357 ac., and being the Southeast corner of both said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four and the herein described tract;

THENCE North 89 deg. 34 min 12 sec. West, with the North line of said M. K. & T. Railroad and the South line of said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four, a distance of 1,649.92 ft. to a 1/2 inch capped rebar found (RPLS 6578) at the Southeast corner of Lot 2 of said Replat of Denison Industrial Park East Addition, Section One, and being the Southwest corner of both said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four and the herein described tract;

THENCE North 01 deg. 57 min. 12 sec. East, with the East line of Lot 2 of said Replat of Denison Industrial Park East Addition, Section One, and the West line of said Lot 1 of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four, a distance of 1,429.47 ft. to the **PLACE OF BEGINNING** and containing **38.874 ACRES** of land.

General Notes:

1. Water Supply to be provided by City of Denison.
2. Sewer service to be provided by City of Denison.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Denison will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0170 F, Revised Date: September 29, 2010.
8. 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.
9. Zone of subject property is Light Industrial.
10. City of Denison Planning Case No. 2023-112PP.
11. Lots 1 and 6, Block A are Green Space areas to be owned and maintained by Business and Industrial Corporation of Denison, Inc.
12. Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building permits.
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14. Lots 5 & 6, Block A, do not front upon a public street, but has access to a public street by means of a private access easement depicted on the plat. Maintenance of the private access easement is not an obligation of the public. For information on the maintenance of private access easements, consult the developer or county real property records for documents pertaining to the maintenance of such private access easements or commonly owned areas.
15. Lots 1x and 6x, Block A are to be open spaces owned and maintained by the property owner(s).

Job No. CGD331023

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

Owner:
Business and Industrial
Corporation of Denison, Texas
311 W. Woodard Street
Denison, Texas 75020

SURVEYOR 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:

STATE OF TEXAS
COUNTY OF GRAYSON

OWNER'S CERTIFICATE

I, the undersigned Owner of the land shown hereon, and legally described herein above, and designated herein as the Denison Industrial Park East Addition, Section Four Replat to the City of Denison, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in the Denison Industrial Park East Addition, Section Four Replat to the City of Denison, Texas have been notified and signed this plat.

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.

Tony Kaai
Authorized Agent for Business and Industrial Corporation of Denison

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Tony Kaai, 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

CITY ACCEPTANCE

Approved for preparation of Final Plat

Approved this _____ day of _____, 2023 by the Planning and Zoning Commission of the City of Denison, Texas.

Chairman Date Secretary Date

Preliminary Plat
Lot 1x, 2, 3, 4, 5 & 6x, Block A
**Denison Foundation Park
Addition**
being a part of Lot 1, Conveyance Plat of
Denison Industrial Park East Addition,
Section Four
to the
**City of Denison
Grayson County, Texas**
38.874 Acres
in the
A. J. Newman Survey
Abstract No. 913
Preparation Date: December 5, 2023

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 property legally described as a 3.513-acre tract being located partially in the I. G. Belcher Survey, Abstract No. 133, and partially in the William Oldham Survey, Abstract No. 919, Grayson County, Texas, according to the deed recorded in Volume 3183, Page 929, Deed Records of Grayson County, Texas; being commonly known as 2700 S. Fannin Avenue, GCAD Property ID No. 150060, from the Local Retail (LR) District partially within the Austin Avenue Overlay District to the Single Family-5 (SF-5) District partially within the Austin Avenue Overlay District, to allow for residential use. (Case No. 2023-105Z).

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 (LR) Zoning District to the SF-5, Single Family Residential Zoning District.
- The property has been developed in a residential manner.

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 Zoning District to the SF-5, Single Family Residential Zoning District."

Background Information and Analysis

The applicant has requested a rezone from the Local Retail Zoning District (LR) to the SF-5, Single Family Residential Zoning District for property located at 2700 S. Fannin. The property has been developed in a residential manner with the existing structure being constructed in 1910 per the applicant. Upon zoning approval, the applicant will move forward with a plat to subdivide the property allowing for the potential construction of two additional residential structures.

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 portion of the property that fronts on S. Fannin Avenue 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

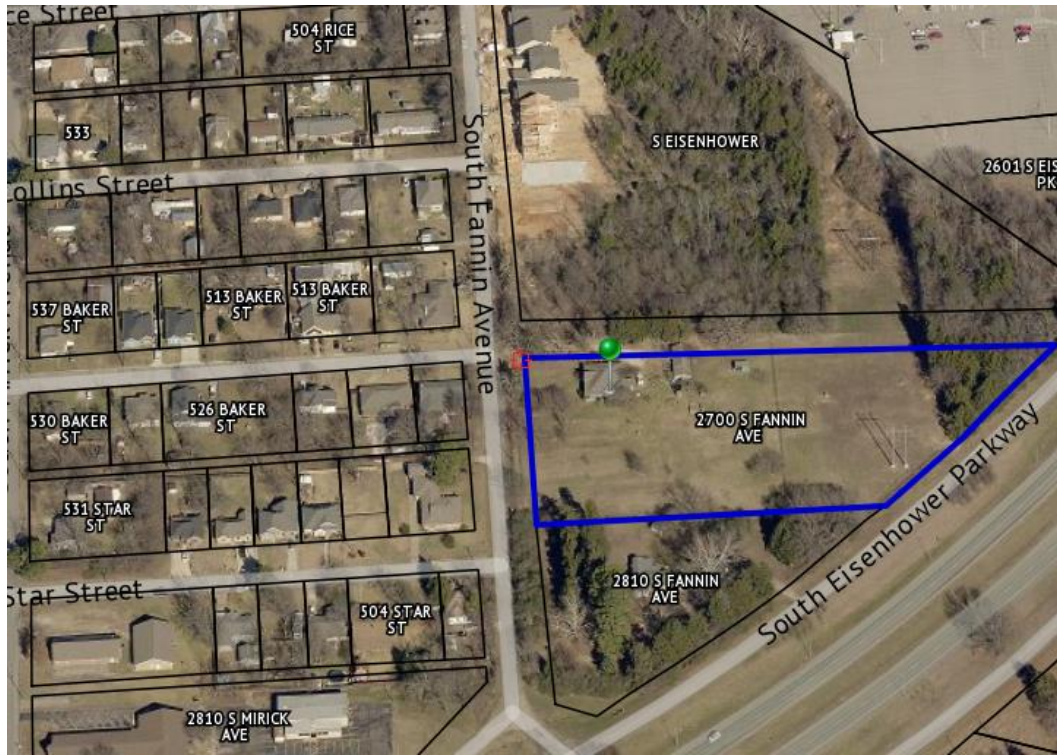
Prior Board or Council Action

N/A

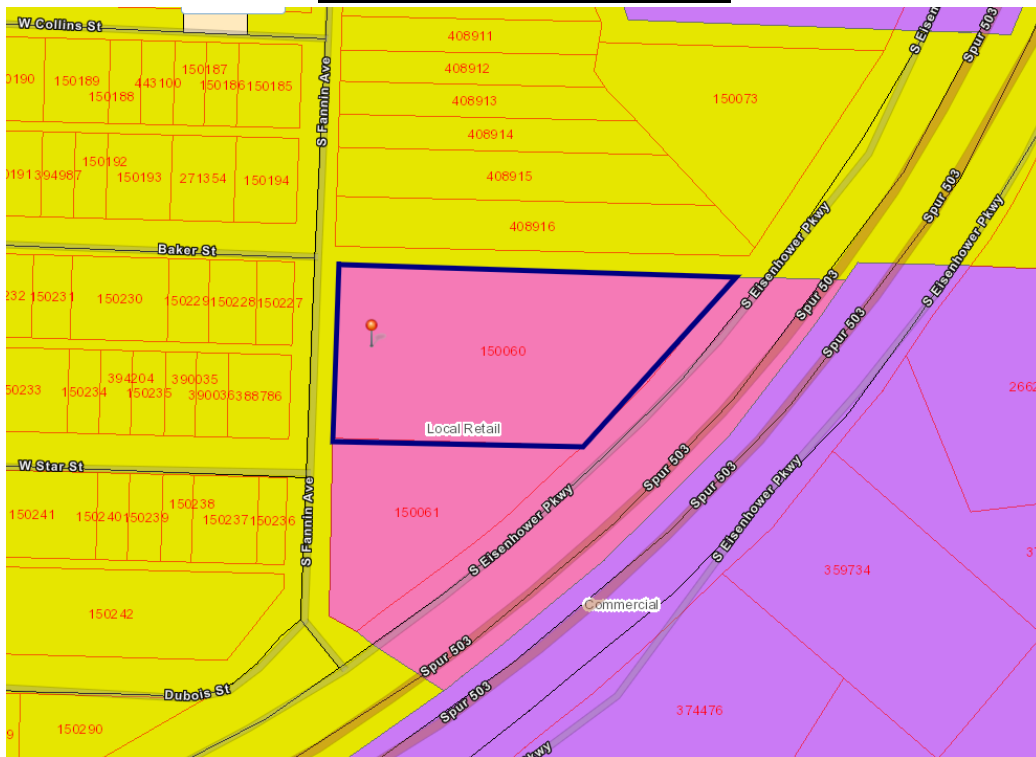
Alternatives

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

Aerial of Subject Area



Zoning Aerial of Subject Area

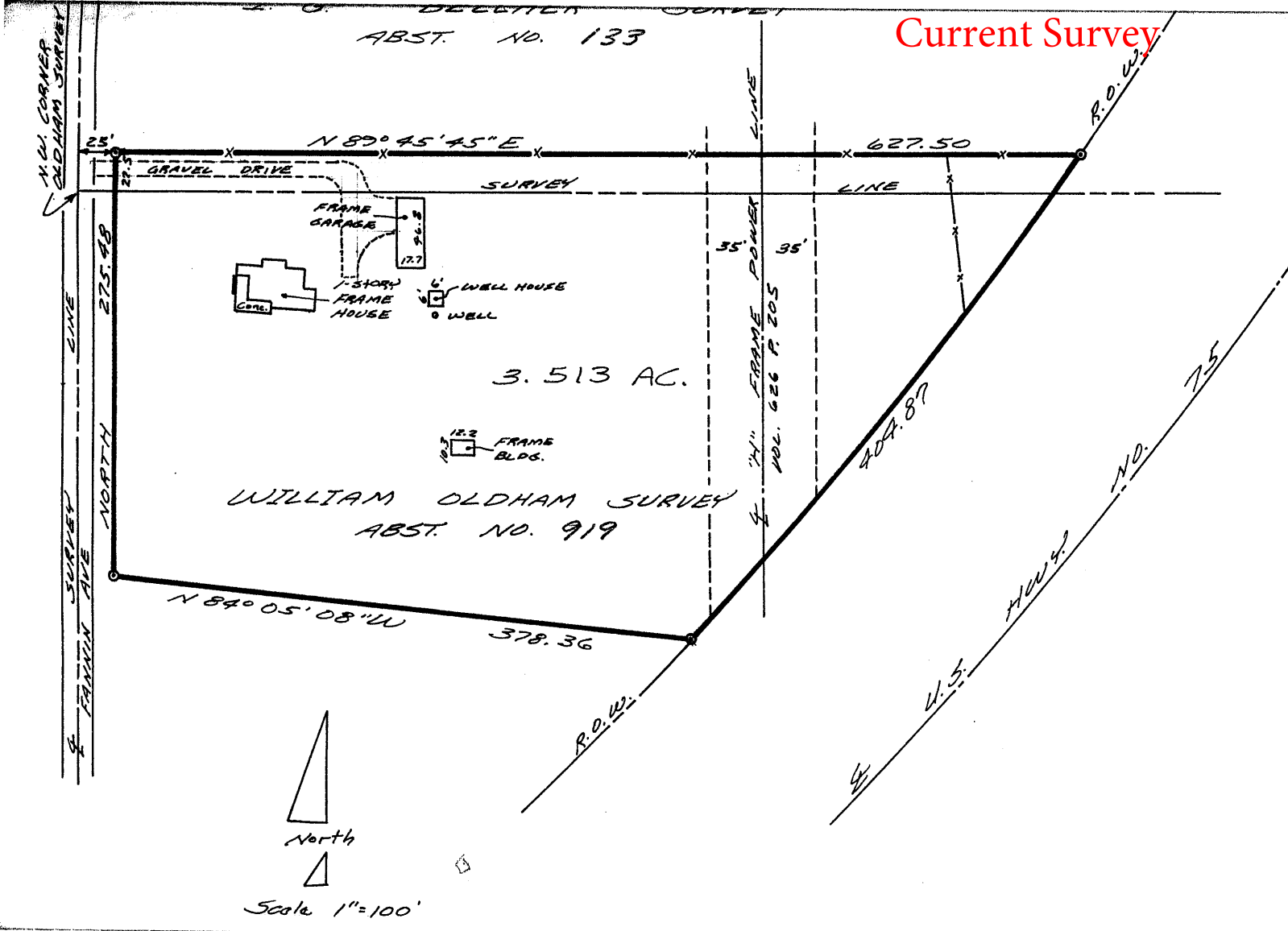


Project Narrative

The city imposed the zoning of Local Retail when they adopted a zoning ordinance; we presume because there is nearby local retail. However, the home on this property was built in 1910 and has always been residential property. No one has ever requested the property to be zoned for retail, the city set the zoning as such.

We request the zoning to be changed to the nearby residential zoning category of SF-5 so we can apply that zoning to the home that has been there since 1910. We intend to replat our 3.513 ac tract into three residential lots via Minor Plat after zoning is granted. One lot will stay with the current home on this property and two residential lots will be created to be marketed to the public for sale.

We have not included a site plan because we will not be developing the future lots ourselves. The potential landowners of those lots will apply for permitting at the time of their development.



FIELD NOTES

Situated in the County of Grayson, State of Texas, being part of the I. G. Belcher Survey, Abstract No. 133, and the William Oldham Survey, Abstract No. 919, and also being part of a 14.584 acre tract of land conveyed by Thomas H. Hairsine et ux to Mrs. Lily M. Hairsine and Miss Lily F. Hairsine by deed dated August 4, 1940, recorded in Volume 415, Page 540, Deed Records, Grayson County, Texas, and described by metes and bounds as follows, to-wit:

BEGINNING at a steel rod in the East line of Fannin Avenue at its intersection with the North line of said 14.584 acre tract, said point also being North a distance of 27.5 ft., and North 89 deg. 45 min. 45 sec. East 25.0 ft. from the Northwest corner of the William Oldham Survey;

THENCE North 89 deg. 45 min. 45 sec. East with an old fence maintaining the North line of said 14.584 acre tract, a distance of 627.50 ft. to a steel rod in the West right-of-way line of U. S. Highway 75;

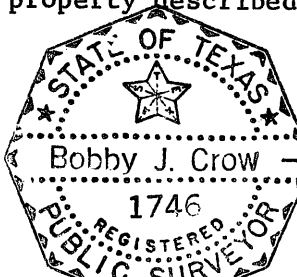
THENCE in a Southwesterly direction with the West right-of-way line of said highway with a curve to the right having a radius of 2715.0 ft. (chord bears South 38 deg. 22 min. 50 sec. West 404.49 ft.) a distance of 404.87 ft. to a steel rod maintaining the Northeast corner of a 0.87 acre tract of land conveyed out of said 14.584 acre tract to Thomas H. Hairsine by deed recorded in Volume 589, Page 337 of said Deed Records;

THENCE North 84 deg. 05 min. 08 sec. West with the North line of said 0.87 acre tract a distance of 378.36 ft. to a steel rod in the East line of Fannin Avenue;

THENCE North with the East line of Fannin Avenue a distance of 275.48 ft. to the place of beginning and containing 3.513 acres of land.

I, Bobby J. Crow, Registered Public Surveyor, hereby certify that a survey was made on the ground on the property legally described hereon and is correct, and that there are no visible 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 described hereinabove.

SUTTON & CROW
 SURVEYING & ENGINEERING SERVICES
 115 E. LAMAR
 SHERMAN, TEXAS 75090
 PHONE 892-2447



Bobby J. Crow
 Bobby J. Crow, R.P.S.
 December 15, 1976

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 Lot 1R, Block 7 of the 604 W. Morton Addition. (Case No. 2023-108RP)

Staff Contact

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

Summary

- The purpose of the Replat is to consolidate two (2) lots into one (1) lot to allow for the construction of drives and parking.
- The subject property is zoned Neighborhood Services.

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 so they can move forward consolidating two (2) lots into one (1) lot for property located at the corner of W. Morton Street and N. Mirick Avenue. The applicant recently had a Conditional Use Permit (CUP) approved allowing for the use of restaurant with drive-thru. The construction of the drive-thru and employee parking crosses lot lines and therefore triggered a Replat.

The property has access to water and sewer and has frontage on both W. Morton Street and N. Mirick Avenue.

Financial Considerations

N/A

Prior Board or Council Action

N/A

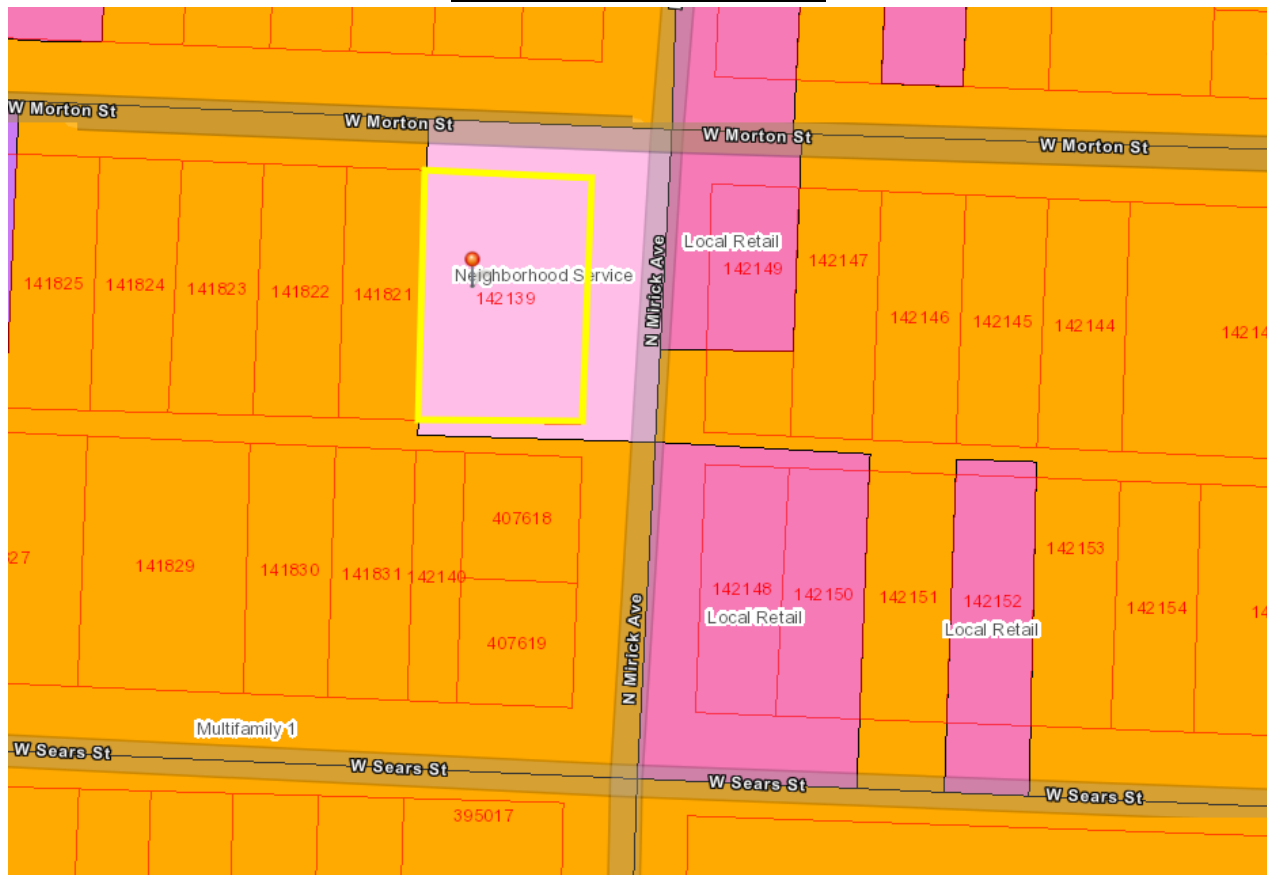
Alternatives

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

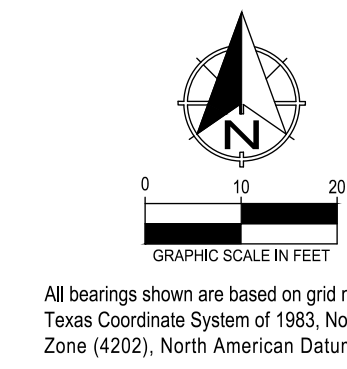
Aerial of Subject Property



Zoning of Subject Property



**WILLIAM R. CARUTHERS SURVEY
ABSTRACT NO. 212**



WEST MORTON STREET
(832' ASPHALT SURFACE WICURB & GUTTER,
EXISTING 70' R.O.W., VOL. 28, PG. 362, D.R.G.C.T.)



- 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 Electric Delivery Co.
 - 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.
 - 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.
 - City of Denison Case No. 2023-108RP
 - Current zoning of this property is NS-Neighborhood Service.
 - The property shown on the plat herein 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 the City of Denison, Grayson County, Texas, Map No. 48181C0170F, 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.

NORTH MIRICK AVENUE
(831' ASPHALT SURFACE WICURB & GUTTER,
EXISTING 10' R.O.W., VOL. 28, PG. 362, D.R.G.C.T.)

LEGAL DESCRIPTION:

WHEREAS James L. White is the owner of all of that certain tract or parcel of land situated in the William R. Caruthers Survey, Abstract No. 212, City of Denison, Grayson County, Texas, and being all of Lots 1 and 2, in Block 7, of Stevens' Addition, an addition to the City of Denison, Grayson County, Texas, according to the plat thereof recorded in Volume 28, Page 362, Deed Records, Grayson County, Texas, and being the same tract of land described in the deed to James L. White, recorded in Volume 3272, Page 713, 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 Lot 2, common to the northeast corner of Lot 1, in Block 1, of Millers' 1st Addition, an addition to the City of Denison, Grayson County, Texas, according to the plat thereof recorded in Volume Y, Page 330, said Deed Records, and on the southerly right-of-way line of West Morton Street;

THENCE South 88°45'41" East, with the northerly line of said Lot 2, and with the southerly right-of-way line of said West Morton Street, passing en route at a distance of 50.00 feet a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" (Hereinafter referred to as Capped Iron Rod) set for the northeast corner of said Lot 2, common to the northwest corner of aforesaid Lot 1 (Stevens' Addition), and continuing on said course, with the northerly line of said Lot 1 (Stevens' Addition), a total distance of 100.00 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 4488" found for the northeast corner of said Lot 1 (Stevens' Addition), and at the intersection of the southerly right-of-way line of said West Morton Street and the westerly right-of-way line of North Mirick Avenue;

THENCE South 01°11'22" West, with the easterly line of said Lot 1 (Stevens' Addition), and with the westerly right-of-way line of said North Mirick Avenue, a distance of 150.00 feet to a Capped Iron Rod set for the southeast corner of said Lot 1 (Stevens' Addition), on the northerly line of a 20-foot alley way, in said Block 7;

THENCE North 88°45'41" West, with the southerly line of said Lot 1 (Stevens' Addition), and with the northerly line of said Alley, passing en route at a distance of 50.00 feet a Capped Iron Rod set for the southwest corner of said Lot 1 (Stevens' Addition), common to the southeast corner of aforesaid Lot 2, and continuing on said course, with the southerly line of said Lot 2, a total distance of 100.00 feet to a Capped Iron Rod set for the southwest corner of said Lot 2, common to the southeast corner of aforesaid Lot 1 (Millers' 1st Addition);

THENCE North 01°11'22" East, with the westerly line of said Lot 2, and with the easterly line of said Lot 1 (Millers' 1st Addition), a distance of 150.00 feet to the POINT OF BEGINNING and enclosing 0.344 of an acre (15,000 square feet) of land, more or less.

CITY ACCEPTANCE

I hereby certify that the above and foregoing plat of 604 W. MORTON ADDITION REPLAT, BEING A REPLAT OF LOTS 1 & 2, IN BLOCK 7, OF STEVENS' ADDITION was approved by the Planning Director of the City of Denison this _____ day of _____, 20____.

Planning Director Commission Chair
City of Denison

SURVEYORS CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, 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.

Chris R. Noah Date
Registered Professional Land Surveyor No. 6585

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

OWNER'S DEDICATION

STATE OF TEXAS §
COUNTY OF GRAYSON §

That James L. White, the undersigned owner of the land shown hereon, and legally described herein above, and designated herein as 604 W. MORTON ADDITION REPLAT, BEING A REPLAT OF LOTS 1 & 2, IN BLOCK 7, OF STEVENS' ADDITION, subdivision 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 604 W. MORTON ADDITION REPLAT, BEING A REPLAT OF LOTS 1 & 2, IN BLOCK 7, OF STEVENS' ADDITION subdivision 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 we may have as a result of the dedication of exactions made herein.

By: James L. White Date

STATE OF TEXAS §
COUNTY OF GRAYSON §

Before me, the undersigned authority, on this day personally appeared James L. White, 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 stated.

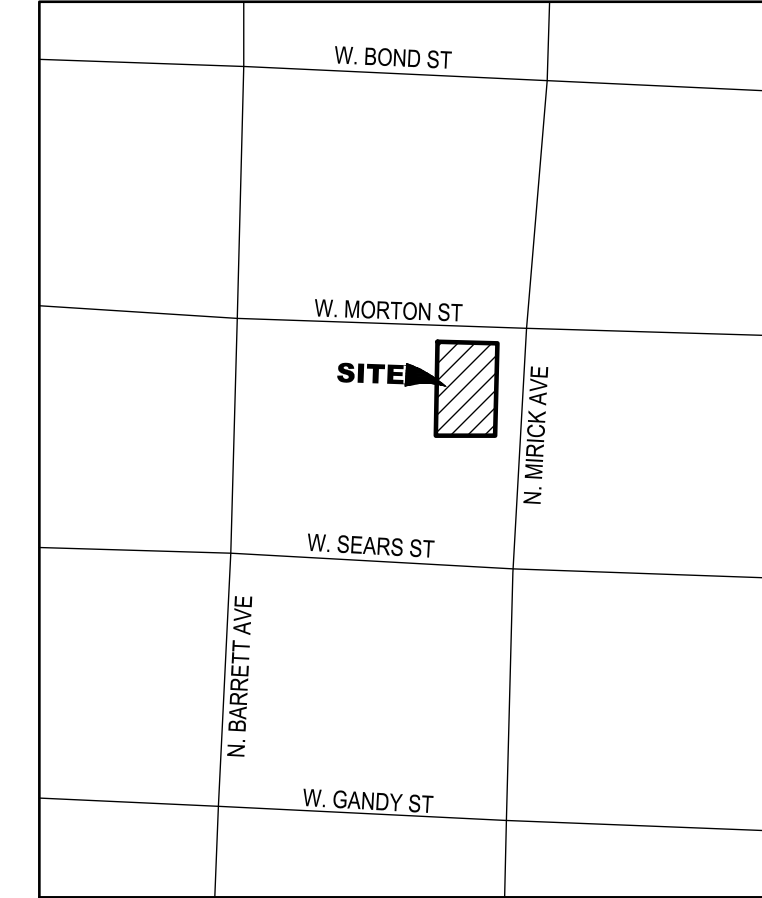
Given my hand and seal of office this the ____ day of _____, 20____.

Notary Public in and for the State of Texas

My commission expires: _____

LEGEND

●	FOUND MONUMENT
○	SET MONUMENT
IRSC	1/2" IRON ROD W/ PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET
IRF	IRON ROD FOUND
IRFC	IRON ROD FOUND W/ PLASTIC CAP
CM	CONTROLLING MONUMENT
()	DEED OR PLAT CALL
R.O.W.	RIGHT-OF-WAY
D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
VOL. PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NO.
B.L.	BUILDING LINE
---	BUILDING LINE
---	BOUNDARY LINE
---	ADJOINER LINE
---	ASPHALT



**604 W. MORTON ADDITION REPLAT
BLOCK 7, LOT 1R
0.344 OF AN ACRE
Being a Replat of Lots 1 & 2, Block 7
Stevens' Addition
WILLIAM R. CARUTHERS SURVEY, ABSTRACT NO. 212
City of Denison, Grayson County, Texas
PLAT PREPARED 10/10/2023**

OWNER/DEVELOPER:
James L. White
1377 Crosstimbers Lane
Denison, TX 75020

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

	TBPLS Firm No. 10194175	Drawn by: LGT Checked by: CRN	Scale: 1"=20' Date: 10/10/2023	Project No. 22-0200.1 Sheet No. 1 of 1
	787 W FM 996 Pottsboro, TX 75076 www.prestontrailandsurveying.com 903-786-6029			

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 3.213-acre tract legally described as being a part of the M. C. Davis Survey, Abstract No. 336 and being all of the 2.33 acre tract of land conveyed by deed without warranty from the Union Pacific Railroad Company to the City of Denison, Texas on February 18, 1999 and recorded in Volume 2771, Page 355, and being all of the 0.88 acre tract of land conveyed to the City of Denison, Texas by Affidavit of Lost Deed on February 17, 2023 as recorded in Inst. No. 2023-4052; Grayson County, Texas; GCAD Property ID No.'s 438291 and 438292, from the Single Family 7.5 (7.5) Residential District within the Highway Oriented and Corridor District to the Commercial Zoning District within the Highway Oriented and Corridor District to allow for retail or commercial use. (Case No. 2023-109Z).

Staff Contact

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

Summary

- Applicant wishes to rezone the subject property from the SF-7.5, Single Family Residential Zoning District to the Commercial Zoning District to allow for commercial or retail uses.
- The property falls within the Highway Oriented and Corridor District (HO).
- The request complies with the Future Land Use 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 SF-7.5, Single Family Residential Zoning District to the Commercial Zoning District."

Background Information and Analysis

The Business and Industrial Corporation of Denison Inc. dba Denison Development Alliance at the request of the City of Denison, is seeking approval to rezone the subject property from the SF-7.5, Single Family Residential Zoning District to the Commercial Zoning District to allow for the potential development of commercial or retail space. The property falls within the Highway Oriented and Corridor District and given the frontage on FM 120 (W. Morton Street) and the proximity to other restaurant and retail uses, this property is an ideal location for additional retail/commercial space. This request complies with the Comprehensive Plan as this area is depicted as "Mixed Commercial" with an overlay designated as "Revitalization Area" per the Future Land Use Plan.

Any future development must adhere to the development standards listed within Chapter 28 of the City of Denison Code of Ordinances.

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;*

Adjacent property has been developed in a commercial 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 Future Land Use Plan depicts this area to be development in a “Mixed Commercial” manner with an overlay designated as “Revitalization Area”. The request complies 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

N/A

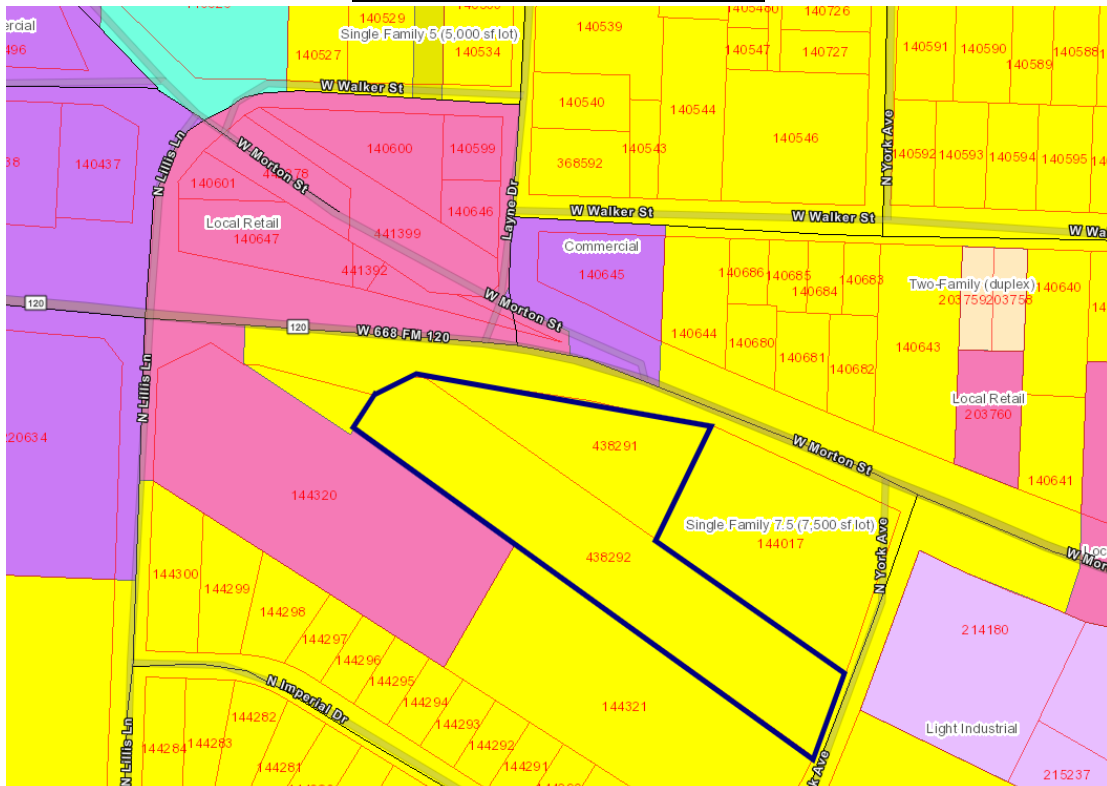
Alternatives

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

Aerial of Subject Area



Zoning Aerial of Subject Area



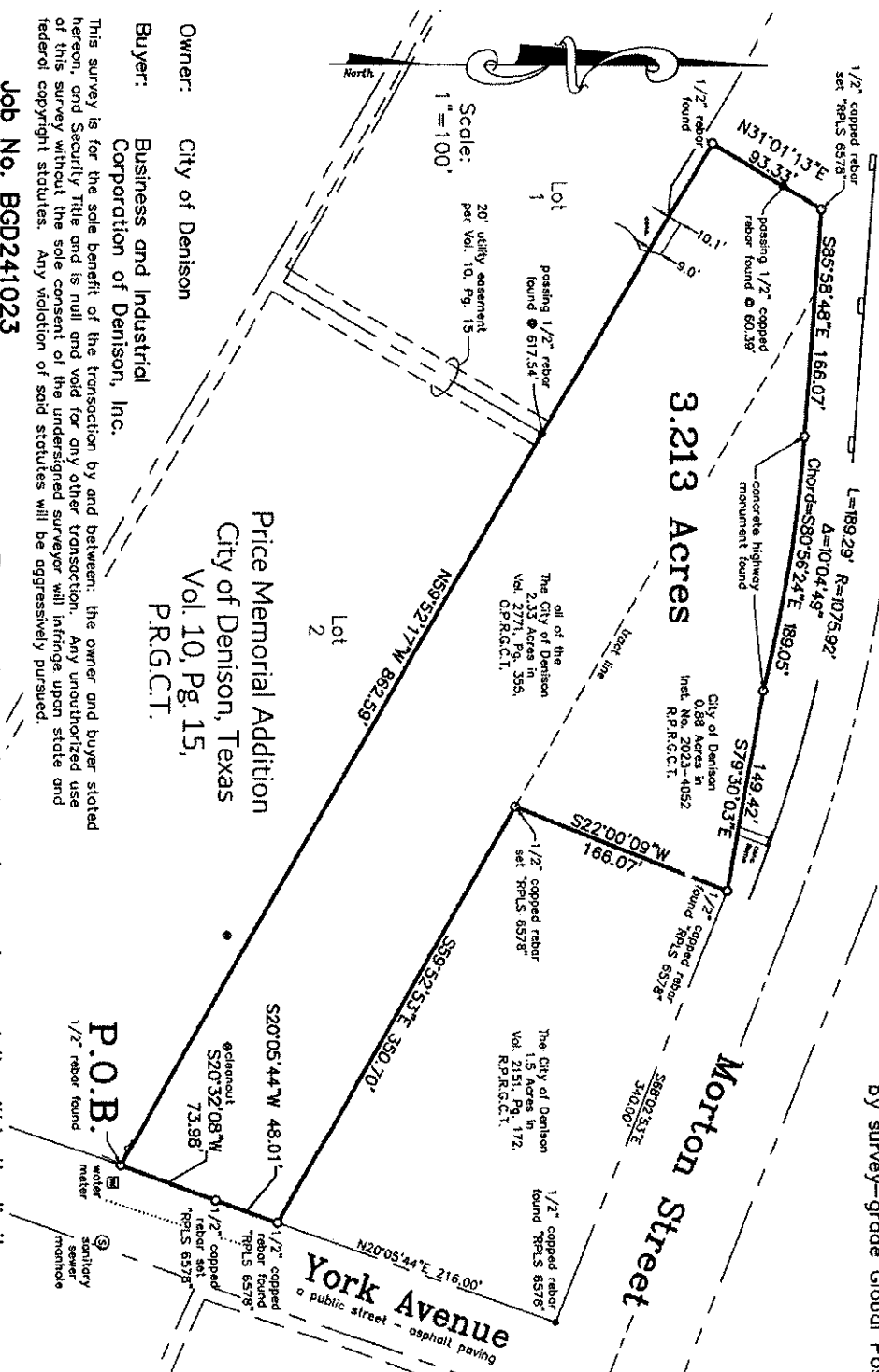
Project Narrative

The intent for the property is to become a retail or commercial development. The Subject Property is located within the Highway Oriented and Corridor District and could be a desirable location for retail or commercial development. The Future Land Use Plan calls for this area to be developed in a Mixed Commercial manner.

F.M. HWY. 120

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

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



Price Memorial Addition
 City of Denison, Texas
 Vol. 10, Pg. 15,
 P.R.G.C.T.

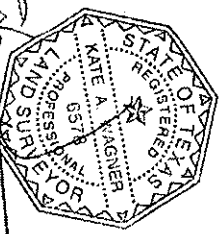
Owner: City of Denison
 Buyer: Business and Industrial Corporation of Denison, Inc.

Job No. BGD241023

Helvey-Wagner Surveying, Inc.
 2222 W. Main St., Denison, Texas 75020
 Phone (903) 463-6191
 Email: kate@helveywagnersurveying.net
 TBPELS Firm Registration No. 10088100

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0165 F, Revised Date: September 29, 2010.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with the current Texas Society of Professional Surveyors Manual of Practice for a Category 1A, Condition 3, TSPS Land Title Survey and is a true and correct representation of the property shown hereon to the best of my knowledge and belief. See Field Notes attached herewith.



Kate A. Wagner, R. P. L. S. No. 6578
 Copyright Date: October 16, 2023

P:\Land Projects R2\Plot-3-Area-4C-Davis-Survey\Aid 20\Workarea-plot-3oc-Boundary Survey.dwg 10/15/2023 3:51 PM

Helvey-Wagner Surveying, Inc.

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

FIELD NOTES 3.213 ACRES

SITUATED in the City of Denison, County of Grayson, State of Texas, being a part of the M.C. Davis Survey, Abstract No. 336 and being all of the 2.33 acre tract of land conveyed by Deed Without Warranty from Union Pacific Railroad Company to the City of Denison, Texas on February 18, 1999 and recorded in Volume 2771, Page 355, Official Public Records, Grayson County, Texas and being all of the 0.88 acre tract of land conveyed to the City of Denison, Texas by Affidavit of Lost Deed on February 17, 2023 as recorded in Inst. No. 2023-4052, Real Property 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 in the West right-of-way line of York Avenue, a public street, at the Northeast corner of Lot 1, Price Memorial Addition to the City of Denison, Texas as per plat of record in Volume 10, Page 15, Plat Records, Grayson County, Texas and the Southeast corner of both said City of Denison 2.33 ac. and the herein described tract;

THENCE North 59 deg. 52 min. 17 sec. West, with the South line of said City of Denison 2.33 ac. and the North line of said Lot 2, passing the Northwest corner thereof and the Northeast corner of Lot 1, said Price Memorial Addition at 617.54 ft., continuing on now with the North line of said Lot 1 for a **TOTAL** distance of 862.59 ft. to a 1/2 inch rebar found at the most Northern Northwest corner of said Lot 1 and the Southwest corner of both said City of Denison 2.33 ac. and the herein described tract;

THENCE North 31 deg. 01 min. 13 sec. East, with the West line of said City of Denison 2.33 ac., a distance of 93.33 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the Northwest corner of both said City of Denison 2.33 ac. and the herein described tract, lying in the South right-of-way line of F.M. Highway No. 120;

THENCE South 85 deg. 58 min. 48 sec. East, with the South right-of-way line of said F.M. Highway No. 120 and the North line of both said City of Denison 2.33 ac. and 0.88 ac., a distance of 166.07 ft. to a concrete highway monument found at the beginning of a curve;

THENCE Southeasterly, continuing with the South right-of-way line of said F.M. Highway No. 120 and with the North line of said City of Denison 0.88 ac., with a curve to the left, having a radius of 1,075.92 ft., a central angle of 10 deg. 04 min. 49 sec. (chord bears: South 80 deg. 56 min. 24 sec. East, 189.05 ft.) and an arc length of 189.29 ft. to a concrete highway monument found at the end of said curve;

THENCE South 79 deg. 30 min. 03 sec. East, continuing with the South right-of-way line of said F.M. Highway No. 120 and the North line of said City of Denison 0.88 ac., a distance of 149.42 ft. to a 1/2 inch capped rebar found at the Northwest corner of the 1.5 acre tract of land conveyed to the City of Denison in Volume 2151, Page 172, said Real Property Records, and the Northeast corner of said City of Denison 0.88 ac., at the most Northerly Northeast corner of the herein described tract;

THENCE South 22 deg. 00 min. 09 sec. West, with the West line of said City of Denison 1.5 ac. and the East line of said City of Denison 0.88 ac., a distance of 166.07 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" in the North line of said City of Denison 2.33 ac., at the Southwest corner of said City of Denison 1.5 ac. and the Southeast corner of said City of Denison 0.88 ac., at an Ell corner of the herein described tract;

THENCE South 59 deg. 52 min. 53 sec. East, with the South line of said City of Denison 1.5 ac. and the North line of said City of Denison 2.33 ac., a distance of 350.70 ft. to a 1/2 inch capped rebar found, stamped "RPLS 6578:" in the West line of said York Avenue, at the Southeast corner of said City of Denison 1.5 ac. and the Northeast corner of said City of Denison 2.33 ac., at the most Easterly Northeast corner of the herein described tract, **FROM** which a 1/2 inch capped rebar found, stamped "RPLS 6578" at the Northeast corner of said City of Denison 1.5 ac. bears North 20 deg. 05 min. 44 sec. East, 216.00 ft.;

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 Lot 1R, Block A of the Denison Plaza Phase One Addition. (Case No. 2023-111RP)

Staff Contact

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

Summary

- The purpose of the Replat is to adjust lot lines.
- The subject property is zoned Commercial and falls within the Highway Oriented and Corridor District.
- The subject property has been developed as a QuikTrip.

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 so they may adjust the lot lines of the existing tract that has been developed as a QuikTrip. With the acquisition of excess TXDOT right-of-way (ROW) and transferring property located on the east side of the existing lot to the adjacent property, a Replat is required to establish new lot lines.

Financial Considerations

N/A

Prior Board or Council Action

N/A

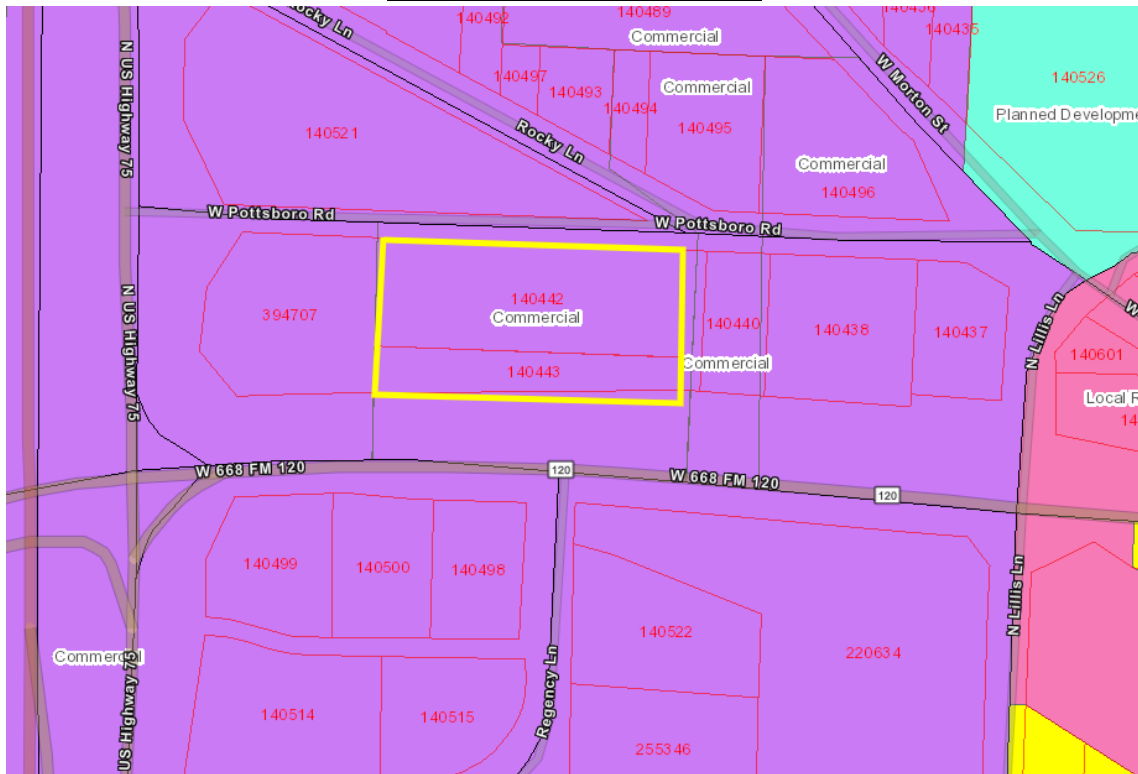
Alternatives

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

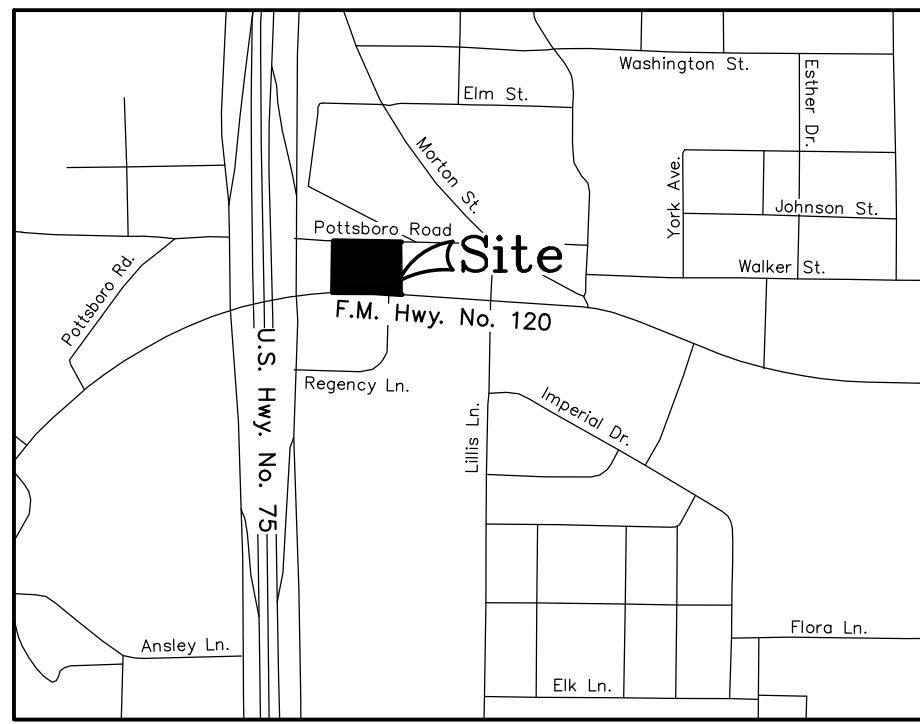
Aerial of Subject Property



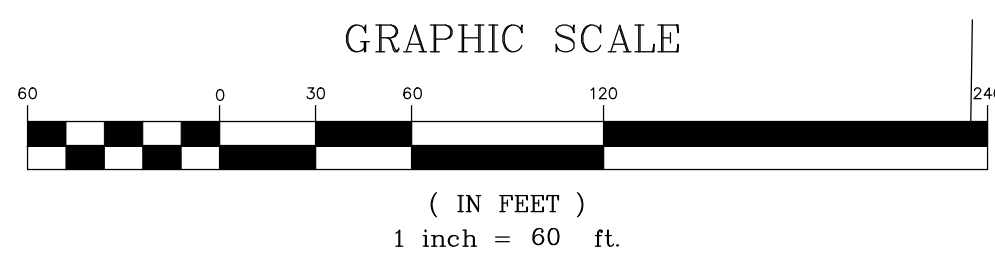
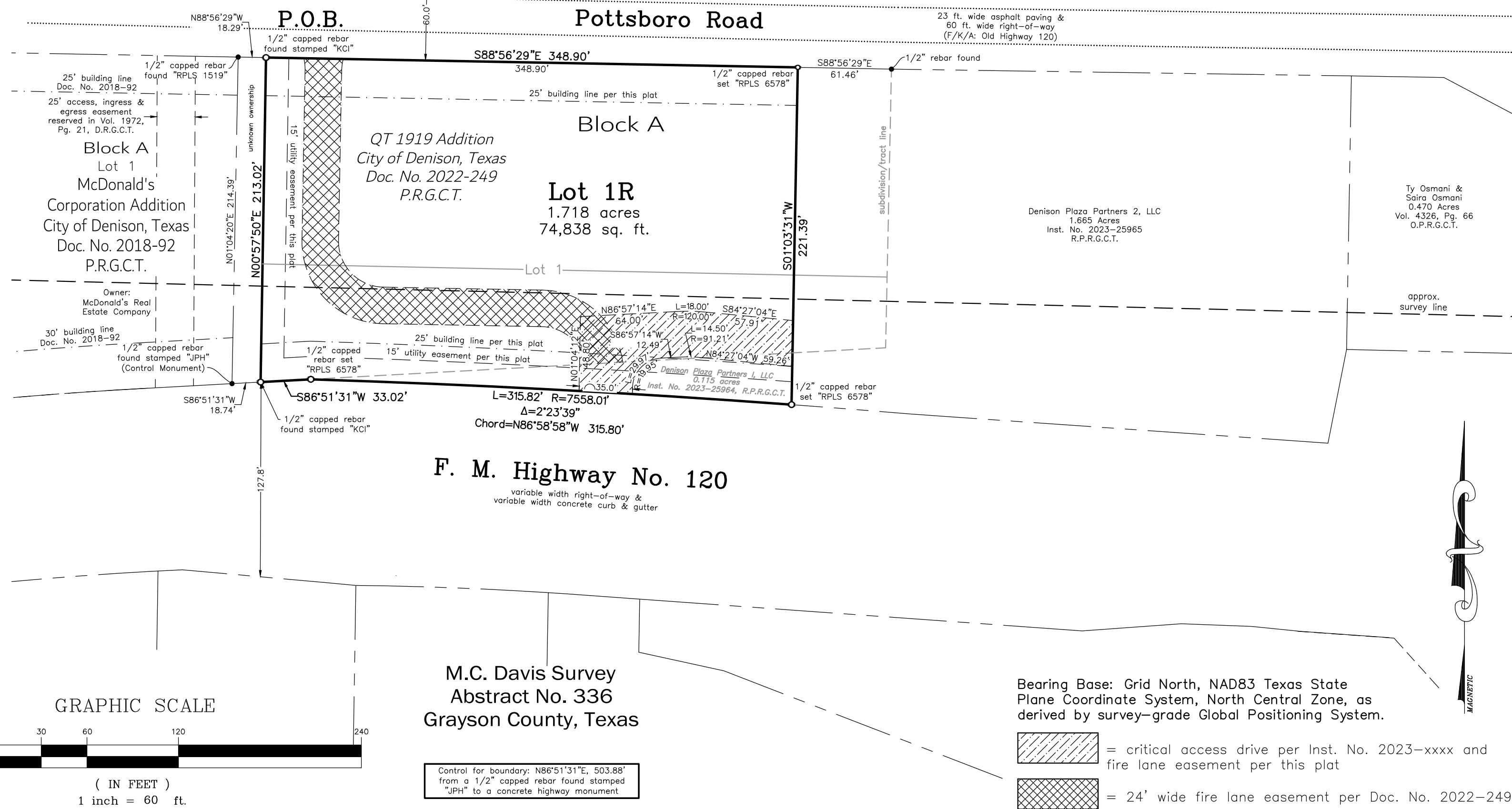
Zoning of Subject Property



Vicinity Map
(not to scale)



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



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

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

▨ = critical access drive per Inst. No. 2023-xxxx
and fire lane easement per this plat

▩ = 24' wide fire lane easement per Doc. No. 2022-249

Control for boundary: N86°51'31"W, S03.88'
from a 1/2" capped rebar found stamped
"JPH" to a concrete highway monument

LEGAL DESCRIPTION

SITUATED in the City of Denison, County of Grayson, State of Texas, being a part of the M.C. Davis Survey, Abstract No. 336 and the L.C. Alexander Survey, Abstract No. 41, and being a part of Lot 1, Block A of QT 1919 Addition to the City of Denison, Texas, recorded in Doc. No. 2022-249, Plat Records, Grayson County, Texas, all of the 0.115 acre tract of land conveyed by Deed Without Warranty from Elliott Megdal and Alana Megdal, Trustees of the Megdal Family Trust to Denison Plaza Partners I, LLC on September 29, 2023, recorded in Inst. No. 2023-25964, Real Property Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar found, stamped "KCI" in the South right-of-way line of Pottsboro Road, a public road, at the Northwest corner of both said Lot 1 and the herein described tract, SAID rebar bears South 88 deg. 56 min. 29 sec. East, 18.29 ft. from a 1/2 inch capped rebar found, stamped "RPLS 1519";

THENCE South 88 deg. 56 min. 29 sec. East, with the South right-of-way line of said Pottsboro Road and the North line of said Lot 1, a distance of 348.90 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the Northeast corner of the herein described tract;

THENCE South 01 deg. 03 min. 31 sec. West, over and across said Lot 1 of QT 1919 Addition, **PASSING** the most Southerly Northwest corner of the 1.665 acre tract of land conveyed to Denison Plaza Partners 2, LLC, recorded in Instrument No. 2023-25965 and the Northeast corner of said Denison Plaza Partners 0.115 ac., in the South line of said Lot 1, continuing on said course now with a West line of said 1.665 ac. and the East line of said 0.115 ac. for a **TOTAL** distance of 221.39 ft. to a 1/2 capped rebar set, stamped "RPLS 6578" in the North right-of-way line of F.M. Highway No. 120, at the Southwest corner of said Denison Plaza Partners 1.665 ac. and the Southeast corner of both said Denison Plaza Partners 0.115 ac. and the herein described tract;

THENCE Northwesterly, continuing with the North line of said F.M. Highway No. 120 and with the South line of said Denison Plaza Partners I, LLC 0.115 ac., with a curve to the left, having a radius of 7,558.01 ft., a central angle of 2 deg. 23 min. 39 sec. (chord bears: North 86 deg. 58 min. 58 sec. West, 315.80 ft.) and an arc length of 315.80 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" in the South line of said Lot 1, Block A, QT 1919 Addition, at an angle point of the herein described tract and the end of said curve;

THENCE South 86 deg. 51 min. 31 sec. West, continuing with the North right-of-way line of said F.M. Highway No. 120 and the South line of said Lot 1, a distance of 33.02 ft. to a 1/2 inch capped rebar found, stamped "KCI" at the Southwest corner of both said Lot 1 and the herein described tract, SAID rebar bears North 86 deg. 51 min. 31 sec. East, 18.74 ft. from a 1/2 inch capped rebar found, stamped "JPH";

THENCE North 00 deg. 57 min. 50 sec. East, with the West line of said Lot 1, a distance of 213.02 ft. to the **PLACE OF BEGINNING** and containing **1.718 ACRES** of land.

STATE OF TEXAS
COUNTY OF GRAYSON

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: _____

STATE OF CALIFORNIA
COUNTY OF _____

OWNER'S CERTIFICATE

We, the undersigned Owners of the land shown hereon, and legally described herein above, and designated herein as the Replat Lot 1R, Block A of Denison Plaza, Phase One to the City of Denison, Texas and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in the Replat Lot 1R, Block A of Denison Plaza, Phase One 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 we may have as a result of the dedication of exactions made herein.

Elliott Megdal
Authorized Agent for Denison Plaza Partners I, LLC

Before me the undersigned, a notary public in and for said State, on this day personally appeared Elliott Megdal, 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, State of California

STATE OF TEXAS
COUNTY OF GRAYSON

I hereby certify that the above and foregoing Denison Plaza, Phase One to the City of Denison, Texas was approved by the Planning and Zoning Commission of the City of Denison this _____ day of _____, 2023.

Planning & Zoning Commission Chair
City of Denison, Texas

Replat
Lot 1R, Block A
**Denison Plaza,
Phase One**
Being a Replat of Lot 1, Block A of
QT 1919 Addition
to the
City of Denison
Grayson County, Texas

1.718 Acres
in the
**L.C. Alexander Survey, Abst. No. 41 &
M.C. Davis Survey, Abst. No. 336**
Preparation Date: November 17, 2023

Job No. CGD041223
Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owners:
Denison Plaza Partners I, LLC
252 S. Beverly Drive, Ste C
Beverly Hills, CA 90212