



**CITY OF DENISON  
CITY COUNCIL MEETING  
AGENDA**

**Tuesday, January 16, 2024**

After determining that a quorum is present, the City Council of the City of Denison, Texas will convene in a Regular Meeting on Tuesday, January 16, 2024 at 6:00 PM in the Council Chambers at City Hall, 300 W. Main Street, Denison, Texas at which the following items will be considered:

**1. INVOCATION, PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE**

**2. PROCLAMATIONS AND PRESENTATION**

A. ISO 1 Rating Plaque Presentation from Texas State Fire Marshal's Office.

**3. PUBLIC COMMENTS**

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

**4. CONSENT AGENDA**

A. Receive a report, hold a discussion and take action on approving the Minutes from the Regular City Council Meeting held on December 18, 2023.

B. Receive a report, hold a discussion and take action on the appointment of Kelly Cannell to serve as the Preston Harbor representative on the TIRZ No. 2 Board of Directors.

C. Receive a report, hold a discussion and take action on the reappointment of Thomas Speakman as a member of the Community Development Steering Committee.

D. Receive a report, hold a discussion, and take action on the approval of the purchase of two new Mack Granite dump trucks, with a combined total purchase amount of \$398,173.82, from Bruckner Truck Sales and authorize the Interim City Manager to execute any associated documents.

E. Receive a report, hold a discussion, and take action on the purchase of a new sanitation brush collection truck in the amount of \$224,567.11 from Bruckner Truck Sales and authorize the Interim City Manager to execute any associated documents.

- F. Receive a report, hold a discussion, and take action on the approval of the purchase of two new CASE compact track loaders, with a combined total purchase amount of \$280,357.00, from ASCO Equipment and authorize the Interim City Manager to execute any associated documents.
- G. Receive a report, hold a discussion, and take action on approving the purchase of a landscape dump truck for use at various Parks locations in the amount of \$88,000.00 from Sewell Ford and authorize the Interim City Manager to execute all related documents.
- H. Receive a report, hold a discussion, and take action on an Ordinance amending the Environmental Services and Stormwater Fees in the FY2024 Fee Schedule.
- I. Receive a report, hold a discussion and take action on the appointment of David Spindle to the Business and Industrial Corporation of Denison, Inc., d/b/a Denison Development Alliance, Board of Directors to fill an unexpired two-year term, effective upon appointment and expiring on September 30, 2024.
- J. Receive a report, hold a discussion, and take action on approval of an asphalt overlay services purchase proposal for Duck Creek lift station and Loy Drive for a total amount of \$214,399.00 from Area Wide Paving, LLC and authorize the Interim City Manager to execute any associated documents.
- K. Receive a report, hold a discussion and take action on the reappointment of Linda Anderson, as a regular member, to the Planning and Zoning Commission, to serve a two-year term effective January 1, 2024.
- L. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property located at Highway 69, Denison, Texas more particularly described as G-0996 Rubio Ramon A-G0996, Acres 4.21 and G-1311 Wright William A-G1311, Acres 1.67, consisting of Property ID Nos. 113192 and 113351.
- M. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property located at Highway 69, Denison, Texas more particularly described as being a part of the Ramon Rubio Survey, Abstract No. 996, 0.59 acres of land, consisting of Property ID No. 113202.
- N. Receive a report, hold a discussion and take action on a resolution for self-certification of legal authority, or other necessary action, for management agencies for Clean Water State Revolving Fund grant application.
- O. Receive a report, hold a discussion and take action on the reappointment of Stanley Thomas, Place 2, as a member of the Greater Texoma Utility Authority Board of Directors to serve a two-year term commencing January 1, 2024 and ending on December 31, 2025.

## 5. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to rezone an 11.446-acre portion of the tract identified as GCAD Property ID No. 151234 from the MF-1, Multi-Family Residential (MF-1) and Commercial (C) District partially within the Austin Avenue Overlay (AO) to a Planned Development District (PD) partially within the Austin Avenue Overlay (AO ) with a base zoning of MF-1, Multi-Family Residential (MF-1) to allow for multi-family residential use. (Case No. 2023-119PD)
- B. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to amend Planned Development Ordinance No. 5166 to add an additional 1.644 acres to the existing PD and to include the base zonings of Single-Family Residential District (SF-5), Single-Family Residential District-Attached (SF-TH), Multi-Family Residential District (MF-1), Multi-Family Residential District (MF-2), and Commercial District (C) on the approximately 28.36-acre tract, commonly known as 3400 W. Crawford Street. (Case No. 2023-118PD)
- C. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance for a Conditional Use Permit within the Commercial (C) zoning district, to allow for a distribution center for property located at 307 W. Coffin. (Case No. 2023-116CUP)

## 6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion and take action on accepting the resignation of Robert Crawley, Council Member Place 4, Single Member District 4.

## 7. PROJECT UPDATES

- A. Receive a report and hold a discussion on the Austin Avenue Corridor Study.
- B. Receive a report and hold a discussion on pursuing a zoning ordinance rewrite.
- C. Receive a report and hold a discussion regarding proposed sign ordinance amendments.

## 8. EXECUTIVE SESSION

Pursuant to Chapter 551, *Texas Government Code*, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting to receive legal advice from its attorney on any posted agenda item as permitted by law or to discuss the following:

- A. Consult with attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter and/or consult with attorney about pending or contemplated litigation or contemplated settlement of the same. Section 551.071.**

  - 1. Confer with City Attorney regarding Boards and Commissions.

2. Confer with City Attorney regarding City of Denison vs. Sherman Pro Auto Glass, LLC dba Pro Auto Glass, et. al., 397th Judicial District, Grayson County, Texas, Cause No. CV-21-0166.
- B. Discuss the possible purchase, exchange, lease or sale value of real property (public discussion of such would not be in the best interests of the City's bargaining position). Section 551.072.
  - C. Discuss negotiated gifts or donations to the City (public discussion at this stage would have a detrimental effect on the City's bargaining position). Section 551.073.
  - D. Discuss the appointment, employment, evaluation, reassignment of duties, discipline, or dismissal of or to hear a complaint against a public officer or employee. Section 551.074.
  - E. Discuss the commercial or financial information received from an existing business or business prospect with which the City is negotiating for the location or retention of a facility, or for incentives the City is willing to extend, or financial information submitted by the same. Section 551.087.
  - F. Discuss the deployment or specific occasions for implementation of security personnel or devices. Section 551.076.
  - G. Deliberations regarding economic development negotiations pursuant to Section 551.087.

Following the closed Executive Session, the Council will reconvene in open and public session and take any such action as may be desirable or necessary as a result of the closed deliberations.

#### CERTIFICATION

I do hereby certify that a copy of this Notice of Meeting was posted on the front window of City Hall readily accessible to the general public at all times, and posted on the City of Denison website on the 12<sup>th</sup> day of January 2024.

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Christine Wallentine, City Clerk

In compliance with the Americans With Disabilities Act, the City of Denison will provide for reasonable accommodations for persons attending City Council 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  
CITY COUNCIL MEETING  
MINUTES**

**Monday, December 18, 2023**

Announce the presence of a quorum.

Mayor Janet Gott called the meeting to order at 6:00 p.m. Council Members present were Mayor Pro Tem Robert Crawley, Brian Hander, Michael Courtright, James Thorne, Joshua Massey and Aaron Thomas. Staff present were City Manager, Bobby Atteberry, City Attorney, Julie Fort, Assistant City Manager, Renee Waggoner, City Clerk, Christine Wallentine and Deputy City Clerk, Karen Avery. Department Directors were also present.

1. INVOCATION, PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

Rodney Ward, Pastor of Harless Memorial United Church gave the invocation which was followed by the Pledge of Allegiance and Texas Pledge led by United States Veteran Bill Akins, who is also a member of the American Legion Post 62.

2. PROCLAMATIONS AND PRESENTATION

A. St. Luke's Episcopal Church 150th Anniversary Proclamation.

Mayor Gott presented a proclamation recognizing St. Luke's Episcopal Church's 150<sup>th</sup> Anniversary to Stephen Walker, Senior Warden, and Thomas Redwine, Vestry Member. St. Luke's Episcopal Church, who has been a beacon of faith and community, and a cornerstone of our City, is commemorating its 150<sup>th</sup> anniversary in December of 2023. The organization of St. Luke's occurred in 1873 without any contact with or support from a diocese. Technically, Denison fell within the confines of the Diocese of Texas, whose Bishop was located at the other end of the state in Houston, who had little interest in events in Denison. The General Convention of 1874 in New York City remedied this ecclesiastical isolation for north Texas. It split the area away from the Diocese of Texas, creating the Missionary District of North Texas under the direction of the Reverend Alexander Garrett, who would later serve as the First Bishop of Dallas and the fourteenth Presiding Bishop of the National Church. Although unaffiliated with a Diocese, St. Luke's was functioning as a Parish, owned real property, and was in the process of building its sanctuary by virtue of the legal existence provided by its civil articles of association. Bishop Garrett moved quickly to legitimize this state of affairs ecclesiastically by approving St. Luke's as a mission on February 5, 1875. Then, several months later at the first opportunity, Garrett elevated the church to full status as a parish in the Missionary District of North Texas. This chain of events has given St. Luke's an unusual financial relationship to the diocese that has continued to the present day. By the end of the nineteenth century, St. Luke's Church

had become a congregation of one hundred fifty communicants and attracted a diverse group of parishioners who represented the cosmopolitan nature of Denison as a regional transportation and commercial center, including employees of the Railroad Company, teachers, attorneys, physicians, and business people. In some cases, the great-grandchildren of these early parishioners are present-day communicants at St. Luke's. Luke's Parish Day School opened in 1959 during this period of expansion, providing kindergarten through early elementary education for children in Grayson County. Over the years, St. Luke's School has prospered and grown. The school has about 50 students, employs a full-time Headmaster, a full office staff, and teachers offering instruction from pre-kindergarten through pre-k 4. Over the past century and a half, St. Luke's Church has played a vital role in the lives of countless individuals, offering solace in times of sorrow, celebration in times of joy and unwavering support throughout the seasons of life. The leadership, clergy and dedicated members of St. Luke's Church have worked tirelessly to create a welcoming and inclusive environment that reflects the values of love, compassion and service to others. Mayor Gott, on behalf of the City of Denison, honored and recognized the 150<sup>th</sup> anniversary of St. Luke's Church as a momentous occasion and encouraged all residents to express gratitude for the positive impact St. Luke's Church has had on the community and extended heartfelt congratulations to the leadership and members of St. Luke's Church.

### 3. PUBLIC COMMENTS

Mayor Gott called for any public comments at this time and reminded those wanting to comment of the guidelines established by the City Council. Christine Wallentine, City Clerk, confirmed there was one Request to Speak Card received by this point in the meeting. Mayor Gott then called Kurt Cichowski to the podium to address agenda items 6C and 6D on the Items for Individual Consideration portion of the agenda. Mr. Cichowski came forward and provided the following information for the record:

Name: Kurt Cichowski

Address: 1419 W. Woodard Street  
Denison, TX 75020

Mr. Cichowski stated he was representing the Historic Preservation Board and was addressing agenda Items 6.C. and 6.D. Mr. Cichowski reports he was commending the Council's specific attention to and anticipating their positive concurrence of both items. As Mrs. Dow outlined, over nine months ago, the process to update and provide fuller guidance in the historic preservation area began. An ad hoc taskforce of City Council Members, City staff, a historic preservation consultant, and other City committee and board members started meeting to take on the effort to make ownership in Denison's Historic District Overlay a much more transparent and easier to navigate endeavor for owners, developers, builders being attracted to our city, while maintaining our historic heritage. This effort was to support the state position that resolved the City of Denison Texas hereby declares that as a matter of public policy, the protection, enhancement and perpetration. ongoing commitment to districts and landmarks of historic and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. With one of the intentions is to protect and enhance the City of Denison's attractiveness to visitors and to support and stimulus of the economy thereby provided. For the 30-block area of our downtown we applied for in 1983 and have been recognized therefore as a National Registry of Historic Places. These two documents under consideration, the revised city ordinance, Chapter 30, and the historic preservation

guidelines, provide the rules and procedures notifying what building owners, builders and developers need to know concerning the US Department of Interior Conditions. Requirements that, if met, could provide tax incentives to assist in restoring, renovating or rehabilitating our downtown area. As the Dennison Hotel and the Travelers Hotel has found out. They will also ensure that we remain qualified as a National Registry of Historic Places. These two documents will also be the standard that the Historic Preservation Board will use to guide us in the decisions regarding approvals for the downtown construction projects regarding buildings within the designated historic preservation overlay. Therefore, agenda items 6.C. and 6.D. are the result of nine months of focused effort by a myriad of individuals and organizations to ensure Denison's future while retaining its historically significant past. Mr. Cichowski requested the Council's favorable consideration of both these agenda items in the section for individual consideration.

There were no other Request to Speak Cards received. Therefore, there were no additional public comments.

### 3. CONSENT AGENDA

- A. Receive a report, hold a discussion and take action on approving the Minutes from the Regular City Council Meeting held on December 4, 2023.
- B. Receive a report, hold a discussion and take action on the appointment of Ken Brawley to the Civil Service Commission.
- C. Receive a report, hold a discussion, and take action on authorizing the Interim City Manager to enter into a First Amendment to the Professional Services Agreement with MuniServices, LLC for sales tax compliance review services, the sales tax capture leakage analysis service, and local occupancy tax program audit and administration services.
- D. Receive a report, hold a discussion and take action on the reappointment of Dorothy Wilson as a member of the Community Development Steering Committee.
- E. Receive a report, hold a discussion, and take action on an Ordinance amending Chapter 26, "Utilities" of the City's Code of Ordinances by adding Article IX "Liquid Waste" to regulate the operation of liquid waste generators and liquid waste transporters.
- F. Receive a report, hold a discussion, and take action on reappointing Paisley Conrad, Brandon Cates, Tracey Bullard, and Lee Thornton to the Sister Cities Board of Directors.
- G. Receive a report, hold a discussion and take action on the reappointment of Michael Roberts, Zac Duce, and Laura Longmire and appointment of Amanda Lanum to the Conventions and Visitors Bureau Advisory Board.
- H. Receive a report, hold a discussion and take action on the reappointment of current members Derrick Roberts, Lexi Rains, Kimberlea Miller, Mel Climer, Jimmayshun Mundine, and Kathy Pryor to the Main Street Advisory Board each to serve a two-year term, commencing January 1, 2024.
- I. Receive a report, hold a discussion and take action on the reappointment of Linda Anderson and Rhonda Borgne as members to the Historic Preservation Board each to serve a two-year term, commencing January 1, 2024.

- J. Receive a report, hold a discussion and take action on the reappointment of Derrick Roberts, Lexi Rains, Kimberlea Miller, Mel Climer, and Jimmayshun Mundine to the Main Street Inc. Board of Directors, each to serve a two-year term commencing January 1, 2024.
- K. Receive a report, hold a discussion, and take action on a Professional Services Agreement with Huitt-Zollars Inc. for Sound Stage and Lighting Design and Structural Engineering Services related to Phase 2 of the Designing Downtown Denison, or D3, Project in the amount of \$109,500 and authorize the City Manager to execute all related documents.
- L. Receive a report, hold a discussion, and take action on awarding a bid and entering into a contract with Dyna-Mist Construction Company for the 2023 Texoma Health Foundation (THF) Park Mowing and Maintenance Program, and authorize the Interim City Manager to execute the same.
- M. Receive a report, hold a discussion, and take action on awarding a bid and entering into a contract with Brightview Landscape Services, Inc. for the 2023 Right of Way Mowing and Maintenance Program, and authorize the Interim City Manager to execute the same.
- N. Receive a report, hold a discussion, and take action on rejecting all bids received for the 2023 Mowing and Maintenance Program, and authorizing staff to readvertise and reopen the bidding for the 2023 Mowing and Maintenance.
- O. Receive a report, hold a discussion, and take action on scopes of work for a website redesign, updated mobile application, and new mass messaging platform and authorize the Interim City Manager to execute all related documents.
- P. Receive a report, hold a discussion and take action on the appointment of Robert Sylvester and Ernest Pickens, as new regular members, to the Planning and Zoning Commission, each to serve a two-year term effective January 1, 2024.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Hander, the City Council unanimously approved, Ordinance No. 5327, “AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 26 “UTILITIES” BY ADDING ARTICLE IX “LIQUID WASTE” TO REGULATE THE OPERATION OF LIQUID WASTE GENERATORS AND LIQUID WASTE TRANSPORTERS; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; and the rest of the Consent Agenda as presented.



## 5. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance 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)

### Council Action

Dianne York, Planner, introduced this agenda item. The applicant is requesting a rezone of the subject property commonly known as 2700 S. Fannin Avenue from the Local Retail Zoning District to SF-5. The area has been predominantly developed in a residential manner, as has the subject property. There is currently a house on the property, and it was built per the project narrative sometime around 1910. Ms. York then provided an aerial zoning view of the area. The applicant wishes to pursue rezoning so that the property is more in line with how it has been developed. Also, upon zoning approval, they will move forward with requesting a minor plat to subdivide the property into three lots with one of those lots housing the existing house. The Planning and Zoning Commission recommended approval of the request at their meeting held on December 12, 2023, and staff also recommends approval of the request.

Council Member Massey reported that he has had several constituents on the South Fannin side right behind the subject property discuss some issues with the road back there. So, coming down South Fannin it has deteriorated a little bit and that is dangerous. There are several 80-year-olds and so forth that are there and walk up and down this street. They are concerned about the condition, and if you have additional housing units developed there would need to be something done there. Council Member Massey asked if there are any City plans to resurface this road any time soon. Ms. York responded that she is not aware of any plans for this road. However, it is something that can definitely be discussed with Public Works. There has been substantial development on the north side of Fannin. So, this might be something we can have a discussion with the applicant on.

Mayor Gott then asked if there was anyone present who wished to speak on this agenda item, to which there were none. With that, Mayor Gott closed the public hearing

There was no further discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved Ordinance No. 5328, "AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION ON A CERTAIN 3.513 ACRE TRACT OF LAND LEGALLY DESCRIBED AS 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, COMMONLY REFERRED TO AS 2700 S FANNIN AVENUE, DENISON, TX, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF LOCAL RETAIL DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE OVERLAY DISTRICT TO SINGLE FAMILY-5 DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE OVERLAY DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE SINGLE FAMILY-5 DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE OVERLAY DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE."

- B. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance 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)

#### Council Action

Dianne York, Planner, stated the applicant is requesting a rezone of the subject property from the Single Family 7.5 Zoning District to Commercial to allow for retail or commercial space. This is the property that sits between the West End Fire Station and Simmons Bank across from Chik-Fil-A. This property does fall within the Highway Oriented and Corridor Overlay District. This request does comply with the Future Land Use Plan, as this area has been designed as mixed commercial use. Staff recommends approval of this request and so did the Planning and Zoning Commission at their meeting held on December 12, 2023.

Mayor Gott then asked if there was anyone present who wished to speak on this agenda item, to which there were none. With that, Mayor Gott closed the public hearing

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Courtright, the City Council unanimously approved Ordinance No. 5329, "AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION ON A CERTAIN 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 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, DEED RECORDS OF GRAYSON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF SINGLE FAMILY-5 DISTRICT WITHIN THE HIGHWAY OVERLAY DISTRICT TO COMMERCIAL DISTRICT WITHIN THE HIGHWAY OVERLAY DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE COMMERCIAL DISTRICT WITHIN THE HIGHWAY OVERLAY DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.'

Before addressing Item 6.A. below, Mayor Gott announced she would need to recuse herself for this item and called upon Mayor Pro Tem Crawley to facilitate this item. Mayor Gott left the dais at 6:21 p.m. Mayor Pro Tem Crawley then announced Item 6.A. below.

## 6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion, and take action on awarding a bid and entering into a contract with SF Landscaping for the 2023 Utilities Mowing and Maintenance Program, and authorize the Interim City Manager to execute the same.

### Council Action

Chip Egger, Parks Administrative Superintendent, reported that earlier this fall, staff advertised seeking services to help with the City's mowing needs at its utility sites. During the advertisement, there were 15 applicants who picked up bid packages. Three submitted successful bids. These bids were scored by staff and the scoring came in with S.F. Landscaping the highest in the scoring based on pricing, contractor qualifications and their work plan for the sites. Staff recommends entering into an agreement with S.F. Landscaping based on their high score.

There was no discussion or questions from Council.

On motion by Council Member Hander, seconded by Council Member Thomas, the City Council unanimously approved awarding a bid and entering into a contract with SF Landscaping for the 2023 Utilities Mowing and Maintenance Program, and authorizing the Interim City Manager to execute the same.

Mayor Gott returned to the dais as 6:23 p.m.

- B. Receive a report, hold a discussion and take action on awarding a request for proposal and entering into a contract with Denison Animal Welfare Group (DAWG) for animal shelter services and authorize the Interim City Manager to execute the same.

Council Action

Mike Gudgel, Police Chief, stated the City has had a long-standing contract for the animal shelter services with Morton Street Animal Hospital. In May of 2018, the City hired a consultant to evaluate the needs of our animal services. Based on this report, and the continued growing needs of the City as it relates to Animal Services, staff felt it was time to work on preparing a request for proposal for animal shelter services. On October 6 2023, a Request for Proposals (RFP) was issued with responses due no later than October 24, 2023. The City reviewed the two proposals in response to the RFP; one from Denison Animal Welfare Group (DAWG), and the other from Morton Street Animal Hospital. A selection committee was put together to evaluate the proposals. The committee also made an on-site visit to each of the facilities at DAWG and the Morton Street Animal Hospital. Following the onsite visits, review of the submitted proposals and scoring of the proposers, the committee recommends awarding the animal services contract to DAWG. The new contract with DAWG will cost \$180,000 annually. In the first year, \$151,500 is currently budgeted for this service in the General Fund. The remaining cost outside of what was budgeted will need to come out of fund balance. Based on the committee's recommendation, staff recommends awarding the RFP and entering into a contract with DAWG.

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thorne, the City Council unanimously approved awarding a request for proposal and entering into a contract with Denison Animal Welfare Group (DAWG) for animal shelter services and authorizing the Interim City Manager to execute the same.

- C. Receive a report, hold a discussion and take action on an ordinance repealing and restating Chapter 30 of the Code of Ordinances, the same being the Historic Preservation Ordinance of the City of Denison.

Council Action

Donna Dow, Main Street Director, stated that as has been reported, we have been working on this for quite some time. Ms. Dow added that we are very proud of our historic building stock downtown and thinks it is one of the most charming things about this city. Fortunately, in the 1980's. Denison took measures to protect that building stock. In the last two years, we've updated the website with a video that the Mayor was in, and we have also placed deed restrict on the properties, and we've updated the City's zoning map to show the Historic District. So, as you can tell, we took many measures to try to let everybody know they are in a historic district and are sure there are many more that we can continue to do, but these were at the top of the list. Ms. Dow reported that there is also an update to the ordinance before the Council this evening followed by consideration of the Design Guidelines. Some of the items that are different in the ordinance, which it is not making wholesale changes, it is just strengthening the information available. One of the items added was a six-month deadline instead of permission being granted indefinitely. It gives

the applicant six months, and then they can ask for renewing this. The ordinance has also been updated to comply with the Texas Local Government Code. So, if you add a property or a district, the Texas Local Government Code has since come through and stated the way that it must be done. The ordinance will now comply with this. Also, the definition of routine maintenance has been tightened and specifically states what this is so that people in the Historic District will know. For emergency repairs, the Historic Preservation Officer can now approve these, eliminating the need to wait for a meeting if it is in fact an emergency repair. The ordinance amendment also outlines post demolition requirements including fencing. If there is a fire or other catastrophe caused by weather, the ordinance states what must happen in order to get buildings put back in place to avoid the look of a distraction to the Historic District. Ms. Dow added that the participants in the ordinance amendment and the design guidelines included City staff such as our Development Services Team, the Fire Marshal and other key staff who typically participate in this process. We are also part of the Certified Local Governments of the state of Texas through the Texas Historic Commission and ran the proposed changes by them as well as the City Attorney. We also included our consultant, Rosin Preservation, to assist with and provide guidance as well as Council Member Hander. Ms. Dow also pointed out that two members from the Historic Preservation Board, Ms. Linda Anderson and Mr. Curt Cichowski, were present, both of whom were invaluable in reviewing this ordinance.

Council Member Massey thanked Ms. Dow and her team. As a participant in the historic preservation process in Denison, to his profit and hopefully to the City's as well, appreciate the way they have worked hand in hand with the developers. Council Member Massey added he was glad to see the six-month deadline added in order to keep these guys focused on moving forward. At this point, he would make sure there is a better understanding of how long the process actually takes in today's market with lending and so forth. So, he likes how the six month is a renewable. What he really likes to see is that this is a bigger part of the brain for what Denison is pushing for folks like him in that you come to town to invest in these historic properties because this is 61% of your money which can come back to you if you do it right and do it to the right process. So, having somebody like Mary Tate with her experience and with Ms. Dow and her team's passion, he appreciates it.

Council Member Hander stated that the big thing you will see is that we tried to make it easier, make the language easier to understand and the process a little easier to do. We did some things where now the Historic Preservation Officer can approve certain types of signage, that kind of thing. So, we are not holding businesses back. Also like any good code that has been added to throughout the years, it kind of contradicted itself near the end, so this had to be fixed. Everything was to make this a smoother transaction for everybody.

There was no further discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Hander, the City Council unanimously approved Ordinance No. 5330, **"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, REPEALING AND RESTATING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE HISTORIC PRESERVATION ORDINANCE OF THE CITY OF DENISON; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW."**

- D. Receive a report, hold a discussion and take action on a resolution adopting Design Guidelines for the Historic Preservation District.

Council Action

Donna Dow, Main Street Director, stated this item was part B of the process. These are guidelines which give some instructions and information to the property owners, the applicants, and whomever applies. Maps were also added along with an explanation of the differences between the maps. The Texas Historical Commission had a certain map when we did our national register district. This map is different from our Commercial Historic Overlay District, which has to go by the guidelines in this. This is larger and is squared off and so it explains these differences in there. We also updated the energy efficiency section, which was not as much of an issue in the 80s and in 2003. So, we added some information here. We added reference to our public art guidelines that we have now. Not a lot of detail, but just reference to it. Ms. Dow stated they moved the color scheme. The Council a couple of years ago looked at colors, and we moved that part from the ordinance to the design guidelines, which we feel is a much better place for it. Then we updated and added an explanation on Windows. A lot of people modify their windows and this gives us pictures and a little bit more guidance on what they can and cannot do to maintain our historic district.

Council Member Massey asked a question of Mary Tate, Director of Development Services. When you go through the energy efficient and the construction process, a lot of times you are doing a remodel on the inside of a building, and if you are adding a residential to an otherwise previously non-residential, you normally would go through a new construction permit. In some cases, to meet current code, the energy efficiency of the windows and the insulation and so forth, make it almost impossible to meet envelope requirements. Council Member Massey asked if Ms. Tate is comfortable as we move forward with these having it be a remodel permit, as opposed to a new construction permit, even if all of what is being built is new to that structure. Ms. Tate confirmed she was and that this has all been discussed.

There was no further discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Massey, the City Council unanimously approved Resolution No. 4151, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS ADOPTING DESIGN GUIDELINES FOR THE HISTORIC PRESERVATION DISTRICT; PROVIDING SEVERABILITY, SAVINGS AND REPLEALING CLAUSES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE."

7. PROJECT UPDATES

- A. Receive a report and hold a discussion regarding the Katy Trail Project.

Council Action

Justin Eastwood, Parks and Recreation Director, spoke about one of the great features here at the City – the Katy Trail. In particular phase two. There has been some action since Mr. Eastwood last came before the Council. If you remember, we finished phase one. So, we are looking to do phase two between Loy Lake and Spur 503, which is what Mr. Eastwood is specifically discussing this evening. Staff attended a virtual workshop today. The big thing that came about is we will have a project management team coordinator from TxDOT, and we will get with them between January and March. They did not give us specific details on this, but they will be able to walk alongside us with the continuance of the project. We are going to coordinate with TxDOT and the Metropolitan Organization (MPO) to begin the process to list the project and the local Transportation Improvement Program document and then the statewide TIP. After that, we will select the project manager. In the meantime, we are actually as a team, finishing a provisional crossing at Katy Trail right now. So, even though the project may not start in the ensuing months, it will be walkable. We are going to need to do a little additional maintenance. When construction starts residents will not be able to walk on it at that time. Mr. Eastwood then went on to highlight the addition of two new sculptures at the bookends of phase one of our trail. At Waterloo Lake Drive, the Crawley family generously donated toward this sculpture. At the Courtright family donated toward the sculpture off Day Street. Mr. Eastwood also highlighted our local artists, Jodi Castelli and Mark Niemi of Casni Studio who created the beautiful art. Mr. Eastwood stated we are grateful for our community and everyone who has helped make this project happen. Mr. Eastwood also gave special thanks to Council Member Hander for coordinating the art on the trail. We have received really positive feedback from residents on the development and their anticipation of the next phase.

No action taken. Informational item only.

## 8. EXECUTIVE SESSION

The Council then adjourned into Executive Session at 6:42 p.m. pursuant the Chapter 551, Texas Government Code, in accordance with the Authority:

**A. Consult with attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter and/or consult with attorney about pending or contemplated litigation or contemplated settlement of the same. Section 551.071.**

1. Confer with City Attorney regarding City of Denison vs. Sherman Pro Auto Glass, LLC dba Pro Auto Glass, et. al., 397th Judicial District, Grayson County, Texas, Cause No. CV-21-0166.
2. Confer with City Attorney regarding Roque/Pantuso ETJ Release Petition.
3. Confer with City attorney regarding First Amendment to the Preston Harbor Development Agreement between the City of Denison and Waterfall Development Partners, L.P., Preston Harbor, L.P., and Preston Harbor Homeplace, L.P.
4. Confer with City Attorney regarding ordinance to amend Ordinance No. 4679 regarding Lake Texoma Municipal Utility District No. 1.

- B. Discuss the possible purchase, exchange, lease, or sale value of real property (public discussion of such would not be in the best interests of the City's bargaining position). Section 551.072.
- C. Discuss negotiated gifts or donations to the City (public discussion at this stage would have a detrimental effect on the City's bargaining position). Section 551.073.
- D. Discuss the appointment, employment, evaluation, reassignment of duties, discipline, or dismissal of or to hear a complaint against a public officer or employee. Section 551.074.**
  - 1. Annual evaluation of Municipal Judge.
- E. Discuss the commercial or financial information received from an existing business or business prospect with which the City is negotiating for the location or retention of a facility, or for incentives the City is willing to extend, or financial information submitted by the same. Section 551.087.
- F. Discuss the deployment or specific occasions for implementation of security personnel or devices. Section 551.076.
- G. Deliberations regarding economic development negotiations pursuant to Section 551.087.

RECONVENE INTO REGULAR SESSION

The Council then reconvened into Regular Session at 7:22 p.m. and took the following action:

- A. Consult with attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter and/or consult with attorney about pending or contemplated litigation or contemplated settlement of the same. Section 551.071.**
  - 1. Confer with City Attorney regarding City of Denison vs. Sherman Pro Auto Glass, LLC dba Pro Auto Glass, et. al., 397th Judicial District, Grayson County, Texas, Cause No. CV-21-0166.

Council Action

No action taken.

- 2. Confer with City Attorney regarding Roque/Pantuso ETJ Release Petition.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously denied the Roque and Pantuso Petition to remove property from the City's extraterritorial jurisdiction because Senate Bill 2038 is an unconstitutional delegation of legislative authority, and it conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023. The City does not consent to removal of property from its ETJ.



3. Confer with City attorney regarding First Amendment to the Preston Harbor Development Agreement between the City of Denison and Waterfall Development Partners, L.P., Preston Harbor, L.P., and Preston Harbor Homeplace, L.P.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved the First Amendment to the Preston Harbor Development Agreement and authorized the Mayor to execute the same.

4. Confer with City Attorney regarding ordinance to amend Ordinance No. 4679 regarding Lake Texoma Municipal Utility District No. 1.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved Ordinance No. 5331, "AN ORDINANCE OF THE CITY COUNCIL OF DENISON, TEXAS AMENDING ORDINANCE NO. 4679, SECTION 5 "ISSUANCE OF BONDS", RELATED TO THE ISSUANCE OF DEBT WITHIN LAKE TEXOMA MUNICIPAL UTILITY DISTRICT NO. 1; INCORPORATING RECITALS; PROVIDING AN EFFECTIVE DATE; AND FINDING THIS ORDINANCE WAS PASSED IN A LAWFULLY OPEN MEETING."

- B. Discuss the possible purchase, exchange, lease, or sale value of real property (public discussion of such would not be in the best interests of the City's bargaining position). Section 551.072.
- C. Discuss negotiated gifts or donations to the City (public discussion at this stage would have a detrimental effect on the City's bargaining position). Section 551.073.
- D. Discuss the appointment, employment, evaluation, reassignment of duties, discipline, or dismissal of or to hear a complaint against a public officer or employee. Section 551.074.**
  1. Annual evaluation of Municipal Judge.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved increasing the annual salary of the Municipal Judge to \$41,000.00, effective January 1, 2024.

- E. Discuss the commercial or financial information received from an existing business or business prospect with which the City is negotiating for the location or retention of a facility, or for incentives the City is willing to extend, or financial information submitted by the same. Section 551.087.
- F. Discuss the deployment or specific occasions for implementation of security personnel or devices. Section 551.076.

G. Deliberations regarding economic development negotiations pursuant to Section 551.087.  
There being no further business to come before the Council, the meeting was adjourned at 7:25 p.m.

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JANET GOTT, Mayor

ATTEST:

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Christine Wallentine, City Clerk

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on the appointment of Kelly Cannell to serve as the Preston Harbor representative on the TIRZ No. 2 Board of Directors.

## Staff Contact

Chris Wallentine, City Clerk/Assistant to the City Manager  
cwallentine@cityofdenison.com  
(903) 465-2720, Ext. 2437

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## Summary

- The Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2) Board of Directors was created by Ordinance No. 4706 on September 23, 2013 and Resolution No. 3850 on the same date.
- The Board consists of 5 members. Four members are appointed by the City Council, one of these members being a member from Preston Harbor, and one member is appointed by the Grayson County Commissioners Court.
- The function of the Board is to make recommendations to the City Council concerning the administration of the Zone.
- With the sale of the property to the new Preston Harbor group, they have indicated they wish to have Ms. Cannell serve on the Board as the Preston Harbor representative.
- Ms. Cannell is willing and eligible to serve the remainder of an unexpired two-year term, effective upon appointment and expiring on September 30, 2025.

## Staff Recommendation

Staff recommends approval of the appointment.

## Recommended Motion

“I move to appoint Kelly Cannell to serve as the Preston Harbor representative on the TIRZ No. 2 Board of Directors, to serve the remainder of an unexpired term, effective upon appointment and expiring on September 30, 2025.”

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## Background Information and Analysis

The Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2) Board of Directors was created by Ordinance No. 4706 on September 23, 2013 and Resolution No. 3850 on the same date. The Board consists of 5 members. Four members are appointed by the City Council, one of these members being a member from Preston Harbor, and one member is appointed by the Grayson County Commissioners Court.

The function of the Board is to make recommendations to the City Council concerning the administration of the Zone. It shall prepare and adopt a project plan and reinvestment zone financing plan for the Zone and must submit such plans to the City Council for its approval. The Board shall possess all powers necessary to prepare, implement and monitor such project plan and financing plan for the reinvestment zone as the City Council considers advisable, including the submission of an annual report of the status of the Zone.

Each member serves a two-year term of office, with no member of the Board serving more than three regular two-year terms in succession. Unexpired terms filled shall not count against the term limit. Kelly Cannell has previously served on this Board as the Preston Harbor representative. With the sale of the property to the new Preston Harbor group, they have indicated they wish to have Ms. Cannell serve on the Board as the Preston Harbor representative. Ms. Cannell is willing and eligible to serve the remainder of an unexpired two-year term, effective upon appointment and expiring on September 30, 2025.

**Financial Considerations**

None.

**Prior Board or Council Action**

None.

**Alternatives**

Council may table or deny the agenda item.

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on the reappointment of Thomas Speakman as a member of the Community Development Steering Committee.

## Staff Contact

Christine Wallentine, City Clerk/Assistant to the City Manager  
cwallentine@cityofdenison.com  
(903) 465-2720, Ext. 2437

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## Summary

- The Community Development Steering Committee was created by Ordinance No. 3423 on November 1, 1993, and amended by Ordinance No. 4781 on April 6, 2015.
- The function of the Community Development Steering Committee is as an advisory committee to assist the City Council in the formation, implementation, and assessment of the Community Development Block Grant Program for the City of Denison.
- Terms of office are for two years, with a maximum term of office of no more than three consecutive terms. Mr. Speakman currently serves on the Steering Committee and is willing and eligible to serve another two-year term.

## Staff Recommendation

Staff recommends the reappointment of Thomas Speakman.

## Recommended Motion

"I move to reappoint Thomas Speakman as a member of the Community Development Steering Committee to serve a two-year term effective January 1, 2024 through December 31, 2025. "

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## Background Information and Analysis

The Community Development Steering Committee was created by Ordinance No. 3423 on November 1, 1993, and amended by Ordinance No. 4781 on April 6, 2015. The Members are appointed by the City Manager and confirmed by the City Council.

The function of the Community Development Steering Committee is as an advisory committee to assist the City Council in the formation, implementation, and assessment of the Community Development Block Grant Program for the City of Denison. The Committee conducts public hearings to receive input from the community on the expenditure of the funds. The Committee meets at least quarterly, to assess the progress of the program.

Terms of office are for two years, with a maximum term of office of no more than three consecutive terms. Mr. Speakman currently serves on the Steering Committee and is willing and eligible to serve another two-year term.

## Financial Considerations

None.

**Prior Board or Council Action**

Mr. Speakman was originally appointed to serve on this committee in 2021.

**Alternatives**

The City Council may table, deny or make another recommendation to fill this position as to this agenda item.

# City Council Meeting Staff Report



January 16, 2024  
Regular Council Meeting

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## Agenda Item

Receive a report, hold a discussion, and take action on the approval of the purchase of two new Mack Granite dump trucks, with a combined total purchase amount of \$398,173.82, from Bruckner Truck Sales and authorize the Interim City Manager to execute any associated documents.

## Staff Contact

Ervin Pariera, Assistant Director of Public Works  
epariera@cityofdenison.com  
903-647-4190

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## Summary

- Public Works staff operate dump trucks to transport construction materials and waste to and from job sites. The proposed purchase from Bruckner Truck Sales will provide staff with two new 10-yard tandem dump trucks that will improve efficiency and fleet reliability.
- The Streets division operates one 6/7-yard dump truck, Unit 5766, that is a 2010 International model. The proposed purchase will provide the division with an additional larger dump truck.
- The Stormwater division does not currently have a dump truck issued to them. The proposed purchase will provide the division with a means of effectively maintaining stormwater channels.

## Staff Recommendation

Staff recommends approval of this purchase.

## Recommended Motion

“I move to approve the purchase of two new Mack Granite dump trucks with a combined total purchase amount of \$398,173.82 from Bruckner Truck Sales and authorize the Interim City Manager to execute any associated documents.”

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## Background Information and Analysis

Dump trucks are commonly used in Streets and Stormwater to transport construction materials and waste to and from job sites. The Streets division currently has only one dump truck assigned to them to move road base and asphalt to and from job sites. The truck is aging and relatively small for this task. The proposed purchase will provide a larger 10-yard tandem dump truck to allow the division to transport more material per trip making them more efficient. The proposed purchase will also provide the division with a backup truck should either require maintenance or repair.

The Stormwater division does not currently have a dump truck assigned to them which prevents them from effectively removing waste from stormwater channels and adding support material, such as rock and fill, to channel walls. The proposed purchase will provide the division with a new dump truck to allow them to perform the job tasks of stormwater channel maintenance more effectively.

The cooperative purchase proposal from Bruckner Truck Sales is for two identical Mack Granite GR64FR model cab and chassis trucks outfitted with 16-foot Warren dump beds. If approved, delivery of the two dump trucks will be approximately 90 days after receipt of a purchase order, or mid-March 2024.

**Financial Considerations**

Both trucks were budgeted for in the FY2024 budget as capital purchases and both will be financed.

**Prior Board or Council Action**

None.

**Alternatives**

Council may choose to reject these purchases and direct staff to specify a different solution and or purchase from a different vendor.





# Bruckner's Truck & Equipment Retail Proposal

Date: **December 14, 2023**

**CUSTOMER INFORMATION**

Name: **City of Denison**  
 Name:  
 Address: **300 W. Main**

CSZ: **Denison, TX 75020**

Phone: **(903) 465-2720** Cell: **(903) 647-4190**

Fax: Contact: **Ervin Pariera**

Email: **epariera@cityofdenison.com**

**EQUIPMENT INFORMATION**

Stock #: **63067** UNITID **1306510**

Year: **2024** BODY **Dump**

Make: **Mack**

Model: **GR64F**

VIN: **1M2GR2GC1RM042615/1M2GR2GC5RM042617**

Salesperson: **Clint Hearn**

**EQUIPMENT SPECIFICATIONS**

Engine Make:	<b>Mack MP7 425C</b>	Wheelbase:	<b>218"WB/100" AF</b>
Horsepower:	<b>425 HP @ 1500-1800 RPM Peak w/ 1560 lb-ft.</b>	Frame:	<b>9.5mmX90mmX300mm w/ liner</b>
Engine Brake:	<b>Mack Powerleash for MP7</b>	Interior Trim:	<b>Comfort Package Steel Gray (11A)</b>
Transmission:	<b>Allison 4500RDS 6-spd automatic</b>	Wheels Front:	<b>12.25X22.5 Aluminum Disc</b>
Front Axle:	<b>20000# Mack FXL20 - Air Drum Brakes</b>	Wheels Rear:	<b>8.25X22.5 Aluminum Disc</b>
Rear Axle:	<b>44000# Mack S440R - Air Drum Brakes</b>	Tire Size:	<b>425/65R22.5 Front/11R22.5 Rear</b>
Rear Suspension:	<b>Mack SS440 Multileaf - Camelback</b>	Tire Front:	<b>Michelin XZY3 load range L</b>
Ratio:	<b>4.5</b>	Tire Rear:	<b>Bridgestone M863 load range H</b>

Chassis Includes the Following Local Extras:

**Pricing for (1) unit FOB Denison, TX based on Texas County - waive TT&L - County to process title work**

**Pricing includes:**

- **Warren 16' Standard Material Dump Body - per attached specs - Black in Color**
- **Quoted via HGAC Contract - Fee Included**

**Approved By:** \_\_\_\_\_

**\*\*Chassis in stock - Subject to prior sale\*\***

	Each	Multiple Total
Trade-In Information: Trade 1: Trade 2:	<b>\$198,334.00</b>	<b>\$396,668.00</b>
Allowances:	-	
VIN:		
Year:		
Make:		
Model:		
Payoff:		
<b>Quantity</b> <b>2</b>		
<b>OTHER CHARGES:</b>		
Title, and License Fees (Estimated):	<b>38.00</b>	<b>76.00</b>
Purchase Coverage Type: _____	-	-
Insurance Type: _____	-	-
Dealer Inventory Tax and Doc Fees	<b>714.91</b>	<b>1,429.82</b>
Cash Down Payment:		
<b>TOTAL:</b>	<b>\$199,086.91</b>	<b>\$398,173.82</b>

Dealer Signature: \_\_\_\_\_

Customer Signature: \_\_\_\_\_

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

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

A documentary fee is not an official fee. A documentary fee is not required by law, but may be charged to buyers for handling documents and performing services relating to the closing of a sale. A documentary fee may not exceed \$50 for a motor vehicle contract or a reasonable amount agreed to by the parties for a heavy commercial vehicle contract. This notice is required by law.



**CONTRACT PRICING WORKSHEET**  
For Standard Equipment Purchases

Contract No.: HT06-20

Date Prepared: 12/15/2023

*This Form must be prepared by Contractor and given to End User. The H-GAC administrative fee shall be shown in Section F. End User issues PO to Contractor, and MUST also fax a copy of PO, together with completed Pricing Worksheet, to H-GAC @ 713-993-4548. Please type or print legibly.*

Buying Agency:	City of Denison	Contractor:	Bruckner Truck Sales
Contact Person:	Ervin Pariera	Prepared By:	Bob Davie
Phone:	903-647-4190	Phone:	512-632-6622
Fax:		Fax:	210-666-7216
Email:	epariera@cityofdenison.com	Email:	bob.davie@brucknertruck.com

Product Code:	18	Description:	GR64FR
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**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:** 42900

**B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.**  
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Rear Engine PTO	2200	Transmission Cooler	3200
Double Reduction Rear Axle	4200	44K rear axle	8800
Traction Diff	4200	Wheelbase 229	5100
Upgrade to 44K Suspension	7800	Extended Bumper Bright Finish w/stone guard	3750
CRD 151 Carrier	3250	11.811 x 3.54 x .437	3250
Torque Converter	2850	Warren Dump Bed 14'	15990
GR Vocational Package	3800	Transverse Torque Rods	3250
20K Front Axle	8800	Allison 4500RDS	20500
20K Springs	8800	Auto Neutral	2550
Anty Sway Springs	2350	Full Liner	2250
MP7 425C	6800	<b>Subtotal From Additional Sheet(s):</b>	
<b>SS Sunvisor</b>	1350	<b>Subtotal B:</b>	125040

**C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.**  
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Warren Upgrade	11135	Carb/EPA	2100
Shorten Frame and Misc	4986.91		
		<b>Subtotal C:</b>	18221.91

**Check:** Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 11%

**D. Other Cost Items Not Itemized Above (e.g. Installation, Freight, Delivery, Etc.)**

Description	Cost	Description	Cost
Surcharge	11500		
<b>Freight to Body company</b>	925	<b>Subtotal D:</b>	12425

**E. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C+D)** 198586.91

Quantity Ordered:	2	X Subtotal of A + B + C + D:	198586.91	=	<b>Subtotal E:</b>	397173.82
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**F. H-GAC Fee Calculation (From Current Fee Tables)** **Subtotal F:** 1000

**G. Trade-Ins / Other Allowances / Special Discounts**

Description	Cost	Description	Cost
		<b>Subtotal G:</b>	0

**Delivery Date:** **H. Total Purchase Price (E+F+G):** 398173.82





# Quote WTTLLC00014935 Page 1 of 3 Date 11/27/2023

Warren Truck and Trailer, LLC  
 15768 US HIGHWAY 271 NORTH  
 Talco TX 75487

Phone (888) 734-4400  
 Fax (903) 379-4400  
 WarrenTruckAndTrailer.com

Bill To	Ship To	Contact
BRUCKNER TRUCK SALES 3611 IRVING BLVD (75247) DALLAS TX 75356	BRUCKNER TRUCK SALES 3611 IRVING BLVD (75247) DALLAS TX 75356	CLINT (214) 631-4770 Ext. 0000

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	BRU161	CHRIS	DELIVERED	Net30	0/0/0000	10,023,379
QTY	Item Number	Description	UOM	Unit Price	Ext. Price	
1	FLS-16-4248	DUMP BODY - FRAMELESS - 16' Q-14935  Yardage: 14/16 Floor Material: 3/16 A1011 Front / Material: 48" 10 GA A1011 Side / Material: 42" 10 GA A1011 Vertical Side Brace: Yes Horizontal Brace: Yes Hoist / Cylinder: VTLW-63124 Hyd Tank: 25 GAL Steel Sidemount Tank - SMR25S Hydraulics: 85 CC Gear Pump w DIN Shaft Tipping Valve: Chassis Mount	EA	\$0.00	\$0.00	
1	TAILGATE	Air Operated: Yes Panel: 9 Material: 10 GA A1011 Height: 48 Slope: None Chains: 5/16" Double Acting: Yes High Lift Gate: No Side Swing - Ground Operated: No Center Opening: No Material Gate: None Water Tight: None	Each	\$0.00	\$0.00	
1	DB OPTIONS # 1	Cabshield: Full Width-1/2 (24") Asphalt Apron: 8" Bolt On: No Center Board Pockets: Yes	Each	\$0.00	\$0.00	
1	DB OPTIONS #2	GRIP STRUT LADDER FRONT PANEL DRIVERS SIDE.  (2) RUNGS ON BODY (1) SHORT STEP (8") BELOW BODY	Each	\$0.00	\$0.00	
1	LIGHTS	Lights/Harness: LED Lights and Standard Harness  Oval STT: (2) OVAL GROMMET MOUNT STT AND	Each	\$0.00	\$0.00	



# Quote WTTLLC00014935 Page 2 of 3 Date 11/27/2023

Warren Truck and Trailer, LLC  
 15768 US HIGHWAY 271 NORTH  
 Talco TX 75487

Phone (888) 734-4400  
 Fax (903) 379-4400  
 WarrenTruckAndTrailer.com

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	BRU161	CHRIS	DELIVERED	Net30	0/0/0000	10,023,379
QTY	Item Number	Description	UOM	Unit Price	Ext. Price	
1	INSTALL	REVERSE LIGHTS IN EACH REAR CORNER POST - MOUNTED TOP HALF OF CORNER POST.  Hydraulic Hoses/Fittings: Yes Pump: 85 CC Gear Pump w DIN Shaft Console: Clutch Shift Air - USE PTO SWITCH IF PROVIDED Conspicuity Tape: Yes - White - ONLY ON TOP CORNERS OF TAILGATE Mudflaps and Brackets: Yes Chrome Turnouts: No Splash/Gravel Guards: No Side Boards: Metal -2x6 Covers: No Wires in Conduit No Delivery Fuel/Charges: Yes	Each	\$0.00	\$0.00	
1	PAINT	Color: Warren Black (800-80007)	Each	\$0.00	\$0.00	
1	PTO	POWER TAKE OFF PTO Muncie MC1 Series (Auto) ALLISON AUTOMATIC  Note: Not following OEM maintenance can result in non warrantable failure. Check for leaks and loose mounting hardware within first week of use. Recheck at regular maintenance periods (see OEM manual for intervals).	EA	\$0.00	\$0.00	
1	TARP SYSTEM	TARP system - installed Installation: Installed Brand: Donovan Manual / Electric: Electric Type: Arm Aluminum / Steel: Aluminum Bent Arm: Yes Tarp Size: 90"x18' Tarp Type: Mesh Side Flaps: No	EA	\$0.00	\$0.00	
1	TOW PACKAGE	Pintle Plate: 1" - SPECIAL PLATE - SQUARE Pintle Hitch: 50 Ton Glad Hands: Yes D Rings: Yes Tow Hooks: No Electric Plug: 7 Way - ABOVE AND LEFT OF HITCH	Each	\$0.00	\$0.00	



# Quote WTTLLC00014935 Page 3 of 3 Date 11/27/2023

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Phone (888) 734-4400  
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Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	BRU161	CHRIS	DELIVERED	Net30	0/0/0000	10,023,379
QTY	Item Number	Description	UOM	Unit Price	Ext. Price	
1	DELIVERY	Pup Rigging: No  ROUND STT AND REVERSE LIGHTS MOUNTED IN PINTLE PLATE - L & R OF HITCH  D-RINGS MOUNTED HIGH - ABOVE HITCH  GLAD HANDS PLUMBED THROUGH PLATE ON RUBBER AIR LINES.  SEE PHOTO.  DELIVER COMPLETED UNIT(S) TO BRUCKNER DALLAS - IRVING BLVD.  DELIVERY AND FUEL CHARGES SHOWN BELOW. (\$400.00/UNIT)	Each	\$0.00	\$0.00	

Quotation reviewed and accepted by:  
 (signed) \_\_\_\_\_  
 Please fax back to us for entry as an order  
 NOTE: Quotation good for 10 days only

<b>Subtotal</b>	\$0.00
<b>Misc</b>	\$0.00
<b>Tax</b>	\$0.00
<b>Ship &amp; Handling</b>	\$0.00
<b>Trade In Allowance</b>	\$0.00
<b>Total</b>	\$0.00

# City Council Meeting Staff Report



January 16, 2024  
Regular Council Meeting

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## Agenda Item

Receive a report, hold a discussion, and take action on the purchase of a new sanitation brush collection truck in the amount of \$224,567.11 from Bruckner Truck Sales and authorize the Interim City Manager to execute any associated documents.

## Staff Contact

Ervin Pariera, Assistant Director of Public Works  
epariera@cityofdenison.com  
903-647-4190

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## Summary

- The Public Works Sanitation division operates brush trucks for the purpose of tree and limb collection for residences and businesses within city limits.
- The Sanitation division currently operates three brush trucks ranging from model year 2006 to 2015.
- The proposed purchase from Bruckner Truck Sales will provide the division with one additional new brush truck.

## Staff Recommendation

Staff recommends approval of this purchase.

## Recommended Motion

“I move to approve the purchase of a new sanitation brush collection truck in the amount of \$224,567.11 from Bruckner Truck Sales and authorize the Interim City Manager to execute any associated documents.”

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## Background Information and Analysis

The Sanitation division currently operates three brush collections trucks to pick up and load tree and limb waste within city limits. These trucks are equipped with a hydraulic grapple and are also used for bulk collection of household and commercial waste when appropriate. The current vehicles range in age from 8 to 17 years old and are heavily used. The proposed purchase will provide a new additional brush truck increasing the available fleet and allowing the Sanitation division to continue providing reliable brush collection service.

The cooperative purchase program proposal from Bruckner Truck Sales will provide the division with a new 2024 Mack MD74 cab and chassis equipped with a 28 cubic yard Hardox body and Pacmac KB20 grapple unit. If approved, delivery of the new brush truck will be approximately 60 days after the receipt of the purchase order, or mid-February 2024.

**Financial Considerations**

This truck was budgeted for in the FY2024 budget as a capital purchase and will be financed.

**Prior Board or Council Action**

None.

**Alternatives**

Council may choose to reject these purchases and direct staff to specify a different solution and or purchase from a different vendor.





# Bruckner's Truck & Equipment Retail Proposal

Date: **December 14, 2023**

**CUSTOMER INFORMATION**

Name: **City of Denison**  
 Name:  
 Address: **300 W. Main**  
 CSZ: **Denison, TX 75020**  
 Phone: **#####** Cell: **(903) 647-4190**  
 Fax: Contact: **Ervin Pariera**  
 Email: **epariera@cityofdenison.com**

**EQUIPMENT INFORMATION**

Stock #: **TBD** UNITID  
 Year: **2024** BODY **Grapple Unit**  
 Make: **Mack**  
 Model: **MD74**  
 VIN: **1M2MDBAB0RS074355**  
 Salesperson: **Clint Hearn**

**EQUIPMENT SPECIFICATIONS**

Engine Make:	<b>Cummins ISB 6.7L</b>	Wheelbase:	<b>251" WB/90" AF</b>
Horsepower:	<b>280 HP @ 2600 RPM Peak w/ 660 lb-ft torque</b>	Frame:	<b>260mmX70mmX8mm Single</b>
Engine Brake:	<b>Cummins Engine Brake</b>	Interior Trim:	<b>Mordura Coverings/Pass. Bench</b>
Transmission:	<b>Allison 3000RDS 6 spd automatic</b>	Wheels Front:	<b>8.25X22.5 Steel Disc</b>
Front Axle:	<b>12000# Meritor MFS+ - Air Drum Brakes</b>	Wheels Rear:	<b>8.25X22.5 Steel Disc</b>
Rear Axle:	<b>21000# Meritor MS-21-13X W/O Diff lk. - Air Drum Brakes</b>	Tire Size:	<b>11R22.5 Front/Rear</b>
Rear Suspension:	<b>21000# Multileaf suspension</b>	Tire Front:	<b>Bridgestone R268 load range H</b>
Ratio:	<b>5.57</b>	Tire Rear:	<b>Bridgestone M760 load range G</b>

Chassis Includes the Following Local Extras:

Pricing for (1) unit FOB Denison, TX based on Texas County - waive TT&L - County to process title work

**Pricing includes:**

- PACMAC KB20 Grapple w/ 28 cubic yard HARDOX Body - per attached specs
- Quoted via HGAC Contract - Fee Included

Approved By: \_\_\_\_\_

**\*\*Chassis in stock - Subject to prior sale\*\***

Trade-In Information:		Trade 1:	Trade 2:	Each	Multiple Total
Allowances:				<b>\$223,761.00</b>	<b>\$223,761.00</b>
VIN:				-	
Year:					
Make:					
Model:					
Payoff:					
<b>Quantity</b>	<b>1</b>				
<b>OTHER CHARGES:</b>					
Tax, Title, and License Fees (Estimated):				<b>38.00</b>	<b>38.00</b>
Purchase Coverage	Type: _____			-	-
Insurance	Type: _____			-	-
Dealer Inventory Tax and Doc Fe				<b>768.11</b>	<b>768.11</b>
Cash Down Payment:					
<b>TOTAL:</b>				<b>\$224,567.11</b>	<b>\$224,567.11</b>

Dealer Signature: \_\_\_\_\_

Customer Signature: \_\_\_\_\_

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

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

A documentary fee is not an official fee. A documentary fee is not required by law, but may be charged to buyers for handling documents and performing services relating to the closing of a sale. A documentary fee may not exceed \$50 for a motor vehicle contract or a reasonable amount agreed to by the parties for a heavy commercial vehicle contract. This notice is required by law.



**CONTRACT PRICING WORKSHEET**  
For Standard Equipment Purchases

Contract No.: HT06-20

Date Prepared: 12/15/2023

*This Form must be prepared by Contractor and given to End User. The H-GAC administrative fee shall be shown in Section F. End User issues PO to Contractor, and MUST also fax a copy of PO, together with completed Pricing Worksheet, to H-GAC @ 713-993-4548. Please type or print legibly.*

Buying Agency:	City of Denison	Contractor:	Bruckner Truck Sales
Contact Person:	Ervin Pariera	Prepared By:	Bob Davie
Phone:	903-647-4190	Phone:	512-632-6622
Fax:		Fax:	210-666-7216
Email:	epariera@cityofdenison.com	Email:	bob.davie@brucknertruck.com

Product Code:	I2	Description:	ANT42R
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**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:** 43945

**B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.**  
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Trans Synd	1850	10K Front Axle	3800
2500RDS	10500	19K Rear axle	5800
Traction Diff	3900	Wheelbase 150	4350
Allison Transmission Cooler	3200	Double Reduction Rear Axle	4200
Lube Rear axle	3100	11.811 x 3.54 x .437	4200
PTO Control and Switch	1250	Mack AL 190 Airride	4800
50 gallon alum fuel Tank	1900	Allison Voc Package	3500
Battery Disconnect	1865	Crane	89500
		Bench Seat	1250
			<b>Subtotal From Additional Sheet(s):</b>
			<b>Subtotal B:</b> 148965

**C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.**  
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Pac MacKB2	26051	Carb/EPA	1717
Change to MD7	-4256		
<b>6.7 Engine 250HP</b>	<b>5145.11</b>		
			<b>Subtotal C:</b> 28657.11

**Check:** Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 15%

**D. Other Cost Items Not Itemized Above (e.g. Installation, Freight, Delivery, Etc.)**

Description	Cost	Description	Cost
Surcharge	2000		
			<b>Subtotal D:</b> 2000

**E. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C+D)** 223567.11

Quantity Ordered:	1	X Subtotal of A + B + C + D:	223567.11	=	<b>Subtotal E:</b> 223567.11
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**F. H-GAC Fee Calculation (From Current Fee Tables)** **Subtotal F:** 1000

**G. Trade-Ins / Other Allowances / Special Discounts**

Description	Cost	Description	Cost
			<b>Subtotal G:</b> 0

**Delivery Date:** **H. Total Purchase Price (E+F+G):** 224567.11



Representative photo only

# City Council Meeting Staff Report



January 16, 2024  
Regular Council Meeting

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## Agenda Item

Receive a report, hold a discussion, and take action on the approval of the purchase of two new CASE compact track loaders, with a combined total purchase amount of \$280,357.00, from ASCO Equipment and authorize the Interim City Manager to execute any associated documents.

## Staff Contact

Ervin Pariera, Assistant Director of Public Works  
epariera@cityofdenison.com  
903-647-4190

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## Summary

- Compact track loaders, or skid steers, are versatile construction equipment machines that allow for multiple attachments to perform brush clearing, mulching, loading, and various other job tasks commonly performed by Public Works staff.
- The Demolition / ROW division does not currently have a skid steer assigned to them. The proposed purchase will provide the division with the ability to clear and maintain right-of-way and city easements.
- The Utilities division currently has one skid steer assigned to them that frequently operates as a loader on excavation sites. The proposed purchase will provide a level of redundancy as the new backup skid steer can be used concurrently with the existing or on another job site.

## Staff Recommendation

Staff recommends approval of this purchase.

## Recommended Motion

“I move to approve the purchase of two new CASE compact track loaders with a combined total purchase amount of \$280,357.00 from ASCO Equipment and authorize the Interim City Manager to execute any associated documents.”

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## Background Information and Analysis

The Demolition / ROW division of Public Works is tasked with clearing and maintaining right-of-way and city easements. The division does not currently have a compact track loader available for staff to use. As a result, tasks such as heavy brush clearing and mulching are outsourced to third party contractors as needed. The proposed purchase will allow the division to perform these types of tasks in-house creating a more efficient and effective division.

The Utilities division currently has one skid steer available for staff to use and the machine is in service most days as a loader for utility cut excavation sites. The proposed purchase will provide the division with a much needed second machine to be used in conjunction with the first, or on a separate job site, providing much needed redundancy.

The cooperative purchase program proposal from ASCO Equipment is for two identical CASE model TV620B compact track loaders and one set of optional attachments including one 60-inch variable speed mulcher and one 72-inch brush cutter. The attachments will be interchangeable between the two machines. If approved, the two track loaders and attachments will be available for delivery immediately after receipt of purchase order as all components are currently in stock.

**Financial Considerations**

Both compact track loaders were budgeted for in the FY2024 budget as capital purchases and both will be financed.

**Prior Board or Council Action**

None.

**Alternatives**

Council may choose to reject these purchases and direct staff to specify a different solution and or purchase from a different vendor.



# Proposal

Quote Expires - Jan 17, 2024

DEC 28, 2023

## CITY OF DENISON

QUO-29172-Q2T6M5

**Dealer :**

ASCO EQUIPMENT  
3600 E HWY 82  
SHERMAN, TX 75090

Daniel Whiddon

**Customer :**

CITY OF DENISON  
P O BOX 347  
DENISON, TX 75021-0347

Ervin Pariera : 903.647.4190

<u>Equipment</u>				
Year	Serial Number	Description	Equipment Tag	Price
2024		Case TV620B Compact Track Loader		\$117,492.00
2024		Case TV620B Compact Track Loader		\$117,492.00
		761039/Enhanced High Flow Package	OP0017604	\$ 0.00
		761062/Air Ride Suspension Seat	OP0017602	\$ 0.00
		761265/Demo - Front Door	OP0017603	\$ 0.00
		761316/CASE Telematics - EH	OP0017601	\$ 0.00
		761328/English	OP0017600	\$ 0.00
2024		BUCKET 84" XHD 1.25 yd3 w/ BOCE	EQ0149203	\$0.00
2024		BUCKET 84" XHD 1.25 yd3 w/ BOCE		\$0.00
		Virnig 60" Variable Speed Mulcher		\$36,500.00
		SSA72BC Case 72" Brush Cutter		\$ 8,873.00
			<b>Sub Total:</b>	<b>\$280,357.00</b>

### Equipment Specification

BUYBOARD CONTRACT # 685-22 – City of Denison, TX

468054 -RT LIMITED CAB  
761042 - EH CONTROLS  
761039 - ENHANCED HIGH FLOW PACKAGE  
761325 - HYDRAULIC COUPLER  
761311 - EH CAB LCD DISPLAY  
761062 - AIR SUSPENSION SEAT  
761265 - DEMO DOOR  
761261 - RUBBER TRACKS  
LANGUAGE OPTIONS 761328 -English  
OPTION PACKAGES 761039 -Enhanced High Flow Package  
TRACK OPTIONS 761261 -Rubber Track  
Heavy Duty H-Block Pattern  
UNDERCARRIAGE 761371 -Standard Track  
CAB SEAT 761062 -Air Ride Suspension Seat  
FRONT DOOR 761265 -Demo - Front Door

### Pricing Summary

Trade-In Amount	\$ 0.00
<b>Net Purchase Price</b>	<b>\$280,357.00</b>
<b>Grand Total</b>	<b>\$280,357.00</b>

### Finance Option #1

Months	0
Rate	0
<b>Est. Monthly Pmt</b>	<b>\$ 0.00</b>

**Do not wire money without verbal confirmation of wiring instructions by an ASCO team member.  
There are numerous reports of people being taken advantage of by bad actors, so please be diligent to protect yourselves.**

**ADDITIONAL TERMS AND CONDITIONS**

This proposal is subject to the additional ASCO Terms and Conditions which are attached to and made a part of this proposal by reference. Customer should read the Terms and Conditions and consult with an attorney or legal advisor to answer questions regarding this proposal or the Terms and Conditions. This proposal is a contract between the parties upon signature by the customer and acceptance by seller's management. Effective on the latest date shown below the signature of each party. **Price, terms, and delivery date are subject to approval by the management of ASCO. This proposal expires 10 days from the date stated above unless the proposal has been signed by both the customer and ASCO**

Accepted :

Proposed :

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Customer

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Daniel Whiddon

**TERMS AND CONDITIONS**  
**[MADE PART OF THE PROPOSAL FOR THE PURCHASE OF EQUIPMENT]**

**1. General.** These Terms and Conditions are part of the Proposal, which becomes a contract upon Seller's acceptance of the Proposal.

**2. Payment of Net Purchase Price.** Unless otherwise stated in the Proposal, Buyer (sometimes referred to in the Proposal as the "Customer") will pay ASCO (the "Seller") the Net Purchase Price for the Equipment as stated in the Proposal on or before the delivery of the Equipment. Seller reserves the right to require from Buyer a cash down payment (the "Cash Down Payment") to be paid by check or wire transfer of funds prior to the order or the delivery of the Equipment from the Manufacturer. Any required Cash Down Payment must be received within 3 business days after the date that such payment is requested; otherwise, Seller will have the option of terminating this Proposal, in which event neither party will any further duties or obligations hereunder. The balance of the Sales Price (after crediting the "Cash Down Payment," if any) will be paid by Buyer by check or wire transfer of funds immediately preceding the delivery of the Equipment, and upon Buyer being notified by ASCO that the Equipment is available for delivery. Any Cash Down Payment is non-refundable due to Buyer's inability to obtain financing, or for any other reason resulting from Buyer's inability or unwillingness to purchase the Equipment; however, Buyer will be entitled to a refund of the Cash Down Payment upon ASCO'S failure to perform its obligations under the Proposal or should the Manufacturer fail to fulfill the order within a reasonable period of time. The amount of the Cash Down Payment may vary depending on circumstances or financing related to each sale. If Buyer is obtaining financing for the purchase of the Equipment from a third party lender, such financing must be obtained within 3 business days from the date of this Proposal; and if such financing is not obtained, this Proposal may be terminated at the option of either party. Unless otherwise described in this Proposal, no financing is being offered by Seller.

**3. Cancellation Charge.** A cancellation charge of 20% of the Total Purchase Price is payable by Customer on all cancelled orders.

**4. Taxes, Delivery Fees and Other Fees.** Any taxes related to the sale of the Equipment will be paid by Buyer at the time that such taxes become due. Unless otherwise stated in the Proposal, the Net Purchase Price DOES NOT include any applicable taxes, delivery fees, or other applicable fees.

**5. Trade-in Equipment.** If the Trade-in Equipment is not being delivered to Seller until after the effective date of this Proposal, Buyer represents and warrants to Seller that there will not be a material increase in the hours of use on the Trade-in Equipment or a material change in the condition of the Trade-in Equipment; and, if Seller determines in its sole opinion that such a material change has occurred, Seller will be entitled to reappraise the Trade-in Equipment at the time of receipt

of such equipment and to adjust the Trade Allowance and Net Trade Allowance as stated in the Proposal. If Seller reappraises the Trade-in Equipment at an amount which is less than the original Trade Allowance by more than five percent (5%), Buyer may terminate this Proposal provided that such termination is made prior to the delivery of the Equipment; and, provided further that upon such termination, Seller has the option of retaining all or any portion of the Cash Down Payment as reimbursement for expenses incurred in regard to this transaction.

**6. Non-Performance by Seller.** Seller is excused from performance under the terms of this Proposal if delivery is delayed, or rendered impractical or impossible by work stoppages, strikes, delays in transportation, inability to obtain labor or materials, supply-chain delays, and by any other cause or reason beyond the reasonable control of Seller, including but not limited to acts of God, disease, pandemic, weather, and civil unrest or insurrection; and if Seller is unable to perform for the reasons stated in this paragraph, Buyer's sole remedy is termination of this Proposal and the return of its Cash Down Payment, if any.

**7. Buyer's Default.** Should Buyer default under the terms of this Proposal, ASCO may terminate this Proposal and retain the Cash Down Payment as liquidated damages; or, ASCO may seek such other relief as provided by law or in equity. Upon ASCO's failure to deliver the Equipment (other than its failure to timely deliver the Equipment due to the fault of Manufacturer or any third party, which shall not be a default by ASCO), Buyer may, as its sole remedies, terminate this Proposal and receive a refund of the Cash Down Payment; or, Buyer may enforce specific performance of ASCO'S obligations under this Proposal, provided that the Equipment can be obtained by ASCO from the Manufacturer within a reasonable period of time. An action for specific performance by either party must be initiated, if at all, within 90 days after the alleged breach of this Proposal. Until Buyer has fully paid for the Equipment, ASCO retains a lien on the Equipment in accordance with the *Texas Business and Commerce Code* and Buyer authorizes ASCO to perfect such lien by filing a financing statement with any governmental filing offices as required for perfecting such lien. *Under no circumstances will ASCO be liable to Buyer for any consequential, special, indirect, incidental, exemplary, or punitive damages, including without limitation, loss of profits, loss of business opportunity, or loss of prospective revenue, arising out of this Proposal or the Equipment to be provided under this Proposal. The prevailing party in any litigation shall be entitled to recover reasonable attorney's fees and court costs.*

**8. Entire Agreement; Modification.** This Proposal constitutes the entire agreement between the parties, and any modification or amendment must be in writing and signed by authorized representatives of both Buyer and Seller.



9. **Jurisdiction and Venue.** This Proposal shall be construed and enforced in all respects in accordance with the laws of the State of Texas and the laws of the United States applicable to transactions in Texas, and venue for any lawsuits or legal proceedings related to this Proposal or the Equipment will be in Lubbock County, Texas.

10. **Delivery:** The risk of loss will pass to Buyer immediately upon the Equipment being: (i) picked up by Buyer or (ii) delivered to customer's location. The delivery of the Equipment as described above is subject to performance and delivery by the manufacturer of the Equipment (the "Manufacturer"), which the Seller and Buyer agree may cause the actual delivery date to vary, and which Seller is unable to control. If Seller has provided Buyer with an "estimated lead time" for delivery of the Equipment, Buyer agrees that the lead time has been provided by the Manufacturer of the Equipment and Buyer is given notice that such time may vary depending on circumstances which are beyond the control of Seller. Seller's delivery of the Equipment to Buyer by any date stated in the Proposal, if any, is subject to Manufacturer's delivery of the Equipment to Seller in accordance with the lead time provided solely by the Manufacturer.

11. **Completion of Blanks.** Buyer authorizes Seller to unilaterally insert the serial number(s) and/ or model numbers of the Equipment on the previous pages of this Proposal for the purpose of identifying the Equipment or correcting errors.

12. **Price Increases.** If the equipment is being ordered from the manufacturer, the price stated herein is an estimate; and, to reflect any increases due to material availability or other factors beyond the control of Seller, the price stated in this Proposal is subject to increase to reflect any price increase imposed by the manufacturer between the date of this Proposal and the delivery date of the Equipment to Buyer.

13. **Final Agreement; Buyer's Performance.. All sales are expressly conditional on Buyer's agreement to these Terms and Conditions which are part of the Proposal.** Buyer's execution of this Proposal; or, any order or statement of intent by Buyer to purchase the Equipment and/ or any other products or services as described in this Proposal from ASCO; or, any directions by Buyer to proceed with procurement or shipment of the Equipment or any other products or services described in this Proposal; or, acceptance by Buyer of the Equipment, products and/ or services; or, payment of all or part of such Equipment, products and/ or Services as described in this Proposal; shall constitute assent to these Terms and Conditions by Buyer. Any different or additional terms and conditions proposed by Buyer in a purchase order or any other document, are objected to by ASCO and will not be binding upon ASCO unless specifically assented to in writing by an authorized representative of ASCO. The person signing this Proposal on behalf of Buyer is an authorized representative with authority to sign this Proposal.

**14. DISCLAIMER OF WARRANTIES ON EQUIPMENT:**

ASCO is not the manufacturer of the Equipment. The only warranties offered in regard to the Equipment are those of the Manufacturer. Warranty remedies offered by the Manufacturer of the Equipment are Customer's exclusive remedies. ASCO EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESSED OR IMPLIED, RELATED TO THE EQUIPMENT, INCLUDING, BUT NOT LIMITED TO ANY WARRANTY OF MERCHANTABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE. ASCO MAKES NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION OF THE EQUIPMENT; HOWEVER, ASCO'S DISCLAIMER OF WARRANTIES DOES NOT AFFECT THE TERMS OF ANY MANUFACTURER'S WARRANTY. Customer is solely responsible for selecting the Equipment; and, ASCO has not selected the Equipment and is not responsible for the suitability of the Equipment for any use or purpose intended by Customer. Customer expressly waives any claim that it may have against ASCO based on any manufacturer product liability arising out of or related to the Equipment.

All used equipment is sold **AS IS, WHERE IS, and WITH ALL FAULTS.** Used equipment quoted in the Proposal is subject to prior sale and availability is not guaranteed.

**ACCEPTED AND AGREED :**

**ASSOCIATED SUPPLY COMPANY, INC.**

Signature of Buyer: \_\_\_\_\_

Seller's Representative: \_\_\_\_\_

Print Name: \_\_\_\_\_

Branch Manager: \_\_\_\_\_

Title: \_\_\_\_\_

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

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



## ENGINE

Model	FPT F5B FL413 D*C005
Emissions Certification	Tier 4 Final
Type	Diesel 4-stroke, Turbo, D.I.
Cylinders	4
Bore/Stroke	3.9 x 4.3 in (99 x 110 mm)
Displacement	207 in <sup>3</sup> (3.4 L)
Fuel injection	Direct, high pressure common rail – HPCR
Fuel	#2 Diesel
Fuel filter:	
Pre-filter	Beta (30) = 200/spin-on
Main filter	Beta (4) = 20/spin-on
Air intake	Turbocharged w/ waste gate and external cooled EGR
Exhaust aftertreatment	Selective Catalytic Reduction (SCR) Diesel Oxidation Catalyst (DOC)
Cooling	Liquid
Engine speeds	RPM
High idle – no load	2500 +/- 25
Rated – full load	2500
Low idle	1150 +/- 25
Horsepower @ 2500 RPM – SAE J1349:	
Gross	114 hp (85 kW)
Net	114 hp (85 kW)
Peak torque @ 1400 RPM	339 lb-ft (460 N·m)
Radiator:	
Core type	Aluminum bar and plate
Core size area	253 in <sup>2</sup> (0.163 m <sup>2</sup> )
Rows of tubes x columns	19 rows
Cap pressure	16 +/- 2 psi (1.10 +/- 0.14 bar)
Fan:	
Diameter	22 in (560 mm)
Ratio	0.96:1 standard, 1.1:1 high-flow
Water pump:	
Style	Centrifugal
Flow	47.8 gpm (181 L/min)
Engine lubrication pump:	
Rotor pump w/ deep sump pan, plate cooler and pressurized under-piston nozzles	
Pump operating angle ratings:	
Side to side	45°
Bucket up	35°
Bucket Down	45°

## LIFT GEOMETRY

Vertical Lift

## DRIVETRAIN

Drive pump controls	Electro-hydraulic
Pump to engine ratio	1:1
Displacement	3.7 in <sup>3</sup> (60 cm <sup>3</sup> )
Flow @ rated engine RPM:	
@ 96% efficiency	37.9 gpm (143.5 L/min)
Charge pressure	377 psi (26 bar)
System relief pressure	5,800 psi (400 bar)

Drive Motors – Rubber Undercarriage:	
Max. displacement	3.0 in <sup>3</sup> (49.1 cm <sup>3</sup> )
Flow @ rated engine RPM @ 96% efficiency:	
@ 96% efficiency	1.83 in <sup>3</sup> (30.0 cm <sup>3</sup> )
Motor torque @ max. displacement and relief pressure, calculated @ 5,800 psi (400 bar):	4,840 lb-ft (6 562 N·m)

Travel speed – Rubber Track:	
Low range	5.0 mph (8.0 kph)
High range	8.7 mph (14.0 kph)

Travel speed – Steel Track:	
Low range	3.1 mph (5.0 kph)
High range	5.9 mph (9.5 kph)

Final drive:	
Planetary gearbox w/ 2-speed motor	

Tractive effort	10,995 lb (4 998 kg)
-----------------	----------------------

Parking brake:	
Type	Spring-applied, hydraulic release multiple disc.
Engagement	Depress on/off brake button on handle or instrument panel, raise seat bar, get off seat or stop engine.

## ELECTRICAL

Alternator	145 amp
Starter	4.29 hp (3.2 kW)
Battery	12-volt low-maintenance 950 cold-cranking amps @ 0° F (-18° C°)

## OPERATOR ENVIRONMENT

Enclosed cab (ROPS/FOPS Level 1): Fully sealed and pressurized – FSP Glass door w/ wiper and washer, Sliding side windows – removable, Ventilation system w/ integrated heater, Heater and air conditioner, AM/FM Bluetooth radio w/ 2 speakers and USB port; Keyless start ignition; 8 in Color LCD Display; Economy Mode (auto idle shutdown); Auto Engine Protection Shutdown; Deluxe cloth, air suspension seat, w/ heater and lumbar support; 2 in (51 mm) retractable 3 pt lap seat belt; Ignition Timeout; Machine Settings; User Access Levels; Operator Security Codes; Hand and foot throttles; Alarm package – back-up and horn; Rearview mirror; Headliner; Dome Light; Top window; Cup holder; 12V Power plug socket; Foot rest; Seat pocket; Padded seat bar w/ integral armrests; Loader control lockout system; Electric parking brake control; Operator's compartment floor cleanout; Proportional auxiliary hydraulic control – on joystick; Advanced Instrument Cluster w/ digital hour meter,

tachometer, Fuel level LCD bar graph w/ alarm, diagnostic features; Electro-hydraulic controls: For drive/steering, loader functions, Switchable between H and ISO patterns, Adjustable sensitivity of controls.

Warning lights w/ alarms:  
Engine coolant temperature; Engine oil pressure; Engine malfunction; Hydraulic charge pressure; Hydraulic filter restriction; Hydraulic oil temperature: Critical system stop, Engine system, Hydraulic system, Electrical and diagnostic system.

Warning alarms:  
Battery voltage – plus display; Oil service.

Indicator light:  
Engine preheat; Parking brake;  
Seat bar reminder.

## OPERATING WEIGHT

Unit equipped w/ closed cab; 165 lb operator;  
84 in Heavy Duty bucket; full of fuel:  
16,300 lb (7 409 kg)

Shipping weight 16,000 lb (7 273 kg)

Add-on weights:	
Side cab glass	47 lb (21.3 kg)
Polycarbonate cab door	75 lb (34.0 kg)
Glass cab door w/ wiper	75 lb (34.0 kg)
Air Ride	20 lb (9.1 kg)
Additional counterweight	Not Available

## HYDRAULICS

Implement pump type Axial Piston

Displacement:  
Enhanced high-flow aux. 3.8 in<sup>3</sup> (63.0 cm<sup>3</sup>)

Standard flow @ rated engine RPM:  
@ 100% efficiency 24.2 gpm (91.5 L/min)

Optional high-flow @ rated engine RPM:  
@ 100% efficiency 41.6 gpm (157 L/min)

Enhanced high-flow @ rated engine RPM:  
@ 100% efficiency 41.6 gpm (157 L/min)

Loader control valve:  
Type 3 spool/open center/series - series  
Relief pressure 3,450 psi (238 bar)

Port relief pressures:  
Loader raise 4,351 psi (300 bar)  
Bucket curl 4,351 psi (300 bar)  
Bucket dump 4,351 psi (300 bar)

Hydraulic lines:  
Tubing ORFS + 37° JIC Flare  
Loop hoses SAE 100 R19

Hydraulic oil cooler:  
Number of fins 10 per inch (4 per cm)  
Number of tube rows x columns 21 bar/plate  
Area 298.2 in<sup>2</sup> (1 920 cm<sup>2</sup>)

## HYDRAULICS CONT.

Hydraulic filter	Beta (4) = 75/spin-on
Lift cylinders:	
Bore diameter	3.25 in (82.5 mm)
Rod diameter	2.25 in (57.1 mm)
Stroke	38.8 in (985 mm)
Closed length	59.6 in (1 515 mm)

Bucket cylinders:	
Bore diameter	3.25 in (82.5 mm)
Rod diameter	1.75 in (44.5 mm)
Stroke	19.7 in (500 mm)
Closed length	31.5 in (800 mm)

## SERVICE CAPACITIES

Fuel Tank	30.8 gal (116.5 L)
Engine oil w/ filter	8.9 qt (8.5 L)
Hydraulic system	10.7 gal (40.5 L)
Diesel Exhaust Fluid (DEF) Tank	3.3 gal (12.4 L)

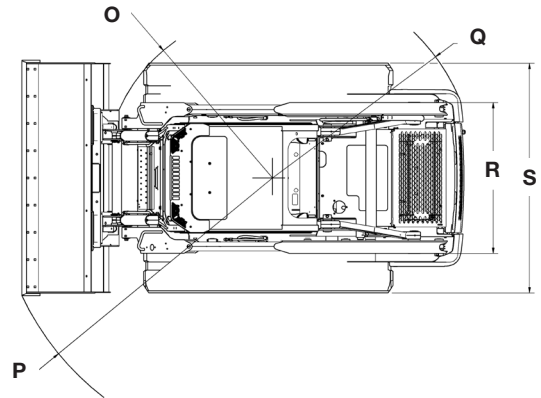
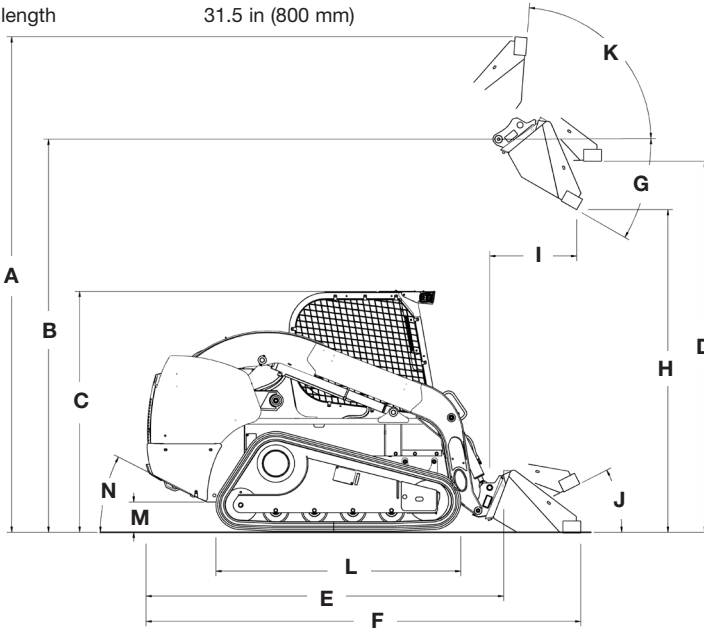
## PERFORMANCE SPECS

Rated operating capacity – ROC*:	
35% of tipping load	4,340 lb (1 969 kg)
50% of tipping load	6,200 lb (2 812 kg)
Tipping load*	12,400 lb (5 625 kg)

Breakout forces @ 3,150 psi (217 bar)*:	
Bucket Cylinders	12,907 lb (57.4 kN)
Lift cylinders	12,084 lb (53.8 kN)

Cycle times:	
Raise	4.2 sec
Lower	2.2 sec
Dump	2.3 sec
Roll back	1.6 sec

NOTE: \*Measured using 78 in (1.98 m) heavy-duty bucket.



Line drawings are for illustrative purpose only and may not be exact representation of unit.

## DIMENSIONS

A. Overall operating height:	
with heavy duty bucket	176.5 in (4.48 m)
with XHD bucket	189.6 in (4.82 m)
Height to:	
B. Bucket hinge pin	140.2 in (3.56 m)
C. Top of ROPS	84.6 in (2.15 m)
D. Bottom of level bucket, fully raised	133.3 in (3.39 m)
Overall length:	
E. without attachment with coupler	129.5 in (3.29 m)
F. with heavy duty bucket on ground with XHD bucket	159.1 in (4.04 m)
G. Maximum dump angle	46.1°
H. Dump height:	
with heavy duty bucket	109.0 in (2.77 m) @ 46.1°
with XHD bucket	99.2 in (2.52 m) @ 46.1°
I. Dump reach at maximum height with heavy duty bucket	39.0 in (0.99 m) @ 46.1°
Maximum attachment rollback:	
J. Bucket on ground	30°
K. Bucket at full height	84°
L. Track on ground rubber	74 in (1.88 m)
L. Track on ground steel	66 in (1.7 m)
M. Ground clearance – bottom of belly pan	12.6 in (0.32 m)
N. Angle of departure	37.7°
Clearance circle:	
O. without bucket – Rubber Track	67.4 in (1.71 m)
P. with 84 in (2.13 m) heavy duty bucket on ground – Rubber Track	102.3 in (2.60 m)
Q. Clearance circle rear – Rubber Track	69.5 in (1.77 m)
R. Track gauge	60.6 in (1.54 m)
S. Over the track width – Rubber Track	78.3 in (1.99 m)
S. Over the track width – Steel Track:	
14 in (356 mm) tracks	74.6 in (1.894 m)
18 in (457 mm) tracks	78.6 in (1.995 m)

**TRACK SELECTION**

Type	Area	Ground Pressure	Width to Outside Track
17.7 in (450 mm) – Rubber Track	2,286 in <sup>2</sup> (1.48 m <sup>2</sup> )	6.1 psi (42.2 kPa)	78.3 in (1.99 m)
14 in (356 mm) – Steel Track	1,851 in <sup>2</sup> (1.2 m <sup>2</sup> )	9.1 psi (62.6 kPa)	74.6 in (1.894 m)
18 in (457 mm) – Steel Track	2,377 in <sup>2</sup> (1.5 m <sup>2</sup> )	7.3 psi (50.2 kPa)	78.6 in (1.995 m)

**OPTIONAL BUCKETS**

Type	Width	Weight	Heaped Capacity
Dirt & Foundry	78 in (1.98 m)	440 lb (200 kg)	17.7 ft <sup>3</sup> (0.50 m <sup>3</sup> )
Low Profile Extended	78 in (1.98 m)	540 lb (245 kg)	19.1 ft <sup>3</sup> (0.54 m <sup>3</sup> )
	84 in (2.13 m)	575 lb (262 kg)	20.5 ft <sup>3</sup> (0.58 m <sup>3</sup> )
Light Material	84 in (2.13 m)	540 lb (245 kg)	27.5 ft <sup>3</sup> (0.78 m <sup>3</sup> )
Heavy-Duty	78 in (1.98 m)	530 lb (240 kg)	15.5 ft <sup>3</sup> (0.44 m <sup>3</sup> )
	84 in (2.13 m)	550 lb (250 kg)	17.0 ft <sup>3</sup> (0.48 m <sup>3</sup> )
Heavy-Duty Extended with SmartFit Teeth	78 in (1.98 m)	697 lb (316 kg)	18.9 ft <sup>3</sup> (0.54 m <sup>3</sup> )
	84 in (2.13 m)	728 lb (330 kg)	20.5 ft <sup>3</sup> (0.58 m <sup>3</sup> )
XHD (Extra Heavy Duty)	84 in (2.13 m)	900 lb (410 kg)	33.8 ft <sup>3</sup> (0.96 m <sup>3</sup> )
XHD (Extra Heavy Duty) with SmartFit Teeth	84 in (2.13 m)	990 lb (450 kg)	33.8 ft <sup>3</sup> (0.96 m <sup>3</sup> )

## STANDARD EQUIPMENT

### OPERATOR ENVIRONMENT

See page 1

### ENGINE

Charge Air Cooler (CAC)  
Dual element air cleaner  
Organic Acid Technology (OAT)  
Anti-freeze solution to -34° F  
Over and under radiator and oil cooler  
3-stack after cooler/radiator/oil cooler configuration  
Glow plugs  
Integral engine oil cooler  
Fuel filter with water trap  
Master electrical disconnect  
Jump start terminal  
Hydraulically driven reversible fan

### DRIVETRAIN

2-speed hydrostatic four wheel drive  
SAHR disc parking brake  
Foot pedal modes - Accelerate, Trans and Decelerate

## OPTIONAL EQUIPMENT

### OPERATOR ENVIRONMENT

Open Cab (ROPS/FOPS Level 1) w/ side screens; Keyed Start  
Mechanical Suspension Seat - Vinyl  
Demolition cab door with polycarbonate

### HYDRAULICS

Enhanced High-Flow auxiliary hydraulics – EHF:  
@ 4,100 psi (283 bar) – 41.6 gpm (157 L/min)  
Second auxiliary hydraulics

### HYDRAULICS

Auxiliary hydraulics:  
@ 3,450 psi (238 bar) – 24.2 gpm (91.5 L/min)  
High-flow auxiliary hydraulics:  
@ 3,450 psi (238 bar) – 41.6 gpm (157 L/min)  
6 micron oil filtration system  
3-spool loader control valve  
Auxiliary hydraulic disconnects, ISO flat-face – connect-under-pressure with case drain  
Hydraulic circuit pedal lock  
Auxiliary function lockout override  
Loader lift lockout override  
Heavy-duty hydraulic oil cooler  
Loader arm float position  
Loader function lockout system  
Auxiliary front electric control  
Hydraulic one-way self leveling  
Auto Ride Control  
Creep Speed Mode  
Auxiliary flow control within cab

### TRACKS

14 in (356 mm) – Steel Tracks  
18 in (457 mm) – Steel Tracks

### DRIVETRAIN

EZ Trac – suspension track with bogey wheel design

### LOADER

Hydraulic attachment coupler  
Vertical lift geometry  
Loader lift arm support pin

### TRACKS

Heavy Duty Rubber Tracks

### OTHER STANDARD FEATURES

LED lights - 2 front, 2 side, 2 rear flood  
Pre-wired for rotating beacon  
Lockable service access hood  
Single-point daily servicing  
Rear tail lights  
Remote oil and fuel filters  
Block heater  
Debris ingress sealing  
Auto Idle settings

### TELEMATICS

CASE SiteWatch™ Telematics – includes hardware and a 5-yr data subscription  
SiteConnect Module providing remote diagnostics capability

### SERVICE PARTS

Road lights  
Four-corner LED strobe  
Precleaner  
3 inch (76.2 mm) retractable seat belt  
Bolt-on heavy-duty bucket teeth  
Rotating beacon  
Four point lift hook  
Class III 48 in (1.22 m) pallet forks  
1150 CCA battery for high altitude  
Fire Extinguisher  
Tamper resistant front door bracket  
Attachment Hose Kit  
Drawbar  
Extra counterweights not offered for this model

### OTHER

Language decals  
Buckets – see page 3  
Bolt-on bucket cutting edges  
Special paint

CaseCE.com

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Always read the Operator's Manual before operating any equipment. Inspect equipment before using it, and be sure it is operating properly. Follow the product safety signs and use any safety features provided.

Form No. CCE202310TV620B

Replaces Form No. CCE202205TV620B

TV620B

4 of 4

# City Council Meeting Staff Report



January 16, 2024  
Regular Council Meeting

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## Agenda Item

Receive a report, hold a discussion, and take action on approving the purchase of a landscape dump truck for use at various Parks locations in the amount of \$88,000.00 from Sewell Ford and authorize the Interim City Manager to execute all related documents.

## Staff Contact

Ervin Pariera, Assistant Director of Public Works  
epariera@cityofdenison.com  
903-465-2720 x 2442

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## Summary

- Parks department staff currently do not have a landscape dump truck to utilize at various Parks locations for transport of landscape materials and waste.
- Staff need a dump truck that is easily maneuvered in tight locations such as hiking trails and that can tow landscaping trailers as necessary.
- The Buyboard contract # 724-23 purchase proposal from Sewell Ford is for a new 2024 Ford F550 diesel powered 4x4 single cab and chassis equipped with a 3 to 4-yard dump body.

## Staff Recommendation

Staff recommends approval of this purchase.

## Recommended Motion

“I move to approve the purchase of the landscape dump truck from Sewell Ford for a total price of \$88,000.00 and authorize the Interim City Manager to execute all related documents.”

---

## Background Information and Analysis

The Parks department needs a landscape rated dump truck to transport various landscape materials to Parks and right-of-way locations they maintain. Staff is currently limited in their ability to efficiently transport these materials and the addition of a properly sized dump truck that will allow them to maneuver through a variety of locations will make the performance of their job tasks more efficient.

The proposed landscape dump truck will be a Ford F550 diesel powered single cab and chassis with a 4x4 drive train allowing staff to access remote locations in poor weather conditions. The landscape dump body, to be installed on the cab and chassis by Sewell upfit contract partner Double Barrel, Inc., will be rated for 3 to 4-yards of material and be actuated by an electric over hydraulic piston. The anticipated lead time for the delivery of the upfitted vehicle is approximately 14 days after receipt of the purchase order, or by the end of January 2024.

**Financial Considerations**

The proposed purchase of the landscape dump truck was budgeted for in the FY2024 budget capital purchases and will be financed.

**Prior Board or Council Action**

None.

**Alternatives**

Council may choose to not purchase the landscape dump truck as proposed or direct staff to consider alternatives.



Sewell Ford of Odessa
4400 Parks Legado Rd | ODESSA, TX 79765
432.498.0421 | teamsewell.com

AUTOMOBILE SALES ORDER

Sold To City Of Denison Date 12/28/2023 Deal # 496153
Residence 300 W Main St Denison TX 75020 RES #
Mailing Address BUS # (903) 647-4190
Email NO EMAIL Salesman

New XX Car 2024 Ford S-DTY F-550 CHAS CAB \$ 87652.50
Used
Rental Car No: 406442 VIN No. 1FDUF5HT9REC06442
Demo Accessories \$
TOTAL ACCESSORIES
SUBTOTAL \$ 87652.50
Rebate(s) \$
Trade \$
TOTAL SELLING PRICE INCLUDING ACCESSORIES \$ 87652.50

Price is Delivered to you

DEALER'S INVENTORY TAX

THE DEALER'S INVENTORY TAX CHARGE IS INTENDED TO REIMBURSE THE DEALER FOR AD VALOREM TAXES ON ITS MOTOR VEHICLE INVENTORY. THE CHARGE, WHICH IS PAID BY THE DEALER TO THE COUNTY TAX ASSESSOR-COLLECTOR, IS NOT A TAX IMPOSED ON A CONSUMER BY THE GOVERNMENT, AND IT IS NOT REQUIRED TO BE CHARGED BY THE DEALER TO THE CONSUMER.

A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS RELATING TO THE SALE. A DOCUMENTARY FEE MAY NOT EXCEED A REASONABLE AMOUNT AGREED TO BY THE PARTIES. THIS NOTICE IS REQUIRED BY LAW.
UN CARGO DOCUMENTAL NO ES UN CARGO OFICIAL. LA LEY NO EXIGE QUE SE IMPONGA UN CARGO DOCUMENTAL. PERO ESTE PODRIA COMBRARSE A LOS COMPRADORES PRO EL MANEJO DE LA DOCUMENTACION EN RELACION CON LA VENTA UN CARGO DOCUMENTAL, NO PUEDE EXCEDER UNA CANTIDAD RAZONABLE. ACORDADA PRO LAS PARTES. ESTA NOTIFICACION SE EXIGE POR LEY.

Documentary Fee \$ 150.00
Tax, Title & License: Title & Lic 28.75 \$ 28.75
Payoff \$
Auto Insurance \$
Credit Life & Accident \$
Other \$
Total \$ 88000.00

Trade in N/A Co. No.
Motor No. License No. \$
Cash N/A
Finance \$ 88000.00 Payments at 1 Beginning 12/28/2023
Customer Number 962311 Lien to:
Trade Difference
Total \$ 88000.00

Insurance
Title Approved

Buyer assumes responsibility for any difference in pay-off in excess of amount shown above, and will pay such difference in cash on demand. If not so paid, buyer authorizes dealer to increase the monthly payments and contract balance to cover the difference and finance charges thereon.



**Double Barrel, Inc.**

**Quotation**

4745 S. Chadbourne  
 San Angelo, TX 76905  
 Phone: (325) 500-8970

**SCDJ.Strate-11' Dump**  
**Customer ID**

**Customer Information**

*Quotation valid until:*

Sewell CDJR  
 Strate

*Prepared by:*

**Comments or Special Instructions:**

SALESPERSON	VIN #	SERIAL #
Doc		

QUANTITY	DESCRIPTION	UNIT PRICE	TAXABLE?
1	CM 11' DB Dump Body- 3-4 Yards / 8 Tons. 18" sides, 20 Tail end Dump.89" inside width 97 outside width.		
	Venco Dual Acting Hoist with Bolt On Sub Frame - Electric over Hydraulic- see below		
	ICC Bumper (Includes Install Kit) + 24K lb. 2 1/2" B&W Receiver Hitch		
	Buyers or like brand pull trap system - Manual		
	Wheel Barrel Cab Protector		
	10ga Deck, 6" Channel steel, 3" Structural 3/16" Crossmembers		
	<b>Hoist Info</b>		
	Rugged and reliable, Venco underbody hoists are designed for use with bodies ranging in lengths from 8' to 24' long, providing dumping capacities of 5 to 34 tons. Venco hoists are encapsulated in a durable, abrasive- and chemical-resistant powder coating to ensure lasting quality and performance		

**THANK YOU  
 FOR YOUR  
 BUSINESS**



# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion, and take action on an Ordinance amending the Environmental Services and Stormwater Fees in the FY2024 Fee Schedule.

## Staff Contact

William Smith, Environmental Services Supervisor  
wsmith@cityofdenison.com  
903-357-3394

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## Summary

- The FY2024 Fee Schedule was included in the FY2024 Budget.
- The Liquid Waste Ordinance with a Transporter Permit was adopted on December 18, 2023.
- These fees are being added to reflect the Liquid Waste Transporter Permit Application and Liquid Waste Transporter Vehicle Fee as outlined in the ordinance.

## Staff Recommendation

Staff recommends adoption of the Ordinance as presented.

## Recommended Motion

“I move to adopt the Ordinance amending the Environmental Services and Stormwater Fees in the FY2024 Fee Schedule.”

---

## Background Information and Analysis

The Liquid Waste Ordinance was adopted in December of 2023. The ordinance includes a section for Waste Transporters that requires them to submit an application and request a permit for each vehicle transporting waste. These permits will hold transporters accountable for the waste they transport. Permit fees include an application fee, a transport vehicle registration fee, and a penalty for late renewal (submitted after December 31 for the following year). The fees associated will provide funding for the Environmental Program and administration the permit.

## Financial Considerations

The adoption of these fees will help fund the Environmental Program, particularly the Fats, Oils, and Greases Program.

## Prior Board or Council Action

The Council adopted the FY24 Fee Schedule in September 2023 and adopted the Liquid Waste Ordinance in December 2023.

## Alternatives

Council may modify, deny, or table the item.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING THE CITY’S FY2024 COMPREHENSIVE FEE SCHEDULE BY ADDING A FEE FOR THE LIQUID WASTE TRANSPORT PERMIT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC IN ACCORDANCE WITH STATE LAW.**

**WHEREAS**, the City Council of the City of Denison (the “City Council”) adopted Ordinance 5327 on December 18, 2023, adopting an Amendment to Chapter 26 – Utilities Article IX - Liquid Waste created a Liquid Waste Transport Permit; and

**WHEREAS**, the Comprehensive Fee Schedule for Environmental Services and Stormwater needs to be updated to reflect fees related to Article IX, Liquid Waste Transport and related permit; and

**WHEREAS**, the City Council finds and determines that it is in the best interest of the City to amend the Fee Schedule by adopting the herein described fee amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:**

**Section 1: Findings Incorporated.** The findings set forth above are incorporated as if fully set forth herein.

**Section 2: Comprehensive Fee Schedule Amended.** The fees associated with the Liquid Waste Transport Permit are added to the FY24 Comprehensive Fee Schedule section “Environmental Services and Stormwater”- Section A - “Permits, Pollution Prevention Plans” which is hereby amended to read as follows:

<b>Description</b>	<b>Fee</b>
Liquid Waste Transporter Permit Application	\$25 annually
Liquid Waste Transporter Permit – per vehicle	\$150 annually
Late Renewal Fee – assessed for applications received after December 31 for the following year	\$50 per vehicle annually

**Section 3: Severability Clause.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

**Section 4: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**Section 5: Effective Date.** This Ordinance shall become effective immediately.

**Section 6. Open Meetings.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

**AND IT IS SO ORDERED.**

On motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the above and foregoing Ordinance was passed and approved on this the 16<sup>th</sup> day of January 2024, by the following vote:

Ayes:  
Nays:  
Abstentions:  
Absent:

At regular meeting, January 26, 2024.

\_\_\_\_\_  
JANET GOTT, MAYOR

ATTEST:

\_\_\_\_\_  
Christine Wallentine, City Clerk

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on the appointment of David Spindle to the Business and Industrial Corporation of Denison, Inc., d/b/a Denison Development Alliance, Board of Directors to fill an unexpired two-year term, effective upon appointment and expiring on September 30, 2024.

## Staff Contact

Tony Kaai, President of DDA  
tkaai@denisontx.org  
(903) 464-0883

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## Summary

- The Business and Industrial Corporation, Inc., d/b/a Denison Development Alliance (“DDA”), was created by Resolution No. 3382 of the Denison City Council on March 18, 1996, and the Bylaws dated October 2003, as amended.
- The Board consists of five directors, who are appointed by the Mayor and City Council.
- The function of the Board is for the purpose of benefiting and accomplishing public purposes of the City of Denison, by promoting, assisting and enhancing economic development activities for the City.
- In December 2023, Board Member Tom Akins resigned his position. David Spindle has been recommended by the DDA Board and is eligible and willing to serve on the Board.

## Staff Recommendation

Staff recommends approval of the appointment as does the DDA Board of Directors.

## Recommended Motion

“I move to appoint David Spindle to the Business and Industrial Corporation of Denison, Inc., d/b/a Denison Development Alliance, Board of Directors to fill an unexpired two-year term, effective upon appointment and expiring on September 30, 2024.”

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## Background Information and Analysis

The Business and Industrial Corporation, Inc., d/b/a Denison Development Alliance (“DDA”), was created by Resolution No. 3382 of the Denison City Council on March 18, 1996, and the Bylaws dated October 2003, as amended. DDA is governed by the Development Corporation Act of 1979, as amended, and by Section 4A of said Act and specifically Article 5190.6, Section 4A, revised Civil Statutes of the State of Texas.

The Board consists of five directors, who are appointed by the Mayor and City Council. The function of the Board is for the purpose of benefiting and accomplishing public purposes of the City of Denison, by promoting, assisting and enhancing economic development activities for the City.

The terms of office are three years, with no member serving more than two regular three-year terms in succession. Unexpired terms filled due to death, resignation, or otherwise shall not count against the

term limit. In December 2023, Board Member Tom Akins resigned his position. David Spindle has been recommended by the DDA Board and is eligible and willing to serve on the Board.

**Financial Considerations**

None.

**Prior Board or Council Action**

The City Council regularly takes action on appointments for this Board.

**Alternatives**

The City Council may deny or table the item or recommend another candidate for this position on the Board.

# City Council Meeting Staff Report



January 16, 2024  
Regular Council Meeting

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## Agenda Item

Receive a report, hold a discussion, and take action on approval of an asphalt overlay services purchase proposal for Duck Creek lift station and Loy Drive for a total amount of \$214,399.00 from Area Wide Paving, LLC and authorize the Interim City Manager to execute any associated documents.

## Staff Contact

Ervin Pariera, Assistant Director of Public Works  
epariera@cityofdenison.com  
903-647-4190

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## Summary

- Area Wide Paving will provide asphalt paving services on the access roadway at Duck Creek lift station and at Loy Drive under TIPS interlocal purchasing agreement contract # 23010402.
- Access to Duck Creek lift station from US-69 is allowed under an easement that requires the City to maintain the roadway. Loy Drive is in poor condition due to underground utility failures requiring excavation in many locations.
- The asphalt paving services will include vegetation removal, grading and base rock installation, and the installation of 2" of new hot mix asphalt compacted and shaped as necessary.

## Staff Recommendation

Staff recommends approval of this purchase.

## Recommended Motion

"I move to approve the purchase of asphalt overlay services in the amount of \$214,399.00 from Area Wide Paving, LLC and authorize the Interim City Manager to execute any associated documents."

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## Background Information and Analysis

Public Works staff utilize a roadway that connects US-69 to the Duck Creek sewer lift station for access to the lift station site. Access by staff is required for the operation and maintenance of the lift station. The roadway traverses through private property and access by City staff is allowed through an easement granted by the property owner in 1971. Terms of the easement require that the City construct and maintain an all-weather private road for the shared use of the City and the property owner. The current condition of the roadway is poor and no longer in all-weather condition as the asphalt has degraded over the approximate one-mile length leaving mostly base rock for vehicles to traverse on. Increased construction activity stemming from the City project that replaced a portion of the interceptor pipe feeding the lift station has also negatively impacted the roadway. Staff worked with Area Wide Paving, LLC to provide a proposal to rehabilitate the roadway to comply with the terms of the easement. The proposed purchase will repair the road base and install 2" of new hot mix asphalt. If approved, the work is anticipated to be completed in the first quarter of 2024.



Loy Drive has been negatively impacted by multiple utility failures under the roadway. Excavation from the repairs to the underground utilities has left the roadway in poor condition. The roadway requires regrading, and an asphalt overlay to restore it to an acceptable condition. Staff worked with Area Wide Paving, LLC to provide a proposal to perform the necessary grading and overlay services to repair the roadway.

**Financial Considerations**

The proposed purchase for Duck Creek lift station road for a total of \$134,217.00 will be paid out of the Utility CIP account.

The proposed purchase for Loy Drive for a total of \$80,182.00 will be paid out of Fund 15.

**Prior Board or Council Action**

None.

**Alternatives**

Council may choose to reject this purchase and direct staff to seek alternatives.

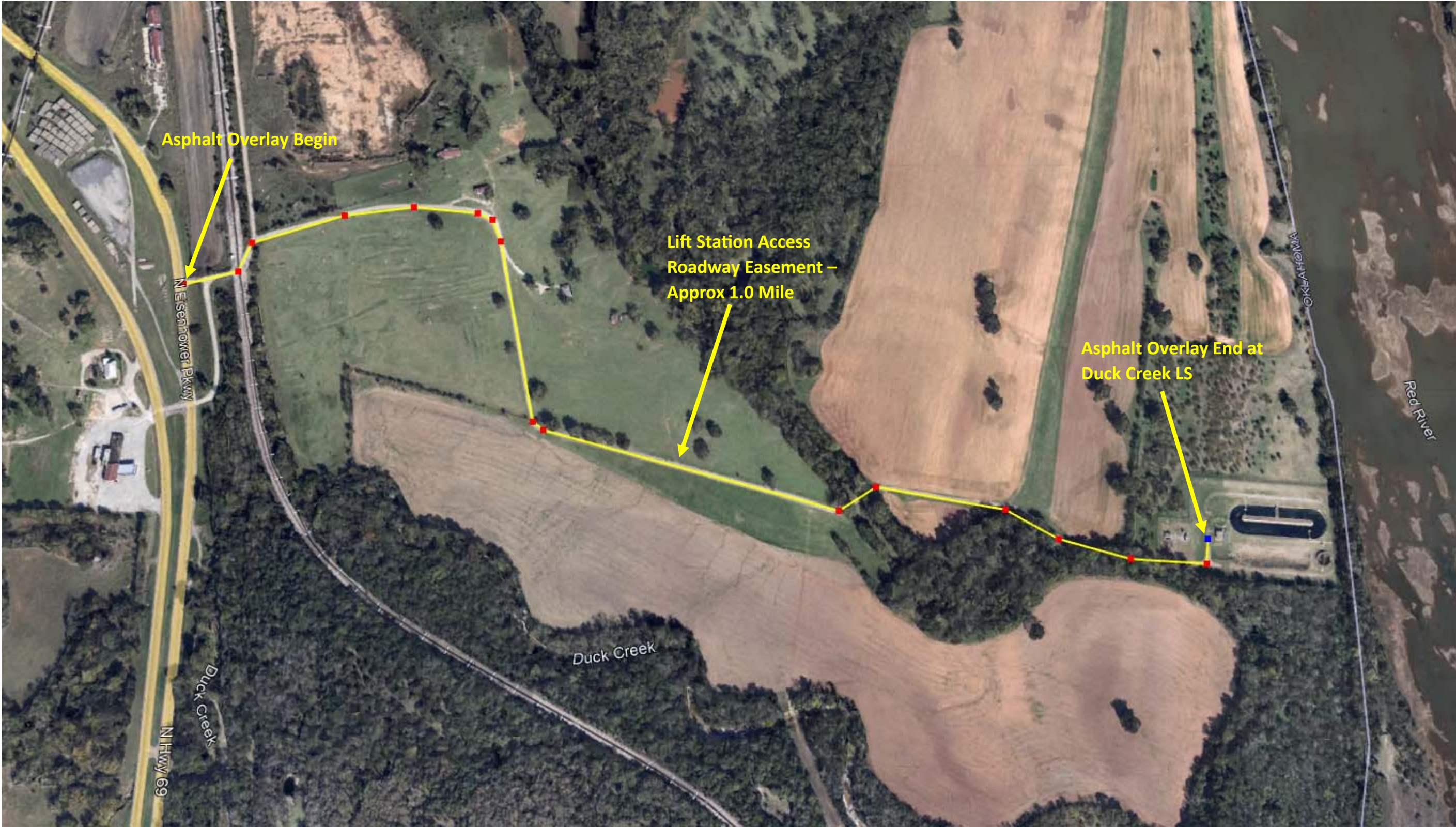


# AREA WIDE PAVING, LLC

723 CR 2301 \* SULPHUR SPRINGS, TX 75482 \* 903-885-6388 \* paul@areawidepaving.com

Date: 1/2/24 Bid No. 21959  
Customer: City of Denison Phone: \_\_\_\_\_  
Attn: Ervin Pariera Email: [epariera@cityofdenison.com](mailto:epariera@cityofdenison.com)  
Street: \_\_\_\_\_ TIPS 23010402  
City, State: \_\_\_\_\_  
Job Site: Loy Drive

TYPE OF WORK	PRICE
Overlay concrete road	
39492 sq. ft.	
1. remove vegetation from work area	
2. clean of all loose debris	
3. spray poison to prevent vegetation regrowth	
4. apply tack oil	
5. install 1/2 layer of new hot mix asphalt to level up area	
6. install 2" layer of new hot mix asphalt	
Not Responsible for Cracks	
SUBTOTAL	\$ 80,182.00
SALES TAX	
TOTAL	\$ 80,182.00





# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on the reappointment of Linda Anderson, as a regular member, to the Planning and Zoning Commission, to serve a two-year term effective January 1, 2024.

## Staff Contact

Felecia Winfrey, Development Coordinator

Planning Department

[fwinfrey@cityofdenison.com](mailto:fwinfrey@cityofdenison.com)

903-465-2720 Ext. 2519

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## Summary

- The Planning and Zoning Commission is governed by Chapter 2, Article II, Division 3 of the Denison Code of Ordinances.
- The Planning and Zoning Commission is made up of five regular members and four alternate members, who serve in the absence of one or more of the regular members. Its members are appointed by the City Council.
- Linda Anderson is currently serving on the Planning and Zoning Commission.

## Staff Recommendation

Staff recommends the reappointment of Linda Anderson as a regular member of the Planning and Zoning Commission for a two-year term.

## Recommended Motion

“I move to reappoint Linda Anderson as a regular member to the Planning and Zoning Commission, to serve a two-year term effective January 1, 2024.”

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## Background Information and Analysis

The Planning and Zoning Commission is governed by Chapter 2, Article II, Division 3 of the Denison Code of Ordinances. The Planning and Zoning Commission is made up of five regular members and four alternate members, who serve in the absence of one or more of the regular members. Its members are appointed by the City Council.

The Planning and Zoning Commission performs all functions necessary to carry out the intent of V.T.C.A., Local Government Code §§ 211.001-211.013 relative to the preparation, adoption and amendment of a comprehensive zoning ordinance for the City, including the conduct of public hearings related thereto. The Planning and Zoning Commission performs all functions related to the review and approval of subdivision plats which may be assigned to it by the statutes of the state and ordinances or charter of the City. The Planning and Zoning Commission also recommends and advises the City Council on matters involving the physical improvement of the City. Terms of office are two years, with no more than three consecutive full terms.

Linda Anderson is in good standing and is currently serving on the City of Denison’s Planning and Zoning Commission. Ms. Anderson’s term expired on December 31<sup>st</sup>, 2023. With reappointment she will term out at the end of 2025.

**Financial Considerations**

N/A

**Prior Board or Council Action**

The Council's most recent appointment to the Planning and Zoning Commission was the appointment of Robert Sylvester and Ernest Pickens as regular members on December 18<sup>th</sup>, 2023.

**Alternatives**

Council may deny, modify, or table the item.

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property located at Highway 69, Denison, Texas more particularly described as G-0996 Rubio Ramon A-G0996, Acres 4.21 and G-1311 Wright Willilam A-G1311, Acres 1,67, consisting of Property ID Nos. 113192 and 113351.

## Staff Contact

Julie Fort, City Attorney  
(972) 668-6400

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## Summary

- On January 2, 2024, the City of Denison City Clerk's office received a petition by landowners Ray C. Davis and Linda B. Davis for release from the extraterritorial jurisdiction ("ETJ").
- The petition includes approximately 6 acres on Highway 69, Denison, Texas, located in G-0996 Rubio Ramon A-G0996, acres 4.21, and G-1311 Wright William A-G1311, Acres 1.67, consisting of Property ID Nos. 113192 and 113351.
- SB 2038 is an unconstitutional delegation of legislative authority, and it conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023.
- The validity of Senate Bill 2038 is under review in Travis County District Court, Case No, D-1-GN-23-007785, the City of Grand Prairie v. The State of Texas, and the City of Denison has made a decision to join this case as a party as there are valid reasons for the Court to overturn Senate Bill 2038.

## Staff Recommendation

Staff recommends denial of the ETJ release petition.

## Recommended Motion

"I move to deny the Davis Petition to remove property from the City of Denison's extraterritorial jurisdiction located at Highway 69, Denison, Texas and more particularly described as G-0996 Rubio Ramon A-G0996, Acres 4.21 and G-1311 Wright Willilam A-G1311, Acres 1,67, consisting of Property ID Nos. 113192 and 113351, because Senate Bill 2038 is an unconstitutional delegation of legislative authority, and it conflicts with the City of Denison's grant of legislative discretion under Local Government Code Section 42.023. The City of Denison does not consent to removal of property from its ETJ."

---

## Background Information and Analysis

On January 2, 2024, the City of Denison City Clerk's office received a petition by landowners Ray C. Davis and Linda B. Davis for release from the extraterritorial jurisdiction ("ETJ"). The petition includes approximately 6 acres on Highway 69, Denison, Texas, located in G-0996 Rubio Ramon A-G0996, acres 4.21, and G-1311 Wright William A-G1311, Acres 1.67. Senate Bill 2038 is an unconstitutional delegation of legislative authority, and it conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023. The City does not consent to removal of property from its ETJ.



Additionally, the validity of Senate Bill 2038 is under review in Travis County District Court, Case No, D-1-GN-23-007785, the City of Grand Prairie v. The State of Texas, and the City of Denison has made a decision to join this case as a party as there are valid reasons for the Court to overturn Senate Bill 2038.

**Financial Considerations**

None.

**Prior Board or Council Action**

The City Council has denied two previously filed petitions.

**Alternatives**

The City Council may table the item or approve the release petition.

RECEIVED IN THE OFFICE  
OF THE CITY CLERK

JAN - 2 2024

**PETITION BY LANDOWNERS FOR RELEASE FROM  
EXTRATERRITORIAL JURISDICTION**

TO THE MAYOR OF THE GOVERNING BODY OF DENISON, TEXAS:

Pursuant to Texas Local Government Code Sections 42.102 et seq., the undersigned owners petition your honorable Body for the release of land located in the extraterritorial jurisdiction of the City of Denison, Texas.

This request includes the following property of approximately 5.85 acres of land, consisting of Property IDs 113192 and 113351, to the full extent that such Property currently is within the ETJ of the City of Denison, Texas.

Said property is located at

Highway 69, Denison, Texas

and more particularly described as two parcels on the tax rolls

G-0996 RUBIO RAMON A-G0996, ACRES 4.21  
G-1311 WRIGHT WILLIAM A-G1311, ACRES 1.67

and further described as 5.8 acres, more or less, being 4.21 acres in the Ramon Rubio Survey, Abstract No. 996, Grayson County, Texas. Being the same land conveyed to Grayson County by deeds of record in Volume 1721, Page 27 of the Deed Records, Grayson County, Texas and Volume 2721, Page 602, of the Official Public Records, Grayson County, Texas; which includes a 3.04 acre tract by Deed of record in Volume 2721, at Page 602 of the Official Public Records of Grayson County, Texas; and

1.67 acres in the William Wright Survey, Abstract No. 1311, Grayson County, Texas. Being the same land conveyed to Grayson County by deed of record in Volume 365, Page 62 of the Deed Records, Grayson County, Texas.

The property is further described by meets and bounds in the attached Exhibit "A" and graphically described in the attached map.

The undersigned certify that the following required information concerning the land and its inhabitants is reasonably accurate and assumes responsibility for the completion of said information prior to scheduled action by the City.

This petition is initiated by a majority in value of the holders of title of the land in the area, being each and every one of the landowners.

No dwelling units are located within the area requested for release.

The population of the area in request is None in total, of which None are registered voters.

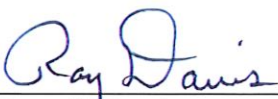
No part of the area in request is subject to a non-annexation agreement.

No part of the area in request is subject to a strategic partnership agreement under Local Government Code § 43.0751.

No part of the area is designated as an industrial district under Local Government Code § 42.044

**Petition Signatories  
per Election Code § 277.002**

GCAD Parcel IDs 113192, 113351

  
Ray C. Davis

338 Desvoignes Road, Denison, Texas 75201  
Residence Address

December 18, 1941  
Date of Birth or Voter ID

12/27/23  
Date Signed

  
Linda B. Davis

338 Desvoignes Road, Denison, Texas 75201  
Residence Address

October 31, 1942  
Date of Birth or Voter ID

12/27/23  
Date Signed

EXHIBIT "A"

SITUATED in the County of Grayson, State of Texas, being a part of the RAMON RUBIO SURVEY, ABSTRACT NO. 996 and of the WILLIAM WRIGHT SURVEY, ABSTRACT NO. 1311, being all of three tracts of land conveyed to Grayson County as follows: a 1.173 acre tract by Deed of record in Volume 1721, Page 27 of the Deed Records, Grayson County, Texas; a 1.67 acre tract by Deed of record in Volume 365, Page 262 of said Deed Records; and a 3.04 acre tract by Deed of record in Volume 2721, Page 602 of the Official Public Records, Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" steel rod set in the northeasterly right-of-way line of U.S. Highway No. 69 at the southwest corner of the 100' X 200' tract of land conveyed to James A. Richards by Deed of record in Volume 2548, Page 901 of the said Official Public Records, said rod being the most southerly corner of said 1.173 acre tract;

THENCE North 41°55'00" West with the said northeasterly right-of-way line a distance of 674.50 feet to a 1/2" steel rod found at the most southerly southwest corner of a 13.12 acre tract of land conveyed to D'Maris Sharpe-McPherson Revocable Living Trust by Deed of record in Volume 2973, Page 687, of said Official Public Records, said rod being the northwest corner of said 1.67 acre tract;

THENCE South 87°36'47" East with the south line of said 13.12 acre tract, a distance of 373.58 feet to a 1/2" steel rod found in the west line of said 3.04 acre tract for the southeast corner of said 13.12 acre tract and the northeast corner of said 1.67 acre tract;

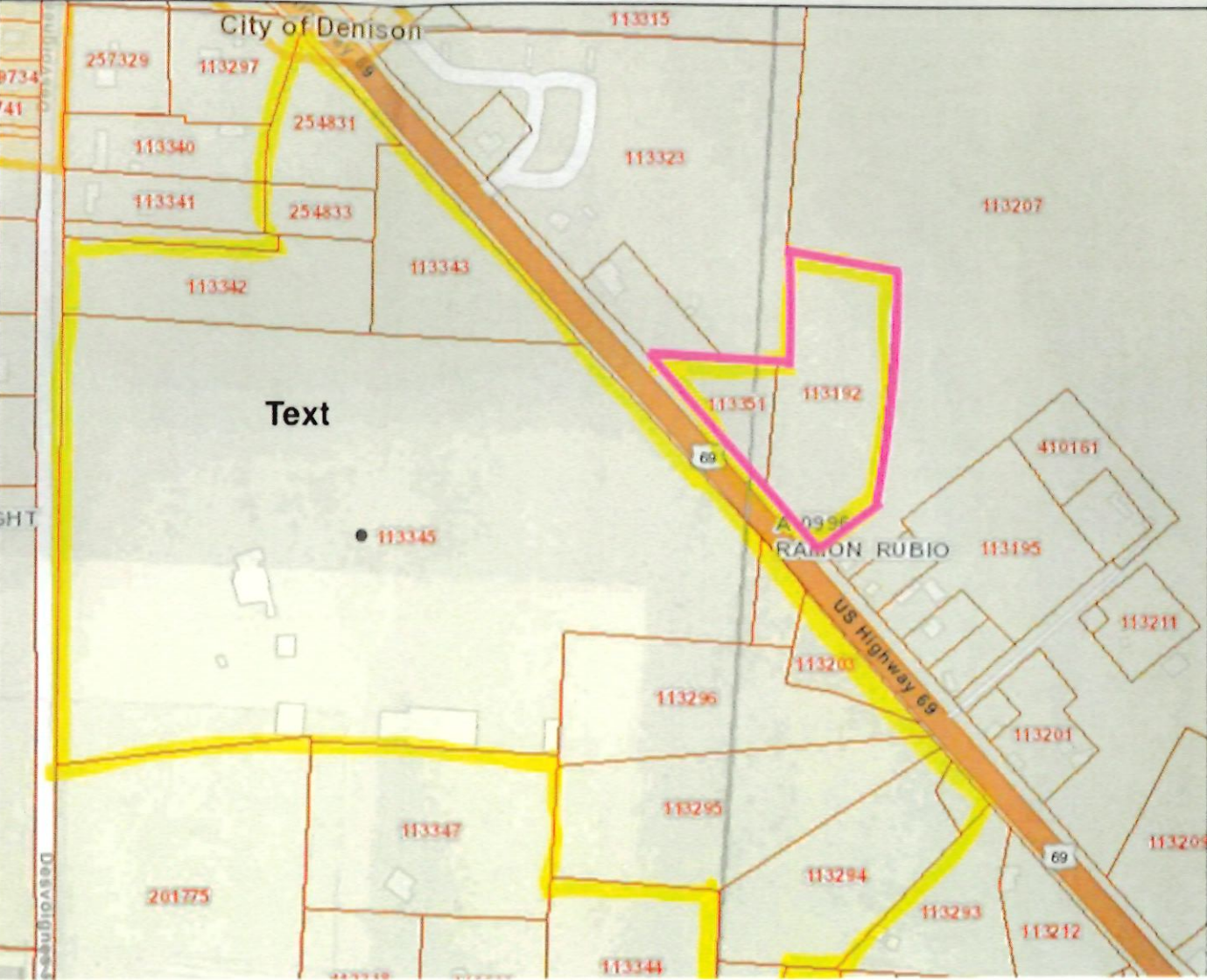
THENCE North 00°11'33" East with the said west line a distance of 211.82 feet to a 1/2" steel rod found for the northwest corner of said 3.04 acre tract;

THENCE South 88°53'43" East with an existing fence line, a distance of 351.57 feet to a 1/2 steel rod found for the northeast corner of said 3.04 acre tract;

THENCE South 12°24'07" West continuing with said fence line, a distance of 566.09 feet to an axle found for the northwest corner of said Richards tract, the southeast corner of said 3.04 acre tract and the most easterly corner of said 1.173 acre tract;

THENCE South 47°53'56" West with the west line of said Richards tract, a distance of 206.60 feet to the Point-of-Beginning and containing 5.852 acres of land, more or less.

# Grayson CAD Web Map



WILLIAM WRIGHT SURVEY  
 ABSTRACT NO. 1311

13.20 AC  
 D'MARIS SHARPE-MACPHERSON  
 REVOCABLE LIVING TRUST  
 VOL. 2373, PG. 687  
 O.P.R.G.C.T.

RAMON ABSTR

SS OF  
 BILLY F  
 ET  
 VOL. 243  
 O.P.R.

FOUND 1/2" STEEL ROD S 88°53'43" E

N 00°11'33" E 211.62'

FOUND 1/2" STEEL ROD S 87°36'47" E 373.58'

FOUND 1/2" STEEL ROD

3.08 AC  
 GRAYSON COUNTY  
 VOL. 375, PG. 608  
 O.P.R.G.C.T.

5.852 ACRES

U.S. HIGHWAY NO. 69  
 N 47°55'00" W

1.87 AC  
 GRAYSON COUNTY  
 VOL. 863, PG. 482  
 D.B.G.C.T.

1.78 AC  
 GRAYSON COUNTY  
 VOL. 859, PG. 27  
 D.B.G.C.T.

EASEMENT TO TEXAS POWER & LIGHT CO. VOL. 418, PG. 463 D.B.G.C.T.

5' EASEMENT CONDUIT NATURAL GAS COMPANY VOL. 425, PG. 47 D.B.G.C.T.

100' X 200'  
 JAMES A. RICHARDS  
 VOL. 2048, PG. 501  
 O.P.R.G.C.T.



SCALE  
 1" = 60'

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BAR COURSE HIGH OF U.S. 45 F



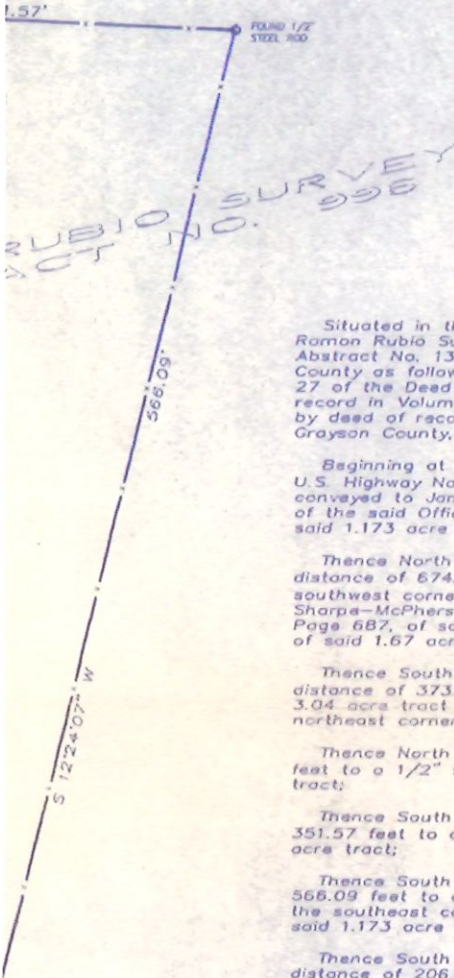
3404 INTERURBAN ROAD

AC  
ENCLUR  
X  
PG 34  
C.T.

DETAIL  
1" = 30'



55.00 AC  
BILLY RIDENOUR  
ET UX  
VOL. 2435, PG. 34  
O.P.R.G.C.T.



Legal Description

Situated in the County of Grayson, State of Texas, being a part of the Ramon Rubio Survey, Abstract No. 996 and of the William Wright Survey, Abstract No. 1311, being all of three tracts of land conveyed to Grayson County as follows: a 1.173 acre tract by deed of record in Volume 1721, Page 27 of the Dead Records, Grayson County, Texas; a 1.67 acre tract by deed of record in Volume 365, Page 262 of said Dead Records; and a 3.04 acre tract by deed of record in Volume 2721, Page 602 of the Official Public Records Grayson County, Texas, and being more particularly described as follows:

Beginning at a 1/2" steel rod set in the northeasterly right-of-way line of U.S. Highway No. 69 at the southwest corner of the 100' X 200' tract of land conveyed to James A. Richards by deed of record in Volume 2548, Page 901 of the said Official Public Records, said rod being the most southerly corner of said 1.173 acre tract;

Thence North 41°55'00" West with the said northeasterly right-of-way line a distance of 674.50 feet to a 1/2" steel rod found at the most southerly southwest corner of a 13.12 acre tract of land conveyed to D'Maris Sharpe-McPherson Revocable Living Trust by deed of record in Volume 2973, Page 687, of said Official Public Records, said rod being the northwest corner of said 1.67 acre tract;

Thence South 87°36'47" East with the south line of said 13.12 acre tract, a distance of 373.58 feet to a 1/2" steel rod found in the west line of said 3.04 acre tract for the southeast corner of said 13.12 acre tract and the northeast corner of said 1.67 acre tract;

Thence North 00°11'33" East with the said west line a distance of 211.82 feet to a 1/2" steel rod found for the northwest corner of said 3.04 acre tract;

Thence South 88°53'43" East with an existing fence line, a distance of 351.57 feet to a 1/2" steel rod found for the northeast corner of said 3.04 acre tract;

Thence South 12°24'07" West continuing with said fence line, a distance of 566.09 feet to an axle found for the northwest corner of said Richards tract, the southeast corner of said 3.04 acre tract and the most easterly corner of said 1.173 acre tract;

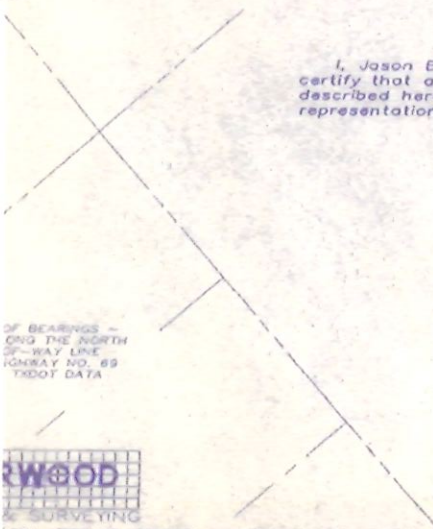
Thence South 47°53'56" West with the west line of said Richards tract, a distance of 206.60 feet to the Point-of-Beginning and containing 5.852 acres of land.

I, Jason B. Armstrong, Registered Professional Land Surveyor, hereby certify that a survey was made on the ground on the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.



*Jason B. Armstrong*  
Jason B. Armstrong  
Registered Professional  
Land Surveyor No. 5557

FOUND AXLE



OF BEARINGS -  
ONG THE NORTH  
SP-WAY LINE  
IGNRAY NO. 69  
TODOT DATA

WOOD  
& SURVEYING  
ON, TEXAS 75021 (903)465-2151

SURVEY DATE: 4-17-07  
REVISED 4-26-07

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property located at Highway 69, Denison, Texas more particularly described as being a part of the Ramon Rubio Survey, Abstract No. 996, 0.59 acres of land, consisting of Property ID No. 113202.

## Staff Contact

Julie Fort, City Attorney  
(972) 668-6400

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## Summary

- On January 10, 2024, the City of Denison City Clerk's office received a petition by landowners Ray C. Davis and Linda B. Davis for release from the extraterritorial jurisdiction ("ETJ").
- The petition includes approximately 0.59 acres Highway 69, Denison, Texas, being a part of the Ramon Rubio Survey, Abstract No. 996, consisting of Property ID No. 113202.
- SB 2038 is an unconstitutional delegation of legislative authority, and it conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023.
- The validity of Senate Bill 2038 is under review in Travis County District Court, Case No, D-1-GN-23-007785, the City of Grand Prairie v. The State of Texas, and the City of Denison has made a decision to join this case as a party as there are valid reasons for the Court to overturn Senate Bill 2038.

## Staff Recommendation

Staff recommends denial of the ETJ release petition.

## Recommended Motion

"I move to deny the Davis Petition to remove property from the City of Denison's extraterritorial jurisdiction located at Highway 69, Denison, Texas and more particularly described as being a part of the Ramon Rubio Survey, Abstract No. 996, 0.59 acres of land, Property ID No. 113202, because Senate Bill 2038 is an unconstitutional delegation of legislative authority, and it conflicts with the City of Denison's grant of legislative discretion under Local Government Code Section 42.023. The City of Denison does not consent to removal of property from its ETJ."

---

## Background Information and Analysis

On January 10, 2024, the City of Denison City Clerk's office received a petition by landowners Ray C. Davis and Linda B. Davis for release from the extraterritorial jurisdiction ("ETJ"). The petition includes approximately 0.59 acres on Highway 69, Denison, Texas, being a part of the Ramon Rubio Survey, Abstract No. 996, consisting of Property ID No. 113202. SB 2038 is an unconstitutional delegation of legislative authority, and it conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023. The City does not consent to removal of property from its ETJ.



Additionally, the validity of Senate Bill 2038 is under review in Travis County District Court, Case No, D-1-GN-23-007785, the City of Grand Prairie v. The State of Texas, and the City of Denison has made a decision to join this case as a party as there are valid reasons for the Court to overturn Senate Bill 2038.

**Financial Considerations**

None.

**Prior Board or Council Action**

The City Council has denied two previously filed petitions.

**Alternatives**

The City Council may table the item or approve the release petition.

RECEIVED IN THE OFFICE  
OF THE CITY CLERK

JAN 10 2024

**PETITION BY LANDOWNERS FOR RELEASE FROM  
EXTRATERRITORIAL JURISDICTION**

TO THE MAYOR OF THE GOVERNING BODY OF DENISON, TEXAS:

Pursuant to Texas Local Government Code Sections 42.102 et seq., the undersigned owners petition your honorable Body for the release of land located in the extraterritorial jurisdiction of the City of Denison, Texas.

This request includes the following property of approximately 0.59 acres of land, consisting of Property ID 113202, to the full extent that such Property currently is within the ETJ of the City of Denison, Texas.

Said property is located at

Highway 69, Denison, Texas

and more particularly described as:

All that certain tract or parcel of land situated in the County of Grayson, State of Texas, being apart of the RAMON RUBIO SURVEY, ABSTRACT NO. 996, being the same tract of land conveyed by Wanda S. Odom to Tina Rene Odom by Deed dated April 6, 1998, recorded in Volume 2635, Page 268, Official Public Records, Grayson County, Texas, containing 0.592 acres of land, more or less.

The property is further described by meets and bounds in the attached Exhibit "A" and graphically described in the attached map.

The undersigned certify that the following required information concerning the land and its inhabitants is reasonably accurate and assumes responsibility for the completion of said information prior to scheduled action by the City.

This petition is initiated by a majority in value of the holders of title of the land in the area, being each and every one of the landowners.

No dwelling units are located within the area requested for release.

The population of the area in request is None in total, of which None are registered voters.

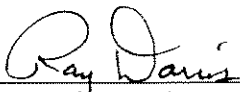
No part of the area in request is subject to a non-annexation agreement.

No part of the area in request is subject to a strategic partnership agreement under Local Government Code § 43.0751.

No part of the area is designated as an industrial district under Local Government Code § 42.044

**Petition Signatories  
per Election Code § 277.002**

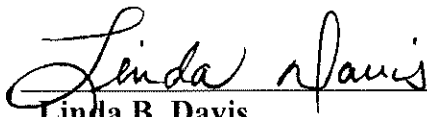
**GCAD Parcel IDs** 113202

  
Ray C. Davis

338 Desvoignes Road, Denison, Texas 75201  
Residence Address

December 18, 1941  
Date of Birth or Voter ID

1/2/24  
Date Signed

  
Linda B. Davis

338 Desvoignes Road, Denison, Texas 75201  
Residence Address

October 31, 1942  
Date of Birth or Voter ID

1/2/24  
Date Signed

**EXHIBIT "A"**

**SITUATED** in the County of Grayson, State of Texas, being a part of the **RAMON RUBIO SURVEY, ABSTRACT NO. 996**, and being the same tract of land conveyed by Wanda S. Odom to Tina Rene Odom by Deed dated April 6, 1998, recorded in Volume 2635, Page 260, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

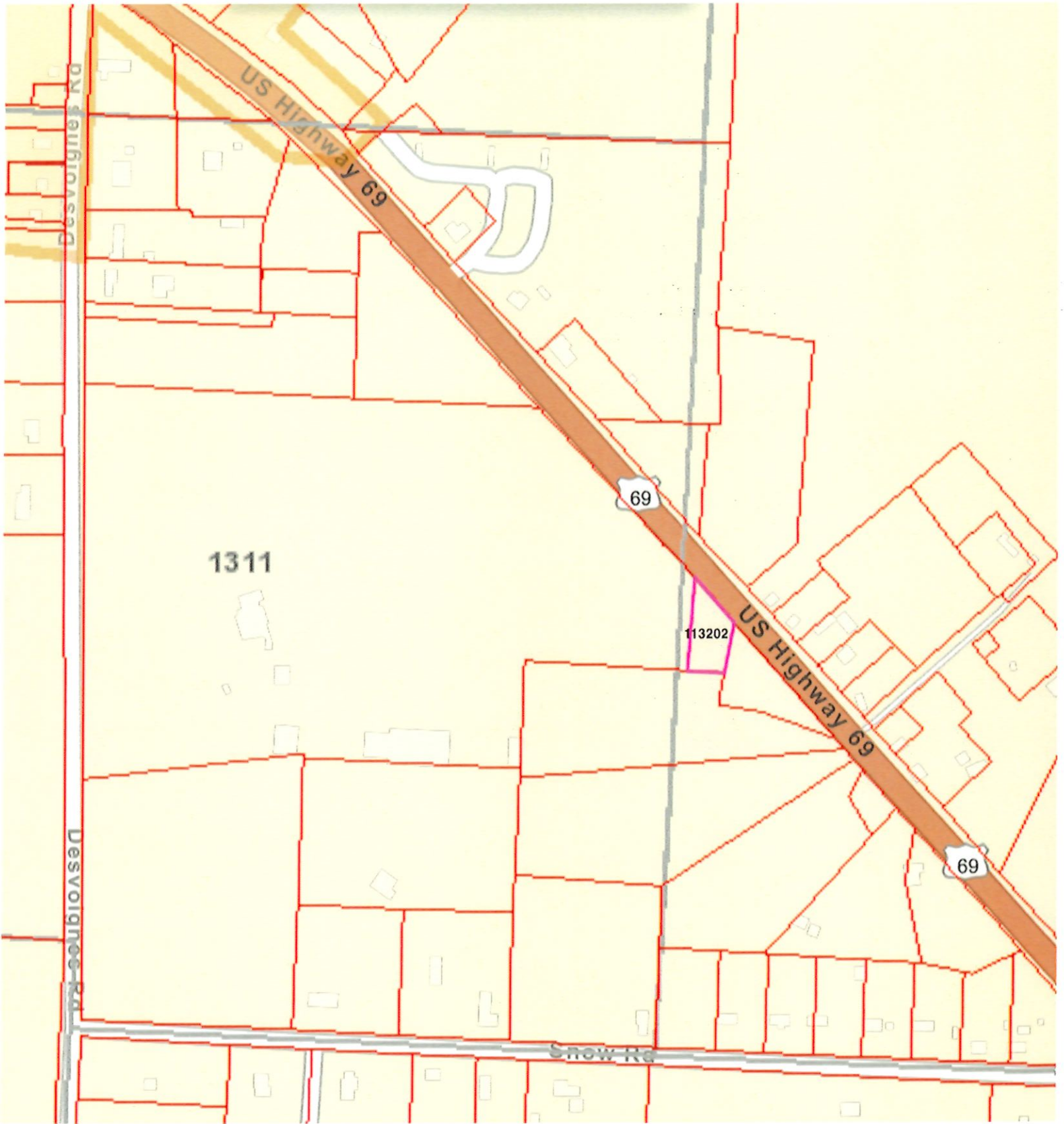
**BEGINNING** at a 1/2" steel rod set marking the Northwest corner of the said Odom tract at the intersection of the West line of the said Rubio Survey with the Southwesterly right-of-way line of U S. Highway No. 69;

**THENCE** South 41 deg. 55 min. 00 sec. East with said right-of-way line a distance of 208.00 feet to a 1/2" steel rod set marking the Northeast corner of the said Odom tract from which a 1" pipe bears North 30 deg. 35 min. 45 sec. East a distance of 0.63 feet;

**THENCE** South 30 deg. 35 min. 45 sec. West along a well established hedge a distance of 148.77 feet to the Southeast corner of the said Odom tract at the West base of a chain link corner post and Southeasterly base of an old wooden corner post;

**THENCE** North 87 deg. 10 min. 03 sec. West with a fence a distance of 79.00 feet to a 1/2" steel rod set marking the Southwest corner of the said Odom tract in the said West line of the Rubio Survey;

**THENCE** North 03 deg. 12 min. 55 sec. East, at a distance of 86 feet entering the remains of an old fence in a tree row and continuing for a total distance of 279.37 feet to the Point-of-Beginning and Containing 0.592 acres of land, more or less.



# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on a resolution for self-certification of legal authority, or other necessary action, for management agencies for Clean Water State Revolving Fund grant application.

## Staff Contact

Fanchon Stearns

[fstearns@cityofdenson.com](mailto:fstearns@cityofdenson.com)

903-647-3335

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## Summary

- A project information form pre-application was submitted to the Texas Water Development Board for grant funding from the Clean Water State Revolving Fund earlier this year and the City was invited to submit a full application which currently in development.
- A Self-Certification of legal authority form is required as part of the application.

## Staff Recommendation

Staff recommends approval of the item.

## Recommended Motion

“I move to adopt the resolution for self-certification of legal authority, or other necessary action, for management agencies for Clean Water State Revolving Fund grant application.”

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## Background Information and Analysis

A project information form pre-application was submitted to the Texas Water Development Board for grant funding from the Clean Water State Revolving Fund and the City was invited to submit a full application currently in development. A Self-Certification of legal authority form is required as part of the application.

## Financial Considerations

The TWDB CWSRF application is for \$28.2 million for collections system improvements.

## Prior Board or Council Action

The Council previously approved preparation and submittal of the application.

## Alternatives

Council may deny or table the item.

## SELF-CERTIFICATION OF LEGAL AUTHORITY FOR MANAGEMENT AGENCIES

**Applicant:** City of Denison

Designated Management Agencies are responsible for constructing, operating and maintaining publicly-owned wastewater treatment facilities, and have legal authorities necessary to implement these activities in their respective management boundary. Only Designated Management Agencies are eligible for State Revolving Funds (SRF), a State loan program.

Subsection 603(f) of the Clean Water Act (CWA) states that the State of Texas may provide financial assistance from its water pollution control revolving fund only for projects that are consistent with plans developed under sections 205(j), 208, 303(e), 319, and 320 of the CWA. Accordingly, and pursuant to CWA, paragraph 208(c), Management Agencies are required to have the authority to:

- I. Carry out appropriate portions of an area wide waste treatment management plan developed under CWA Section 208(b)
- II. Manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by CWA Section 208(b)
- III. Directly or by contract, design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to CWA Section 208(b)
- IV. Accept and utilize grants, or other funds from any source, for waste treatment management purpose
- V. Raise revenues, including the assessment of waste treatment charges
- VI. Incur short- and long-term indebtedness
- VII. Assure in implementation of an area wide waste treatment management plan that each participating community pays its proportionate share of treatment costs
- VIII. Refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area
- IX. Accept industrial waste for treatment

I Certify that City of Denison

has the legal authority necessary to comply with the mandates listed above in I through IX of this self-certification document.

Legal Counsel Printed Name: \_\_\_\_\_

Legal Counsel Signature: \_\_\_\_\_

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

*(Attach a 8 1/2" x 11" map of the area or city limits for which designation is requested.)*

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on the reappointment of Stanley Thomas, Place 2, as a member of the Greater Texoma Utility Authority Board of Directors to serve a two-year term commencing January 1, 2024 and ending on December 31, 2025.

## Staff Contact

Chris Wallentine, City Clerk/Assistant to the City Manager  
cwallentine@cityofdenison.com  
(903) 465-2720, Ext. 2437

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## Summary

- The Greater Texoma Utility Authority is a conservation and reclamation district in Grayson County organized under Article XVI, Section 59 of the Texas Constitution and operates under Chapter 49 of the Texas Water Code.
- Membership on the Board of Directors consists of eight members, 3 from Denison, 3 from Sherman, 1 from Gainesville and 1 representing small member municipalities
- Denison's members are appointed by the City Council and serve two years.
- Denison Place Representative Mr. Stanley Thomas' term expired on December 31, 2023. Mr. Thomas is eligible to serve another term and would be honored to serve another term on the GTUA Board.

## Staff Recommendation

Staff recommends approval of the reappointment.

## Recommended Motion

"I move to approve the reappointment of Stanley Thomas, Place 2, as a member on the Greater Texoma Utility Authority Board of Directors to serve a two-year term commencing January 1, 2024, and ending December 31, 2025."

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## Background Information and Analysis

The Greater Texoma Utility Authority is a conservation and reclamation district in Grayson County organized under Article XVI, Section 59 of the Texas Constitution and operates under Chapter 49 of the Texas Water Code. Membership on the Board of Directors consists of eight members, 3 from Denison, 3 from Sherman, 1 from Gainesville and 1 representing small member municipalities. Denison's members are appointed by the City Council and serve two-year terms.

Stanley Thomas was appointed as a new member to Place 2 for a two-year term commencing January 1, 2020, and expiring on December 31, 2021. Mr. Thomas' term is set to expire on December 31, 2021. Mr. Thomas is eligible to serve another term and would be honored to serve another term on the GTUA Board.

## Financial Considerations

None.

## Prior Board or Council Action



The City Council is tasked with the appointment of members for Place 1-3 for each term.

**Alternatives**

The City Council may seek an alternate appointment or table this agenda item.

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to rezone an 11.446-acre portion of the tract identified as GCAD Property ID No. 151234 from the MF-1, Multi-Family Residential (MF-1) and Commercial (C) District partially within the Austin Avenue Overlay (AO) to a Planned Development District (PD) partially within the Austin Avenue Overlay (AO) with a base zoning of MF-1, Multi-Family Residential (MF-1) to allow for multi-family residential use. (Case No. 2023-119PD)

## Staff Contact

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

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## Summary

- Applicant wishes to rezone the subject property from the MF-1, Multi-Family Residential (MF-1) and Commercial (C) zoning district to a Planned Development (PD) to allow for the development of a multi-family development.
- Development will consist of approximately one hundred and forty-one (141) units constructed on thirteen (13) lots.
- The proposed Planned Development Overlay District complies with the Comprehensive Plan.

## Staff Recommendation

City staff recommends approval of the Planned Development Overlay District.

## Recommended Motion

"I move to approve the subject property being rezoned to a Planned Development Overlay District to allow for multi-family residential use."

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## Background Information and Analysis

The applicant is seeking to rezone property located at the southeast quadrant of South Eisenhower Parkway and South Fannin Avenue, as shown on Exhibit A, from the MF-1 and C zoning districts to a Planned Development District with a base zoning of MF-1, Multi-Family Residential to allow for the development of attached multi-family residential units. As depicted on the Concept Plan (Exhibit C), the applicant is proposing thirteen (13), individually platted, "twelve-plex" structures allowing for 141 residential units. Each structure will have a two-car garage providing ample parking for future residents. The applicant is proposing approximately 27% of the 11.5 acres be dedicated to open space retained and maintained by the Property Owners Association (POA). Additional amenities for the development will include a pool, playground and a series of sidewalks allowing for connectivity throughout the development, all to be maintained by the POA. The proposed development will have its main access located on South Eisenhower Parkway. A second point of access will be constructed on the south portion of the property providing access to South Fannin Avenue and to a proposed single-family project the applicant is actively working on. The applicant provided a trip estimate of 825 trips a day, however given

the location of a TxDot right-of-way, a traffic impact study will be required at the time of Preliminary Plat submittal.

While the applicant aims to meet many of the development standards listed within the MF-1 zoning district ordinance, they are proposing a few deviations and standards. All development standards are listed within “Exhibit B-Planned Development Standards”, however significant deviations/standards are listed below.

- Minimum Project Size: Project will consist of thirteen (13) individually platted lots.
- Minimum Lot Width: Fifty-five (55) feet
- Minimum Side Yard: Four (5) feet for interior side yard and five (10) feet from a street right-of-way line for a structure located adjacent to a public street.
- Minimum Rear Yard: Four and a half (4) feet.

The applicant previously proposed a side yard of four (4) feet for an interior lot and a side yard of five (5) feet for structures adjacent to a public street. At the Planning and Zoning Commission meeting held on January 9<sup>th</sup>, 2024, the Commission made a recommendation that the side yard setback for interior lots be increased to five (5) feet and the side yard setback for structures adjacent to a public right-of-way be increased to ten (10) feet. The applicant was amenable to this, however, they had to amend a few of their development standards that were previously presented to the Planning and Zoning Commission, in order to accommodate their recommendation. These amendments include a reduction in the minimum lot area and minimum front yard setback development standard.

Applicant is proposing that all structures have seventy-five (75) percent of the exterior constructed with masonry materials. Renderings have been provided. All landscaped and perimeter screening shall meet the minimum standards detailed in Section 28.51. and 28.53. of the City of Denison Zoning Ordinance.

### **Financial Considerations**

- N/A

### **Prior Board or Council Action**

- The Planning and Zoning Commission recommended approval of this request at their meeting held on January 9<sup>th</sup>, 2024, with the recommendation that that the side yard setback be increased to five (5) feet or interior lots and ten (10) feet for structures adjacent to public right-of-way.

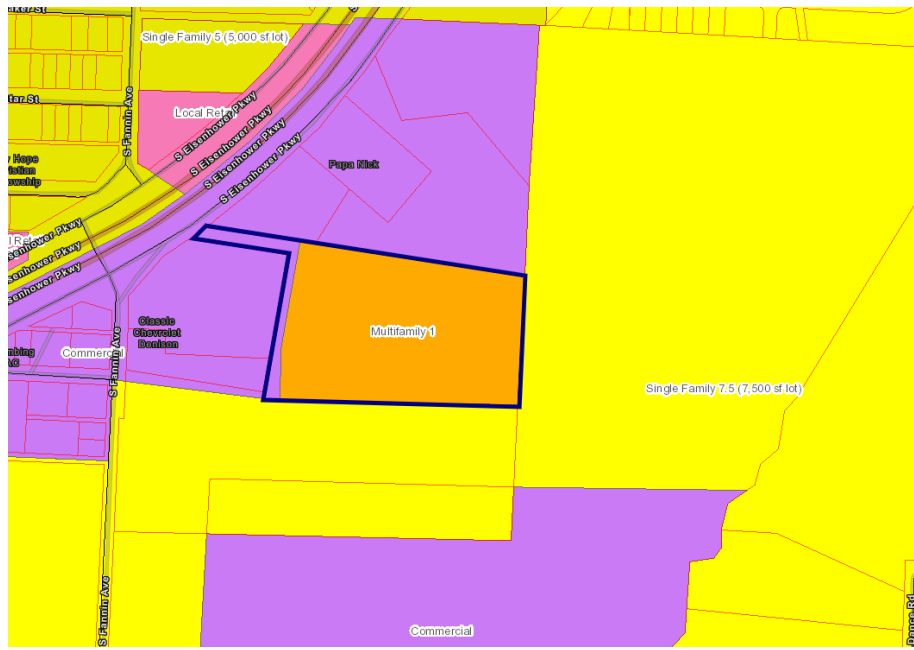
### **Alternatives**

- The City Council may table, deny, or conditionally approve the request.

**Aerial of Subject Property**



**Zoning Aerial of Subject Property**



#### Project Narrative and Compliance with City's comprehensive plan:

The proposed project known as Parkway Bend The colony is a multi-family development that is about 11.5 acres out of the total 25 acre parcel located near the SE quadrant of the S Eisenhower Pkwy and S Fannin Ave intersection. Majority of this 11.5 acres is zoned as Multi Family 1 with a small portion zoned as commercial as shown in the Zoning exhibit attached in the concept plans. This development proposes to build a total of 142 attached homes. This development will have about 13 lots and a HOA lot.

#### Compliance with City of Denison Comprehensive Plan:

Existing zoning for this property is Multifamily -1 and the proposed zoning is also consistent with this existing zoning. Majority of the standards for this development falls back to the Multi Family -1 base zoning regulations. Deviations from this zoning district are listed in the plans and the development standards. The city future land use map calls for this area to be "Neighborhood" consisting of high quality single family, apartments and townhomes. This development proposes a high quality attached residential project. Therefore, this zoning request is consistent with the City of Denison's Comprehensive Plan. It is also suggested in the city of Denison's comprehensive plan that high density residential should be close to Neighborhood Commercial, Community Commercial, and Downtown Denison. This project will be close to the Neighborhood Commercial as per the City of Denison comprehensive plan.

#### *Description of the request:*

- We intend to update the existing multi-family 1 (MF-1) requirements under a planned development to allow for the development of 142 single family attached homes. These 142 dwelling units will be grouped into units of 7, 8, 9, 10 and 12 depending on the location. Each of the building consisting of multiple dwelling units is intended to be platted as one lot.

#### *Proposed use of the property:*

- Parkway Bend consists of a mix of residential dwellings consisting of 7 to 12 units together with an access in the back that facilitates traffic into the unit 2-car garage. The development will provide a high-quality residential neighborhood that will serve as a model for future developments in this area. The development will feature an elegant entrance monument, public roadways with off street parking. There will be a large amenity lot that will be developed as a community gathering area with plenty of vegetation. Each of the lots will have sidewalk connectivity to the entire project area. Entrances to each dwelling will have a green strip at the front.

BOUNDARY EXHIBIT



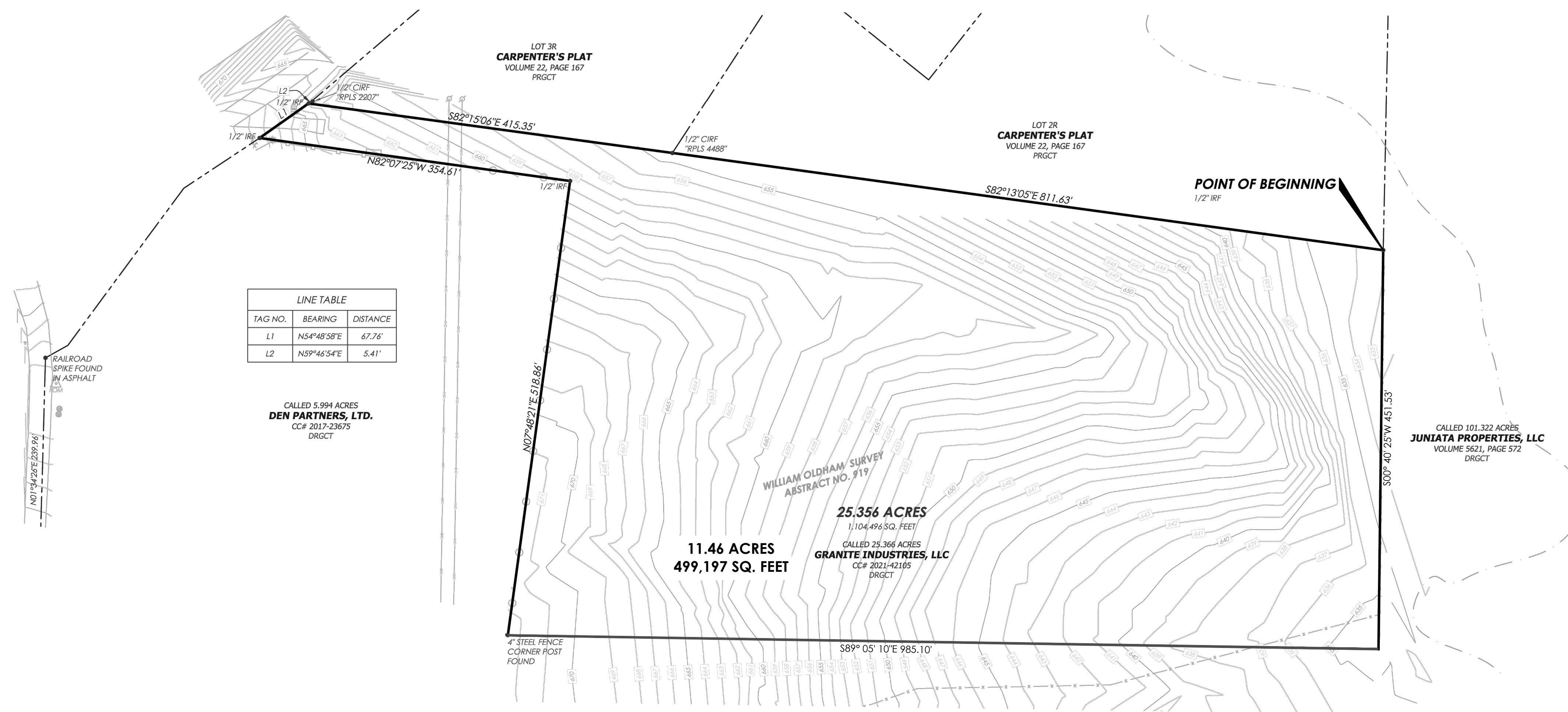
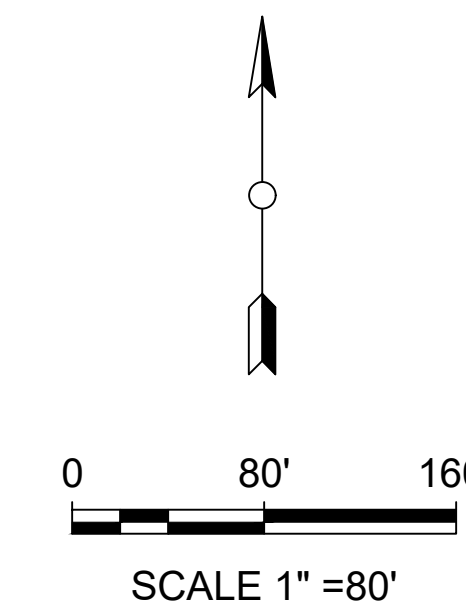
NOT FOR CONSTRUCTION

No.	Revision/Issue	Date

Firm Name and Address  
**TURNKEY TRACT**  
 2770 MAIN ST #171  
 FRISCO, TX 75033  
 F-22283  
 nkcivilengineer@gmail.com  
 214-377-0388

Project Name and Address  
**PARKWAY BEND THE RESIDENCES,**  
 GRAYSON COUNTY, TEXAS

Project	Sheet
Date 12 / 18 / 2023	02
Scale	



TAG NO.	BEARING	DISTANCE
L1	N54°48'58"E	67.76'
L2	N59°46'54"E	5.41'

CALLED 5.994 ACRES  
**DEN PARTNERS, LTD.**  
 CC# 2017-23675  
 DRGCT

**11.46 ACRES**  
**499,197 SQ. FEET**

**25.356 ACRES**  
 1,104,496(SQ. FEET)  
 CALLED 25.366 ACRES  
**GRANITE INDUSTRIES, LLC**  
 CC# 2021-42185  
 DRGCT

CALLED 101.322 ACRES  
**JUNIATA PROPERTIES, LLC**  
 VOLUME 5621, PAGE 572  
 DRGCT

**METES & BOUNDS DESCRIPTION**

**BEING** A 11.46 ACRE TRACT OF LAND SITUATED IN THE WILLIAM OLDHAM SURVEY, ABSTRACT NUMBER 919, CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND BEING ALL OF A CALLED 25.366 ACRE TRACT OF LAND DESCRIBED BY DEED TO GRANITE INDUSTRIES, LLC, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2021-42105, DEED RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID CALLED 11.46 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF LOT 2R, CARPENTER'S PLAT, AN ADDITION TO THE CITY OF DENISON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 22, PAGE 167, PLAT RECORDS, GRAYSON COUNTY, TEXAS, AND BEING ON THE WEST LINE OF A CALLED 101.322 ACRE TRACT OF LAND DESCRIBED BY DEED TO JUNIATA PROPERTIES, LLC, RECORDED IN VOLUME 5621, PAGE 572, DEED RECORDS, GRAYSON COUNTY, TEXAS;

**THENCE** SOUTH 00 DEGREES 40 MINUTES 25 SECONDS WEST, ALONG THE EAST LINE OF SAID CALLED 11.46 ACRE TRACT, BEING COMMON WITH THE WEST LINE OF SAID CALLED 101.322 ACRE TRACT, A DISTANCE OF 451.53 FEET, TO A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID CALLED 11.46 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF A CALLED 5.023 ACRE TRACT OF LAND DESCRIBED BY DEED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC, RECORDED IN VOLUME 1013, PAGE 804, DEED RECORDS, GRAYSON COUNTY, TEXAS;

**THENCE** NORTH 88 DEGREES 52 MINUTES 50 SECONDS WEST, DEPARTING SAID COMMON LINE AND ALONG THE UPPER SOUTH LINE OF SAID CALLED 11.46 ACRE TRACT, BEING COMMON WITH THE NORTH LINE OF SAID CALLED 5.023 ACRE TRACT, A DISTANCE OF 985.10 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882" AT AN ELL CORNER IN SAID SOUTH LINE, SAME BEING THE NORTHWEST CORNER OF SAID CALLED 5.023 ACRE TRACT;

**THENCE** NORTH 07 DEGREES 48 MINUTES 21 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 518.86 FEET, TO A 1/2" IRON ROD FOUND AT AN ELL CORNER IN A WEST LINE OF SAID CALLED 11.46 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID CALLED 5.994 ACRE TRACT;

**THENCE** NORTH 82 DEGREES 07 MINUTES 25 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 354.61 FEET, TO A 1/2" IRON ROD FOUND ON A WEST LINE OF SAID CALLED 11.46 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID CALLED 5.994 ACRE TRACT, AND BEING ON THE SOUTHEAST RIGHT-OF-WAY LINE OF EISENHOWER PARKWAY (U.S. HIGHWAY NO. 75), A VARIABLE WIDTH RIGHT-OF-WAY;

**THENCE** NORTH 54 DEGREES 48 MINUTES 58 SECONDS EAST, DEPARTING SAID COMMON LINE AND ALONG SAID SOUTHEAST RIGHT-OF-WAY LINE, A DISTANCE OF 67.76 FEET, TO A 1/2" IRON ROD FOUND AT THE NORTHERNMOST CORNER OF SAID CALLED 11.46 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF LOT 3R, SAID CARPENTER'S PLAT;

**THENCE** SOUTH 82 DEGREES 15 MINUTES 06 SECONDS EAST, DEPARTING SAID SOUTHEAST RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID CALLED 11.46 ACRE TRACT, BEING COMMON WITH THE SOUTH LINE OF SAID LOT 3R, A DISTANCE OF 415.35 TO A 1/2" CAPPED IRON ROD FOUND STAMPED "4488" AT THE SOUTHEAST CORNER OF SAID LOT 3R, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 2R;

**THENCE** SOUTH 82 DEGREES 13 MINUTES 05 SECONDS EAST, CONTINUING ALONG SAID NORTH LINE, BEING COMMON WITH THE SOUTH LINE OF SAID LOT 2R, A DISTANCE OF 811.63 FEET, TO THE **POINT OF BEGINNING**, AND CONTAINING 11.46 ACRES OR 499,197 SQUARE FEET OF LAND, MORE OR LESS.

**BOUNDARY EXHIBIT**  
**OF**  
**11.46 ACRES OF LAND**  
 SITUATED IN THE WILLIAM OLDHAM SURVEY  
 SURVEY, ABSTRACT NO. 919, CITY OF DENISON,  
 GRAYSON COUNTY, TEXAS

**Exhibit A**

EXHIBIT "B"  
Planned Development District Standards

**THE COLONY AT PARKWAY BEND  
PLANNED DEVELOPMENT DISTRICT  
STATEMENT OF INTENT AND PURPOSE**

This zoning submittal encompasses approximately 11.5 total acres of land out of a parcel consisting of approximately 25 acres, currently located within the City of Denison. The use proposed for the Property will provide the ability to accommodate and encourage the development consistent with the current zoning, with a few deviations. It is the intent of this Planned Development Document (PD) to establish a base zoning for the overall property together with the use and development regulations as designated therein, subject to modifications as set forth herein.

This PD document and the exhibits listed below supersede any existing zoning, use and development regulations for the tract of land described herein.



**1.0 PROJECT OVERVIEW**

The purpose of this Planned Development Overlay District is to create a multi-family development consisting of 141 attached homes with access to green space, community amenities and pedestrian walkways.

**2.0 PROJECT LOCATION**

The Colony at Parkway Bend is located in the southeast quadrant of the South Eisenhower Parkway and South Fannin Avenue intersection and is situated in the William Oldham Survey, Abstract No. 919 in the City of Denison, Texas as described in Exhibit A, Legal Description and as depicted graphically in Exhibit C, Property Exhibit.

**3.0 PROPERTY OWNERS ASSOCIATION**

A property owners association shall be established and shall be responsible for the ownership and maintenance of all common areas, including all private open space areas shown on the Concept Plan.

**4.0 PROPOSED THOROUGHFARES/ACCESS/CROSS SECTIONS**

The adjacent Spur 503 is designated on the Thoroughfare Plan as a major arterial. No other thoroughfares are shown adjacent to or through the Property. Access from Eisenhower Parkway will be created via a public street providing access to the property to the south for a future single-family development. Internal streets will meet City right-of-way standards for a residential street designation.

**5.0 CONCEPT PLAN**

The design and development of the Property shall generally comply with the Concept Plan, which is intended to provide a general representation of the location of the land uses on the property.

**6.0 MF-1, Multi-Family Residential Zoning District**

- A. Except as noted below, as depicted on the Concept Plan shall develop in accordance with the MF-1, Multi-Family Residential Zoning District (MF-1) as it exists or may be amended.
- B. **Minimum Project Size.** Project will consist of thirteen (13) individually platted lots.
- C. **Minimum Lot Area.** Seventeen thousand, seven hundred (17,700) square feet.
- D. **Minimum Lot Width.** Fifty-five (55) feet.
- E. **Maximum Lot Coverage.** Fifty (50) percent including main building and accessory buildings.
- F. **Minimum Front Yard.** Fifteen (15) feet.
- G. **Minimum Side Yard.** Five (5) feet for interior side yard and ten (10) feet from a street right-of-way line for a structure located adjacent to a public street.
- H. **Minimum Rear Yard.** Four (4) feet.
- I. **Maximum Density.** The maximum allowed density shall be twenty (20) units per acre.

J. **Building Separation.** Eight (8) feet.

K. **Parking.** Each unit will contain a two-car garage to accommodate parking for residences. Visitor parking will be provided via dedicated off-street parking located throughout the development.

#### **7.0 OPEN SPACE & DEVELOPMENT AMMENITIES**

The Colony at Parkway Bend will dedicate 27% of the 11.5 acres to green-space including park and amenity areas. Open space and amenities shall be provided per the following:

1. All open space, common areas, landscaping, and playground equipment shall be owned and maintained by the Property Owners Association (POA).
2. Community amenities will include a pool, shade structure and bathrooms. Park benches and trash receptacles will be located within the park areas.
3. Sidewalk connectivity throughout the development and to the adjacent development to the south will be provided for ease of access to amenities. All park areas will be located within walking distance of the residences.

#### **8.0 PERIMETER SCREENING & LANDSCAPE BUFFERS**

Landscaping shall conform to the provisions set forth in the Denison Code of Ordinances as it exists or may be amended.

PROPOSED SITE PLAN



PRELIMINARY  
FOR INTERIM REVIEW ONLY

THESE DOCUMENTS ARE FOR INTERIM REVIEW AND ARE NOT INTENDED FOR REGULATORY APPROVAL PERMIT, BIDDING OR CONSTRUCTION PURPOSES, THEY WERE PREPARED BY, OR UNDER THE SUPERVISION OF:

*K. Naves*

NAME VEEN KHAMMAMPATI 123697  
P.E. NO.  
DATE 01/05/2024  
TBPE FIRM #F22283

NOT FOR CONSTRUCTION

No.	Revision/Issue	Date

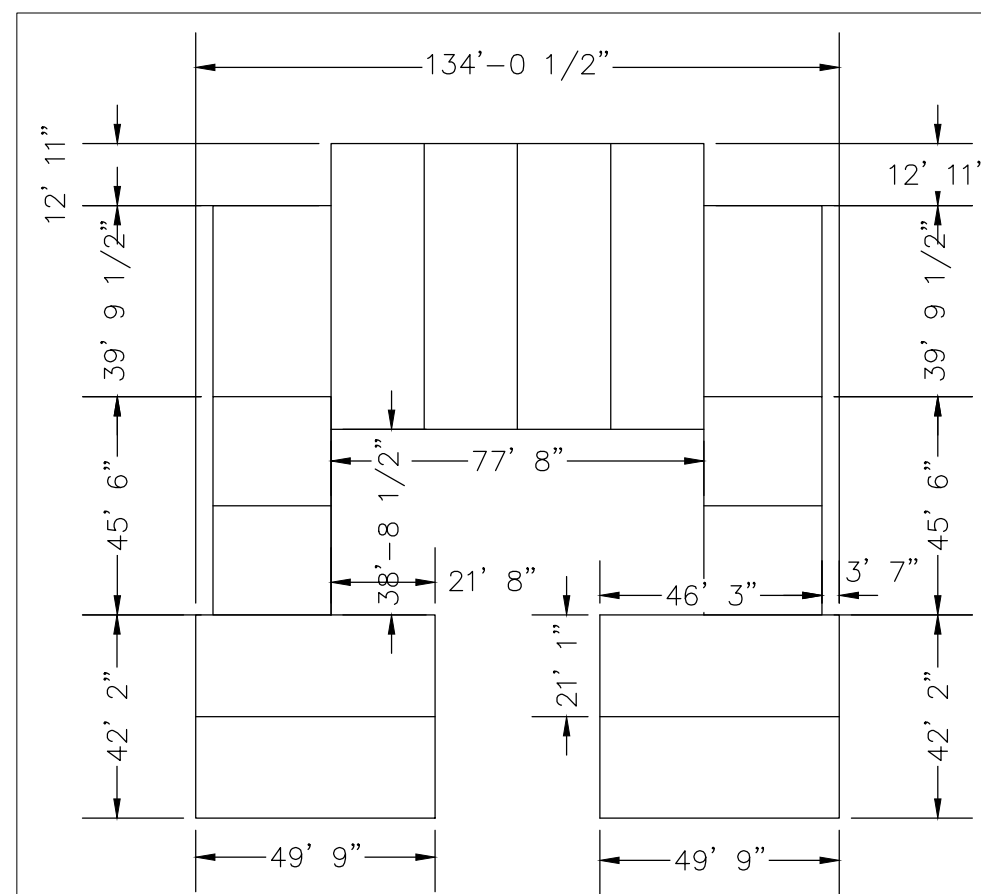
Firm Name and Address  
TURNKEY TRACT  
2770 MAIN ST #171  
FRISCO, TX 75033  
F-22283  
nkcivilengineer@gmail.com  
214-377-0388

Project Name and Address  
THE COLONY AT PARKWAY BEND  
GRAYSON COUNTY, TEXAS

Project	Sheet
Date 01 / 05 / 2024	C-PD 2
Scale	



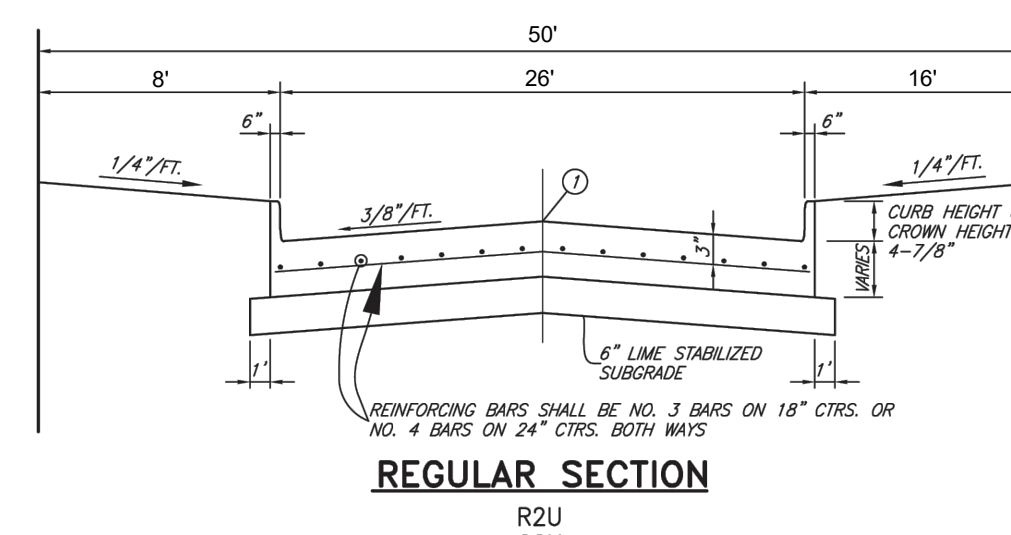
VICINITY MAP (N.T.S.)



LOT DIMENSIONS DETAIL



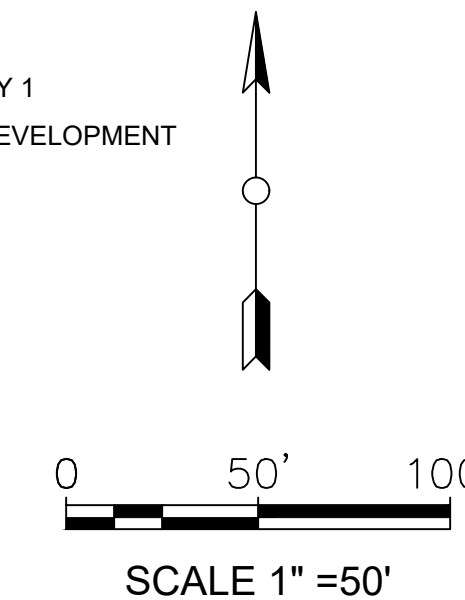
KEY MAP (1" = 400')



REGULAR SECTION

SITE DATA:

EXISTING ZONING = MULTI FAMILY 1  
PROPOSED ZONING = PLANNED DEVELOPMENT  
**MULTI FAMILY 1**  
TOTAL AREA = 11.46 ACRES  
GREEN SPACE = 3.10 ACRES  
TOTAL NO. OF UNITS = 141  
ROW WIDTH = 50'



SCALE 1" = 50'

	Base Zoning MF-1	PD Zoning	Variance Required
Minimum Lot Area	28,500 SF	17,700 SF	Yes
Minimum Lot Width	60'	55'	Yes
Front Yard	25'	15'	Yes
Minimum side yard	5'	5'	Yes
Minimum rear yard	5'	5'	Yes
Minimum lot coverage	50% by main and accessory buildings	50% by main and accessory buildings	Yes
Density	12 Per Acre	20 Per Acre	Yes
Distance Between Bldgs	10'	10'	Yes

PARKING REQUIREMENT

PARKING PROVIDED = 141 DWELLING UNITS (141\*2) = 282 SPACES  
OFF-STREET PARKING = 55 SPACES PROVIDED  
TOTAL SPACES PROVIDED = 337 SPACES

LEGEND

- GREEN SPACE
- CONCRETE PAVING
- SIDEWALK
- PROPOSED ROW
- INTERIOR LOT LINE
- SETBACK LINE



APPROXIMATE MF - 1 ZONING LIMIT  
APPROXIMATE SF - 7.5 ZONING LIMIT







① Front Elevation  
SCALE: 1"=150'



② Rear Elevation  
SCALE: 1"=150'

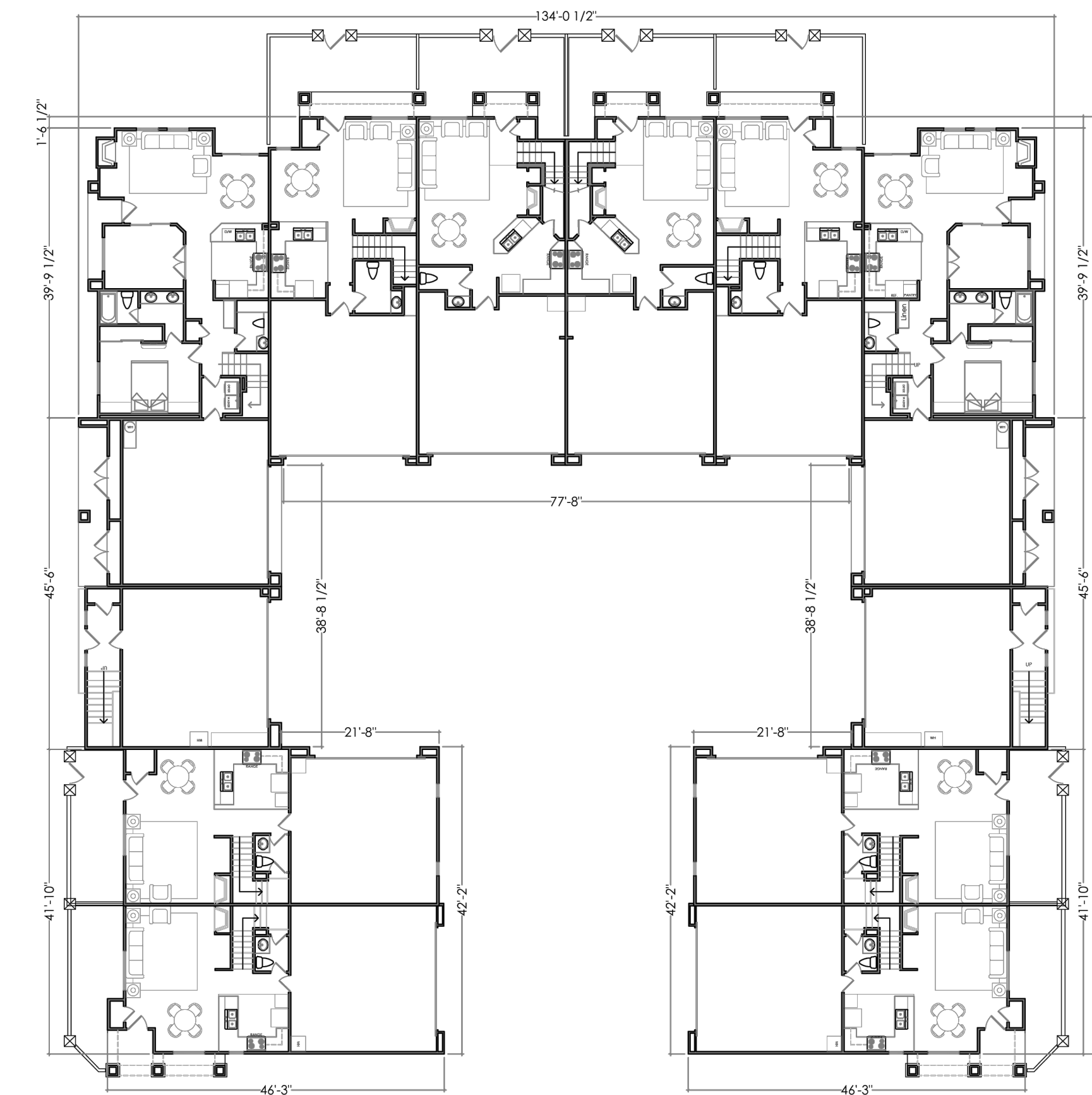


③ Side Elevation 1  
SCALE: 1"=150'

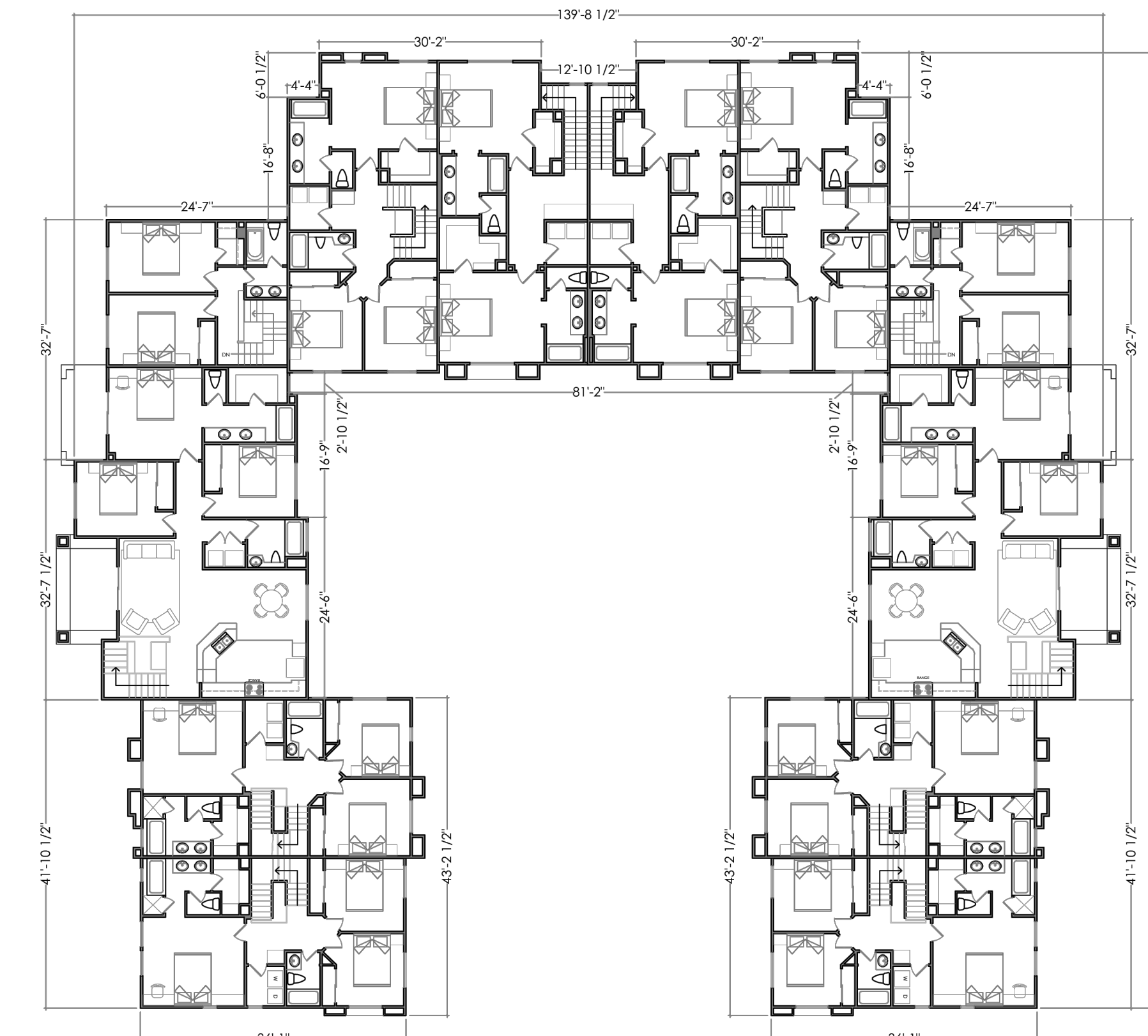


④ Side Elevation 2  
SCALE: 1"=150'

Exhibit D



12-PLEX LOWER LEVEL PLAN  
SCALE: 1"=200'



12-PLEX UPPER LEVEL PLAN  
SCALE: 1"=200'



NOT FOR CONSTRUCTION

No.	Revision/Issue	Date

Firm Name and Address  
**TURNKEY TRACT**  
 2770 MAIN ST #171  
 FRISCO, TX 75033  
 F-22283  
 nkcivilengineer@gmail.com  
 214-377-0388

Project Name and Address  
**PARKWAY BEND THE RESIDENCES,**  
 GRAYSON COUNTY, TEXAS

Project	Sheet
Date 12 / 18 / 2023	C-PD 3
Scale AS SHOWN	







**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF DENISON, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING CLASSIFICATION FROM MULTI-FAMILY-1 RESIDENTIAL (MF-1) DISTRICT AND COMMERCIAL (C) DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE OVERLAY (AO) TO PLANNED DEVELOPMENT (PD) DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE (AO) OVERLAY WITH BASE ZONING OF MULTI-FAMILY RESIDENTIAL DISTRICT (MF-1) ON AN APPROXIMATELY 11.446-ACRE PORTION OF THE TRACT IDENTIFIED AS GCAD NO. 151234, SAID PROPERTY BEING LEGALLY DESCRIBED AS BEING SITUATED IN THE WILLIAM OLDHAM SURVEY, ABSTRACT NO. 919, CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 25.366 ACRE TRACT OF LAND DESCRIBED BY DEED TO GRANITE INDUSTRIES, LLC, GRAYSON COUNTY, TEXAS, RECORDED AS INSTRUMENT NO. 2021-42105, DEED RECORDS OF GRAYSON COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A-1” AND DEPICTED IN EXHIBIT “A-2”; PROVIDING DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT “B”; PROVIDING A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING, AND SAVINGS CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Denison, Texas (hereinafter referred to as “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Denison, Texas (the “City Council”), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

**WHEREAS**, the City Council adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

**WHEREAS**, the City has received a request from Granite Industries, LLC, to change the zoning classification from Multi-Family-1 Residential (MF-1) District and Commercial (C) District partially within the Austin Avenue Overlay (AO) to Planned Development (PD) District partially within the Austin Avenue (AO) Overlay with base zoning of Multi-Family Residential District (MF-1) on a 11.446-acre tract in the William Oldham Survey, Abstract No. 919, City of Denison, Grayson

County, Texas, and being a portion of a called 25.366 acre tract of land described by deed to Granite Industries, LLC, recorded as Instrument No. 2021-42105, Deed Records, Grayson County, Texas; and being more particularly described in **Exhibit A-1** and depicted in **Exhibit A-2**, attached hereto and incorporated as if fully set forth herein (the “Property”); and

**WHEREAS**, Owner has designated Naveen Khammampati of Turnkey Tract to act in the capacity of Owner as agent for submittal, processing, representation, and/or presentation of the application, and as the principal contact person for responding to all requests for information; and

**WHEREAS**, the Development Standards and Concept Plan, as set forth in **Exhibit B** and **Exhibit C**, attached hereto and incorporated herein, define the base zoning district and provide for modifications to district regulations for the development of the Property; and

**WHEREAS**, after public notices were given in compliance with Texas law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City (the “Planning and Zoning Commission”) has recommended to the City Council to approve the change in zoning district classification on the Property with modifications and to amend the official zoning map of the City (the “Zoning Map”) to reflect the PD zoning classification; and

**WHEREAS**, the modifications to the proposed Development Standards, as recommended by the Planning and Zoning Commission, are outlined in Exhibit B with additions indicated by underline and deletions indicated by strikethrough; and

**WHEREAS**, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which it considered the recommendation of the Planning and Zoning Commission and, among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that the requested zoning accomplishes such objectives; and

**WHEREAS**, the Zoning Ordinance incorporates design standards and building materials standards that are differentially applicable to residential structures and non-residential buildings; and

**WHEREAS**, such standards substantially further the preservation of property values and the promotion of economic development within the City; and

**WHEREAS**, such standards also establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

**WHEREAS**, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

**WHEREAS**, the City’s policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City’s zoning regulations in all planned development districts; and

**WHEREAS**, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

**WHEREAS**, the owner and/or developer of the Property has consented in writing to the enforcement of the City’s design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS THAT:**

**Section 1. Incorporation of Premises.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2. Findings.** After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety and welfare.

**Section 3. Zoning Amendment.** The Zoning Ordinance is hereby amended to change the zoning of the Property to Planned Development (PD) District partially within the Austin Avenue (AO) Overlay with base zoning of Multi-Family Residential District (MF-1), subject to the following regulations, which exhibits are incorporated as if fully set forth herein, and all applicable City ordinances and regulations governing except as may be modified by this Ordinance:

- |            |                       |
|------------|-----------------------|
| Exhibit B: | Development Standards |
| Exhibit C: | Concept Plan          |

**Section 4. Zoning Map.** The Zoning Map is hereby amended to reflect the established zoning classification designation herein made.

**Section 5. Compliance Required.** The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

**Section 6. Severability Clause.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**Section 7. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any

pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**Section 8. Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day’s violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 9. Publication and Effective Date.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**Section 10. Open Meeting.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

**AND IT IS SO ORDERED.**

On motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, the above and foregoing ordinance was passed and approved by the following vote:

- Ayes:
- Nays:
- Abstentions:

At regular meeting January 16, 2024.

\_\_\_\_\_  
JANET GOTT, MAYOR

ATTEST:

\_\_\_\_\_  
Christine Wallentine, City Secretary

**EXHIBIT A-1**  
**PROPERTY LEGAL DESCRIPTION**

**BEING** A 11.446 ACRE TRACT OF LAND SITUATED IN THE WILLIAM OLDHAM SURVEY, ABSTRACT NUMBER 919, CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 25.366 ACRE TRACT OF LAND DESCRIBED BY DEED TO GRANITE INDUSTRIES, LLC, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2021-42105, DEED RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF LOT 2R, CARPENTER'S PLAT, AN ADDITION TO THE CITY OF DENISON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 22, PAGE 167, PLAT RECORDS, GRAYSON COUNTY, TEXAS, AND BEING ON THE WEST LINE OF A CALLED 101.322 ACRE TRACT OF LAND DESCRIBED BY DEED TO JUNIATA PROPERTIES, LLC, RECORDED IN VOLUME 5621, PAGE 572, DEED RECORDS, GRAYSON COUNTY, TEXAS;

**THENCE** SOUTH 00 DEGREES 40 MINUTES 25 SECONDS WEST, ALONG THE EAST LINE OF SAID CALLED 25.366 ACRE TRACT, BEING COMMON WITH THE WEST LINE OF SAID CALLED 101.322 ACRE TRACT, A DISTANCE OF 451.53 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882", FROM WHICH A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF A CALLED 5.023 ACRE TRACT OF LAND DESCRIBED BY DEED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC, RECORDED IN VOLUME 1013, PAGE 804, DEED RECORDS, GRAYSON COUNTY, TEXAS, BEARS SOUTH 00 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 337.44 FEET;

**THENCE** NORTH 89 DEGREES 05 MINUTES 12 SECONDS WEST, DEPARTING SAID COMMON LINE AND OVER AND ACROSS SAID CALLED 25.366 ACRE TRACT, A DISTANCE OF 985.10 FEET, TO A 4" STEEL FENCE CORNER POST FOUND AT AN ELL CORNER IN THE WEST LINE OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF A CALLED 5.994 ACRE TRACT OF LAND DESCRIBED BY DEED TO DEN PARTNERS, LTD., RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2017-23675, DEED RECORDS, GRAYSON COUNTY, TEXAS;

**THENCE** NORTH 07 DEGREES 48 MINUTES 21 SECONDS EAST, ALONG THE WEST LINE OF SAID CALLED 25.366 ACRE TRACT, BEING COMMON WITH THE EAST LINE OF SAID CALLED 5.994 ACRE TRACT, A DISTANCE OF 518.86 FEET, TO A 1/2" IRON ROD FOUND AT AN ELL CORNER IN A WEST LINE OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID CALLED 5.994 ACRE TRACT;

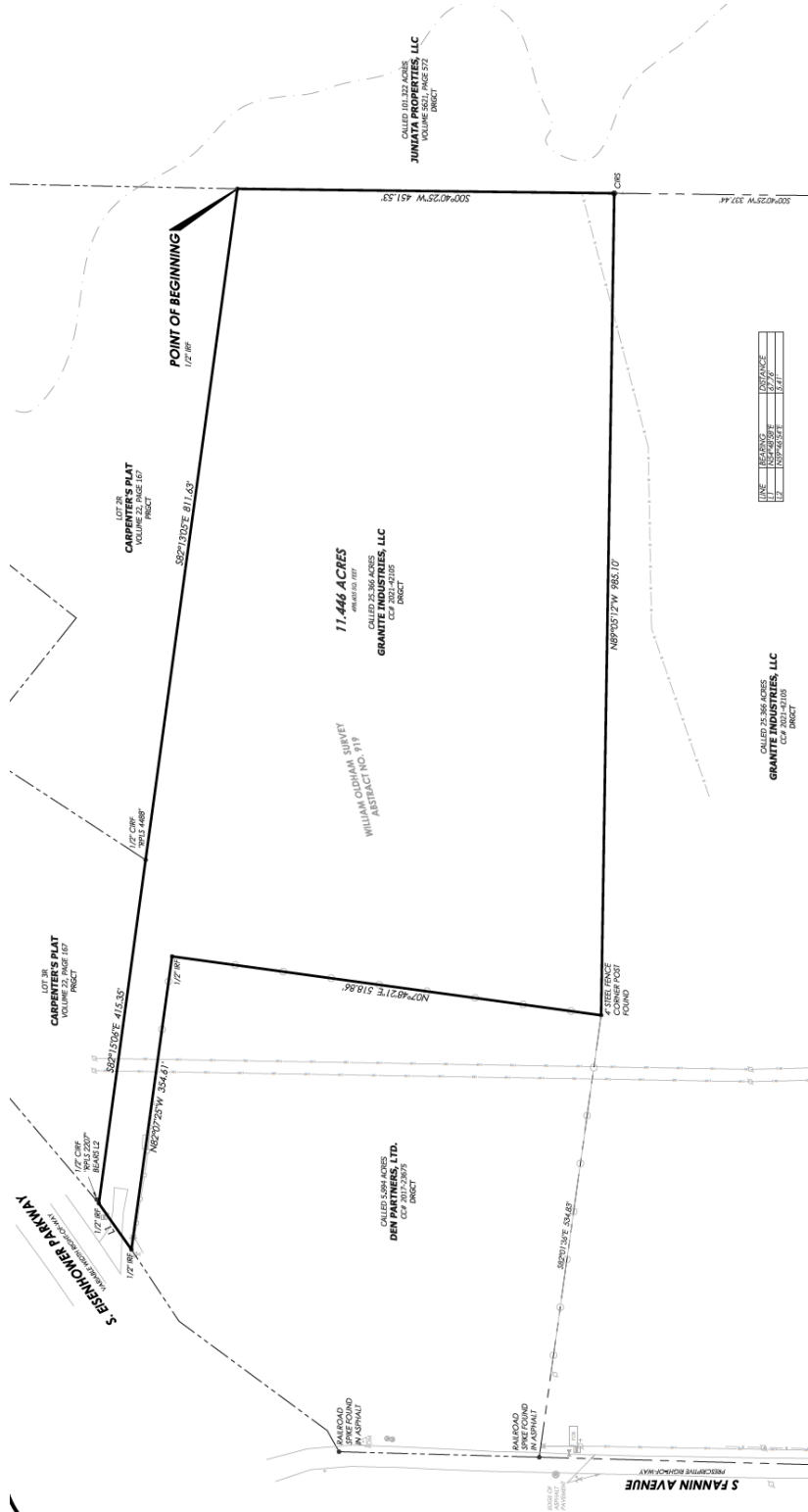
**THENCE** NORTH 82 DEGREES 07 MINUTES 25 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 354.61 FEET, TO A 1/2" IRON ROD FOUND ON A WEST LINE OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID CALLED 5.994 ACRE TRACT, AND BEING ON THE SOUTHEAST RIGHT-OF-WAY LINE OF EISENHOWER PARKWAY (U.S. HIGHWAY NO. 75), A VARIABLE WIDTH RIGHT-OF-WAY;

**THENCE** NORTH 54 DEGREES 48 MINUTES 58 SECONDS EAST, DEPARTING SAID COMMON LINE AND ALONG SAID SOUTHEAST RIGHT-OF-WAY LINE, A DISTANCE OF 67.76 FEET, TO A 1/2" IRON ROD FOUND AT THE NORTHERNMOST CORNER OF SAID CALLED 25.366 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF LOT 3R, SAID CARPENTER'S PLAT;

**THENCE** SOUTH 82 DEGREES 15 MINUTES 06 SECONDS EAST, DEPARTING SAID SOUTHEAST RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID CALLED 25.366 ACRE TRACT, BEING COMMON WITH THE SOUTH LINE OF SAID LOT 3R, A DISTANCE OF 415.35 TO A 1/2" CAPPED IRON ROD FOUND STAMPED "4488" AT THE SOUTHEAST CORNER OF SAID LOT 3R, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 2R;

**THENCE** SOUTH 82 DEGREES 13 MINUTES 05 SECONDS EAST, CONTINUING ALONG SAID NORTH LINE, BEING COMMON WITH THE SOUTH LINE OF SAID LOT 2R, A DISTANCE OF 811.63 FEET, TO THE **POINT OF BEGINNING**, AND CONTAINING 11.446 ACRES OR 498,605 SQUARE FEET OF LAND, MORE OR LESS.

# EXHIBIT A-2 PROPERTY DEPICTION



LINE	BEARING	DISTANCE	REMARKS
1	N82°07'25\"/>		

**EXHIBIT B**  
**DEVELOPMENT STANDARDS**

**THE COLONY AT PARKWAY BEND  
PLANNED DEVELOPMENT DISTRICT  
STATEMENT OF INTENT AND PURPOSE**

This zoning submittal encompasses approximately 11.446 total acres of land out of a parcel consisting of approximately 25 acres, currently located within the City of Denison. The use proposed for the Property will provide the ability to accommodate and encourage the development consistent with the current zoning, with a few deviations. It is the intent of this Planned Development Document (PD) to establish a base zoning for the overall property together with the use and development regulations as designated therein, subject to modifications as set forth herein.

This PD document and the exhibits listed below supersede any existing zoning, use and development regulations for the tract of land described herein.

**1.0 PROJECT OVERVIEW**

The purpose of this Planned Development Overlay District is to create a multi-family development consisting of 141 attached homes with access to green space, community amenities and pedestrian walkways.

**2.0 PROJECT LOCATION**

The Colony at Parkway Bend is located in the southeast quadrant of the South Eisenhower Parkway and South Fannin Avenue intersection and is situated in the William Oldham Survey, Abstract No. 919 in the City of Denison, Texas as described in Exhibit A, Legal Description and as depicted graphically in Exhibit C, Property Exhibit.

**3.0 PROPERTY OWNERS ASSOCIATION**

A property owners association (“POA”) shall be established and shall be responsible for the ownership and maintenance of all common areas, including all private open space areas shown on the Concept Plan.

**4.0 PROPOSED THOROUGHFARES/ACCESS/CROSS SECTIONS**

The adjacent Spur 503 is designated on the Thoroughfare Plan as a major arterial. No other thoroughfares are shown adjacent to or through the Property. Access from Eisenhower Parkway will be created via a public street providing access to the property to the south for a future single-family development. Internal streets will meet City right-of-way standards for a residential street designation.

**5.0 CONCEPT PLAN**

The design and development of the Property shall generally comply with the Concept Plan, which is intended to provide a general representation of the location of the land uses on the property.

**6.0 MF-1, Multi-Family Residential Zoning District**

A. Except as noted below, as depicted on the Concept Plan shall develop in accordance with the MF-1, Multi-Family Residential Zoning District (MF-1) as it exists or may be amended.

B. **Minimum Project Size.** Project will consist of thirteen (13) individually platted lots. ~~Eighteen thousand five hundred (18,500) square feet.~~

C. **Minimum Lot Area.** Seventeen thousand seven hundred (17,700) square feet. ~~Eighteen thousand five hundred (18,500) square feet.~~

- D. **Minimum Lot Width.** Fifty-five (55) feet.
- E. **Minimum Lot Depth.** One hundred and fifty (150) feet.
- F. **Maximum Lot Coverage.** Fifty (50) percent including main building and accessory buildings.
- G. **Minimum Front Yard.** Nineteen (19) feet.
- H. **Minimum Side Yard.** ~~Four (4)~~ Five (5) feet for interior side yard and ~~Five (5)~~ ten (10) feet from a street right-of-way line for a structure located adjacent to a public street.
- I. **Minimum Rear Yard.** Four (4) feet.
- J. **Maximum Density.** The maximum allowed density shall be twenty (20) units per acre.
- K. **Building Separation.** Eight (8) feet.
- L. **Parking.** Each unit will contain a two-car garage to accommodate parking for residences. ~~Visitor parking~~ There will be a minimum of fifty-five (55) visitor parking spaces that will be provided via dedicated off-street parking located throughout the development.

**7.0 OPEN SPACE & DEVELOPMENT AMMENITIES**

The Colony at Parkway Bend will dedicate ~~twenty-seven (27%)~~ thirty (30%) percent of the 11.446 acres to greenspace including park and amenity areas. Open space and amenities shall be provided per the following:

- 1. All open space, common areas, landscaping, and playground equipment shall be owned and maintained by the POA.
- 2. Community amenities will include a pool, shade structure and bathrooms. Park benches and trash receptacles will be located within the park areas.
- 3. Sidewalk connectivity throughout the development and to the adjacent development to the south will be provided for ease of access to amenities. All park areas will be located within walking distance of the residences.

**8.0 PERIMETER SCREENING & LANDSCAPE BUFFERS**

Landscaping shall conform to the provisions set forth in the Denison Code of Ordinances as it exists or may be amended.



# EXHIBIT C CONCEPT PLAN



CADD: JENNIFER W. HARRIS  
PROPOSED SITE PLAN



**PRELIMINARY**  
FOR INTERIM REVIEW ONLY  
THESE DOCUMENTS ARE FOR INTERIM REVIEW AND ARE NOT INTENDED FOR RECORD OR CONSTRUCTION PURPOSES. THE SUPERVISION OF THE CONSTRUCTION SHALL BE UNDER THE SUPERVISION OF:

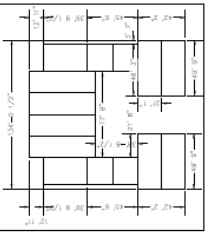
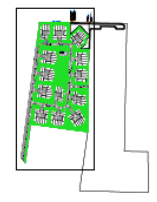
*K. K. K...*  
REGISTERED ARCHITECT  
STATE OF TEXAS  
NO. 12345  
FIRM NO. 67890  
NOT FOR CONSTRUCTION

TURNKEY TRACT  
2000 W. 15TH ST.  
FRODO, TX 78043  
F-22283  
nicholasg@turnkey.com  
281-577-6558

THE COLONY AT PARKWAY BEND  
GRAYSON COUNTY, TEXAS

DATE: 01/05/2024  
PROJECT: C-PD 2

**SITE DATA**  
EXISTING ZONING: MULTIFAMILY 1  
PROPOSED ZONING: MULTIFAMILY 1  
TOTAL AREA: 11.46 ACRES  
TOTAL NO. OF UNITS: 141  
ROW WIDTH: 40 FT



**LEGEND**

[Green Area]	GREEN SPACE
[Grid Pattern]	CONCRETE PARKING
[Dotted Pattern]	SIDEWALK
[Dashed Line]	PROPOSED ROW
[Solid Line]	INTERIOR LOT LINE
[Dash-dot Line]	SETBACK LINE

Item	Base	Additional	Total
Number of Units	141	0	141
Number of Parking Spaces	141	0	141
Number of Off-Street Parking Spaces	141	0	141
Number of On-Street Parking Spaces	0	0	0
Number of Accessory Buildings	0	0	0
Number of Other Structures	0	0	0

**PARKING REQUIREMENT**  
PARKING PROVIDED = 141 DRIVING LOTS (141) + 0 OTHER SPACES  
TOTAL SPACES PROVIDED = 141 SPACES

# City Council Meeting Staff Report



## Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to amend Planned Development Ordinance No. 5166 to add an additional 1.644 acres to the existing PD and to include the base zonings of Single-Family Residential District (SF-5), Single-Family Residential District-Attached (SF-TH), Multi-Family Residential District (MF-1), Multi-Family Residential District (MF-2), and Commercial District (C) on the approximately 28.36-acre tract, commonly known as 3400 W. Crawford Street. (Case No. 2023-118PD).

## Staff Contact

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

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## Summary

- The property owner is requesting to amend an existing Planned Development (PD) for property consisting of approximately 28.4 acres to allow for commercial and a variety of residential uses for a development called Waterloo Trails.
- The development is split between two “tracts” as depicted on the Concept Plan. Tract One allows for the development of a mix of residential uses including single-family detached, single-family attached, and duplexes. Tract Two will allow for commercial uses as well as apartment living.
- The proposed Planned Development Overlay District complies with the Comprehensive Plan.

## Staff Recommendation

City staff recommends approval of the Planned Development Overlay District.

## Recommended Motion

"I move to approve the subject property being rezoned to a Planned Development Overlay District for commercial, single-family, single-family townhome, two-family and multi-family residential uses."

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## Background Information and Analysis

The applicant is seeking to amend an existing Planned Development Overlay District (PD) to allow for a mixed-use development to include commercial spaces, several types of residential uses, and dedicated open space and amenities. As depicted on the Concept Plan listed as “Exhibit C”, the approximately 28.4 acres will be divided into two tracts.

Tract 1 is located on the east side of the property with frontage on portions of South Lillis Lane. This Tract will allow for the development of a mixture of residential uses to include single-family detached, single-family attached (townhomes), and two-family (duplex) with standards listed in the PD allowing for dwellings to be owner occupied or retained as rental property. The development of garden-style and wrap multi-family buildings, triplexes, and quadraplexes are prohibited uses within Tract 1. While the Planned Development does not call out specific acreage allotted to each residential use, it does establish base zoning districts and development standards based on the use as detailed below. Additionally, all development standards, uses, and deviations are detailed within “Exhibit B-Development Standards”.

- A. Single-Family Detached: owner-occupied established lots.
  - Base Zoning District: SF-5, Single Family Residential (SF-5)
  - Deviation from the front yard setback in relation to garages. Minimum setback of fifteen (15) feet if attached to the unit and may extend five (5) feet past the front door of the dwelling. If the garage is detached from the dwelling, a minimum building setback of three (3) feet from property lines or access drives is proposed.
- B. Single-Family Detached, Two-Family (duplex): retained as rental property.
  - Base Zoning District: MF-1, Multi-Family Residential (MF-1)
  - Significant deviations/standards are as follows:
    - Minimum Lot Area: Three thousand four hundred (3,400) square feet
    - Minimum Lot Width: Forty (40) feet
    - Minimum Lot Depth: Eighty-five (85) feet
    - Minimum Masonry Content: Seventy-five (75) percent, with the remaining materials utilized to consist of board and batten and Hardie board.
    - Minimum Parking: Parking for residents will be provided. On-street parking shall not be permitted or counted towards the required minimum parking.
    - No requirement for playground equipment or pool for areas designated with this use.
- C. Single-Family Attached (townhomes): owner-occupied and retained as rental property established lots.
  - Base Zoning District: SF-TH, Single Family Townhome (SF-TH)
  - Significant deviations/standards are as follows:
    - Maximum Density: fourteen (14) units per gross acre of land.
    - Maximum Number of Units: Fifty (50) units. A minimum of three (3) units and a maximum of twelve (12) units per structure.
    - Parking: on-street parking shall be allowed to accommodate visitor parking.
- D. Two-Family (duplex): lots available to be sold.
  - Base Zoning District: 2F-Two-Family (duplex) Residential (2F)
  - Significant deviations/standards are as follows:
    - Minimum Lot Area: Three thousand for hundred (3,400) square feet
    - Minimum Lot Width: Forty (40) feet
    - Minimum Lot Depth: Eight-five (85) feet
    - Minimum Parking: A minimum of two (2) parking spaces shall be required for each dwelling unit. One space shall be accommodated by an enclosed garage and the additional space may be paved open parking.

Additional significant standards required of the entire development of Tract 1 are listed below:

- The façade of each single-family detached and duplex units shall not be repeated for at least three (3) structures in a row.
- Units retained for rental property dwellings shall be a mix of two (2) and three (3) bedroom units. A Property Owners' Association (POA) will be created and will be responsible for maintaining all perimeter fencing, open spaces, and amenities, as well as any private infrastructure such as sidewalks.

All residential uses intended for development must be clearly defined when a Preliminary Plat application is submitted to the Planning Staff. Additionally, formal Site Plan submittals will be required for all residential developments with the base zoning district of SF-TH and MF-1 to be reviewed by Staff

and approved by the Planning and Zoning Commission. Construction of all public right-of-way and additional infrastructure serving Tract 1 shall be constructed in accordance with City standards. All landscaping requirements shall apply.

Tract Two is located on the west side of the property with frontage on portions of West Crawford Street and the US 75 frontage road (Katy Memorial Expressway). This Tract allows for the development uses allowed within the Commercial (C) and MF-2, Multi-Family Residential zoning districts as listed within Section 28.49-Use Regulation Chart of the City of Denison Zoning Ordinance. The PD establishes prohibited uses as those listed below:

- i. Mini warehouse/self-storage
- ii. Auto-dealer new/or used.
- iii. Auto-repair major/or minor
- iv. Car wash
- v. Pawn Shop
- vi. Trailer rental/RV sales
- vii. Single-Family attached or detached.

As established within “Exhibit B-Development Standards”, the following are significant deviations from the base zoning districts allowed within Tract 2:

A. MF-2, Multi-Family Residential (MF-2):

- Minimum area of two (2) acres and a maximum of ten (10) acres shall be developed in accordance with the MF-2 zoning district.
- Minimum number of units shall be fifty (50) with a maximum number of units being four hundred (400).
- Maximum Density: forty (40) dwelling units per acre
- Exterior Masonry: all main structures shall have a minimum of eighty (80) percent masonry.
- Flat roofs shall be permitted.

B. Commercial (C):

- Minimum area of two (2) acres and a maximum of eighteen (18) acres shall be developed in accordance with the C zoning district.
- There shall be no minimum building area.
- Exterior Masonry: All main structures shall be of exterior materials having at least seventy-five (75) percent of the total exterior constructed of materials.
- Flat roofs shall be permitted.
- Hotel buildings shall be set back a minimum of one hundred (100) feet from existing residential buildings located on an adjacent property measured from edge of building to edge of building.

Additional significant standards required of the entire development of Tract 2 are listed below:

- Landscape requirements and perimeter screening shall conform to Section 28.51 and Section 28.53 of the City of Denison Zoning Ordinance. Additionally, for development abutting Katy Memorial Expressway there shall be a minimum twenty (20) foot landscape easement consisting of turf and or ground cover and one (1) three-inch caliper shade trees planted at thirty (30) feet on center.
- Building height will be measured as an average of the tallest and lowest point due to significant topography across site.

- A Property Owners' Association will be created to maintain all open space, screening and any private infrastructure.

Formal Site Plans for all new structures constructed within Tract 2 must be submitted to the Planning Staff for review and require approval from the Planning and Zoning Commission.

The PD provides for a minimum of five (5) acres of open space across both Tracts, as well as a series of trails connecting the open space areas to the surrounding residential uses. Additional amenities include playground areas and trail head parking. The multi-family complex proposed in Tract 2 will include a pool and an amenity center for resident use.

### Financial Considerations

- N/A

### Prior Board or Council Action

- Planned Development ordinance approved by City Council on October 4<sup>th</sup>, 2021.
- The Planning and Zoning Commission recommended approval of the request at their meeting held on January 9<sup>th</sup>, 2024.

### Alternatives

- The City Council may table, deny, or conditionally approve the request.

**Aerial of Subject Property**



# Zoning Aerial of Subject Property

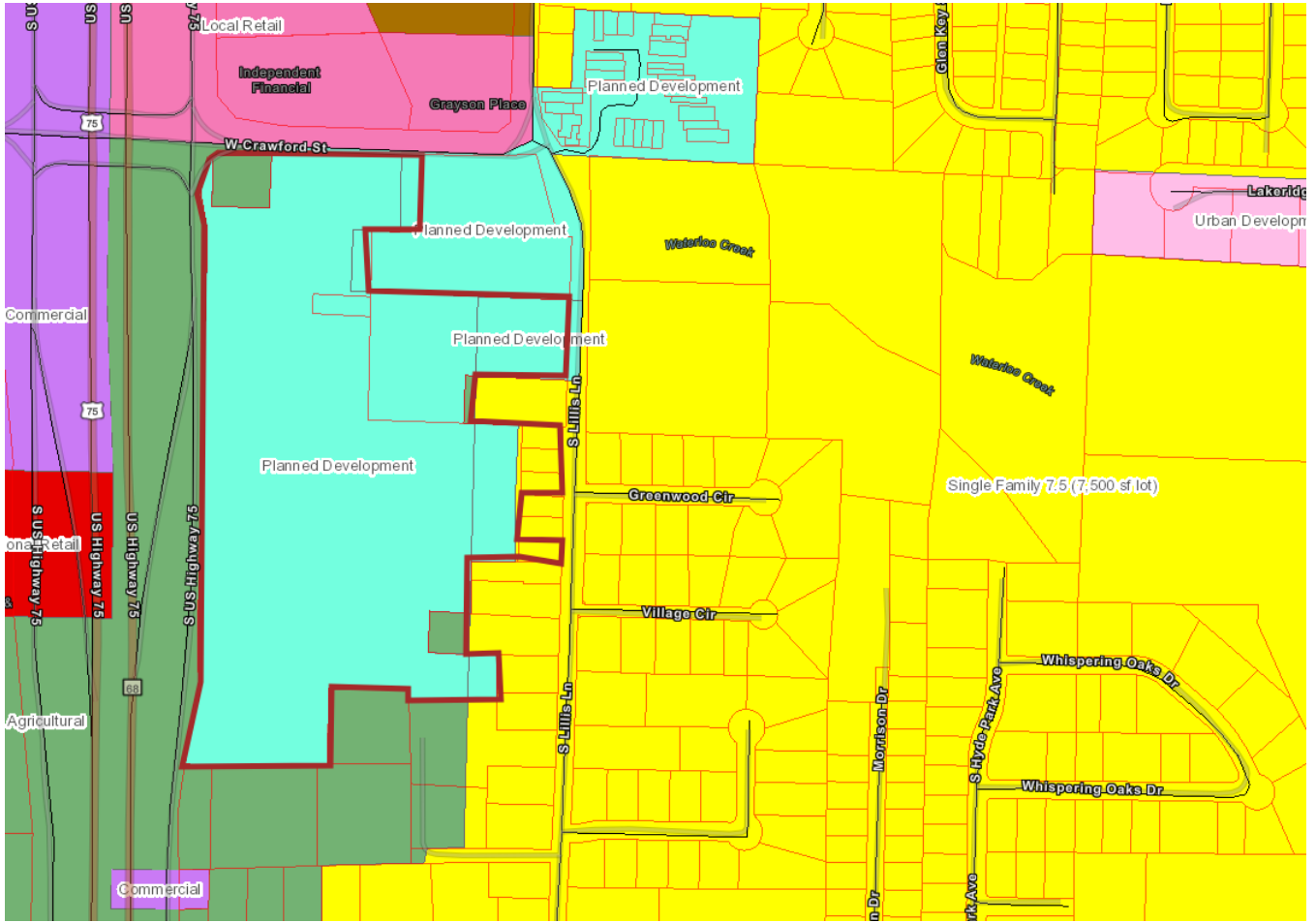
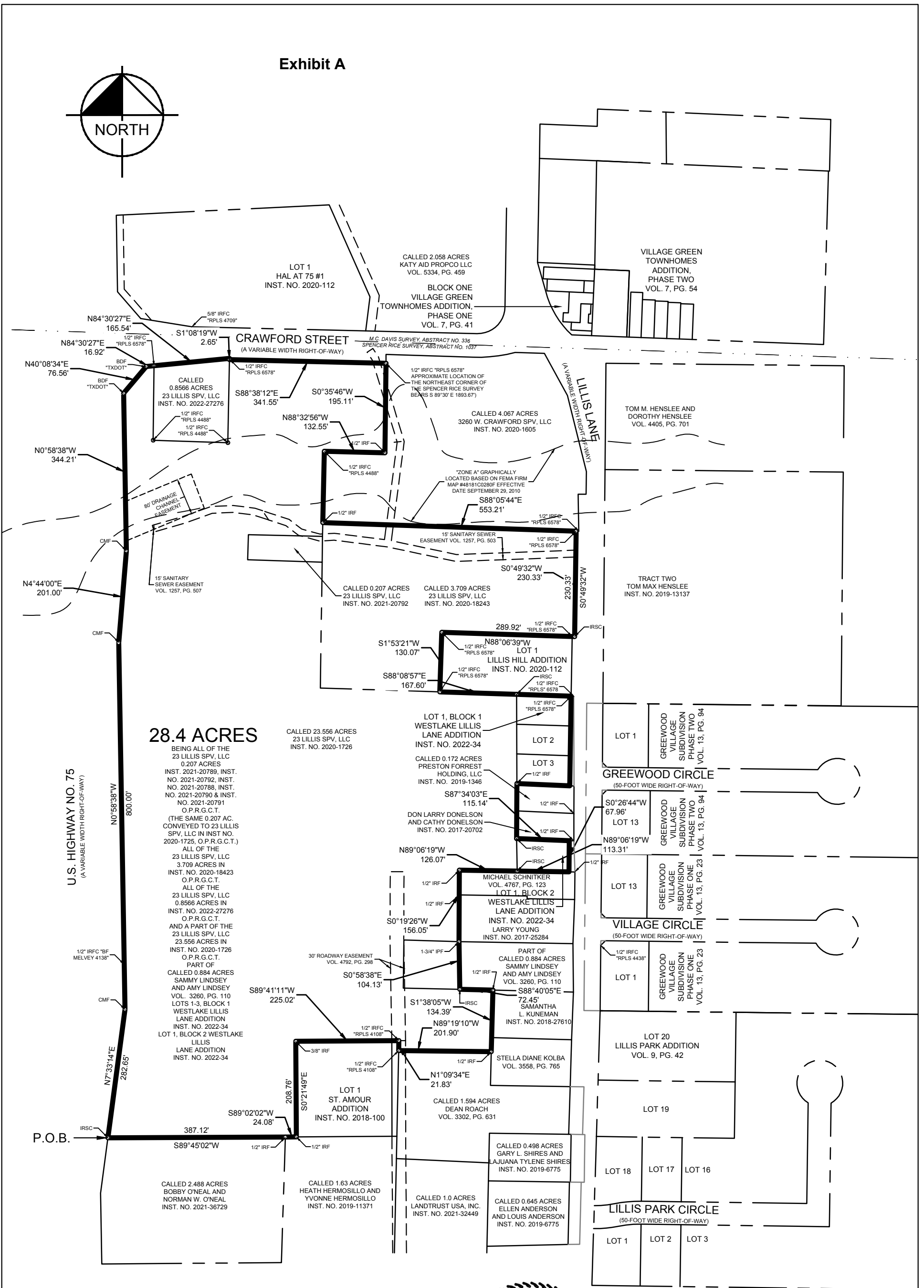
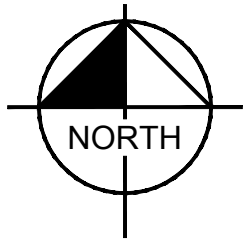


Exhibit A



# Waterloo Trails

Denison, Texas  
December 2023



**Kimley»Horn**

260 E Davis Street  
Suite 100  
McKinney, Texas 75069  
469-301-2580  
State of Texas Registration No. F-928

## Exhibit B

### Development Standards

#### Waterloo Trails

#### Planned Development District

#### Statement of Intent and Purpose

This zoning submittal encompasses approximately 28.4 total acres of land located within the City of Denison, as described in Exhibit A. The uses proposed for the Property include single-family residential, Multi-Family residential, retail, restaurant, and hotel. The intent of this planned development document (PD) is to establish a base zoning documenting the intended uses and development regulations as designated therein, subject to modifications as set forth herein. Additionally, the City's Zoning Ordinance incorporates building materials that are differentially applicable to residential structures and non-residential buildings, and it is the City's policy in creating a planned development district to incorporate and enhance to the fullest extent possible the design and building materials standards, which embody architecturally, and in some contexts, culturally significant features of continuing duration.

This PD and Concept Plan demonstrate the general location and relationships of uses for the overall property. The development may be completed in multiple phases. Because of varying development aspects and unforeseen circumstances, the Concept plan may change throughout the design process. Revisions to the concept plan that follow area and use restrictions specified in Section 6.0 and Exhibit C of this Agreement shall not require amendments.

#### 1.0 Project Overview

The purpose of this Planned Development Document is to create a multi-use development with open spaces and amenities (including but not limited to those specified in Sections 7.0 and 8.0 of this Agreement) to preserve and integrate with the natural features of the land. The development will focus on compatibility with adjacent land owners, maintaining residential use buffers and being cognizant of their quality of life. The development will be an asset to the surrounding community to create a thriving region for residents and businesses.

#### 2.0 Project Location

Waterloo Trails is located at the southeast corner of Katy Memorial Expressway and West Crawford Street and is situated in the Spencer Rice Survey, Abstract Number 1037 in the City of Denison, Texas as legally described in Exhibit A-1.

#### 3.0 Property Owners Association

A property owners association shall be established and shall be responsible for the ownership and maintenance of all common areas (Including private open space areas shown on the Concept Plan, and as revised at a later date), private fire lanes, private drive aisles, and parking areas. There



will be property owners associations established for the Residential Tract and for the Multi-Family/Commercial Tract.

#### 4.0 Proposed Thoroughfares/Access/Cross Sections

The adjacent U.S. Highway 75 is designated on the City Thoroughfare Plan as an Expressway. No other thoroughfares are shown adjacent to or through the Property. A series of proposed public local streets and access drives will be provided in general accordance with the Concept Plan. There shall be no split entry requirement into the development for any local street or access drive connection to an existing thoroughfare or local street, unless required by Traffic Impact Analysis (TIA).

#### 5.0 Concept Plan

The design and development of the Property shall generally comply with the Concept Plan, which is intended to provide a general representation of the location of the land uses on the property.

#### 6.0 Proposed Zoning Districts

The property shall be divided into two Tracts, with the general location of each shown in the Concept Plan (Exhibit C in this Agreement). The Tracts shall be designated as Residential Tract (Tract 1) and Multi-Family/Non-Residential Flex Tract (Tract 2). The area designated for each of these tracts in Exhibit C shall be developed according to the following sections of this Exhibit.

- a) The Concept Plan demonstrates the general location and relationships of uses for the overall property. The development will be completed in multiple phases, per the preliminary plat. The following criteria shall be permitted without amendment to the Concept Plan and shall be approved at a staff level:
  - i. Public streets and access drives may be realigned, provided they meet City of Denison Engineering Design Standards.
  - ii. The boundary for Tract 1 and Tract 2 may be adjusted so that either Tract can be enlarged.
  - iii. Uses shown on the concept plan can be revised as long as the use is permitted within the zoning of the tract.
  - iv. Residential Tract (Tract 1) shall have a minimum area of five (5) acres and a maximum area of fifteen (15) acres.
  - v. Multi-Family/Non-Residential Flex Tract (Tract 2) shall have a minimum area of eight (8) acres and a maximum area of twenty (20) acres.
  - vi. Commercial, office, and apartments buildings shall be setback a minimum of fifty (50) feet from existing residential buildings located on an adjacent property, measured from edge of building to edge of building, except in the case where a public street runs between the buildings and the single family.

#### Residential Tract – Development Regulations

Except as amended in these Development Standards, the Residential Tract (Tract 1) shall be developed in accordance with the standards applicable to the Single-family Residential District (SF-5), Multi-Family

Residential District (MF-1), Single-family Townhome District (TH), and Two-Family (duplex) Residential District (2F) as it exists or may be amended. The developer will develop the area designated for Tract 1 with a combination of Single-family Detached for-sale lots, and/or for-rent units, and townhome for-sale lots, and/or for-rent units. The SF-5 regulations shall apply for the single-family detached for-sale lots, and the MF-1 district regulations shall apply for the single-family detached and duplex for-rent units. The TH district regulations shall apply for the single-family attached for-sale and for-rent units. The 2F district regulations shall apply for the duplex for-sale use.

1. Permitted Uses. Except as provided herein, all uses permitted in the SF-5, MF-1, TH, and 2F districts. The following additional uses shall be permitted:
  - a) Single-family Detached for-rent Units
  - b) Duplex/Two-Family Residential for-rent Units
  - c) Townhomes
  
2. Prohibited Uses. The following additional uses shall be prohibited:
  - a) Garden-style and wrap multi-family buildings
  - b) Triplexes
  - c) Quadplexes
  
3. Area Regulations for Single-family Detached For-Sale Lots. Area regulations shall follow SF-5 zoning standards with the following deviations:
  - a) Minimum Garage setback. Fifteen (15) feet if attached to unit. Garage may extend five (5) feet past front door of unit. Minimum garage setback if detached from unit and garage can be located along access drive and shall follow accessory building setback requirement of three (3) feet.
  
4. Area Regulations for Single-family Detached / Duplex For-Rent Units. Area regulations shall follow MF-1 zoning standards with the following deviations:
  - a) Minimum Lot Area. Three thousand four hundred (3,400) square feet.
  - b) Minimum Lot Width. Forty (40) feet for detached and duplex units.
  - c) Minimum Lot Depth. Eighty-five (85) feet.
  - d) Minimum Front yard setback. Twenty (20) feet.
  - e) Minimum Garage setback. Fifteen (15) feet if attached to unit. Minimum garage setback if detached from unit and garage can be located along access drives, fire lanes, streets, and alleys and shall follow accessory building setback requirement of three (3) feet.
  - f) Minimum side yard setback. One side reduced to zero feet if a duplex use; other side yard a minimum of five (5) feet required with primary structures being located no closer than ten (10) feet to another primary structure; fifteen (15) feet from a street right-of-way line or property line.
  - g) Minimum floor area per dwelling for single family and duplex for rent units.
    - i. 1-bedroom 700 square feet
    - ii. 2-bedroom 1,000 square feet
    - iii. 3-bedroom 1,200 square feet
  - h) Maximum Building Height. 2.5 stories, thirty-five (35) feet

- i) Maximum Lot Coverage. Seventy (70) percent including main buildings and accessory buildings.
- j) Minimum Masonry Content. Seventy-Five (75) percent.
  - i. The remaining percentage shall consist of, but not be limited to, board and batten, and Hardie board.
  - ii. Minimum Roof Pitch. 4:12
- k) Maximum Residential Density. Twelve (12) units per gross acre of land area within the development.
- l) Minimum Parking\*\*.
  - i. 1-bedroom            1.20 spaces per bedroom
  - ii. 2-bedroom            2.00 spaces per bedroom
  - iii. 3-bedroom            2.50 spaces per bedroom
- m) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.
- n) Refuse Facilities. Every multi-family dwelling unit, including single family detached for-rent and duplex/two-family residential for-rent shall be located within five hundred (500) feet of a refuse facility, measured along the designated pedestrian travel way.
- o) There shall be no swimming pool requirement.
- p) There shall be no playground requirement.

\* The term "net acreage" shall mean and refer to the total acres of a subdivision remaining after subtracting land dedicated for rights-of-way, floodplain, erosion setback hazards, easements, areas for thoroughfare screening.

\*\*Required parking shall be permitted to be off-street parking spaces. Head in parking shall be allowed off of streets access drives. Parking within street or access drive limits shall not be permitted or counted towards the required minimum. Dedicated parking for residents shall be included. Covered parking shall not be required if providing this use, but covered spaces shall count towards the parking requirement if used. There shall be no driveway requirement, but driveway spaces shall count towards the parking requirement if used.

5. Area Regulations for Single-family Attached For- Sale Lots or For - Rent Units. Area regulations shall follow TH zoning standards with the following deviations:

- a) Maximum Density. Fourteen (14) units per gross acre of land area within the development.
- b) Maximum Number of Units. There shall be a maximum of fifty (50) units. There shall be a minimum of 3 units and a maximum of 12 units per structure.
- c) Minimum Project Size. There shall be no minimum area set within Tract 1 for townhome development.
- d) Minimum Front yard setback. Fifteen (15) feet for dwelling units and any other structures.

- e) Minimum side yard setback. Attached townhome dwellings shall not have an interior side yard; however, a minimum fifteen-foot side yard is required for a corner lot adjacent to a residential street or access drive/fire lane.
- f) Maximum Building Height. 3 stories, forty-five (45) feet.
- g) Parking. On-street parking shall be allowed to accommodate designated visitor parking requirements.
- h) Landscaping of each lot shall adhere to the base ordinance for Landscaping as defined by Denison's Zoning Ordinance in Section 28.51.5-28.51.6 and subsequent amendments through the date of approval of this Agreement.
- i) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.

6. Area Regulations for Single-family Duplex for-sale. Area regulations shall follow 2F zoning standards with the following deviations:

- a) Minimum Lot Area. Three thousand four hundred (3,400) square feet.
- b) Minimum Lot Width. Forty (40) feet.
- c) Minimum Lot Depth. Eighty-five (85) feet.
- d) Minimum Front yard setback. Twenty (20) feet.
- e) Minimum Garage setback. Fifteen (15) feet if attached to unit. Minimum garage setback if detached from unit and garage can be located along access drives, fire lanes, streets, and alleys and shall follow accessory building setback requirement of three (3) feet.
- f) Minimum side yard setback. One side reduced to zero feet; other side yard a minimum of five (5) feet required with primary structures being located no closer than ten (10) feet to another primary structure; fifteen (15) feet from a street right-of-way line or property line.
- g) Minimum floor area per dwelling for single family and duplex for rent units.
  - i. 1-bedroom 700 square feet
  - ii. 2-bedroom 1,000 square feet
  - iii. 3-bedroom 1,200 square feet
- h) Maximum Building Height. 2.5 stories, thirty-five (35) feet
- i) Maximum Lot Coverage. Seventy (70) percent including main buildings and accessory buildings.
- j) Minimum Masonry Content. Seventy-Five (75) percent.
  - i. The remaining percentage shall consist of, but not be limited to, board and batten, and Hardie board.
  - ii. Minimum Roof Pitch. 4:12
- k) Minimum parking. A minimum of two (2) parking spaces shall be required for each dwelling unit. A minimum of one (1) space shall be in an enclosed garage and one (1) additional space may be paved open parking
- l) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.

### **Supplemental Standards – Residential Tract:**

The following regulations shall also apply and supersede Denison’s Zoning Ordinance for Development:

1. Separation between residential buildings shall be a minimum of 10 feet (face of building to face of building, including eaves).
2. The required masonry content will be considered on an entire structure basis, not floor-by-floor, and there is no minimum natural stone or stone veneer requirement.
3. The façade of each single-family detached and duplex for-rent unit shall not be repeated for at least three (3) structures in a row.
4. For-rent dwelling units shall be a mix of two (2) and three (3) bedroom units.
5. Sidewalks located within the MF-1 zoning district, which are private and located onsite, shall be a minimum of five (5) feet wide and maintained by the property owner’s association. Public sidewalks shall meet City requirements.
6. Attached and detached garages (9’ x 18’) and reserved parking spaces in front of garages (9’ x 20’) are allowed and count towards minimum parking requirements.
7. Detached covered parking structures are not required but allowed so long as no structure shall accommodate more than (12) parking spaces or be located closer than ten (10) feet to another detached parking structure.
8. Fencing:
  - a) Property owner’s association (POA) shall be responsible for maintaining perimeter fencing.
  - b) Perimeter fencing shall be minimum 6 feet in height. Allowed materials: wood, iron, metal, or masonry.
    - i. Perimeter fencing may be up to twenty (20) feet inside the subject property line when restricted by grade or easements.
  - c) Internal fencing of yards shall be minimum four (4) feet and maximum eight (8) feet in height. Allowed materials: wood or metal.
    - i. Fences in front yard shall have a maximum height of four (4) feet.
  - d) Exception: fencing of amenities may be 4 feet in height, or as approved on the detailed site plan. Allowed materials: wood, iron, or metal.
9. Retaining walls may be placed in front/side/rear setbacks and landscape buffers and must be built to City of Denison Standards. Fences are allowed in front/side/rear setbacks and shall adhere to the standards for perimeter fencing listed in item 8.b.

### Multi-Family/Non-Residential Tract – Development Regulations

Except as amended in these Development Standards, the Multi-Family/Non-Residential Tract (Tract 2) shall be developed in accordance with the standards applicable to the Multi-Family Residential District (MF-2) and Commercial District (C) ) as it exists or may be amended. The developer will develop the area designated for Tract 2 with a combination of apartments, hotel, retail, restaurants, and/or grocery store. MF-2 district regulations shall apply for multi-family residential use. C district regulations shall apply for all other permitted uses.

- a) Permitted Uses. Except as provided herein, all uses permitted in the MF-2 and C districts. The following uses shall be prohibited:

- i. Mini-warehouse/Self-storage
- ii. Auto-dealer new/or used
- iii. Auto-repair major/or minor
- iv. Car wash
- v. Pawn shop
- vi. Trailer rental/RV sales
- vii. Single-family Attached and Detached

b) Regulations for Multi-Family Use.

- i. A minimum area of 2.0-acres and a maximum area of 10.0-acres in Tract 2 labeled as "MULTI-FAMILY" as depicted on the Concept Plan shall develop in accordance with the MF-2 – Multi-Family Residential District as it exists or may be amended.
- ii. Dwelling units. There shall be a minimum of 50 units and a maximum of 400 units. The property may consist of efficiency, one-bedroom, two- bedroom, or three-bedroom units. Multi-family units with four or more bedrooms shall be prohibited.
- iii. Maximum density. There shall be a maximum allowable density of forty (40) dwelling units per acre.
- iv. On-site parking. No average number of parking spaces shall apply. On-site parking shall be provided as follows:
  - 1. One (1) space for each studio/efficiency unit.
  - 2. One and one-fifth (1.2) spaces for each one-bedroom unit.
  - 3. Two (2) spaces for each two-bedroom unit.
  - 4. Two and one half (2.5) spaces for each three-bedroom unit.
- v. Building heights. The maximum building height shall be four (4) stories and 42 feet to the top floor plate, and 65 feet to the top of the roof ridge. Chimneys, antennae, and other architectural projections not used for occupancy may extend above this height limit. Accessory buildings shall be a maximum of twenty-five (25) feet, including detached garages.
- vi. Exterior masonry requirements. All main structures must have a minimum of eighty percent (80%) masonry. Masonry construction includes walls constructed of brick, rock, stone, stucco (excluding EIFS), tilt wall materials, concrete, concrete block, or other approved masonry materials. The required masonry and non-masonry shall be either hues of natural stone colors or color shades that blend with brick or other primary façade materials.
- vii. Flat roofs shall be permitted.

7. Regulations for Hotel, Restaurant, and All Other Commercial Permitted Uses.

- a) A minimum area of 2.0-acres and a maximum area of 18.0-acres in Tract 2 labeled as "COMMERCIAL" as depicted on the Concept Plan shall develop in accordance with the C – Commercial District as it exists or may be amended.

- b) Building heights. Buildings shall be a maximum of eight (8) stories.
- c) Minimum building area. No minimum building area.
- d) Exterior masonry requirements. All main structures shall be of exterior materials having at least seventy-five (75) percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry.
- e) Flat roofs shall be permitted.
- f) Hotel buildings shall be setback a minimum of one hundred (100) feet from existing residential buildings located on an adjacent property, measured from edge of building to edge of building.

**Supplemental Standards - Multi-Family/Non-Residential Tract:**

1. Landscape Requirements will be satisfied with the planting of landscaping that meets or exceeds the base ordinance as defined by Denison's Zoning Ordinance in Sections 28.51.
2. Open space trees will be satisfied with the planting of landscaping that meets or exceeds the base ordinance for Landscaping as defined by Denison's Zoning Ordinance in Section 28.51.5-28.51.6.
3. Additional Landscape Requirements. For development abutting Katy Memorial Expressway, there shall be a minimum twenty (20) foot landscape easement consisting of turf and/or ground cover and one (1), three-inch caliper shade trees planted at thirty (30) feet on center. The area shall have permanent irrigation and other easements shall be permitted to overlap the landscape easement.
4. Maximum fire hose pull shall be two hundred and fifty (250) feet for buildings equipped with a fire suppression sprinkler system in accordance with NFPA 13D standards.
5. There shall be no requirements for a split drive entry any part of the development.
6. An approved emergency turnaround shall not require for dead-end drive lanes one hundred and fifty (150) feet or less in length.
7. Standard off-street parking spaces shall be 9' x 18' minimum if 2' overhang is provided. Sidewalks shall be a minimum of 5' wide when placed at the back of curb.
8. Building height will be measured as an average of the tallest and lowest point due to significant topography across site.

**7.0 Tree Preservation Requirements**

Existing trees within buildable area of single-family residential uses, building pad of multi-family, commercial, and hotel uses, proposed public street right of ways, areas needed to establish property drainage, utility easements, detention and retention areas, sidewalks, septic systems and lateral lines, fences, screening walls, swimming pools and decking, driveways, drive aisles, and fire lanes shall be exempt from tree preservation and mitigation requirements.

- a) Regardless of exemptions, minimum of ten (10) percent of the total caliper inches of protected trees shall be preserved, excluding any protected trees in a floodway. Trees within a floodplain shall be included in the ten (10) percent.
- b) Mitigation and payment in lieu of mitigation shall count towards ten (10) percent of the total caliper tree preservation if ten (10) percent of existing protected trees cannot be preserved.

## 8.0 Open Space & Trails

The following Open Space and amenities shall be provided as part of this Agreement:

- a) A minimum of 5.0-acres of Open Space shall be provided across Tract 1 and 2. Open space shall be owned and maintained by a Property Owners Association.
- b) A series of trails shall connect the Open Space areas to the surrounding residential uses.
  - i. The developer shall not be responsible for extending the trail system offsite, if needed.

Area within the floodplain shall be counted towards the Open Space requirement given that it contains amenities stated above.

## 9.0 Development Amenities

The development shall consist of the following amenities:

- a) Open space areas with trails surrounding wet ponds.
- b) Playground areas within open spaces.
- c) Trail head with parking.
- d) Multi-family complex will include pool for resident use and amenity center.

## 10.0 Perimeter screening & landscape buffers

Perimeter screening shall be provided when adjacent to existing single-family zoning that meets or exceeds Denison's Zoning Ordinance in Sections 28.53. Perimeter screening shall be maintained by the Property Owner's Association (POA).

## 11.0 Phasing

There shall be no phasing requirements.





**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF DENISON, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY AMENDING PLANNED DEVELOPMENT ORDINANCE 5166 TO ADD AN ADDITIONAL 1.644 ACRES TO THE EXISTING PD, AND TO INCLUDE THE BASE ZONINGS OF SINGLE-FAMILY RESIDENTIAL DISTRICT (SF-5), SINGLE-FAMILY RESIDENTIAL DISTRICT—ATTACHED (SF-TH), MULTI-FAMILY RESIDENTIAL DISTRICT (MF-1), MULTI-FAMILY RESIDENTIAL DISTRICT (MF-2),, AND COMMERCIAL DISTRICT (C) ON THE APPROXIMATELY 28.36-ACRE TRACT LEGALLY DESCRIBED AS SITUATED IN THE SPENCER RICE SURVEY, ABSTRACT NO. 1037, CITY OF DENISON, GRAYSON COUNTY, TEXAS, BEING ALL OF ALL OF THE CALLED 23.556 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN TO 23 LILLIS SPV, LLC RECORDED IN INSTRUMENT NO. 2020-1726 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, AND BEING ALL OF THE CALLED 3.709 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN TO 23 LILLIS SPV, LLC RECORDED IN INSTRUMENT NO. 2020-18243 OF SAID OFFICIAL PUBLIC RECORDS, AND BEING ALL OF THE CALLED 0.207 ACRE TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED TO 23 LILLIS SPV, LLC RECORDED IN INSTRUMENT NO. 2021-20792 OF SAID OFFICIAL PUBLIC RECORDS; SAID TRACT ALSO BEING ALL OF LOTS 1, 2, & 3, BLOCK 1 AND LOT 1, BLOCK 2, WESTLAKE LILLIS LANE ADDITION, AN ADDITION TO THE CITY OF DENISON ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NO. 2022-34 OF SAID DEED RECORDS, GRAYSON COUNTY, TEXAS; AND, BEING COMMONLY KNOWN AS 3400 W. CRAWFORD STREET; BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A-1" AND DEPICTED IN EXHIBIT "A-2"; PROVIDING DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT "B"; PROVIDING A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING, AND SAVINGS CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Denison, Texas (hereinafter referred to as "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Denison, Texas (the "City Council"), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

**WHEREAS**, the City Council adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

**WHEREAS**, on October 4, 2021, the City Council adopted Ordinance No. 5166 establishing a Planned Development on the property more specifically described herein, amending the Zoning Ordinance and the Zoning Map of the City; and

**WHEREAS**, the City has now received a request from 23 Lillis SPV, LLC, to amend Planned Development Ordinance No. 5166 to add an additional 1.644 acres to the existing PD and to include the base zonings of Single-Family Residential District (SF-5), Single-Family Residential District—Attached (SF-TH), Multi-Family Residential District (MF-1), Multi-Family Residential District (MF-2), and Commercial District (C) on the approximately 28.36-acre tract more particularly described in **Exhibit A-1** and depicted in **Exhibit A-2**, attached hereto and incorporated as if fully set forth herein (the “Property”); and

**WHEREAS**, Owner has designated Eric Jeske of Kimley-Horn to act in the capacity of Owner as agent for submittal, processing, representation, and/or presentation of the application, and as the principal contact person for responding to all requests for information; and

**WHEREAS**, the Development Standards and Concept Plan, as set forth in **Exhibit B** and **Exhibit C**, attached hereto and incorporated herein, define the base zoning districts and provide for modifications to district regulations for the development of the Property; and

**WHEREAS**, after public notices were given in compliance with Texas law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City (the “Planning and Zoning Commission”) has recommended to the City Council to approve the change in zoning district classification on the Property and to amend the official zoning map of the City (the “Zoning Map”) to reflect the PD zoning classification; and

**WHEREAS**, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which it considered the recommendation of the Planning and Zoning Commission and, among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that the requested zoning accomplishes such objectives; and

**WHEREAS**, the Zoning Ordinance incorporates design standards and building materials standards that are differentially applicable to residential structures and non-residential buildings; and

**WHEREAS**, such standards substantially further the preservation of property values and the promotion of economic development within the City; and

**WHEREAS**, such standards also establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

**WHEREAS**, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

**WHEREAS**, the City’s policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City’s zoning regulations in all planned development districts; and

**WHEREAS**, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

**WHEREAS**, the owner and/or developer of the Property has consented in writing to the enforcement of the City’s design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS THAT:**

**Section 1. Incorporation of Premises.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2. Findings.** After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety and welfare.

**Section 3. Zoning Amendment.** The Zoning Ordinance is hereby amended by amending Planned Development Ordinance No. 5166 to add an additional 1.644 acres to the existing PD and to allow the inclusion of the base zonings of Single-Family Residential District (SF-5), Single-Family Residential District—Attached (SF-TH), Multi-Family Residential District (MF-1), Multi-Family Residential District (MF-2), and Commercial District (C), subject to the following regulations, which exhibits are incorporated as if fully set forth herein, and all applicable City ordinances and regulations governing except as may be modified by this Ordinance:

Exhibit B:	Development Standards
Exhibit C:	Concept Plan

**Section 4. Zoning Map.** The Zoning Map is hereby amended to reflect the established zoning classification designation herein made.

**Section 5. Compliance Required.** The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

**Section 6. Severability Clause.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**Section 7. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**Section 8. Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 9. Publication and Effective Date.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**Section 10. Open Meeting.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

**AND IT IS SO ORDERED.**

On motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, the above and foregoing ordinance was passed and approved by the following vote:

- Ayes:
- Nays:
- Abstentions:

At regular meeting January 16, 2024.

\_\_\_\_\_  
JANET GOTT, MAYOR

ATTEST:

\_\_\_\_\_  
Christine Wallentine, City Clerk

**EXHIBIT A-1**  
**PROPERTY LEGAL DESCRIPTION**

BEING a 28.36 acre tract of land situated in the Spencer Rice Survey, Abstract No. 1037, City of Denison, Grayson County, Texas, being all of all of the called 23.556 acre tract of land described in Warranty Deed with Vendor's Lien to 23 Lillis SPV, LLC recorded in Instrument No. 2020-1726 of the Official Public Records of Grayson County, Texas, and being all of the called 3.709 acre tract of land described in Warranty Deed with Vendor's Lien to 23 Lillis SPV, LLC recorded in Instrument No. 2020-18243 of said Official Public Records, and being all of the called 0.207 acre tract of land described in General Warranty Deed to 23 Lillis SPV, LLC recorded in Instrument No. 2021-20792 of said Official Public Records; said tract also being all of Lots 1, 2, & 3, Block 1 and Lot 1, Block 2, Westlake Lillis Lane Addition, an addition to the City of Denison according to the plat recorded in Instrument No. 2022-34 said Official Public Records; said tract being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "KHA" set in the east right-of-way line of U.S. Highway No. 75 (a variable width right-of-way), and being southwest corner of said 23.556 acre tract;

THENCE along the said east right-of-way line of U.S. Highway No. 75, the following four (4) calls:

North 07°33'14" East, a distance of 282.65 feet to a concrete monument found for corner;  
North 00°58'38" West, a distance of 800.00 feet to a concrete monument found for corner;  
North 04°44'00" East, a distance of 201.00 feet to a concrete monument found for corner;  
North 00°58'38" West, a distance of 344.21 feet to a concrete monument found at the south end of a right-of-way corner clip at the intersection of the said east right-of-way line of U.S. Highway No. 75 and the south right-of-way line of Crawford Street (a variable with right-of-way);

THENCE North 40°08'34" East, along said right-of-way corner clip, a distance of 76.56 feet to a brass disk stamped "TXDOT" found at the east end of said right-of-way corner clip;

THENCE North 84°30'27" East, along the said south right-of-way line of Crawford Street, a distance of 182.46 feet to a point for corner;

THENCE South 01°08'19" west, a distance of 2.65 feet to a point for corner;

THENCE South 88°38'12" East, along the said south right-of-way line of Crawford Street, a distance of 341.55 feet to a 1/2-inch iron rod with cap stamped "RPLS 6578" found for the northernmost northeast corner of said 23.556 acre tract;

THENCE departing the said south right-of-way line of Crawford Street, South 00°35'46" West, along the east line of said 23.556 acre tract, a distance of 195.11 feet to a 1/2-inch iron rod found for corner;

THENCE continuing along the east line of said 23.556 acre tract, the following two (2) calls:

North 88°32'56" West, a distance of 132.55 feet to a 1/2-inch iron rod with cap stamped "RPLS 4488" found for corner;  
South 01°15'51" West, a distance of 155.92 feet to a 1/2-inch iron rod found for the northwest corner of said 3.709 acre tract;

THENCE departing the said east line of the 23.556 acre tract, South 88°05'44" East, along the north line of said 3.709 acre tract, a distance of 553.21 feet to a 1/2-inch iron rod with cap stamped "RPLS 6578" found for corner in the west right-of-way line of Lillis Lane (a variable width right-of-way);

THENCE South 00°49'32" West, along the said west right-of-way line of Lillis Lane, a distance of 230.33 feet to a 5/8-inch iron rod with cap stamped "KHA" set for the easternmost southeast corner of said 3.709 acre tract;

THENCE continuing along the said west right-of-way line of Lillis Lane, North 88°06'39" West, passing at a distance of 5.12 feet a 1/2-inch iron rod with cap stamped "RPLS 6578" found, continuing along the southeast line of said 3.709 acre tract, in all a total distance of 289.92 feet to a 1/2-inch iron rod with cap stamped "RPLS 6578" found for corner;

THENCE South 01°53'21" West, along the said southeast line of the 3.709 acre tract, a distance of 130.07 feet to a 1/2-inch iron rod with cap stamped "RPLS 6578" found for the southernmost southeast corner of said 3.709 acre tract, and being the southwest corner of Lot 1, Lillis Hill Addition, an addition to the City of Denison, Texas according to the plat recorded in Instrument No. 2020-112 of said Official Public Records;

THENCE South 88°08'57" East, a distance of 286.66 feet to point for corner;

THENCE South 01°02'29" West, a distance of 195.75 feet to a point for corner;

THENCE North 87°27'18" West, a distance of 114.85 feet to a point for corner;

THENCE South 00°20'26" West, a distance of 120.00 feet to a point for corner;

THENCE South 87°34'03" East, a distance of 115.14 feet to a point for corner;

THENCE South 00°26'44" West, a distance of 67.96 feet to a point for corner;

THENCE North 89°06'19" West, a distance of 239.37 feet to a point for corner

THENCE South 00°19'26" West, a distance of 156.05 feet to a 1-3/4-inch iron rod found for corner;

THENCE South 00°58'38" East, a distance of 104.13 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 88°40'05" East, a distance of 72.45 feet to a 1/2-inch iron rod found for corner;

THENCE South 01°38'05" West, a distance of 134.39 feet to a 1/2-inch iron rod found for corner;

THENCE North 89°19'10" West, a distance of 201.90 feet to a 1/2-inch iron rod with cap stamped "RPLS 4108" found for corner;

THENCE North 01°09'34" East, a distance of 21.83 feet to a 1/2-inch iron rod with cap stamped "RPLS 4108" found for corner;

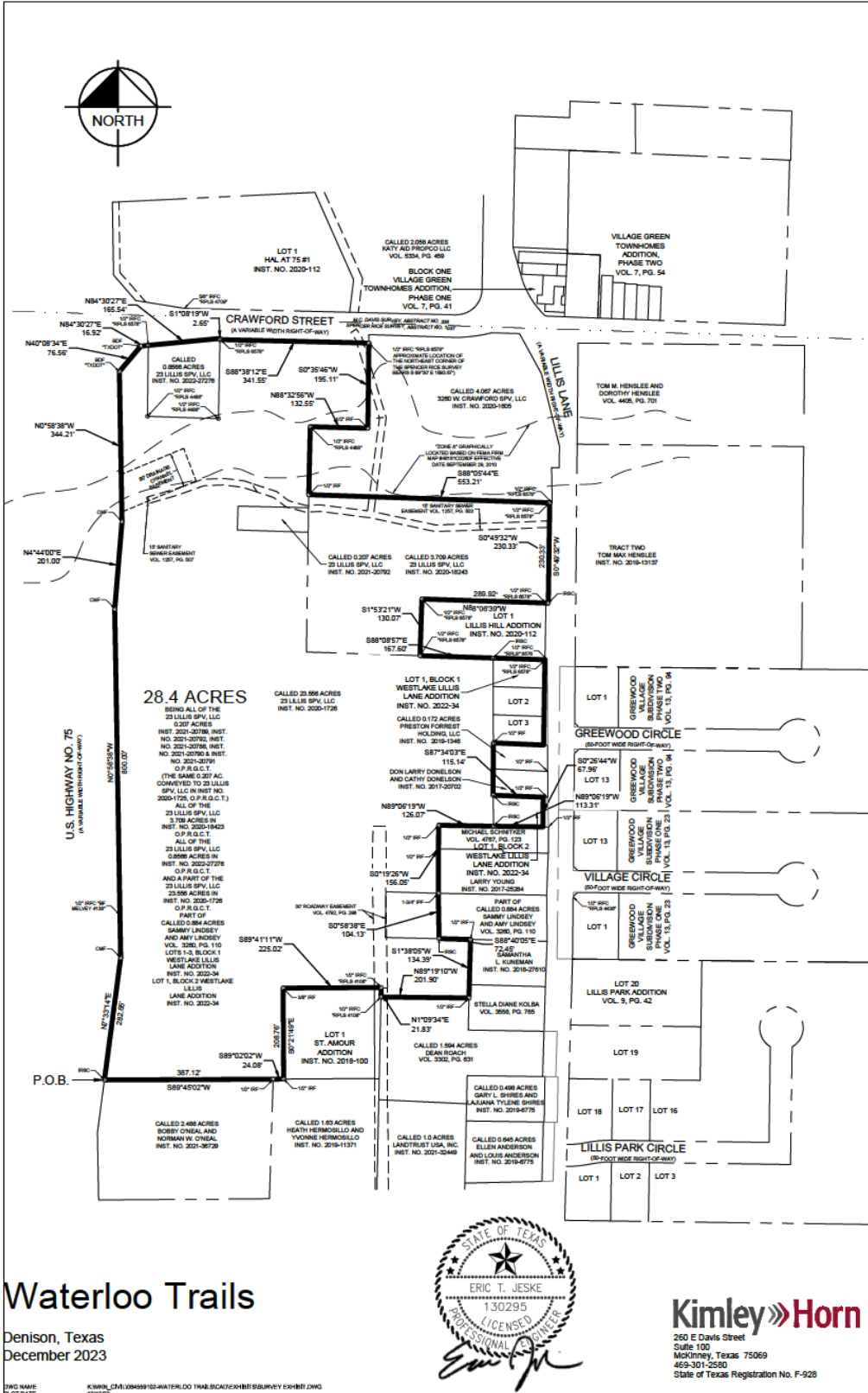
THENCE South 89°41'11" West, a distance of 225.02 feet to a 3/8-inch iron rod found for corner;

THENCE South 00°21'49" East, a distance of 208.76 feet to a 1/2-inch iron rod found for the southeast corner of said 23.556 acre tract;

THENCE South 89°02'02" West, along the south line of said 23.556 acre tract, a distance of 24.08 feet to a 1/2-inch iron rod found for corner;

THENCE continuing along the said south line of the 23.556 acre tract, South 89°45'02" West, a distance of 387.12 feet to the POINT OF BEGINNING and containing 28.36 acres of land, more or less.

# EXHIBIT A-2 PROPERTY DEPICTION





**EXHIBIT B**  
**DEVELOPMENT STANDARDS**

Waterloo Trails Planned Development District  
Statement of Intent and Purpose

This zoning submittal encompasses approximately 28.4 total acres of land located within the City of Denison, as described in Exhibit A. The uses proposed for the Property include single-family residential, Multi-Family residential, retail, restaurant, and hotel. The intent of this planned development document (PD) is to establish a base zoning documenting the intended uses and development regulations as designated therein, subject to modifications as set forth herein. Additionally, the City's Zoning Ordinance incorporates building materials that are differentially applicable to residential structures and non-residential buildings, and it is the City's policy in creating a planned development district to incorporate and enhance to the fullest extent possible the design and building materials standards, which embody architecturally, and in some contexts, culturally significant features of continuing duration.

This PD and Concept Plan demonstrate the general location and relationships of uses for the overall property. The development may be completed in multiple phases. Because of varying development aspects and unforeseen circumstances, the Concept plan may change throughout the design process. Revisions to the concept plan that follow area and use restrictions specified in Section 6.0 and Exhibit C of this Agreement shall not require amendments.

**1.0 Project Overview**

The purpose of this Planned Development Document is to create a multi-use development with open spaces and amenities (including but not limited to those specified in Sections 7.0 and 8.0 of this Agreement) to preserve and integrate with the natural features of the land. The development will focus on compatibility with adjacent land owners, maintaining residential use buffers and being cognizant of their quality of life. The development will be an asset to the surrounding community to create a thriving region for residents and businesses.

**2.0 Project Location**

Waterloo Trails is located at the southeast corner of Katy Memorial Expressway and West Crawford Street and is situated in the Spencer Rice Survey, Abstract Number 1037 in the City of Denison, Texas as legally described in Exhibit A-1.

**3.0 Property Owners Association**

A property owners association shall be established and shall be responsible for the ownership and maintenance of all common areas (including private open space areas shown on the Concept Plan, and as revised at a later date), private fire lanes, private drive aisles, and parking areas. There will be property owners associations established for the Residential Tract and for the Multi-Family/Commercial Tract.

**4.0 Proposed Thoroughfares/Access/Cross Sections**

The adjacent U.S. Highway 75 is designated on the City Thoroughfare Plan as an Expressway. No other thoroughfares are shown adjacent to or through the Property. A series of proposed public local streets and access drives will be provided in general accordance with the Concept Plan. There shall be no split entry requirement into the development for any local street or access drive connection to an existing thoroughfare or local street, unless required by Traffic Impact Analysis (TIA).

## 5.0 Concept Plan

The design and development of the Property shall generally comply with the Concept Plan, which is intended to provide a general representation of the location of the land uses on the property.

## 6.0 Proposed Zoning Districts

The property shall be divided into two Tracts, with the general location of each shown in the Concept Plan (Exhibit C in this Agreement). The Tracts shall be designated as Residential Tract (Tract 1) and Multi-Family/Non-Residential Flex Tract (Tract 2). The area designated for each of these tracts in Exhibit C shall be developed according to the following sections of this Exhibit.

- a) The Concept Plan demonstrates the general location and relationships of uses for the overall property. The development will be completed in multiple phases, per the preliminary plat. The following criteria shall be permitted without amendment to the Concept Plan and shall be approved at a staff level:
  - i. Public streets and access drives may be realigned, provided they meet City of Denison Engineering Design Standards.
  - ii. The boundary for Tract 1 and Tract 2 may be adjusted so that either Tract can be enlarged.
  - iii. Uses shown on the concept plan can be revised as long as the use is permitted within the zoning of the tract.
  - iv. Residential Tract (Tract 1) shall have a minimum area of five (5) acres and a maximum area of fifteen (15) acres.
  - v. Multi-Family/Non-Residential Flex Tract (Tract 2) shall have a minimum area of eight (8) acres and a maximum area of twenty (20) acres.
  - vi. Commercial, office, and apartments buildings shall be setback a minimum of fifty (50) feet from existing residential buildings located on an adjacent property, measured from edge of building to edge of building, except in the case where a public street runs between the buildings and the single family.

### Residential Tract – Development Regulations

Except as amended in these Development Standards, the Residential Tract (Tract 1) shall be developed in accordance with the standards applicable to the Single-family Residential District (SF-5), Multi-Family Residential District (MF-1), Single-family Townhome District (TH), and Two-Family (duplex) Residential District (2F) as it exists or may be amended. The developer will develop the area designated for Tract 1 with a combination of Single-family Detached for-sale lots, and/or for-rent units, and townhome for-sale lots, and/or for-rent units. The SF-5 regulations shall apply for the single-family detached for-sale lots, and the MF-1 district regulations shall apply for the single-family detached and duplex for-rent units. The TH district regulations shall apply for the single-family attached for-sale and for-rent units. The 2F district regulations shall apply for the duplex for-sale use.

1. Permitted Uses. Except as provided herein, all uses permitted in the SF-5, MF-1, TH, and 2F districts. The following additional uses shall be permitted:

- a) Single-family Detached for-rent Units
- b) Duplex/Two-Family Residential for-rent Units
- c) Townhomes

2. Prohibited Uses. The following additional uses shall be prohibited:

- a) Garden-style and wrap multi-family buildings
- b) Triplexes
- c) Quadplexes

3. Area Regulations for Single-family Detached For-Sale Lots. Area regulations shall follow SF-5 zoning standards with the following deviations:

- a) Minimum Garage setback. Fifteen (15) feet if attached to unit. Garage may extend five (5) feet past front door of unit. Minimum garage setback if detached from unit and garage can be located along access drive and shall follow accessory building setback requirement of three (3) feet.

4. Area Regulations for Single-family Detached / Duplex For-Rent Units. Area regulations shall follow MF-1 zoning standards with the following deviations:

- a) Minimum Lot Area. Three thousand four hundred (3,400) square feet.
- b) Minimum Lot Width. Forty (40) feet for detached and duplex units.
- c) Minimum Lot Depth. Eighty-five (85) feet.
- d) Minimum Front yard setback. Twenty (20) feet.
- e) Minimum Garage setback. Fifteen (15) feet if attached to unit. Minimum garage setback if detached from unit and garage can be located along access drives, fire lanes, streets, and alleys and shall follow accessory building setback requirement of three (3) feet.
- f) Minimum side yard setback. One side reduced to zero feet if a duplex use; other side yard a minimum of five (5) feet required with primary structures being located no closer than ten (10) feet to another primary structure; fifteen (15) feet from a street right-of-way line or property line.
- g) Minimum floor area per dwelling for single family and duplex for rent units.
  - i. 1-bedroom 700 square feet
  - ii. 2-bedroom 1,000 square feet
  - iii. 3-bedroom 1,200 square feet
- h) Maximum Building Height. 2.5 stories, thirty-five (35) feet
- i) Maximum Lot Coverage. Seventy (70) percent including main buildings and accessory buildings.
- j) Minimum Masonry Content. Seventy-Five (75) percent.
  - i. The remaining percentage shall consist of, but not be limited to, board and batten, and Hardie board.
  - ii. Minimum Roof Pitch. 4:12
- k) Maximum Residential Density. Twelve (12) units per gross acre of land area

within the development.

- l) Minimum Parking\*\*.
  - i. 1-bedroom 1.20 spaces per bedroom
  - ii. 2-bedroom 2.00 spaces per bedroom
  - iii. 3-bedroom 2.50 spaces per bedroom
- m) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.
- n) Refuse Facilities. Every multi-family dwelling unit, including single family detached for-rent and duplex/two-family residential for-rent shall be located within five hundred (500) feet of a refuse facility, measured along the designated pedestrian travel way.
- o) There shall be no swimming pool requirement.
- p) There shall be no playground requirement.

\* The term "net acreage" shall mean and refer to the total acres of a subdivision remaining after subtracting land dedicated for rights-of-way, floodplain, erosion setback hazards, easements, areas for thoroughfare screening.

\*\*Required parking shall be permitted to be off-street parking spaces. Head in parking shall be allowed off of streets access drives. Parking within street or access drive limits shall not be permitted or counted towards the required minimum. Dedicated parking for residents shall be included. Covered parking shall not be required if providing this use, but covered spaces shall count towards the parking requirement if used. There shall be no driveway requirement, but driveway spaces shall count towards the parking requirement if used.

5. Area Regulations for Single-family Attached For- Sale Lots or For - Rent Units. Area regulations shall follow TH zoning standards with the following deviations:

- a) Maximum Density. Fourteen (14) units per gross acre of land area within the development.
- b) Maximum Number of Units. There shall be a maximum of fifty (50) units. There shall be a minimum of 3 units and a maximum of 12 units per structure.
- c) Minimum Project Size. There shall be no minimum area set within Tract 1 for townhome development.
- d) Minimum Front yard setback. Fifteen (15) feet for dwelling units and any other structures.
- e) Minimum side yard setback. Attached townhome dwellings shall not have an interior side yard; however, a minimum fifteen-foot side yard is required for a corner lot adjacent to a residential street or access drive/fire lane.
- f) Maximum Building Height. 3 stories, forty-five (45) feet.
- g) Parking. On-street parking shall be allowed to accommodate designated visitor parking requirements.
- h) Landscaping of each lot shall adhere to the base ordinance for Landscaping as defined by Denison's Zoning Ordinance in Section 28.51.5-28.51.6 and subsequent amendments through the date of approval of this Agreement.

- i) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.

6. Area Regulations for Single-family Duplex for-sale. Area regulations shall follow 2F zoning standards with the following deviations:

- a) Minimum Lot Area. Three thousand four hundred (3,400) square feet.
- b) Minimum Lot Width. Forty (40) feet.
- c) Minimum Lot Depth. Eighty-five (85) feet.
- d) Minimum Front yard setback. Twenty (20) feet.
- e) Minimum Garage setback. Fifteen (15) feet if attached to unit. Minimum garage setback if detached from unit and garage can be located along access drives, fire lanes, streets, and alleys and shall follow accessory building setback requirement of three (3) feet.
- f) Minimum side yard setback. One side reduced to zero feet; other side yard a minimum of five (5) feet required with primary structures being located no closer than ten (10) feet to another primary structure; fifteen (15) feet from a street right-of-way line or property line.
- g) Minimum floor area per dwelling for single family and duplex for rent units.
  - i. 1-bedroom 700 square feet
  - ii. 2-bedroom 1,000 square feet
  - iii. 3-bedroom 1,200 square feet
- h) Maximum Building Height. 2.5 stories, thirty-five (35) feet
- i) Maximum Lot Coverage. Seventy (70) percent including main buildings and accessory buildings.
- j) Minimum Masonry Content. Seventy-Five (75) percent.
  - i. The remaining percentage shall consist of, but not be limited to, board and batten, and Hardie board.
  - ii. Minimum Roof Pitch. 4:12
- k) Minimum parking. A minimum of two (2) parking spaces shall be required for each dwelling unit. A minimum of one (1) space shall be in an enclosed garage and one (1) additional space may be paved open parking
- l) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.

**Supplemental Standards – Residential Tract:**

The following regulations shall also apply and supersede Denison’s Zoning Ordinance for Development:

1. Separation between residential buildings shall be a minimum of 10 feet (face of building to face of building, including eaves).
2. The required masonry content will be considered on an entire structure basis, not floor-by-floor, and there is no minimum natural stone or stone veneer requirement.
3. The façade of each single-family detached and duplex for-rent unit shall not be repeated

- for at least three (3) structures in a row.
4. For-rent dwelling units shall be a mix of two (2) and three (3) bedroom units.
  5. Sidewalks located within the MF-1 zoning district, which are private and located onsite, shall be a minimum of five (5) feet wide and maintained by the property owner's association. Public sidewalks shall meet City requirements.
  6. Attached and detached garages (9' x 18') and reserved parking spaces in front of garages (9' x 20') are allowed and count towards minimum parking requirements.
  7. Detached covered parking structures are not required but allowed so long as no structure shall accommodate more than (12) parking spaces or be located closer than ten (10) feet to another detached parking structure.
  8. Fencing:
    - a) Property owner's association (POA) shall be responsible for maintaining perimeter fencing.
    - b) Perimeter fencing shall be minimum 6 feet in height. Allowed materials: wood, iron, metal, or masonry.
      - i. Perimeter fencing may be up to twenty (20) feet inside the subject property line when restricted by grade or easements.
    - c) Internal fencing of yards shall be minimum four (4) feet and maximum eight (8) feet in height. Allowed materials: wood or metal.
      - i. Fences in front yard shall have a maximum height of four (4) feet.
    - d) Exception: fencing of amenities may be 4 feet in height, or as approved on the detailed site plan. Allowed materials: wood, iron, or metal.
  9. Retaining walls may be placed in front/side/rear setbacks and landscape buffers and must be built to City of Denison Standards. Fences are allowed in front/side/rear setbacks and shall adhere to the standards for perimeter fencing listed in item 8.b.

#### Multi-Family/Non-Residential Tract – Development Regulations

Except as amended in these Development Standards, the Multi-Family/Non-Residential Tract (Tract 2) shall be developed in accordance with the standards applicable to the Multi-Family Residential District (MF-2) and Commercial District (C) as it exists or may be amended. The developer will develop the area designated for Tract 2 with a combination of apartments, hotel, retail, restaurants, and/or grocery store. MF-2 district regulations shall apply for multi-family residential use. C district regulations shall apply for all other permitted uses.

- a) Permitted Uses. Except as provided herein, all uses permitted in the MF-2 and C districts.

The following uses shall be prohibited:

- i. Mini-warehouse/Self-storage
- ii. Auto-dealer new/or used
- iii. Auto-repair major/or minor
- iv. Car wash
- v. Pawn shop
- vi. Trailer rental/RV sales
- vii. Single-family Attached and Detached

b) Regulations for Multi-Family Use.

- i. A minimum area of 2.0-acres and a maximum area of 10.0-acres in Tract 2 labeled as "MULTI-FAMILY" as depicted on the Concept Plan shall develop in accordance with the MF-2 – Multi-Family Residential District as it exists or may be amended.
- ii. Dwelling units. There shall be a minimum of 50 units and a maximum of 400 units. The property may consist of efficiency, one-bedroom, two- bedroom, or three-bedroom units. Multi-family units with four or more bedrooms shall be prohibited.
- iii. Maximum density. There shall be a maximum allowable density of forty (40) dwelling units per acre.
- iv. On-site parking. No average number of parking spaces shall apply. On-site parking shall be provided as follows:
  1. One (1) space for each studio/efficiency unit.
  2. One and one-fifth (1.2) spaces for each one-bedroom unit.
  3. Two (2) spaces for each two-bedroom unit.
  4. Two and one half (2.5) spaces for each three-bedroom unit.
- v. Building heights. The maximum building height shall be four (4) stories and 42 feet to the top floor plate, and 65 feet to the top of the roof ridge. Chimneys, antennae, and other architectural projections not used for occupancy may extend above this height limit. Accessory buildings shall be a maximum of twenty-five (25) feet, including detached garages.
- vi. Exterior masonry requirements. All main structures must have a minimum of eighty percent (80%) masonry. Masonry construction includes walls constructed of brick, rock, stone, stucco (excluding EIFS), tilt wall materials, concrete, concrete block, or other approved masonry materials. The required masonry and non-masonry shall be either hues of natural stone colors or color shades that blend with brick or other primary façade materials.
- vii. Flat roofs shall be permitted.

7. Regulations for Hotel, Restaurant, and All Other Commercial Permitted Uses.

- a) A minimum area of 2.0-acres and a maximum area of 18.0-acres in Tract 2 labeled as "COMMERCIAL" as depicted on the Concept Plan shall develop in accordance with the C – Commercial District as it exists or may be amended.
- b) Building heights. Buildings shall be a maximum of eight (8) stories.
- c) Minimum building area. No minimum building area.
- d) Exterior masonry requirements. All main structures shall be of exterior materials

having at least seventy-five (75) percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry.

- e) Flat roofs shall be permitted.
- f) Hotel buildings shall be setback a minimum of one hundred (100) feet from existing residential buildings located on an adjacent property, measured from edge of building to edge of building.

### **Supplemental Standards - Multi-Family/Non-Residential Tract:**

1. Landscape Requirements will be satisfied with the planting of landscaping that meets or exceeds the base ordinance as defined by Denison's Zoning Ordinance in Sections 28.51.
2. Open space trees will be satisfied with the planting of landscaping that meets or exceeds the base ordinance for Landscaping as defined by Denison's Zoning Ordinance in Section 28.51.5-28.51.6.
3. Additional Landscape Requirements. For development abutting Katy Memorial Expressway, there shall be a minimum twenty (20) foot landscape easement consisting of turf and/or ground cover and one (1), three-inch caliper shade trees planted at thirty (30) feet on center. The area shall have permanent irrigation and other easements shall be permitted to overlap the landscape easement.
4. Maximum fire hose pull shall be two hundred and fifty (250) feet for buildings equipped with a fire suppression sprinkler system in accordance with NFPA 13D standards.
5. There shall be no requirements for a split drive entry any part of the development.
6. An approved emergency turnaround shall not require for dead-end drive lanes one hundred and fifty (150) feet or less in length.
7. Standard off-street parking spaces shall be 9' x 18' minimum if 2' overhang is provided. Sidewalks shall be a minimum of 5' wide when placed at the back of curb.
8. Building height will be measured as an average of the tallest and lowest point due to significant topography across site.

### **7.0 Tree Preservation Requirements**

Existing trees within buildable area of single-family residential uses, building pad of multi-family, commercial, and hotel uses, proposed public street right of ways, areas needed to establish property drainage, utility easements, detention and retention areas, sidewalks, septic systems and lateral lines, fences, screening walls, swimming pools and decking, driveways, drive aisles, and fire lanes shall be exempt from tree preservation and mitigation requirements.

- a) Regardless of exemptions, minimum of ten (10) percent of the total caliper inches of protected trees shall be preserved, excluding any protected trees in a floodway. Trees within a floodplain shall be included in the ten (10) percent.
- b) Mitigation and payment in lieu of mitigation shall count towards ten (10)



percent of the total caliper tree preservation if ten (10) percent of existing protected trees cannot be preserved.

#### 8.0 Open Space & Trails

The following Open Space and amenities shall be provided as part of this Agreement:

- a) A minimum of 5.0-acres of Open Space shall be provided across Tract 1 and 2. Open space shall be owned and maintained by a Property Owners Association.
- b) A series of trails shall connect the Open Space areas to the surrounding residential uses.
  - i. The developer shall not be responsible for extending the trail system offsite, if needed.

Area within the floodplain shall be counted towards the Open Space requirement given that it contains amenities stated above.

#### 9.0 Development Amenities

The development shall consist of the following amenities:

- a) Open space areas with trails surrounding wet ponds.
- b) Playground areas within open spaces.
- c) Trail head with parking.
- d) Multi-family complex will include pool for resident use and amenity center.

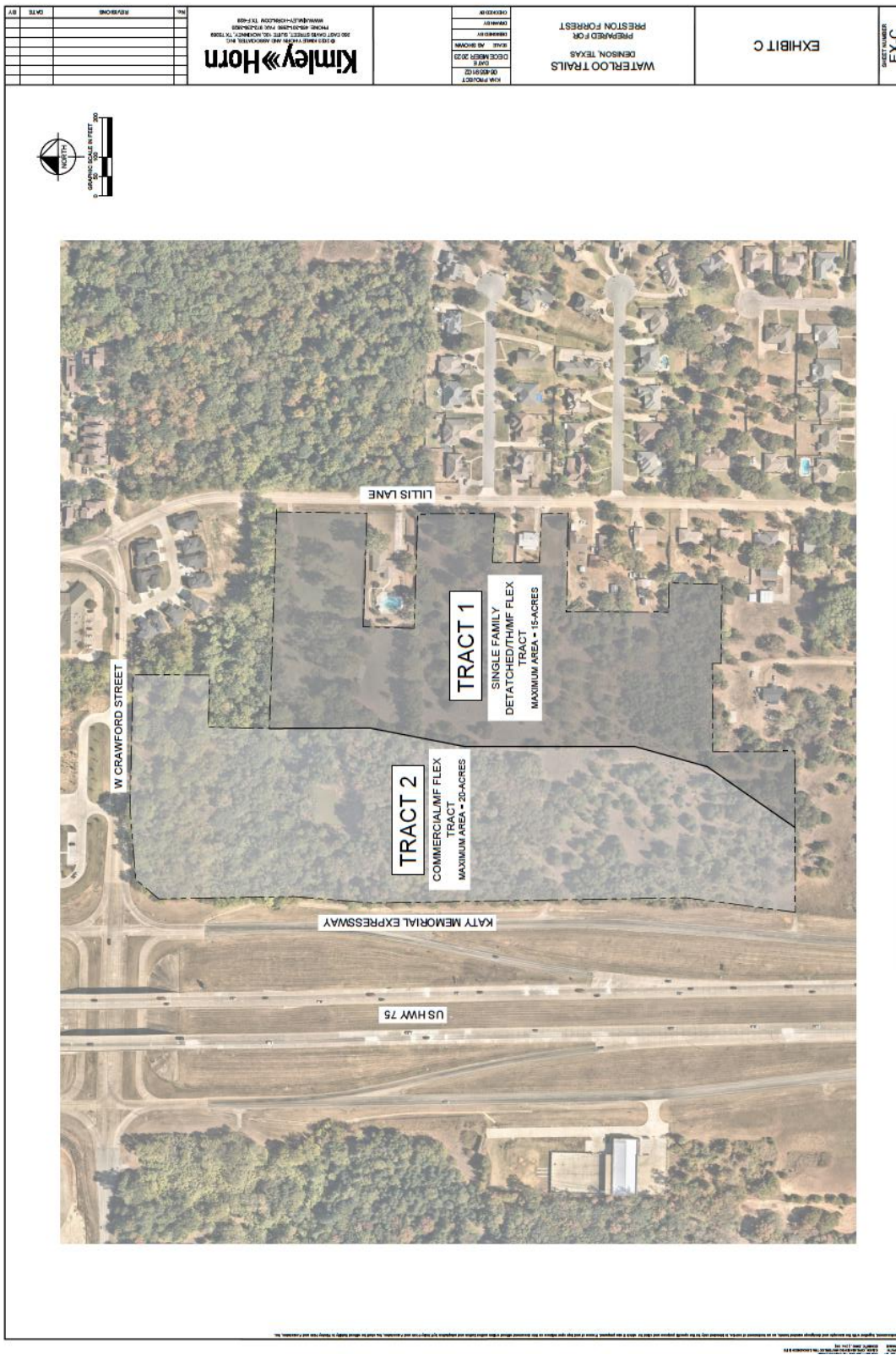
#### 10.0 Perimeter screening & landscape buffers

Perimeter screening shall be provided when adjacent to existing single-family zoning that meets or exceeds Denison's Zoning Ordinance in Sections 28.53. Perimeter screening shall be maintained by the Property Owner's Association (POA).

#### 11.0 Phasing

There shall be no phasing requirements.

# EXHIBIT C CONCEPT PLAN



# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance for a Conditional Use Permit within the Commercial (C) zoning district, to allow for a distribution center for property located at 307 W. Coffin. (Case No. 2023-116CUP)

## Staff Contact

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

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## Summary

- Applicant is requesting a Conditional Use Permit (CUP) in order to operate a distribution center for Testa Labs.
- Property is located at 307 W. Coffin Street and is currently zoned Commercial (C).

## Staff Recommendation

Staff recommends approval of the Conditional Use Permit.

## Recommended Motion

"I move to approve the Conditional Use Permit to allow for the use of distribution center for property located at 307 W. Coffin Street."

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## Background Information and Analysis

Applicant is seeking approval of a Conditional Use Permit (CUP) to allow for the operation of a distribution center for Testa Labs. The operations of Testa Lab include production of over-the-counter medications such as gripe water and herbal supplements. The applicant would like to utilize the existing structure, located on the property, for mixing ingredients, packaging and storage of products and distributing these products to retailers. No production of the products will take place on site.

The proposed hours of operation for Testa Labs is Monday-Friday from 8:00 a.m.- 5:00 p.m. with distribution trucks bringing raw material as well as distributing packaged products on a weekly and bi-weekly basis.

Per the Future Land Use Map, the subject property is to be developed in a "Mixed Commercial" manner. While the property is adjacent to MF-2, Multi-Family Residential and SF-5, Single Family Residential zoning districts to the north and northwestern portions of the property, no residential development has occurred on these parcels. In addition to their request, the applicant has proposed improvements to the building, parking lot and landscaping of the property which has been vacant for some time. For these reasons, Staff recommends approval of this Conditional Use Permit.

City staff has reviewed each Conditional Use Permit Criteria outlined within the City Ordinance, before reaching its recommendation for approval. No negative traffic impacts are anticipated from this project.

On-site parking will be provided via the existing parking lot once it is improved and given the proximity to Spur 503/S. Eisenhower Parkway, Staff does not anticipate negative traffic impacts from distribution trucks to and from the site.

**Conditional Use Permit Criteria for Approval:**

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

This location and use are compatible with the Comprehensive Plan.

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

The proposed Conditional Use Permit use is compatible with uses found in Commercial zoning districts.

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

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

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

N/A

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

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

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

N/A

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

No variance is applied or needed.

### Financial Considerations

N/A

### Prior Board or Council Action

The Planning and Zoning Commission recommended approval of the request at their meeting held on January 9<sup>th</sup>, 2024.

### Alternatives

The City Council may approve with conditions, deny, or table the request.

### Aerial of Subject Property







SCALE  
1" = 50'

FORD STREET  
(60' ROW)

S 90°00'00" E  
222.50'

FOUR STEE

SET 1/2" STEEL ROD  
N 14°02'10" E  
92.77'  
SET 1/2" STEEL ROD  
N 90°00'00" W  
60.00'  
SET 1/2" STEEL ROD

2.388 ACRES

N 00°00'00" E  
300.00'

FLORENCE STREET  
(60' ROW)

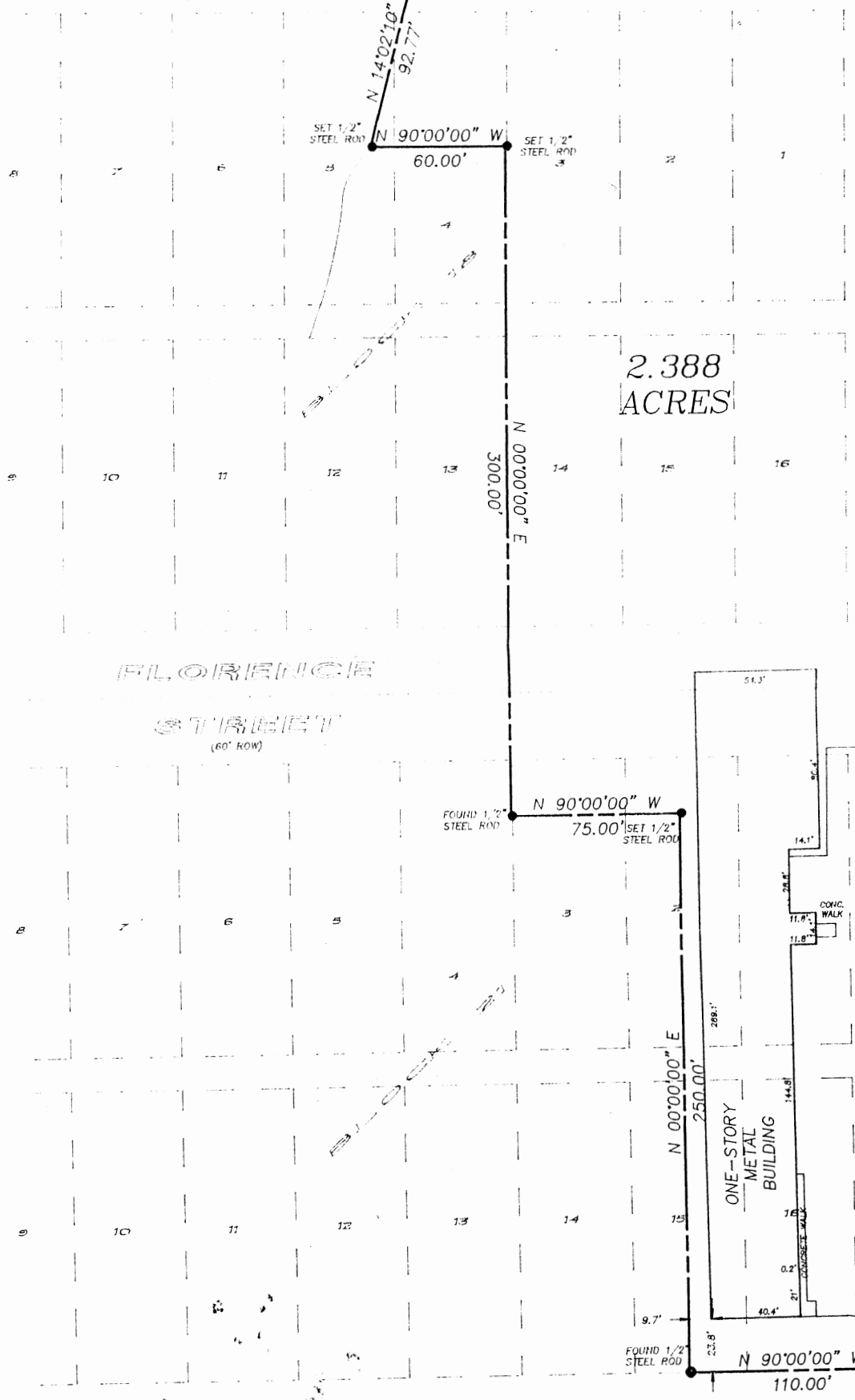
FOUND 1/2" STEEL ROD  
N 90°00'00" W  
75.00'  
SET 1/2" STEEL ROD

N 00°00'00" E  
250.00'

ONE-STORY METAL BUILDING

FOUND 1/2" STEEL ROD  
N 90°00'00" W  
110.00'

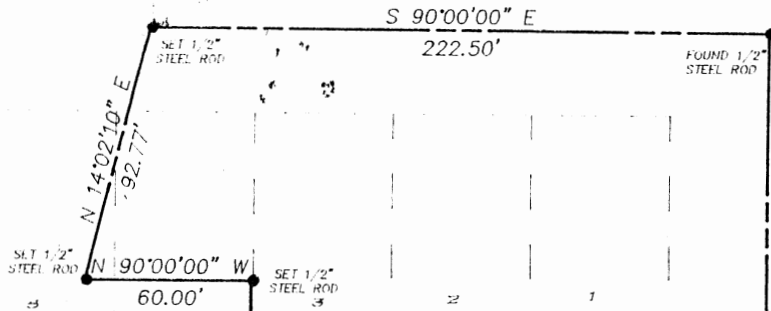
COFFIN STREET  
(70' ROW)



PLAT NO. 100-100-100

FORBID

STREET  
(60' ROW)



S 90°00'00\"/>

SET 1/2\"/>

FOUND 1/2\"/>

2.388  
ACRES

N 00°00'00\"/>

FORBID

STREET  
(60' ROW)

FOUND 1/2\"/>

N 90°00'00\"/>

SET 1/2\"/>

N 00°00'00\"/>

250.00'

ONE-STORY  
METAL  
BUILDING

FOUND 1/2\"/>

N 90°00'00\"/>

110.00'

00'04\"/>

F

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00'00\"/>

S

F

F

F

F

F

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F

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F

F

F

F

F

AVENUE

RUSK  
(70' ROW)

COFFIN STREET  
(70' ROW)

UNDERWOOD

PLATTING & SURVEYING



Legal Description

Situated in the County of Grayson, State of Texas, being all of lots 1,2,3,14,15, and 16 and the adjoining 15 foot alley, and a part of lots 4 and 5, all in Block 18; and all of lots 1 and 16, and a part of lots 2,3, and 15 and the adjoining 15 foot alley, all in Block 21; and a portion of the rights-of-way of Rusk Avenue, Florence Street, and Ford Street, of Fairmont Addition to the City of Denison, Texas, as recorded in Volume 84, Page 513, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found at the intersection of the centerline of Rusk Avenue (70 foot right-of-way) and the centerline of Ford Street (60 foot right-of-way);

Thence South 00°00'00" West, with the centerline of said Rusk Avenue, a distance of 640.00 feet to a 1/2" steel rod found in the North right-of-way line of Coffin Street (70 foot right-of-way);

Thence North 90°00'00" West, with the North right-of-way line of said Coffin Street, a distance of 110.00 feet to a 1/2" steel rod found;

Thence North 00°00'00" East, a distance of 250.00 feet to a 1/2" steel rod set;

Thence North 90°00'00" West, a distance of 25.00 feet to a 1/2" steel rod found in the West line of said Lot 3, Block 21;

Thence North 00°00'00" East, a distance of 300.00 feet to a 1/2" steel rod set in the West line of said Lot 3, Block 18;


Thence North 90°00'00" West, a distance of 60.00 feet to a 1/2" steel rod set;

Thence North 14°02'10" East, a distance of 92.77 feet to a 1/2" steel rod set in the centerline of said Ford Street;

Thence South 90°00'00" East, with the centerline of said Ford Street, a distance of 222.50 feet to the Point-of-Beginning and containing 2.388 acres of land more or less.....

The subject property is not located within special flood hazard areas inundated by 100-Year flood, according to the Federal Emergency Management Agency Flood Insurance Rate Map of Grayson, County, Texas and Incorporated Areas, Map No. 48181C0090 D, effective date: May 18, 1992.

I, Douglas W. Underwood, Registered Professional Land Surveyor, hereby certify that a survey was made on the ground on the property legally described herein, and is correct and that there are no visible discrepancies, conflicts, shortages in area, or rights-of-way, except as shown on plat herewith, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

  
Douglas W. Underwood  
Registered Professional  
Land Surveyor No. 4709

8/16/95

## **Testa Lab Operations**

Testa Lab will be mixing, filling and packaging food supplements.

### **Operations :**

Operations and procedures at Testa Lab will be very simple, quiet and clean. Although it might be a larger size but more simple, clean and organized than a regular restaurant operation.

It's simply about mixing ingredients, filling and packaging. There will be no production of any ingredients on site, only mixing and packaging.

The facility will be divided into 4 major departments. Offices (1800 sf), labs (600 sf), production area (4500 sf) and storage area (7000 sf). Production will be divided to liquids and solids. Storage will be divided into raw materials, filling/packaging materials and finished products.

### **Location and Traffic :**

We believe north Texas is a great location to start. The great highways system without the big city traffic will be very helpfully in daily operations. The location is with an easy access for inbound and outbound with the site. The additional land around the building will be very helpful for expanding in the future as well.

There will be no impact on vehicular traffic or heavy traffic on the site. Box trucks will be enough to bring raw materials and dispatch finished products on a weekly or biweekly basis.

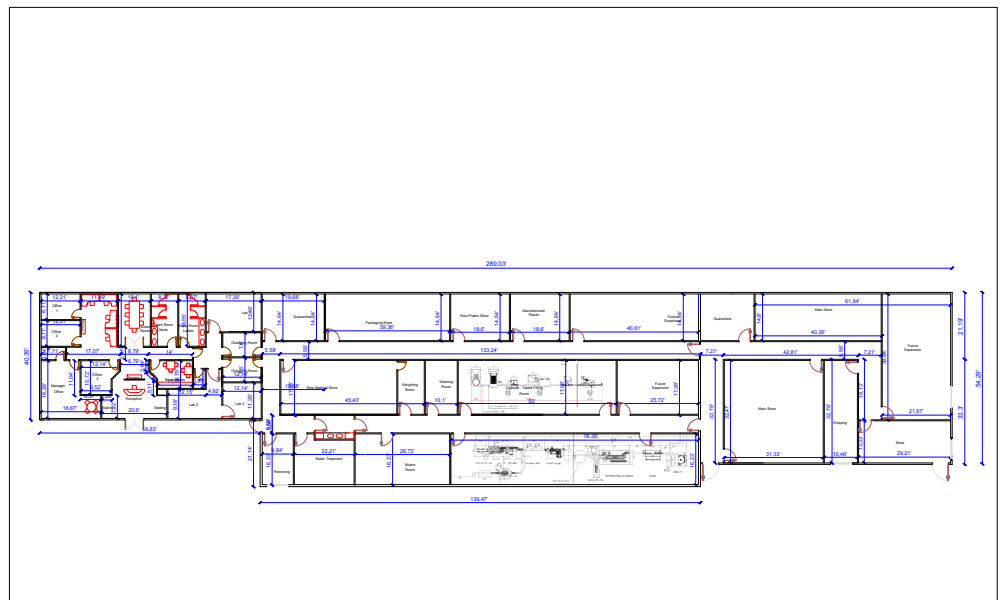
There will be a lot of improvements on the building, parking lot and landscape. Parking lot will have at least 25 parking spaces and will be maintained and re-striped and major landscape improvement will be done to the south side of building.

### **Hours of Operation :**

Monday - Friday

8:00 am - 5:00 pm

### **Proposed Site Plan :**



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF DENISON, TEXAS, PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF DENISON, TEXAS; PROVIDING FOR A CONDITIONAL USE PERMIT FOR A DISTRIBUTION CENTER IN THE COMMERCIAL (C) DISTRICT ON THE PROPERTY DESCRIBED IN EXHIBIT A, BEING AN APPROXIMATELY 2.388 ACRE TRACT OF LAND LEGALLY DESCRIBED AS BEING LOCATED IN THE FAIRMOUNT ADDITION, BEING ALL OF LOTS 1, 2, 3, 14, 15, AND 16 AND THE ADJOINING 15 FOOT ALLEY, AND A PART OF LOTS 4 AND 5, ALL IN BLOCK 18; AND ALL OF LOTS 1 AND 16, AND PART OF LOTS 2, 3, AND 15 AND THE ADJOINING 15 FOOT ALLEY, ALL IN BLOCK 21; AND A PORTION OF THE RIGHTS-OF-WAY AT RUSK AVENUE, FLORENCE STREET, AND FORD STREET, OF FAIRMOUNT ADDITION TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, ACCORDING TO THE DEED RECORDED IN VOLUME 84, PAGE 513, DEED RECORDS OF GRAYSON COUNTY, TEXAS; IDENTIFIED AS GCAD PROPERTY ID NO. 150067 AND BEING COMMONLY KNOWN AS 307 W. COFFIN STREET, CITY OF DENISON, GRAYSON COUNTY, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING REPEALER, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, Testa Lab, LLC (“Owner”) has made application under the provisions of the Zoning Ordinance of the City of Denison for a Conditional Use Permit for a distribution center as depicted by Site Plan in **Exhibit “B”**, on property being an approximately 2.388 acre tract of land legally described as being located in the Fairmount Addition, being all of lots 1, 2, 3, 14, 15, and 16 and the adjoining 15 foot alley, and a part of lots 4 and 5, all in Block 18; and all of lots 1 and 16, and part of lots 2, 3, and 15 and the adjoining 15 foot alley, all in Block 21; and a portion of the rights-of-way at Rusk Avenue, Florence Street, and Ford Street, of Fairmont Addition to the City of Denison, Grayson County, Texas, according to the deed recorded in Volume 84, Page 513, Deed Records of Grayson County, Texas; and being commonly known as 307 W. Coffin Street, Denison, Texas, and more specifically described and depicted in **Exhibit “A”**, copies of which are attached and incorporated as if fully set forth herein (the “Property”), which Property is located in the Commercial (C) District; and

**WHEREAS**, the Comprehensive Zoning Ordinance of the City allows for a distribution center in the Commercial (C) District with the grant of a Conditional Use Permit; and

**WHEREAS**, public hearings on said application having been held before the Planning and Zoning Commission and the City Council of the City of Denison (the “City Council”), after due notice of the public hearings having been mailed and published in all respects as required by law on the property fully described in the body of this Ordinance; and

**WHEREAS**, the Planning and Zoning Commission has recommended approval of a distribution center for the Property; and

**WHEREAS**, the City Council has considered the evidence and testimony provided by all parties appearing before the City Council, in person and in writing, and the recommendation of the Planning and Zoning Commission relative to the proposed zoning change and has further considered all written approvals and protests, all as required by law; and

**WHEREAS**, the City Council has determined that the uses requested for the Property as requested in the Conditional Use Permit application and subject to the provisions of this Ordinance are compatible with surrounding properties and are appropriate for the location of the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:**

**Section 1. Incorporation of Premises.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2. Zoning Map and Conditional Use Permit Approved.** The zoning map of the City of Denison adopted by Section 28.3 of the Denison Code of Ordinances and on file in the office of the Planning Director is hereby amended to reflect the Conditional Use Permit is approved in the Commercial (C) District on the Property as follows:

2.01. Permit Granted. A Conditional Use Permit (“CUP” or “Permit”) for the Property authorizing use of the distribution center, is hereby approved.

2.02. Permit Conditions. The CUP and the use for which it is granted is subject to all Applicable Regulations (defined below) and to the following conditions:

A. Uses. The following use shall be permitted in accordance with the conditions of the CUP:

*Distribution center: Building or facility used for the storage and distribution of wholesale items/products.*

B. Applicable Regulations. In addition to the specific requirements set forth in this Ordinance, this CUP shall be subject to all ordinances and regulations of the City applicable to the Property, including without limitation the Comprehensive Zoning Ordinance and those regulations governing the Commercial (C) District (“Applicable Regulations”). The CUP granted by this Ordinance shall control in cases of conflict between this Ordinance and/or the Comprehensive Zoning Ordinance.

**Section 3. Failure to Comply/Expiration/Transferable.** All terms of this CUP shall be complied with prior to issuance of a certificate of occupancy. This CUP shall be declared null and void and of no force and effect and shall discontinue if or for any one or more of the following:

- A. Any failure to comply with any term or condition of this Ordinance or the applicable regulations, as they exist or may be amended; or
- B. Any improvements, the Property, uses or structures regulated by this CUP are enlarged, modified, structurally altered or otherwise significantly changed unless a separate conditional use permit or other required authorization is granted therefor; or
- C. A building permit for the construction of any new structure for which a use is authorized hereunder has not been approved within one (1) year of the date of approval of this Ordinance; or
- D. A certificate of occupancy for any existing structure for which a use authorized by this Ordinance is not applied for and issued within one hundred and eighty (180) days from the effective date of this Ordinance; or
- E. A use for which this CUP is granted ceases to operate for a continuous period of one hundred eighty (180) calendar days; or
- F. A structure for which this CUP is granted remains vacant for a continuous period of one hundred eighty (180) calendar days; or
- G. This CUP was obtained by fraud or deception; or
- H. As otherwise permitted by law, this Ordinance and/or the City's Zoning Ordinance, as they exist or may be amended, including without limitation the requirements of Section 28.9 "Nonconforming Uses and Structures".

**Section 4. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**Section 5. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Denison hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

**Section 6. Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance or Denison's Zoning Ordinance Chapter 28, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Denison retains all legal rights and

remedies available to it pursuant to local, state, and federal law.

**Section 7. Publication and Effective Date.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**AND IT IS SO ORDERED.**

On motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, the above and foregoing Ordinance was passed and approved by the following vote:

Ayes:

Abstentions:

Nays:

At regular meeting January 16, 2024.

\_\_\_\_\_

JANET GOTT, MAYOR

ATTEST:

\_\_\_\_\_

Christine Wallentine, City Clerk

**EXHIBIT "A"**  
**Property Description and Depiction**

Situated in the county of Grayson, state of Texas, being all of Lots 1, 2, 3, 14, 15, and 16 and the adjoining 15 foot alley, and a part of Lots 4, and 5, all in Block 18; and all of Lots 1, and 16, and a part of Lots 2, 3, and 15 and the adjoining 15 foot alley, all in Block 21; and a portion of the rights-of-way of Rusk Avenue, Florence Street, and Ford Street, of Fairmont Addition to the city of Denison, Texas, as recorded in/under Volume 84, Page 513, of the Real Property Records of Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a ½" steel rod found at the intersection of the centerline of Rusk Avenue (70 foot right-of-way) and the centerline of Ford Street (60 foot right-of-way);

Thence South 00° 00' 00" West, with the centerline of said Rusk Avenue, a distance of 640.00 feet to a ½" steel rod found in the North right-of-way line of Coffin Street (70 foot right-of-way);

Thence North 90° 00' 00" West, with the North right-of-way line of said Coffin Street, a distance of 110.00 feet to a 1/2" steel rod found;

Thence North 00° 00' 00" East, a distance of 250.00 feet to a 1/2" steel rod set;

Thence North 90° 00' 00" West, a distance of 75.00 feet to a 1/2" steel rod found in the West line of said Lot 3, Block 21;

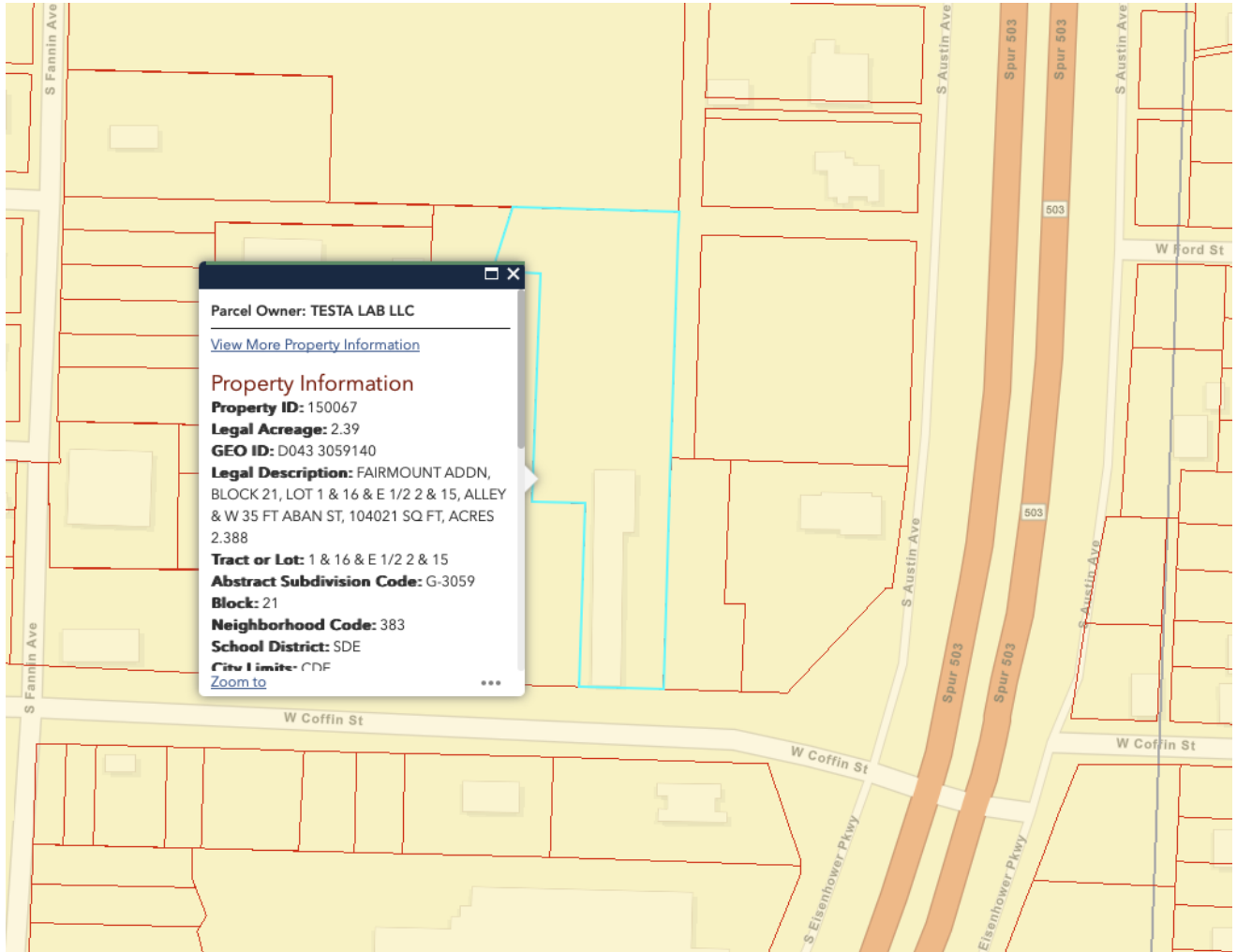
Thence North 00° 00' 00" East, a distance of 300.00 feet to a ½" steel rod set in the West line of said Lot 3, Block 18;

Thence North 90° 00' 00" West, a distance of 60.00 feet to a 1/2" steel rod set;

Thence North: 14° 02' 10" East, a distance of 92.77 feet to a 1/2" steel rod set in the centerline of said Ford Street;

Thence South 90° 00' 00" East, with the centerline of said Ford Street, a distance of 222.50 feet to the Point of Beginning and containing 2.388 acres of land, more or less.

**EXHIBIT "A" continued**  
**Property Description and Depiction**





**Exhibit "B"**  
**Site Plan**

