

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

### Tuesday, July 23, 2024

After determining that a quorum is present, the Planning and Zoning Commission of the City of Denison, Texas will convene in a Regular Meeting on **Tuesday**, **July 23**, **2024**, **at 10:00 AM** in the Council Chambers at City Hall, 300 W. Main Street, Denison, Texas at which the following items will be considered:

### 1. CALL TO ORDER

### 2. PUBLIC COMMENT

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

### 3. CONSENT AGENDA

- <u>A.</u> Receive a report, hold a discussion, and take action on approving the Minutes from the Planning and Zoning Commission Meeting held on July 9, 2024.
- B. Receive a report, hold a discussion, and take action on a Preliminary Plat for the B. McDaniel Intermediate Addition, Lot 1, Block A. (Case No. 2024-069PP).

### 4. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of 1R, 2R, 3R, 4R, 5R, & 6R, Block 4, Fairmount Addition, being a Replat of all of Block 4 (Lots 1-16 and the alley) of said Fairmount Addition. (Case No. 2024-061RP).
- B. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for a Conditional Use Permit for Lot 19, Block 46 of The Original Town Plat of Denison, an addition of to the City of Denison, Grayson County, Texas according to the deed recorded in Volume 28, Page 362 Deed Records of Grayson County, Texas; being commonly known as 127 W. Main Street, GCAD Property ID No. 143076, located within the Central Area (CA) and Commercial Historic Overlay District (CH) for the operation of a bar for Black Sheep Cigar Lounge. (Case No. 2024-071CUP).

### 5. STAFF UPDATES

### 6. ADJOURNMENT

### **CERTIFICATION**

I do hereby certify that a copy of this Notice of Meeting was posted on the front windows of City Hall readily accessible to the general public at all times and posted on the City of Denison website on the 18<sup>th</sup> day of July 2024.

Karen L. Avery, Deputy City Clerk

In compliance with the Americans With Disabilities Act, the City of Denison will provide for reasonable accommodations for persons attending Planning and Zoning Commission Meeting. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at <u>903-465-2720, Ext: 2437</u>.



### CITY OF DENISON PLANNING AND ZONING COMMISSION MEETING MINUTES

### Tuesday, July 9, 2024

### 1. CALL TO ORDER

Announced the presence of a quorum.

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

Staff present were Mary Tate, Director of Development; Dianne York, Planner; Felecia Winfrey, Development Coordinator; Kirk J. Kern, Chief Building Official; Fanchon Stearns, CIP/Engineering Manager; and Karen Avery, Deputy City Clerk.

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

### 2. PUBLIC COMMENT

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

### 3. CONSENT AGENDA

A. Receive a report, hold a discussion, and take action on approving the Minutes from the Planning and Zoning Commission Meeting held on June 25, 2024.

### **Commission Action**

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

### 4. PUBLIC HEARINGS

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

### July 9, 2024 Planning and Zoning Commission Meeting MINUTES Page 2 of 9

### **Commission Action**

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. The Applicant is requesting a rezone of the subject property located along North Lamar Avenue and East Washington Street from the Commercial Zoning District to the SF-5, Single Family Residential District to allow for residential uses. Ms. York stated that on June 6, 2022, the City Council approved a rezone of property now known as Lots 1-6, Block A, Century Ridge Addition, Phase 1. These lots are interior, adjacent lots to the subject property for this request. Ms. York stated that the Applicant wishes to develop the property in a single-family manner. Approval of this request will provide consistent zoning from all lots located at the corner of East Washington Street and North Lamar Avenue. Ms. York stated that a proposed Replat of the subject property is a companion item to this request. The request complies with the Comprehensive Plan. Staff recommended approval of the request.

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

Mr. Kent Hughlett came forward and provided the following information:

- Name: Mr. Kent Hughlett, Applicant TX GAK, LLC
- Address: 177 Timberbrook Circle Denison, TX 75020

Mr. Hughlett stated that their intention is to go ahead and use the SF-5 residential for the whole development and they are just trying to get all the "Is" dotted and "Ts" crossed.

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

On motion by Commissioner Pickens, seconded by Commissioner Anderson, the Planning and Zoning Commission unanimously recommended approval of changing the zoning of the subject property from the Commercial District to the Single Family (SF-5) Residential District to allow for residential use.

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

### July 9, 2024 Planning and Zoning Commission Meeting MINUTES Page 3 of 9

### **Commission Action**

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. She stated that this item is a request for a previously approved Conditional Use Permit for property located at 120 S. Burnett Avenue in order to operate a bar for Copacetic Cowboy. Ms. York stated that the Applicant previously came through for a Conditional Use Permit for Champagne Charlie's. The previously approved CUP required the Applicant to obtain a Certificate of Occupancy (CO) within one hundred and eighty (180) days of Conditional Use Permit (CUP) approval. The Planning and Zoning Commission recommended approval of this Conditional Use Permit (CUP) on March 22, 2022, and City Council approved the CUP at their meeting held on April 4, 2022. Ms. York stated that given there is a name change with this use, they were required to move forward with a new Conditional Use Permit. She stated that the Applicant wishes to create a "unique and approachable" beverage and food menu with specialty crafted cocktails, beers and wines, and limited food menu. Ms. York stated that the Applicant has not amended the hours of operations requested in the previously approved CUP. Those hours of operation include Thursday-Friday 4:00 p.m. – 12:00 a.m., Saturday 11:00 a.m. - 1:00 a.m. and Sunday 12:00 p.m. - 12:00 a.m. The property is zoned Central Area. Staff recommended approval of the request.

Chair Shearer stated that staff received one letter in support of the request.

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

Mr. Cody Riggs came forward and provided the following information:

Name: Mr. Cody Riggs, Applicant

Address: 120 S. Burnett Avenue Denison, TX 75020

Applicant Cody Riggs stated that they had a name change due to trademark issues. He stated that they are trying to move forward with the exact same program as before (with Champagne Charlie's) but, being in an old building, it took longer than expected and they were dealing with untrustworthy contractors that got in their way. Mr. Riggs stated that they have made some changes now and are ready to open as soon as they get all of their approvals.

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

On motion by Commissioner Harwell, seconded by Commissioner Pickens, the Planning and Zoning Commission unanimously recommended approval of a Conditional Use Permit (CUP) as presented for the use of a Bar for Copacetic Cowboy.

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

### **Commission Action**

Dianne York, Planner, presented this agenda item. She provided an aerial view of the property. Ms. York stated that this item is a companion item to Item 4.A. Ms. York stated that the Applicant is seeking approval of the proposed Replat so they may create ten (10) residential lots. Ms. York stated that the property is currently zoned Commercial (C); however, the Applicant is seeking a rezone to the SF-5, Single Family Residential District to allow for the development of single-family dwellings. All lots meet the minimum lot length, depth, and square footage requirements listed within the SF-5, Single-Family Residential Zoning District. Ms. York stated that in order to move forward with the development, water and sewer extensions are both required in addition to the installation of curb and gutter on Washington Street and Lamar Avenue. Civil Engineering Plans are required for the extension of all infrastructure. These plans are to be submitted to City staff to be reviewed and approved prior to any infrastructure construction. Upon acceptance of all infrastructure, the City can move forward with filing the plat. Staff recommended approval of the request with a condition to be made that the Replat be approved pending zoning approval by the City Council and approval of Civil Engineering Plans.

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

Mr. Kent Hughlett came forward and provided the following information:

- Name: Mr. Kent Hughlett, Applicant TX GAK, LLC
- Address: 177 Timberbrook Circle Denison, TX 75020

Mr. Hughlett stated that this is just one more box that they have to check before getting the project moving and this is the reason they are requesting the Replat.

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

On motion by Commissioner Anderson, seconded by Vice Chair Sylvester, the Planning and Zoning Commission unanimously recommended to conditionally approve the proposed Replat pending zoning approval by the City Council and approval of Civil Engineering Plans.

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

### **Commission Action**

Dianne York, Planner, presented this agenda item. She provided an aerial view of the property. Staff is seeking a recommendation from the Commission for a previously approved Conditional Use Permit (CUP) allowing for the use of a Bar for SLUSH Premium Daiguiris. Ms. York stated that the previously approved CUP required the Applicant to obtain a Certificate of Occupancy (CO) within one hundred and eighty (180) days of Conditional Use Permit approval. The Planning and Zoning Commission recommended approval of the proposed CUP at their meeting held on June 28th, 2022, and the City Council approved the proposed CUP at their meeting held on July 11th, 2022. The Texas Alcoholic Beverage Code (TABC) allows certain alcoholic beverages, including frozen daquiris made with wine instead of liquor, to be sold for both on- and off-premises consumption if all permit requirements are met. Ms. York stated that there is seating provided, however, they are not being served – patrons will take their drinks and sit down, if they wish, or they can take the drinks to go. Under the City's zoning regulations, this use is classified as a Bar and requires a Conditional Use Permit in the Local Retail zoning district. Ms. York stated that this request complies with the Comprehensive Plan. Staff recommended approval of the request.

Chair Shearer stated that staff received two letters in support of the request.

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

Ms. Heather LaRosa came forward and provided the following information:

Name: Ms. Heather LaRosa, Applicant

Address: 2018 Norwood Street Sherman, TX 75092

Ms. LaRosa stated that this is something that they previously went through and they are basically ready to open, but are waiting for the last little bit of fresh plants and that sort of thing until they have an actual opening date. She stated that they are shooting for August 1, 2024, for the opening.

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

On motion by Commissioner Pickens, seconded by Commissioner Anderson, the Planning and Zoning Commission unanimously recommended approval of the request for a Condition Use Permit for a Bar for SLUSH Premium Daiquiris located at 221 N. Austin Avenue.

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

### Commission Action

Dianne York, Planner, presented this agenda item. She provided an aerial view of the property. Ms. York stated that the Applicant is requesting an initial zoning of SF-7.5, Single Family Residential. The property has been developed in a residential manner with three (3) new construction single-family dwellings located on the subject property. The Applicant is pursuing annexation of the subject property in order to connect to the City utilities. Ms. York stated that this was a minor Plat that was approved a few years back. This initial zoning district complies with not only the development of the property, but it also complies with the Future Land Use Plan. The Future Land Use Plan designates this area to be developed in a "Neighborhood" manner. Staff recommended approval of the request.

Chair Shearer stated that staff received one letter in opposition to the request.

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

On motion by Commissioner Harwell, seconded by Vice Chair Sylvester, the Planning and Zoning Commission unanimously recommended approval of initially zoning the subject property to the SF-7.5, Single Family Residential Zoning District.

F. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to amend Section 28.46.- HO – Highway Oriented and Corridor District. (Case No. 2024-060ZO)

### **Commission Action**

Dianne York, Planner, presented this agenda item. Ms. York stated that this is a City-initiated request to make a recommendation to amend the "Authorized Uses" listed under Section 28.46.2. of the Highway Oriented and Corridor District in order to remove language pertaining to the Use Regulation Chart that is no longer applicable and to allow for the use of Warehouse (mini)/self-storage with an approved Conditional Use Permit (CUP) within the Overlay District.

The proposed amendment would amend the "Authorized Uses" section listed under Section 28.46.2. of the Highway Oriented and Corridor District by removing language pertaining to the Use Regulation Chart that is no longer applicable and to allow for the use of Warehouse (mini)/self-storage with an approved Conditional Use Permit (CUP) within the Overlay District. These amendments will provide congruency with the Use Regulation Chart as well as prevent nonconformities for existing uses located within the Highway Oriented and Corridor Overlay District. Staff recommended approval of the request.

In response to Chair Shearer's inquiry, Planner York stated that an "office warehouse" is an allowed use within the Highway Overlay, but it does require a Conditional Use Permit based on the zoning. She believes that it is only allowed in the Commercial Zoning District. In response to Commissioner Pickens' inquiry, Planner York stated that Five-Star Storage received their original Conditional Use Permit in July 2021 and then the ordinance was changed in October 2021. She stated that through researching that particular Conditional Use Permit (when they came back through for expansion) staff discovered that they technically were not compliant, so staff pursued this amendment in order to make their business compliant. She noted that, in her opinion, a conditional use permit is a much better use of the staff and Commission's time, rather than rezoning five acres to a planned development for this particular use. In response to Commissioner Pickens' inquiry regarding the storage facility north of FM 84, Director Tate stated that this one was a total rezone and also had material changes and other things like that. Ms. Tate stated that staff will come back to the Commission with other recommendations, but they would also like some insight and guidance from the Commission on the Highway Overlay. She stated that there are other things they will be looking at because they know material has changed and they are having to go through processes that they don't think are right to have applicants going through, from a staff standpoint. Ms. Tate stated that staff wants to make it more streamlined and easier for applicants, as well. She noted that the Highway Overlay is a little bit outdated and they would just like input on what it should look like. Planner York stated that this item is solely for the recommendation for the authorized uses.

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

On motion by Commissioner Harwell, seconded by Commissioner Pickens, the Planning and Zoning Commission unanimously recommended approval of the proposed amendment.

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

### July 9, 2024 Planning and Zoning Commission Meeting MINUTES Page 8 of 9

### **Commission Action**

Dianne York, Planner, presented this agenda item. Ms. York stated that this item is a request to rezone approximately .2066 of an acre legally described as Lot 1, Block 1, of the H Tones First, commonly known as 129 E. Johnson Street. She stated that the Applicant is requesting a rezone of the property from the Commercial (C) District to the SF-5, Single Family Residential District so they can develop the property in a residential manner. The Future Land Use Plan depicts this area as "Neighborhood". Per the Comprehensive Plan, areas depicted as "Neighborhood" should be developed in residential manner. This request complies with the Comprehensive Plan. Additionally, the subject property meets development standard requirements for lot size, width, and depth listed within the SF-5, Single Family Residential zoning ordinance. Ms. York stated that approval of this request would allow the Applicant to move forward with construction of a single-family dwelling. Staff recommended approval of the request.

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

Mr. Luis Moran came forward and provided the following information:

Name: Mr. Luis Moran, Applicant

Address: 910 S. Travis Street Sherman, TX 75092

Mr. Luis Moran stated that they submitted their building permit and then found out the zoning was commercial, so this is why they are here today.

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

On motion by Commissioner Pickens, seconded by Commissioner Anderson, the Planning and Zoning Commission unanimously recommended approval of changing the zoning of the subject property from the Commercial District to the Single Family (SF-5) Residential District to allow for residential use.

### 5. STAFF UPDATES

Planner York stated that there is a training opportunity for elected and appointed officials through the American Planning Association (APA). The Midwest Section of the Texas Chapter is providing this training opportunity for city council and planning and zoning commissioners. The training takes place on July 26, 2024, from 10 a.m. to 3 p.m. in North Richard Hills. Ms. York asked if any of the Commission would like to attend to please let her know and the City would register them and pay the expense of the training (which is nominal). Ms. York stated that she believes it would be very beneficial for everyone to attend.

Ms. York stated that staff is seeking input on all the standards that are listed within the Highway Overlay ordinance, and specifically building materials and signage. She stated that they want to understand what the vision is for that corridor area. From what she researched; the ordinance has had a few amendments over the past couple of years. She is assuming that it was written in 2009, along with the other ordinances. Ms. York stated that as they move forward with amending the ordinance they want to be mindful of the modernization of how things are being constructed, our landscape, and things of that nature. She stated that they are open to that discussion. Ms. York stated that she added the entire ordinance to this agenda packet intentionally so that the Commission would have it for their convenience and review. She stated that after their review of the ordinance, if they have direction for staff, they can provide that at the next Commission meeting during the staff updates.

Director of Development Mary Tate added that when she and Planner York were discussing the matter of the Highway Overlay ordinance, they tried to think about places that stand out to them and where they have been (whether it's in Texas or elsewhere). She stated that when they do the Comprehensive Plan update and rewrite, they will have greater community input, which should help drive that vision. Ms. Tate stated that they are a little worried that by the time that happens, they are already going to see a lot of development so they are trying to get ahead of it. Ms. Tate asked the Commission to think long term and big picture – "What is that vision for twenty (20) years down the road when people are coming up US75?" "What are they going to see that sets us apart?" Ms. Tate stated that as they were discussing the matter they were trying to think of other cities, pulling from their ordinances. She stated that if the Commission has something in mind, staff is happy to do the legwork for them. She asked that they just send staff an email and let them know what community they are thinking about; what landscaping; what signage, etc. Staff will start researching and pull everything together for them. Discussion ensued amongst staff and the Commission regarding what needs to be researched (i.e., uses, signage, etc.). Ms. Tate stated that there will be further community discussion and public engagement for these decisions.

### 6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:41 a.m.

CHARLIE SHEARER, Chairman

ATTEST:

Karen L. Avery, Deputy City Clerk

### Planning and Zoning Commission Meeting Staff Report



### Agenda Item

Receive a report, hold a discussion, and take action on a Preliminary Plat for the B. McDaniel Intermediate Addition, Lot 1, Block A. (Case No. 2024-069PP).

### Staff Contact Dianne York, Planner dyork@denisontx.gov

903-465-2720

### Summary

- The applicant is requesting approval of a Preliminary Plat for a proposed development consisting of approximately 46.563 acres.
- The property is located along the southside of FM Highway 84 (FM84).
- The property is zoned Agricultural (A) and Multi-Family (MF-2) Residential.
- Upon approval of the Preliminary Plat, the applicant will Civil Engineering Plans and an application for Final Plat.
- A formal Site Plan submittal is required for this project.

### **Recommended Motion**

Staff recommends conditionally approving the proposed Preliminary Plat pending Civil Engineering Plan and Final Plat approval.

### **Recommended Motion**

"I move to conditionally approve the proposed Preliminary Plat pending Civil Engineering Plan and Final Plat approval."

### **Background Information and Analysis**

The applicant is seeking conditional approval of the proposed Preliminary Plat for the B. McDaniel Intermediate Addition allowing for the development of Denison Independent School District's (DISD) B. McDaniel Intermediate School. The subject property is located on the southside of FM Highway 84 (FM 84). The subject property is zoned Agricultural (A) and Multi-Family (MF-2) Residential. An Intermediate School is an allowed use in all zoning districts. Approval of the proposed plat will allow the developer to move forward with submitting a Final Plat application and Civil Engineering Plans.

The proposed plat depicts one (1) lot with two (2) access points located along FM 84 and an additional emergency access point located on the south side of the property accessed via Lifesearch Way and Family Place. City staff will review the two proposed access points further through the Civil Engineering Plan review process to determine if the access provided is appropriate.

A Traffic Impact Analysis (TIA) has been provided to the Engineering staff and is currently being reviewed. Water and sewer are located nearby and must be extended to service the development. In lieu of the required Tree Survey and Tree Preservation Plan, the applicant will provide an aerial image of the existing site conditions and has provided the proposed landscape plan which exceeds the minimum

requirements of the City's landscape ordinance in terms of tree planting. Staff is supportive of this information in lieu of the required Tree Survey and Tree Preservation Plan.

Financial Considerations N/A

### **Prior Board or Council Action** N/A

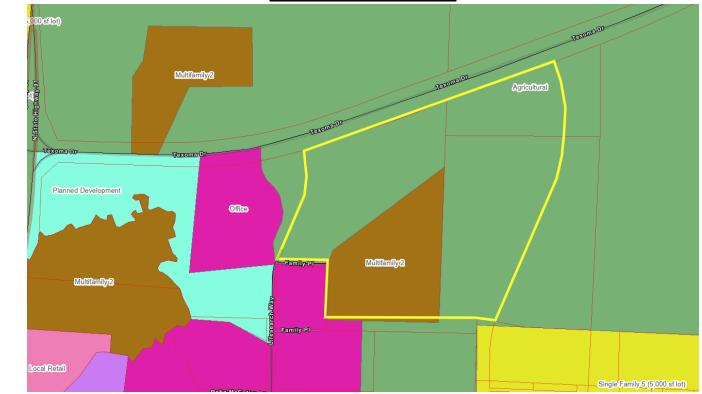
### Alternatives

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

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### Aerial of Subject Property

**Zoning of Subject Property** 





June 24, 2024

Ms. Mary Tate City of Denison Director of Development Services 300 W Main Street Denison, TX 75020

#### RE: Denison ISD – New B. McDaniel Intermediate Campus Letter of Intent TNP# DSN 23082

Dear Ms. Tate,

Please accept this application for the preliminary plat of Denison ISD – New B. McDaniel Intermediate Campus. The overall property is 46.563 acres and is located on the south side of FM 84 between TX 91 & US 69 (at the southeast corner of the future intersection of Lifesearch Way & FM 84). The purpose of this preliminary plat is to dedicate the right-of-way of Lifesearch Way and Armstrong Avenue and to dedicate onsite easements. The preliminary plat is to prepare the site for the development of Denison ISD – New B. McDaniel Intermediate School. Denison ISD – New B. McDaniel Intermediate School will consist of a new intermediate school building, associated parking and drive aisles, a courtyard, and will be located on Lot 1, Block A. A final plat will be prepared and submitted for review after approval of the preliminary plat.

Thank you for your time in this matter. Please do not hesitate to contact me with any questions.

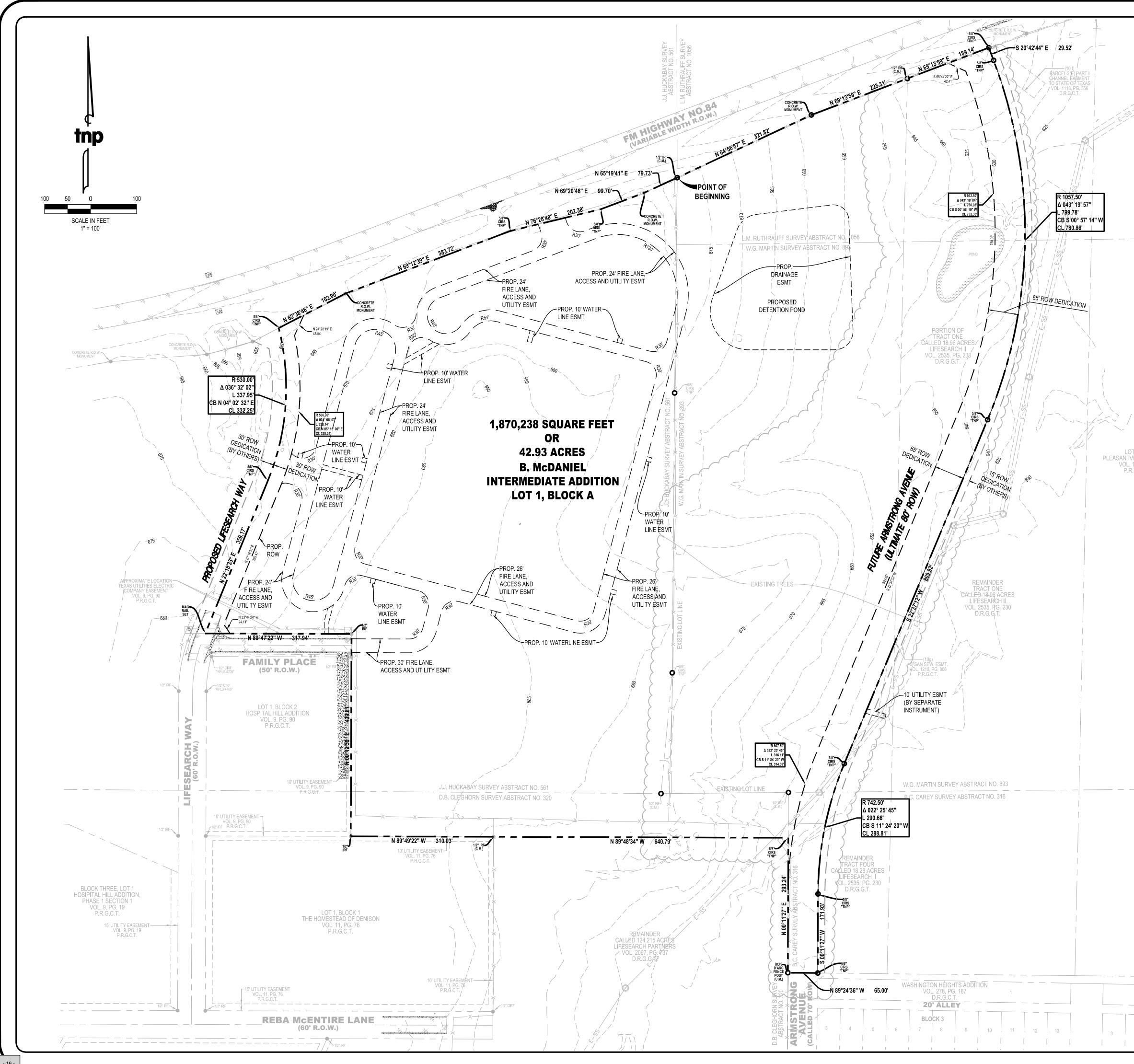
Sincerely, tnp teague nall & perkins

Joel Richey, P.E.

TNP Firm Registrations Texas Board of Professional Engineers, Firm No. F-230 | Georgia Board of Professional Engineers, Firm No. PEF007431 Texas Board of Professional Land Surveying, Firm No. 10011600 | 10194381 | 10011601 Texas Board of Architectural Examiners, Firm No. BR 2673 surveyors landscape architect

engineers

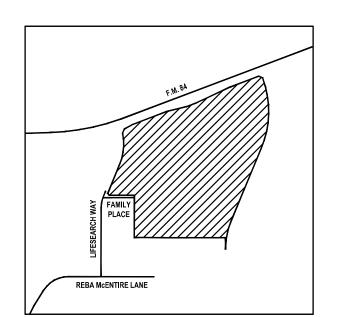
TEXAS FORT WORTH DENTON ALLEN HEATH KATY

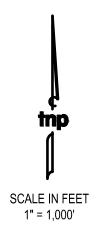






LOT ONE PLEASANTVILLE ADDITION VOL. 13, PG. 3 P.R.G.C.T.





### LEGEND

(C.M.) - CONTROLLING MONUMENT CIRF - CAPPED IRON ROD FOUND IRF - IRON ROD FOUND CIRS - CAPPED IRON ROD SET VOL. - VOLUME PG. - PAGE OHE - OVERHEAD ELECTRIC SSMH - SANITARY SEWER MANHOLE D.R.G.C.T. - DEED RECORDS GRAYSON COUNTY, TEXAS P.R.G.C.T. - PLAT RECORDS GRAYSON COUNTY, TEXAS

### **BASIS OF BEARINGS:**

BEARINGS ARE REFERENCED TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM OF 1983 (NORTH CENTRAL ZONE 4202; NAD83(2011) EPOCH 2010) AS DERIVED LOCALLY FROM ALLTERRA CENTRAL RTKNET CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) VIA REAL TIME KINEMATIC (RTK SURVEY METHODS. ALL DISTANCES SHOWN ARE SURFACE DISTANCES USING A COMBINED SCALE FACTOR OF 1.000077483.

### NOTICE:

SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

### **GENERAL NOTES:**

By graphic scale only and per the National Flood Insurance Program Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0170F, Effective Date: September 29, 2010, the subject property is shown to be located in Zone "X". The location of the said flood zones is based on said map and is approximate and is not located on the ground. This statement shall not create liability on the part of the surveyor. Relevant zones are defined as follows:

Zone "X" - Other Areas: Areas determined to be outside the 0.2% annual chance floodplain.

2) Only Visible utilities are shown, other underground utilities may exist that were not marked or not visible at the time of the survey.

3) The survey abstract lines shown hereon are approximate and are not located on the ground.



DENISON ISD 1201 S. Rusk Avenue Dension, Texas 75020 903.462.7000 ph

### SURVEYOR / ENGINEER

TEAGUE NALL AND PERKINS, INC. 825 Watters Creek Boulevard, Suite M300 Allen, Texas 75013 214.461.9867 ph 214.461.9864 fx TBPLS Registration No. 10194381 www.tnpinc.com

### PRELIMINARY PLAT

B. McDANIEL INTERMEDIATE ADDITION LOT 1, BLOCK A

> 2,028,312 SQUARE FEET 46.563 ACRES

A TRACT OF LAND SITUATED IN THE J.J. HUCKABAY SURVEY, ABSTRACT NUMBER 561, THE L.M. RUTHRAUFF SURVEY, ABSTRACT NUMBER 1056, THE W.G. MARTIN SURVEY, ABSTRACT NUMBER 893 AND THE B.C. CAREY SURVEY, ABSTRACT NUMBER 316 CITY OF DENISON, GRAYSON COUNTY, TEXAS

### PROJECT INFORMATION Project No.: DSN 23082

Date:July 15, 2024Drawn By:JMScale:1"=100'Sheet:1 of 1



### OWNER'S CERTIFICATE

#### STATE OF TEXAS COUNTY OF DENTON

BEING a tract of land situated in the J.J. Huckabay Survey, Abstract No. 561, the L.M. Ruthrauff Survey, Abstract No. 1056, the W.G. Martin Survey, Abstract No. 893, and the B.C. Carey Survey, Abstract No. 316, and being all of a called 21.799 acre tract of land to Denison Independent School District, as recorded in Document Number 2023-148924 of the Deed Records of Grayson County, Texas, and being all of a called 24.764 acre tract of land to Denison Independent School District, as recorded in Document Number 2023-148924 of the Deed Records of Grayson County, Texas, and being all of a called 24.764 acre tract of land to Denison Independent School District, as recorded in Document Number 2023-14875 of the Deed Records of Grayson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the northeast corner of a called 124.215 acre tract described by deed to Lifesearch Partners recorded in Volume 2067, Page 737 of the Deed Records of Grayson County, Texas, also lying on the southerly line of F.M. Highway No. 84 (Variable width R.O.W.)

THENCE North 64 degrees 56 minutes 57 seconds East, along the southerly line of said F.M. Highway No. 84 and the northerly line of said 18.28 acre tract, a distance of 321.82 feet to a concrete R.O.W. monument found for an angle point in same;

THENCE North 69 degrees 13 minutes 59 seconds East, continuing along the southerly line of said F.M. Highway No. 84 and the northerly line of said 18.28 acre tract, a distance of 223.31 feet to a 1/2 inch iron rod found for the northeast corner of said Tract Four and the northwest corner of said Tract One;

THENCE North 69 degrees 13 minutes 59 seconds East, continuing along the southerly line of said F.M. Highway No. 84 and the northerly line of said 18.96 acre tract, a distance of 189.14 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

THENCE leaving the southerly line of said F.M. Highway No. 84 and through the interior of said 18.96 acre tract and 18.24 acre tract the following courses and distances:

South 20 degrees 42 minutes 44 seconds East, a distance of 29.52 feet to 5/8 inch iron rod with cap stamped "TNP" set for corner at the beginning of a curve to the right;

With said curve to the right having a radius of 1057.50 feet, a central angle of 43 degrees 19 minutes 57 seconds, an arc length of 799.78 feet, a chord bearing of South 00 degrees 57 minutes 14 seconds West, a distance of 780.86 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

South 22 degrees 37 minutes 12 seconds West, a distance of 809.92 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner at the beginning of a curve to the left;

With said curve to the left having a radius of 742.50 feet, a central angle of 22 degrees 25 minutes 45 seconds, an arc length of 290.66 feet, a chord bearing of South 11 degrees 24 minutes 20 seconds West, a distance of 288.81 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

South 00 degrees 11 minutes 27 seconds West, a distance of 171.93 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner lying on the south line of said 18.28 acre tract and the north line of Washington Heights Addition, an addition to the City of Denison recorded in Volume 278, Page 167 of the Deed Records of Grayson County, Texas;

THENCE North 89 degrees 24 minutes 36 seconds West, along the north line of said Washington Heights Addition and the south line of said 18.28 acre tract, a distance of 65.00 feet to a BOIS D'ARC fence post found for the southwest corner of said 18.28 acre tract, also lying on the east line of the aforementioned 124.215 acre tract;

THENCE North 00 degrees 11 minutes 27 seconds East, a distance of 293.24 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

THENCE North 89 degrees 48 minutes 34 seconds West, leaving the west line of said 18.28 acre tract through the interior of said 124.215 acre tract, a distance of 640.79 feet to a 1/2 inch iron rod found for the northeast corner of Lot 1, Block 1, the Homestead of Denison, an addition to the City of Denison recorded in Volume 11, Page 76 of the Plat Records of Grayson County, Texas;

THENCE North 89 degrees 49 minutes 22 seconds West, along the north line of said Lot 1, Block 1, a distance of 310.03 feet to a 1/2 inch iron rod found for the southeast corner of Lot 1, Block 2, Hospital Hill Addition, an addition to the City of Denison recorded in Volume 9, Page 90 of the Plat Records of Grayson County, Texas;

THENCE North 00 degrees 12 minutes 38 seconds East, along the east line of said Lot 1, Block 2, a distance of 439.81 feet to a 1/2 inch iron rod found for the northeast corner of same, also lying on the north line of Family Place (50' R.O.W.); THENCE North 89 degrees 47 minutes 22 seconds West, along the north line of said Lot 1, Block 2, same being the north line of said Family Place, a distance of 317.94 feet to a Mag Nail set for corner;

THENCE North 22 degrees 18 minutes 33 seconds East, a distance of 359.17 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner at the beginning of a curve to the left;

THENCE through the interior of said 124.215 acre tract with said curve to the left having a radius of 530.00 feet, a central angle of 36 degrees 32 minutes 02 seconds, an arc length of 337.95 feet, a chord bearing of North 04 degrees 02 minutes 32 seconds East, a distance of 332.25 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner lying on the southerly line of said F.M. Highway No. 84;

THENCE along the southerly line of said F.M. Highway No. 84 and the northerly line of said 124.215 acre tract the following courses and distances:

North 62 degrees 38 minutes 46 seconds East, a distance of 162.90 feet to a concrete R.O.W. monument found for corner;

- North 69 degrees 12 minutes 39 seconds East, a distance of 383.72 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;
- North 76 degrees 28 minutes 48 seconds East, a distance of 202.38 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;
- North 69 degrees 20 minutes 46 seconds East, a distance of 99.70 feet to a concrete R.O.W. monument found for corner;
- North 65 degrees 19 minutes 41 seconds East, a distance of 79.73 feet to the POINT OF BEGINNING containing 2,028,312 square feet, or 46.563 acres of land.

### SURVEYOR'S CERTIFICATE

### KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_\_, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Denison, Texas.

Dated this \_\_\_\_\_ day, of \_\_\_\_\_, 2024.

PRELIMINARY FOR PREPARATION OF FINAL PLAT

STATE OF TEXAS

COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared \_\_\_\_\_\_\_, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein express and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day, of \_\_\_\_\_, 2024.

PRELIMINARY FOR PREPARATION OF FINAL PLAT

Notary Public, State of Texas

### NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT DENISON INDEPENDENT SCHOOL DISTRICT, acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as B. McDANIEL INTERMEDIATE, BLOCK A, LOT 1, an addition to the City of Denison, and does hereby dedicate to the public use forever, the streets and alleys shown thereon. Denison Independent School District does herein certify the following: 1. The Streets and Alleys are dedicated for Street and Alley purposes.

- 2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
- 3. The easements and public use areas, as shown and created by this plat, are dedicated for the public use forever for the purposes indicated on this plat.
- 4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the utility easements as shown, except that landscape improvements may be placed in landscape easements if approved by the City of Denison.
- 5. The City of Denison is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
- 6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Denison's use thereof.
- 7. The City of Denison and public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
- 8. The City of Denison and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
- 9. All modifications to this document shall be by means of plat and approved by the City of Denison.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of Denison, Texas.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

### BY: DENISON INDEPENDENT SCHOOL DISTRICT

PRELIMINARY FOR PREPARATION OF FINAL PLAT

### Authorized Signature

PRELIMINARY FOR PREPARATION OF FINAL PLAT

Randy Reid, Assistant Superintendent Denison Independent School District

STATE OF TEXAS §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared \_\_\_\_\_\_\_, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein express and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day, of \_\_\_\_\_, 2023.

PRELIMINARY FOR PREPARATION OF FINAL PLAT

Notary Public, State of Texas

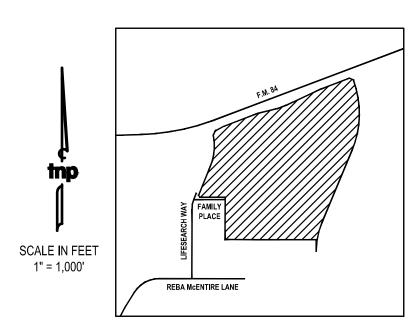
APPROVED FOR PREPARATION OF FINAL PLAT	
APPROVED THIS DAY OF,	BY THE PLANNING & ZONING COMMISSION OF THE
CITY OF DENISON, TEXAS:	
CHAIRMAN:	SECRETARY:
DATE:	DATE:

### BASIS OF BEARINGS:

BEARINGS ARE REFERENCED TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM OF 1983 (NORTH CENTRAL ZONE 4202; NAD83(2011) EPOCH 2010) AS DERIVED LOCALLY FROM ALLTERRA CENTRAL RTKNET CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) VIA REAL TIME KINEMATIC (RTK) SURVEY METHODS. ALL DISTANCES SHOWN ARE SURFACE DISTANCES USING A COMBINED SCALE FACTOR OF 1.000077483.

### NOTICE:

SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.



### **GENERAL NOTES:**

1) By graphic scale only and per the National Flood Insurance Program Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0170F, Effective Date: September 29, 2010, the subject property is shown to be located in Zone "X". The location of the said flood zones is based on said map and is approximate and is not located on the ground. This statement shall not create liability on the part of the surveyor. Relevant zones are defined as follows:

Zone "X" - Other Areas: Areas determined to be outside the 0.2% annual chance floodplain.

- 2) Only Visible utilities are shown, other underground utilities may exist that were not marked or not visible at the time of the survey.
- 3) The survey abstract lines shown hereon are approximate and are not located on the ground.



B. McDANIEL INTERMEDIATE ADDITION LOT 1, BLOCK A

> 2,028,312 SQUARE FEET 46.563 ACRES

A TRACT OF LAND SITUATED IN THE J.J. HUCKABAY SURVEY, ABSTRACT NUMBER 561, THE L.M. RUTHRAUFF SURVEY, ABSTRACT NUMBER 1056, THE W.G. MARTIN SURVEY, ABSTRACT NUMBER 893 AND THE B.C. CAREY SURVEY, ABSTRACT NUMBER 316 CITY OF DENISON, GRAYSON COUNTY, TEXAS

PROJECT INFORMATIONProject No.: DSN 23082Date:July 15, 2024Drawn By:JMScale:1"=100'

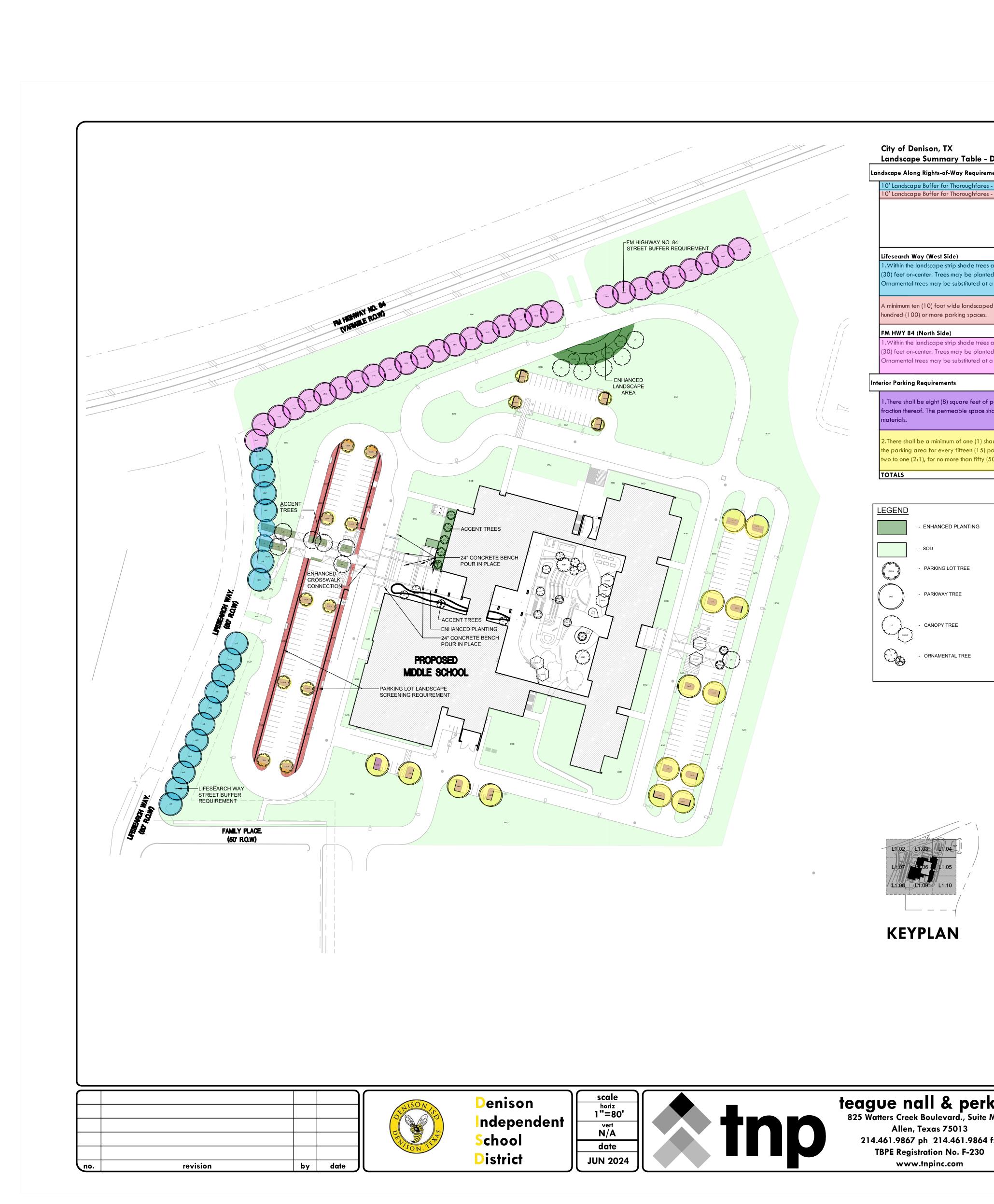
Sheet: 1 of 1



OWNER DENISON ISD 1201 S. Rusk Avenue Dension, Texas 75020

903.462.7000 ph

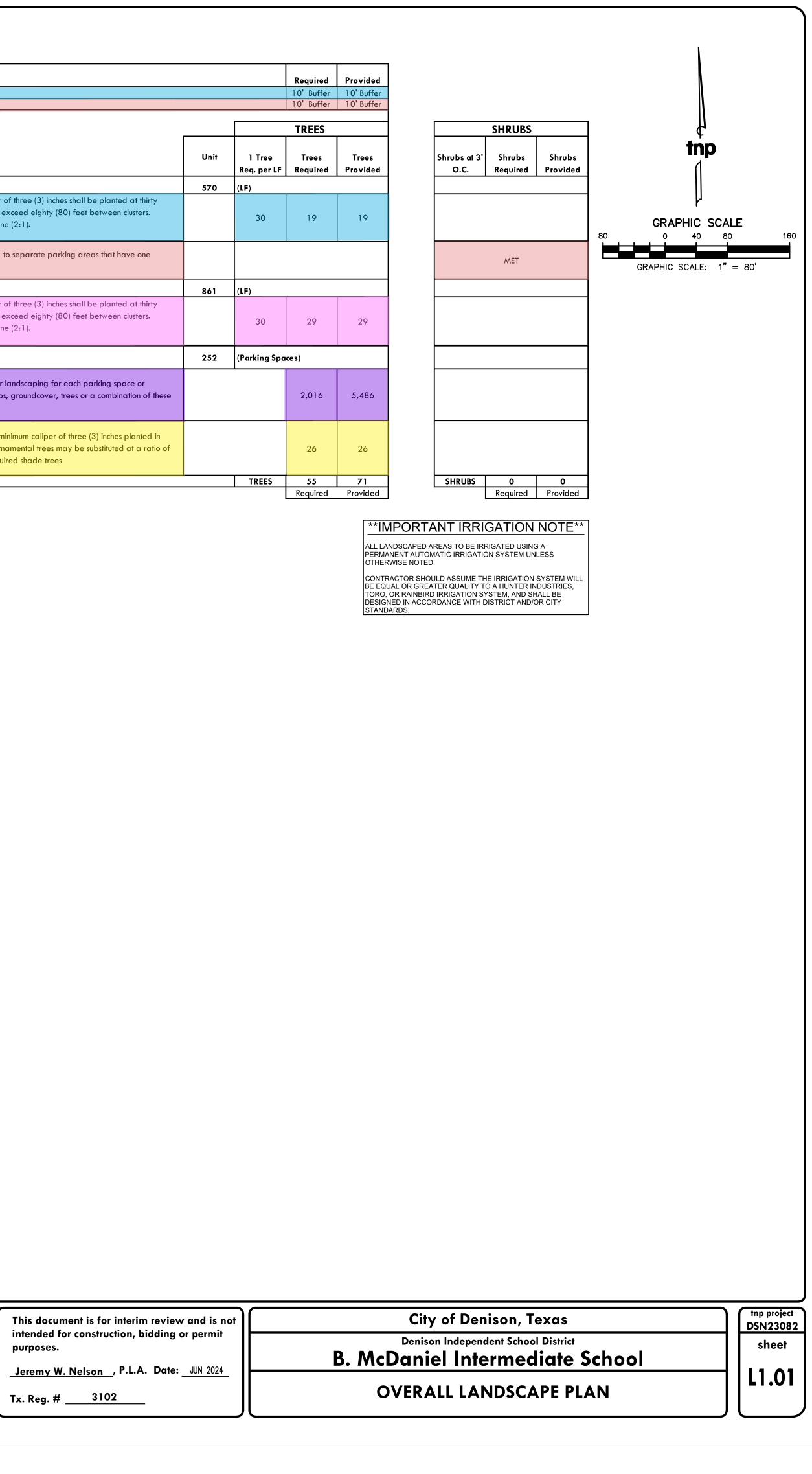
SURVEYOR / ENGINEER TEAGUE NALL AND PERKINS, INC. 825 Watters Creek Boulevard, Suite M300 Allen, Texas 75013 214.461.9867 ph 214.461.9864 fx TBPLS Registration No. 10194381 www.tnpinc.com

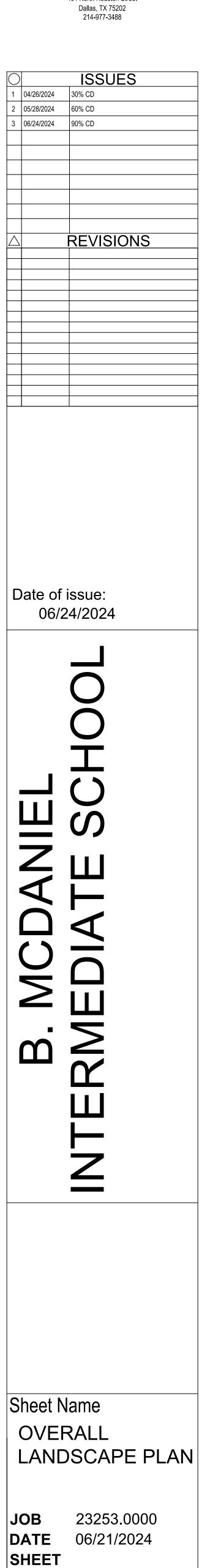


Landscape Summary Table - Denison MS Landscape Along Rights-of-Way Requirements <sup>1</sup> Landscape Buffer for Thoroughfares - Lifesearch Way <sup>1</sup> Landscape Buffer for Thoroughfares - FM HWY 84 .Within the landscape strip shade trees a minimum caliper of three (3) inches shall be planted at thirty 30) feet on-center. Trees may be planted in clusters not to exceed eighty (80) feet between clusters. namental trees may be substituted at a ratio of two to one (2:1). A minimum ten (10) foot wide landscaped area is required to separate parking areas that have one 1. Within the landscape strip shade trees a minimum caliper of three (3) inches shall be planted at thirty (30) feet on-center. Trees may be planted in clusters not to exceed eighty (80) feet between clusters. Ornamental trees may be substituted at a ratio of two to one (2:1). 1. There shall be eight (8) square feet of permeable interior landscaping for each parking space or raction thereof. The permeable space shall be grass, shrubs, groundcover, trees or a combination of these There shall be a minimum of one (1) shade tree that is a minimum caliper of three (3) inches planted in the parking area for every fifteen (15) parking spaces. Ornamental trees may be substituted at a ratio of two to one (2:1), for no more than fifty (50) percent of required shade trees

teague nall & perkins 825 Watters Creek Boulevard., Suite M300 This document is for interim review and is not intended for construction, bidding or permit purposes. 214.461.9867 ph 214.461.9864 fx

purposes.





L1.01

CORGAN 401 North Houston Street



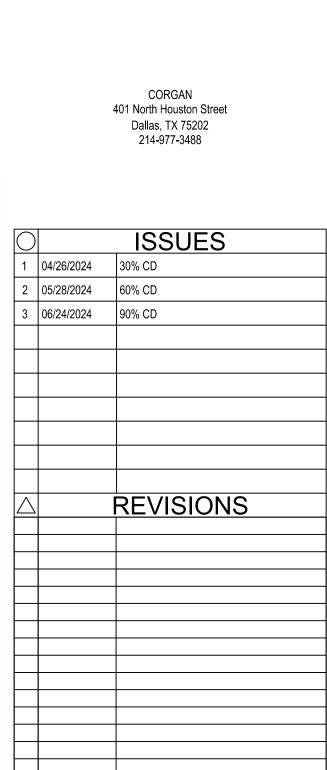
no. revision by date Den	endent   1"=80' 825 Watters Creek Boulevard., Suite M300   vert N/A   date     1"=80'     825 Watters Creek Boulevard., Suite M300     Allen, Texas 75013     214.461.9867 ph     214.461.9867 ph     TRPE Provisitentian No. E 230
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	tnp		
**IMPORTANT TREE REMOVAL NOTES**TREE MITIGATION NOT REQUIRED PER CITY DIRECTION TO CIVIL ENGINEER/PROJECT MANAGER. EXISTING TREES AFFECTED BY CONSTRUCTION ACTIVITIES INCLUDING BUT NOT LIMITED TO, STRUCTURES, PAVEMENT, AND GRADING TO BE REMOVED.REFERENCE LANDSCAPE PLAN FOR PROPOSED	GRAPHIC SCA     80   0   40   8     GRAPHIC SCALE:   1"	0 160	
PLANTINGS.			
City of Denison, Texas			
Denison Independent School District B. McDaniel Intermediate	School	sheet	

itended for construction, bidding or permit urposes. eremy W. Nelson , P.L.A. Date: JUN 2024 . Reg. # \_\_\_\_\_3102\_\_\_\_

OVERALL LANDSCAPE PLAN

L1.01



### Date of issue: 05/28/2024





L1.01



### Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of 1R, 2R, 3R, 4R, 5R, & 6R, Block 4, Fairmount Addition, being a Replat of all of Block 4 (Lots 1-16 and the ally) of said Fairmount Addition. (Case No. 2024-061RP).

### Staff Contact

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

### Summary

- The purpose of the Replat is to allow for the construction of single-family structures by orientating the proposed lots to front on S. Fannin Avenue and to plat abandoned rights-of-way.
- Property is zoned SF-5, Single Family Residential.

### **Staff Recommendation**

Staff recommends approval of the Replat as submitted.

### **Recommended Motion**

"I move to approve the proposed Replat."

### **Background Information and Analysis**

The applicant is seeking approval of the proposed Replat for property located on the east side of S. Fannin Avenue. The applicant wishes to develop the property in a single-family manner.

The City Council approved a Development Agreement (Contract Number 2024-0074) allowing for the abandonment of a portion of Wilde Street and a fifteen (15) foot alley. The applicant is seeking approval of the proposed Replat to orient the lots to front on S. Fannin Avenue and to plat the abandoned rights-of-way (ROW). The proposed lots meet the lot depth, width, and area requirement listed within the SF-5, Single Family Residential zoning ordinance. Water and sewer are both available to the property and all lots have access to S. Fannin Avenue. Approval of the proposed Replat will allow the applicant to move forward with the development of single-family structures.

### **Financial Considerations**

N/A

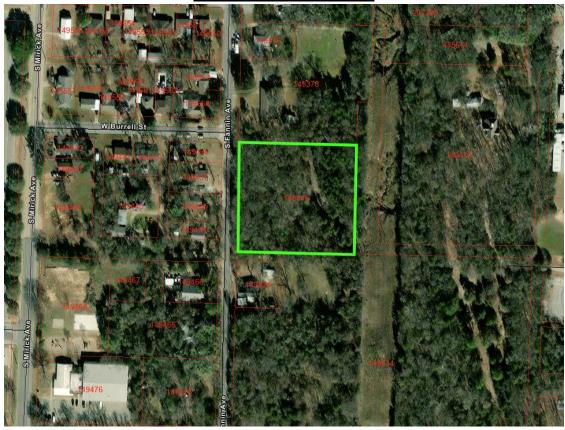
### **Prior Board or Council Action**

• The City Council approved a Development Agreement (Contract Number 2024-0074) allowing for the abandonment of City rights-of-way (ROW) located on the subject property.

### Alternatives

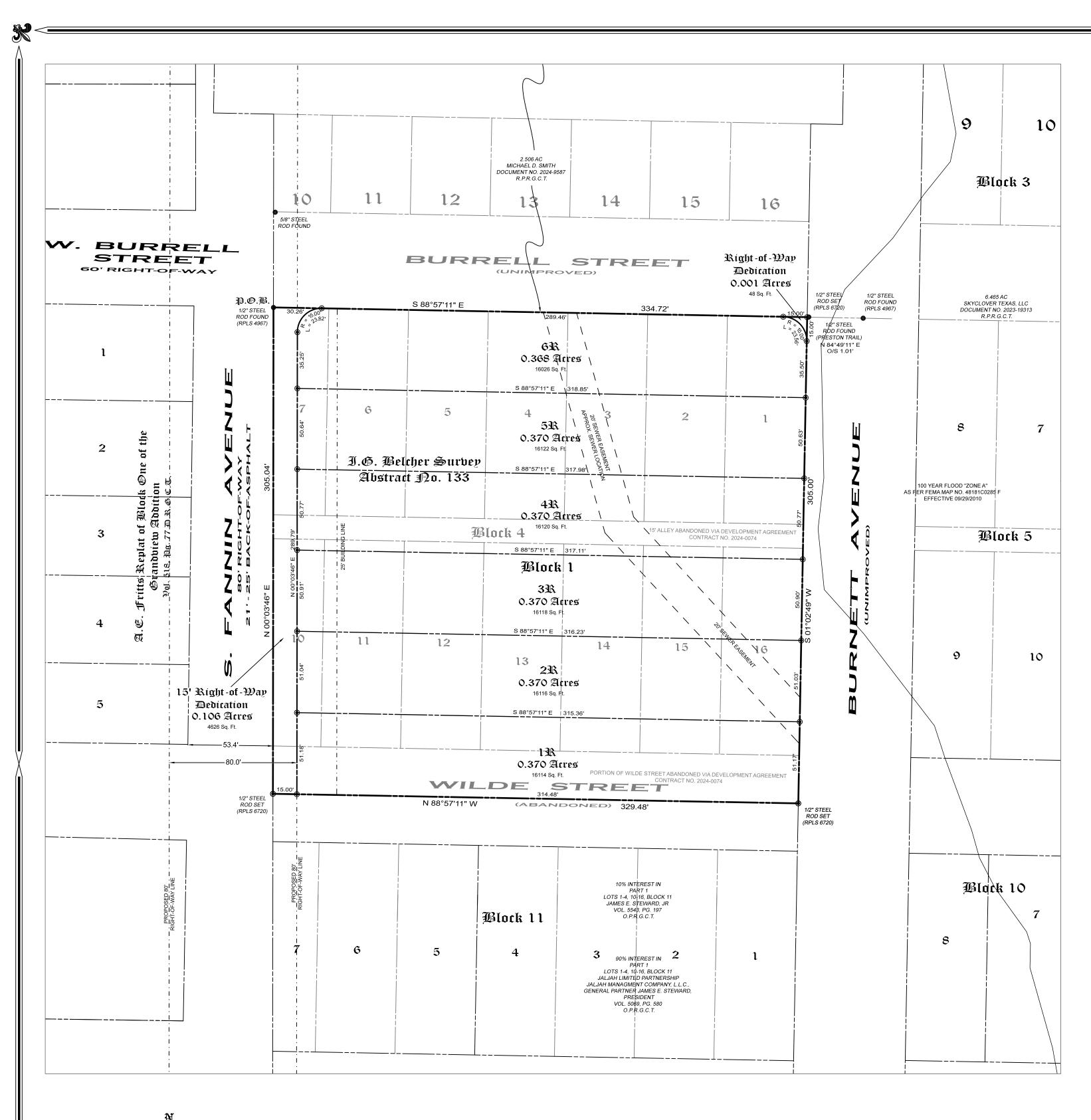
• The Planning and Zoning Commission may deny or conditionally approve the request.

**Aerial of Subject Property** 



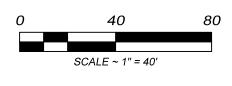
Zoning of Subject Property







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





OWNERS/DEVELOPEF WRIGHT CONSTRUCTION 8 DEVELOPMENT, LLC 120 SOUTH AUSTIN AVENUE DENISON, TEXAS

**SURVEYOR** JOHN C. COPLEY R.P.L.S. NO. 6720 1702 VERDI LN. SHERMAN, TEXAS

### Legal Description

Situated in the City of Denison, County of Grayson, State of Texas, being a part of the I.G. Belcher Survey, Abstract No. 133, and being All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and a 15' alley (abandoned in Contract Number 2024-0074) of Block 4, Fairmount Addition, an addition to the City of Denison, Texas as shown by plat of record in Volume 84, Page 513, Deed Records, Grayson County, Texas, and being a strip of land 30' wide adjoining said Block 4 on the south, what would have been the north half of that portion Wilde Street abandoned in Contract Number 2024-0074, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found with a cap marked RPLS 4967 at the intersection of the east line of S. Fannin Avenue and the south line of Burrell Street (unopened), maintaining the northwest corner of said Block 4;

Thence South 88°57'11" East, along the south line of said Burrell Street and the north line of said Block 4. a distance of **334.72 feet** to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 at the intersection of the south line of said Burrell Street and the west line of Burnett Street (unimproved) for the northeast corner of said Block 4 from which a 1/2" steel rod found with a cap marked RPLS 4967 bears South 88°57'11" East a distance of 30.0 feet.

Thence South 01°02'49" West, along the west line of said Burnett Avenue and the east line of said Block 4, passing the southeast corner of said Block 4 and the north line of Wilde Street (abandoned) and continuing for total distance of **305.00 feet** to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 in the center of said Wilde Street for the southeast corner of the herein described tract;

Thence North 88°57'11" West, with the center of said Wilde Street, a distance of **329.48 feet** to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 in the east line of said S. Fannin Avenue for the southwest corner of the herein described tract;

Thence North 00°03'46" East, along the east line of said S. Fannin Avenue, a distance of 305.04 feet to the Point-of-Beginning and containing 2.325 acres of land.

KNOWN ALL MEN BY THESE PRESENTS:

That I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Denison, Texas.

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

Date

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Denison. 2. Sewer service to be provided by the City of Denison.

- 3. Electrical service is provided by Oncor Electrical Delivery.
- 4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the
- floodway is prohibited. 5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or
- across said lots
- 6. The City of Denison will not be responsible for the maintenance and operation of said drainage ways or for the control of
- 7. Neither the City of Denison nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
- 8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this

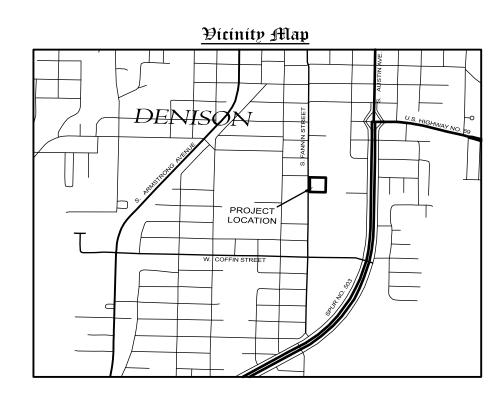
9. Bearings are based on the City of Denison Control Monument Network.

10. The City of Denison reserves the right to require submission of Development Plat based on proposed use of each lot. 11.All proposed lots situated in whole or in part within the City's Corporate Limits comply with the minimum size requirements of the Governing Zoning District and the requirements of the Subdivision Ordinance 12. Property is Zoned as SF-5.

13 Case No 2024-061RP

- 14. Sidewalk will be installed before a certificate of completion from the Building Department will be issued.
- 15. The subject tract lies within Zone "X" (areas determined to be outside of the 500 year flood) Designation, as shown by FEMA Flood Insurance Rate Map No. 48181C0485 F, Map Revised September 29, 2010.
- 16. Portion of Wilde Street and the Alley of Block 4 were both abandoned via Development Agreement by contract Number 2024-0074.

Purpose: The purpose of this Replat is to turn 16 Lots, an alley and half an abandoned street into 6 Lots.



STATE OF TEXAS COUNTY OF GRAYSON

I (we), the undersigned owner(s) of the land shown on this plat and designated herein as the Replat Lots 1R, 2R, 3R, 4R, 5R & 6R, Block 4, Fairmount Addition subdivision to the City of Denison, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the Replat Lots 1R, 2R, 3R, 4R, 5R & 6R, Fairmount Addition have been notified and signed this plat.

Owners Certificate & Dedication

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

WITNESS MY HAND this \_\_\_\_\_day of \_\_\_\_\_, 2024.

BRAEDEN WRIGHT WRIGHT CONSTRUCTION & DEVELOPMENT, LLC

STATE OF TEXAS COUNTY OF GRAYSON

STATE OF TEXAS COUNTY OF GRAYSON

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

Given under my hand and seal of office this\_\_\_\_day of \_\_\_ , 2024.

Notary Public in and for the State of Texas

My Commission Expires:

### City Signature Block

I hereby certify that the above and foregoing plat of Lots 1R, 2R, 3R, 4R, 5R & 6R, Block 4, Fairmount Addition, an addition to the City of Denison, Texas, was approved by the Planning and Zoning Commission of the City of Denison on the \_\_\_\_\_ day 2024

Planning and Zoning Commission Chair City of Denison

## Replat Lots 1R, 2R, 3R, 4R, 5R & 6R, Block 4, Fairmount Addition

Being a Replat of all of Block 4, (Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16, and the alley) of said Fairmount Addition, an addition to the City of Denison, Grayson County, Texas Being 2.325 acres in the I. G. Belcher Survey, Abstract No. 133

### Planning and Zoning Commission Meeting Staff Report



### Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for a Conditional Use Permit for Lot 19, Block 46 of The Original Town Plat of Denison, an addition of to the City of Denison, Grayson County, Texas according to the deed recorded in Volume 28, Page 362 Deed Records of Grayson County, Texas; being commonly known as 127 W. Main Street, GCAD Property ID No. 143076, located within the Central Area (CA) and Commercial Historic Overlay District (CH) for the operation of a bar for Black Sheep Cigar Lounge. (Case No. 2024-071CUP).

### **Staff Contact**

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

### Summary

- The applicant is requesting a Conditional Use Permit (CUP) in order to operate a Bar for property located at 127 W. Main Street.
- Property is zoned Central Area (CA) and falls within the Commercial Historic Overlay District (CH).
- A Conditional Use Permit (CUP) was approved by the City Council for the use of Bar for the operations of Black Sheep Cigar Lounge for property located at 202 W. Main Street at their meeting held on May 6<sup>th</sup>, 2024.

### Staff Recommendation

Staff recommends approval of the Conditional Use Permit.

### **Recommended Motion**

"I move to recommend approval of a Conditional Use Permit to allow for the operation of a Bar for Black Sheep Cigar Lounge."

### **Background Information and Analysis**

The applicant, Fajerson Consulting, LLC, is seeking approval of a Conditional Use Permit (CUP) to allow for the use of Bar for property located at 127 W. Main Street to operate a cigar lounge, Black Sheep Cigar Lounge. A previous CUP was approved for the operations of Black Sheep Cigar Lounge for property located at 202 W. Main Street by the City Council at their meeting held on May 6<sup>th</sup>, 2024. The applicant is moving their operations from 202 W. Main Street to 127 W. Main Street prompting the requirement for a new Conditional Use Permit (CUP).

Per the Project Narrative, Black Sheep Cigar Lounge will offer a space for the enjoyment of both refined cigars and luxurious cocktails. The applicant will initiate a complete internal remodel of the space to include but not limited to subflooring and flooring, painting of the walls and ceiling and adding spaces such as bathrooms and a humidor so they may properly store cigars. In an effort to be a good neighbor

to the surrounding businesses located on Main Street, the remodel will also include a top-of-the-line ventilation system and air purifiers in order to mitigate the cigar smoke.

The applicant is proposing hours of operation to include:

- Sunday through Thursday, 10:00 a.m. to 10:00 p.m.
- Friday through Saturday, 10:00 a.m. to 12:00 a.m.

The subject property falls within the City's Downtown Center per the Comprehensive Plan. Per the Comprehensive Plan, Denison's Downtown Center should be engaged in mixed-use activities with retail, restaurants, entertainment, office and some medium-density residential uses. Permitting the use of Bar for Black Sheep Cigar Lounge conforms with the Comprehensive Plan.

There are no parking requirements for the Central Area zoning district, however, adequate on-street parking and off-street parking is provided via Main Street and public parking lots located near the property.

City staff has reviewed each Conditional Use Permit Criteria outlined within the City Ordinance, before reaching its recommendation for approval.

### **Conditional Use Permit Criteria for Approval:**

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

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 the Central Area (CA) zoning district as well as the Commercial Historic Overlay District (CH).

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

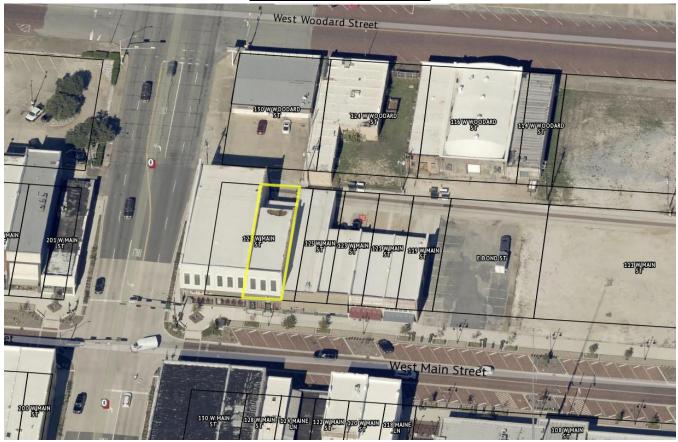
### **Prior Board or Council Action**

- The Planning and Zoning Commission recommend approval for a Conditional Use Permit (CUP) for the use of Bar and the operations of Black Sheep Cigar Lounge for property located at 202 W. Main Street at their meeting held on April 23<sup>rd</sup>, 2024.
- The City Council approved a Conditional Use Permit (CUP) for the use of Bar and the operations of Black Sheep Cigar Lounge for property located at 202 W. Main Street at their meeting held on May 6<sup>th</sup>, 2024.

### Alternatives

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

### Aerial of Subject Property





### Zoning of Subject Property

### Project Narrative for 127 W. Main St.

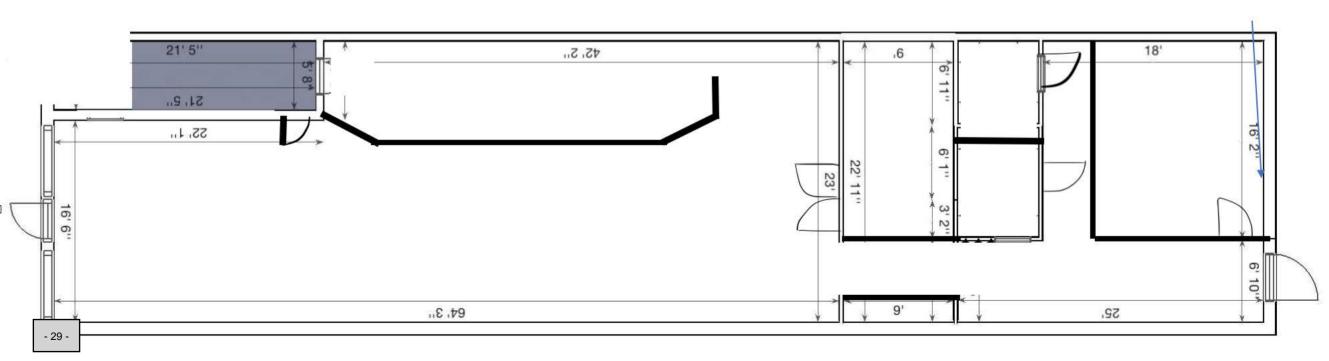
Imagine you're on a date and trying to find a nice, cozy spot to settle down for a nightcap after dinner. You don't want to go to a bar, the music is too loud and the "bar scene" isn't what you need. You're looking for a relaxing hang out; a place to socialize, sip a tasty hand crafted cocktail, and maybe even finish with an aromatic imported cigar.

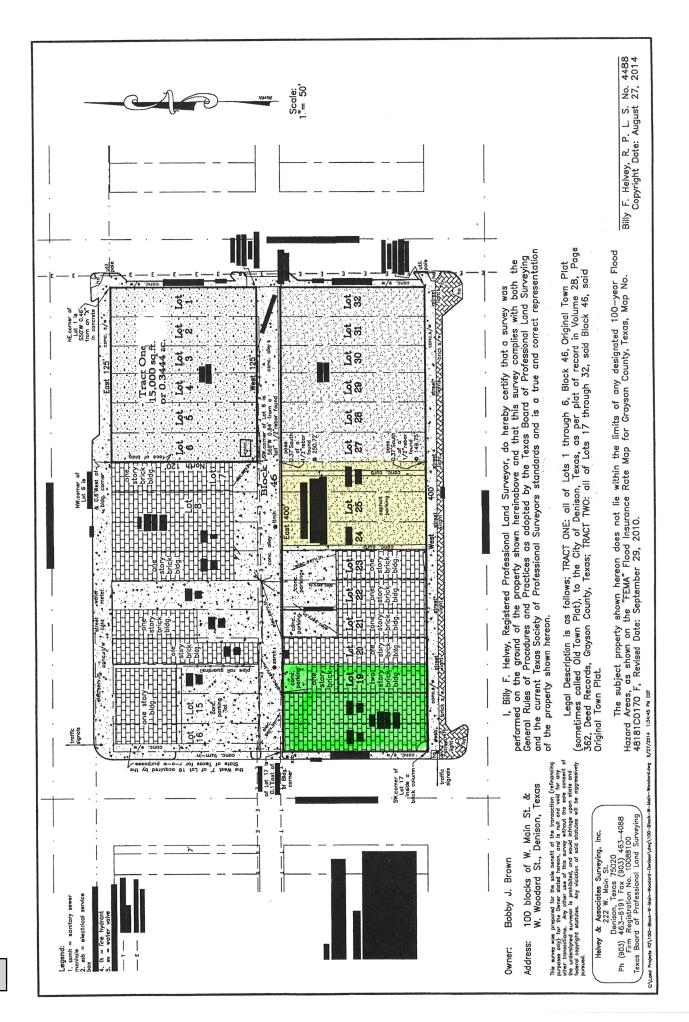
Fajerson Consulting LLC is looking to open up a new type of atmosphere on Main Street. We have projected a soft opening date of the 'Black Sheep Cigar Lounge' for Fall of 2024. Our establishment would hopefully bring another level of sophistication and entertainment to this area. We would be opening a retail business for refined cigars and luxurious cocktails, this space includes an area to relax and enjoy the company of others who also appreciate this level of leisure.

With the majority of sales belonging to our retail tobacco side of business, we would not be a 51% location. This space is going to be updated inside, from flooring, repainting the walls, and adding other structures (i.e. bathrooms, and a humidor) to the inside of the store; included in this construction is a top of the line ventilation system as to not bother our neighbors or the general public with cigar smoke. We propose our operating hours to be 10 am to 10 pm Sunday through Thursday, and 10 am to 12 midnight on Friday and Saturday evenings; suggested hours will be within guidelines of TABC.

We believe our store will offer a harmonious site to the downtown atmosphere. We will have soft music and a down to earth ambiance that will accompany the level of refinement that we feel Main Street is constantly working to preserve. We will have more foot and vehicle traffic toward this location, but luckily there are public parking lots to the north east and north west of our establishment as well as parking spaces out front. This foot traffic will hopefully also visit surrounding boutiques and eating establishments- bringing more and more business to this area. Inside our location, we will have plenty of ventilation and air purifiers so as to not give any negative report from our neighbors. The north entrance of the store has a loading and unloading space to negate any traffic from Main Street when we get deliveries of products. We are a separate space and address, but in the same building of the Horse's Axe. We plan on being able to utilize Mr. Roberts, our landlord who owns the previously mentioned establishment, to direct business back and forth.

We are looking to bring a different type of experience to Main Street, hopefully our location would rival that of other flourishing towns like McKinney, Rockwall, and Plano. Our cigar lounge would be a perfect fit with the level of polished ambiance we see coming to Downtown Denison. It has been projected that the cigar industry in the United States will reach \$13.3 billion in 2024. (Per Statistica.com) This website also states that there is a calculated growth rate of 4.28% annually. We feel this would be a great partnership and hopefully another bright spot in the revamped area. We appreciate you for your time and consideration.





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