



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

Tuesday, June 11, 2024

1. CALL TO ORDER

Announced the presence of a quorum.

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

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

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

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 May 14, 2024.

Commission Action

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

4. PUBLIC HEARINGS

A. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a ± 154.70-acre tract of land being identified as GCAD Property ID Nos. 109711, 109720, 109722, 109723, and 109766, and being generally located at the northeast corner of Texoma Drive (FM 84) and State Highway 91 (SH 91), from the Agricultural (A) District and the Multi-Family 2 (MF-2) Residential District to a Planned Development (PD) Overlay District with base zonings of Single-Family (SF-7.5) District, Single-Family (SF-TH) District, Multi-Family Residential (MF-2) District, Light Industrial (LI) District, and Commercial (C) District; and a request to zone a ± 52.52-acre tract of

land being identified as GCAD Property ID Nos. 109713, 109718, and 439828, and being generally located at the northeast corner of Texoma Drive (FM 84) and State Highway 91 (SH 91) to a Planned Development (PD) Overlay District with the base zonings of Single Family (SF-7.5) District, Single-Family Townhomes (SF-TH) District, Multi-Family Residential (MF-2), Light Industrial (LI) District, and Commercial (C) District, for a combined total of ± 207.22 acres to allow for a mixed use development. (Case No. 2024-016PD).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. The Applicant is seeking a rezone to the subject property from the Agricultural (A) District and MF-2, Multi-Family Residential (MF-2) District and to initially zone the subject property to a Planned Development Overlay District (PD) to accommodate Duck Creek Crossing, a mixed-use development. Ms. York stated that, for reference, this property is to the south of Lakeview and Heritage Apartments and to the north of what used to be QuikTrip. Ms. York stated that the property is currently zoned Agricultural and Multi-Family Residential (MF-2), as well as portions of the property being located outside of the City limits. She stated that in addition to the Zoning Application before the Commission today, the Applicant has submitted a Voluntary Annexation Application to request the annexation of the 52.52-acre tract of land. The Applicant is pursuing a rezone and an initial zoning of a Planned Development Overlay District to accommodate a mixed-use development. These uses include single-family townhomes, multifamily, light industrial uses, and commercial uses. The Concept Plan that has been provided by the Applicant will become a part of the Planned Development, if approved. Ms. York stated that the property will have a base zoning of Single-Family (SF-7.5). Ms. York stated that a full list of the deviations is provided in the agenda packet as a backup, noting that they are very minimal. She stated that the Applicant would like to adhere to the base zoning district as they exist or maybe amended in the future as much as they possibly could. Ms. York stated that the northeast corner is Single-Family, and they have major access from Armstrong Avenue. Other potential access points will be provided depending on how the property is developed and those will be conducted in phases. Ms. York stated that the base zoning district is Single-Family (SF-7.5) and the minimum lot size is the same as what is in the base zoning district. Ms. York stated that the minimum front yard is 20 feet, including the garage setback. All parking will be two-car garages. She stated that multiple points of access will be provided for life and safety reasons. Ms. York stated that there are architectural standards that are built into this Planned Development for every single use. Ms. York stated that the south area is where the townhomes will be developed and based zoning district is the townhome zoning district. She stated that they also have architectural standards that are provided, noting that there is a clause within the development standard document that states that parking can be utilized via an alley or in the front. Ms. York stated that it was staff's recommendation to try and utilize the alley. She noted that there is a caveat in the document that states that if an alley is used then the front yard setback is allowed to be 10 feet. Ms. York stated that the Multi-Family Residence is located towards the west of the property. They are split into two tracts of land - one being approximately 35 acres and the other being approximately 8.5 acres. Ms. York stated that the max number of units for this property is 450 units for

the 35-acre tract and 160 units for the 8.5 tract. Ms. York stated that this is below what is required by the base zoning district. Ms. York stated that the multi-family also has architectural standard requirements and the amenities will be based off of the base zoning district. Ms. York stated that the Light Industrial Zoning is located on the northern side of the property that also fronts State Highway 91 and has specific allowed uses. She stated that it was the intent that a boat storage, recreational vehicle storage, or self-storage be utilized; however, there are a couple of other uses that are built into the Planned Development to accommodate a type of lake-style life where there is potentially a boat repair shop, a brewery or distillery, building material sales, office, landscape/nursery, etc. Ms. York stated that there is an additional buffer abutting the Light Industrial and residential uses, as well. Ms. York stated that the Commercial District is at the corner of SH 91 and FM 84. Ms. York stated that this district has allowances for a smaller parking requirement, if the developer at that time presents to staff and staff approves a lower parking requirement. She stated that there are also Architectural Standards built into that zoning district as well. Ms. York stated that there is a major floodplain that goes through this property. She stated that the Applicant is proposing passive open space, as well as trails built throughout. They are dedicating approximately (minimally) 45.56 acres to the entire development for Open Space. She stated that the townhome ordinance and the multifamily ordinance requires a specific percentage of Open Space that they are also adhering to. She noted that staff calculated that that would be a little less than 12 acres and that will go into account with the 45 acres that they are proposing. Ms. York stated that this area is designated as Neighborhood district, however, given the uses to the north and south, staff feels like this is an appropriate zoning district to approve. Ms. York stated that staff recommends approval of the Planned Development Overlay District and the request as presented.

In response to Commissioner Picken's inquiry, Ms. York stated that the Applicant will have to provide a traffic impact analysis or a traffic study for that location and that will be required at preliminary Plat and reviewed by the Planning and Engineering staff. She stated that, upon TxDOT recommendations, staff will review and determine what necessary improvements need to be conducted to make the area safe. Director of Development Mary Tate stated that the City just had to provide the Metropolitan Planning Organization (MPO) and TxDOT with the City's priority areas. She stated that this is one of the priorities because of the development coming, as well as the building of a new middle school just below FM 84. Ms. Tate stated that staff recognizes that we all have to be working together and on the same page to handle the speed of traffic there and making sure things are set back enough to add the turning lanes, etc. Ms. Tate stated that TxDOT is very much aware of what is happening and the City has also submitted that in writing, which will then go to the state. In response to Commission Members' various questions, Chair Shearer and staff asked that the Applicant respond to the inquiries. Chair Shearer invited the Applicant to the podium and Mr. Josh McKinney provided the following information for the record:

Name: Josh McKinney, Applicant's Representative

Address: 1130 Vagabond Lane
Plymouth, MN 55447

Mr. McKinney stated that he is a representative of the Applicant. He stated that they are excited to present this Planned Development opportunity and appreciated working with staff members to come up with what the Commission is seeing today. Mr. McKinney stated that in putting together this development, they were focusing on triangle uses adjacent to other like uses, for example, the multifamily in the adjacent area of the other multifamily to the south. He stated that they would like to take – what they think is the more beautiful area of the site – and use it for single family so they can preserve as many trees as possible. Mr. McKinney stated that the other thing they were really focused on is what is possible in the floodplain. He stated that instead of ignoring it, they plan to use it as an amenity. Mr. McKinney, in response to Commissioner Zapata's inquiry, stated that he believes the floodplain is approximately three acres. In response to Commissioner Harwell's inquiry, Mr. McKinney stated that the sewer will be granted access from the south, noting that it will need to be extended and will most likely need some sort of additional study. Mr. McKinney stated that they have put a lot of thought into this development and even though they are in the early stages of the process, they want to ensure that it can be executed in a manner that the Commission would like to see. He stated that they look forward to working with City staff on this project and he is here to answer any questions of the Commission, staff, and residents.

Chair Shearer stated that staff received the following letters in response to the Project:

Letters in support of the Request:

1. Tony Kaai; 311 W. Woodard Street
2. LifeSearch Partners; John Munson, Managing Partner; 2402 W. Morton Street
3. Judith A. Foster; 255 Immigrant Trail Rd.

Letters in opposition to the Request:

1. Mike and Lyneille Meza; 2201 N. State Highway 91
2. Teresa Meza; 2123 N. State Highway 91
3. Andrew Meza; 2123 N. State Highway 91

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

Mrs. Lyneille Meza came forward and provided the following information:

Name: Lyneille Meza

Address: 2201 N. State Highway 91
Denison, TX

Mrs. Meza stated that she is appreciative of staff's comments regarding the traffic congestion at the intersection of SH 91 and FM 84. Mrs. Meza stated that there are numerous wrecks there where police and ambulances must be called. She stated that sometimes she just hears the screeching and clanging of metal and then the people just trade information and go on. Mrs. Meza stated that there is also a lot of foot and bike traffic in the area. She stated that there are young drivers at the high school, boats and RVs going to the lake, traffic diverted from US 75, semi-trucks, and so much more coming through this area that it is completely congested on a daily basis. Mrs. Meza stated that there are numerous lost people because they pull over in front of her house to check maps, make U-turns, etc. Mrs. Meza stated that her biggest concerns are that traffic congestion and public safety be addressed prior to any groundbreaking taking place.

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

Mr. Andrew Meza came forward and provided the following information:

Name: Andrew Meza
Address: 2123 N. State Highway 91
Denison, TX

Mr. Meza voiced concerns about the floodplain, standing water, and mosquitos. Mr. Meza also voiced concerns regarding major traffic congestion that this project would bring to the area.

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

Mrs. Teresa Meza came forward and provided the following information:

Name: Teresa Meza
Address: 2123 N. State Highway 91
Denison, TX

Mrs. Meza stated that she and her husband are from North Carolina and found this piece of property which was great because it is in the City but right across from agriculture. They enjoy sitting on their porch watching traffic and listening to the noises – stating that as you get older, life has to do with joy. Mrs. Meza believes that this project will take away from her and her husband's future because they want to enjoy a small, quaint town and with this new development, she believes that she is going to have to fight for her future. She stated that there are only five houses in their neighborhood and it means a lot to them to keep this space.

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

Mrs. Valentina Massie came forward and provided the following information:

Name: Valentina Massie
Address: 2223 N. State Highway 91
Denison, TX

Mrs. Massie stated that she and her husband have lived in their home since November of 1990 and she believes that if this project is approved, they have the most to lose. She stated that their entire front yard has been flooded before to where there is water almost to the highway. Mrs. Massie stated that she and her husband enjoy the cows and animals across the street, the beautiful trees, etc. They don't want to lose this sunset community that they have now. Mrs. Massie stated that her husband is close to retiring and their house is paid for. They want to be able to enjoy their home with their grandchildren in their retirement years and not have to worry about a new development blocking their view of the beautiful scenery they enjoy now.

Chair Shearer informed Mr. McKinney that he would allow him two minutes for rebuttal, if he wished to say anything.

Mr. McKinney, responding to residents' concerns, stated that he fully understands their concerns. He stated that, regarding their concerns about the flooding, a flood study will have to be completed and the development would be required to meet both the rate and the volume of the water at the developments' property line. Mr. McKinney stated that they certainly can appreciate the anxiety that uncertainty brings, but all of their reports will be reviewed by the engineers and he just wants to provide some reassurance. Mr. McKinney also informed the residents that he would provide them with his business card and will keep them informed of any updated situations. He stated that they are also welcome to contact him with any questions they might have.

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

Chair Shearer asked if there was any Commission discussion. Commissioner Zapata stated that he would like to see some language added to the Planned Development that will keep the open space open to the public because he has seen some planned developments come in where the open space is private and public citizens cannot enjoy what was put in. Planner York asked if he was requesting to make that a condition of the PD, to which Mr. Zapata stated in the affirmative. Mr. Zapata stated that he wants to protect the citizens so that they have access to some of the amenities. Chair Shearer asked Mr. McKinney what amenities they were planning on because there are amenities for the multifamily which are – and should be – private. He stated that he would assume the walking trails would most likely have public access. Ms. York stated that the park is not City-owned and the Applicants have not proposed donating any acreage to the City. She stated that they are providing this open space for the development and they have not asked to dedicate any specific amount of acreage in lieu of park dedication fees or anything of that nature.

Chair Shearer, responding to the residents' concerns, stated that prior to any dirt being turned and anything being built, there will be hydraulic studies and traffic studies conducted, however, the Commission cannot restrict growth and progress. Vice Chair Sylvester stated that this is typical of what we will be seeing in the future, noting that there is a substantial development coming in at SH 91 and US 75. He stated that the traffic is dictated by the state and hopefully TxDOT will be addressing the traffic congestion concerns around this area. Vice Chair Sylvester stated that the whole area is going to be changing in the next five years – and hopefully, for the better. Planner York, in hopes of easing some of the residents' concerns, provided a timeline for the development and requested that the residents see her after the meeting and she can address any concerns and answer any questions that they may have.

On motion by Commissioner Pickens, seconded by Commissioner Harwell, the Planning and Zoning Commission recommended approval of the proposed rezone request, as well as the initial zoning request to a Planned Development Overlay District for the subject property to allow for a mixed-use development. [Commissioner Zapata opposed]

- B. Receive a report, hold a discussion, conduct a public hearing, and take action on Lot 1-R, Block A of the Rock Ridge Addition, Phase 2 being a Replat of Lot 1, Block A, Rock Ridge Addition. (Case No. 2024-053RP).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that this property is located in the City of Denison's Extra Territorial Jurisdiction (ETJ). The Applicant is seeking approval of the proposed Replat in order to increase their property consisting of approximately 2.763 acres. Ms. York stated that the proposed lot fronts on Preston Road and will utilize a water well and a septic system. Staff recommended approval of the Replat as submitted.

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

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

- C. Receive a report, hold a discussion, conduct a public hearing, and take action on Lot 1-R, Block A of the JCN Industrial Park being a Replat of Lot 1, Block A, of the Denison Industrial Park East Addition, Section Five and part of Lot 1, of the Conveyance Plat of Lot 1, Denison Industrial Park East Addition, Section Four. (Case No. 2024-054RP).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that the Applicant is seeking approval of the proposed Replat in order to move forward with building a structure. The proposed Replat will consolidate two (2) lots into one (1). The subject property is zoned Light Industrial (LI). The lot will retain frontage on Wayne Cabaniss and has access to water and sewer. The northern portion has an approved Site Plan and is currently going through the Civil Engineering

Plan review process. Ms. York stated that any additional development on this property must meet all development standards listed within Chapter 28 – Zoning, as well as additional City standards related to engineering or infrastructure. Staff recommended approval of the Replat as submitted.

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

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

5. STAFF UPDATES

Mary Tate, Director of Development, stated that the City was awarded a “Safe Streets for All” grant through the US Department of Transportation. She stated that staff will be working on many of the issues that have been brought to their attention, such as connectivity and walkability. Ms. Tate stated that there is also a component for “Safe Routes to School.” She stated that staff will have to do some assessments and identify issues and, once identified, staff will be able to request an implementation grant down the road a few years.

6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:44 a.m.



CHARLIE SHEARER, Chairman

ATTEST:



Karen L. Avery, Deputy City Clerk