



**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).

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)

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.

- 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 Daiquiris. 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 Theresa 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.

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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).

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.

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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