



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

Tuesday, December 12, 2023

1. CALL TO ORDER

Announced the presence of a quorum.

Chair Charlie Shearer called the meeting to order at 10:00 a.m. Commissioners present were Vice Chair Mary Karam, Commissioners Linda Anderson, Brett Evans, and Alternate Commissioner Robert Sylvester.

Staff present were Mary Tate, Director of Development, Dianne York, Planner; Felecia Winfrey, Development Coordinator; Kirk Kern, Jr., Interim Building Official, 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 November 14, 2023, Planning and Zoning Commission Meeting.
- B. Receive a report, hold a discussion, and take action on a Preliminary Plat for the Denison Foundation Park Addition. (Case No. 2023-112PP)

Commission Action

On motion by Vice Chair Karam, seconded by Commissioner Evans, the Planning and Zoning Commission approved the Consent Agenda. [Note: Commissioner Anderson abstained from the vote as she was absent at the November 14, 2023, Meeting.]

4. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone property legally described as a 3.513-acre tract being located partially in the I. G. Belcher Survey, Abstract No. 133, and partially in the William Oldham Survey, Abstract No. 919, Grayson County, Texas, according to the deed recorded in Volume 3183, Page 929, Deed Records of Grayson County, Texas; being commonly

known as 2700 S. Fannin Avenue, GCAD Property ID No. 150060, from the Local Retail (LR) District partially within the Austin Avenue Overlay District to the Single Family-5 (SF-5) District partially within the Austin Avenue Overlay District, to allow for residential use. (Case No. 2023-105Z).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that the subject property is south of the Sonic Drive-in off of Eisenhower Parkway. It is currently zoned local retail. Ms. York stated that the surrounding properties have been zoned and developed in an SF-5 [or a single-family manner] residential to the north because those are duplexes that were built during the infill. Ms. York stated that there is a house that is currently on the property and that house has been there for quite some time. Upon zoning approval, the Applicant will move forward with a plat to subdivide the property, allowing for the potential construction of two additional residential structures. Staff recommended approval of the request.

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

Ms. Karel Price came forward to address the Commission and provided the following information for the record:

Name: Ms. Karel Price
Address: 2700 S. Fannin Avenue
Denison, TX

Ms. Price stated that the City imposed the zoning of local retail when they adopted a zoning ordinance. She stated that there is nearby local retail, however, the home on the property was built in 1910 and has always been residential property. Ms. Price stated that no one has ever requested the property to be zoned for retail, but the City set the zoning in that manner. She stated that they are requesting the zoning to be changed to the nearby residential zoning category of SF-5 so they can apply the zoning to the home that is there (and has been there since 1910). Ms. Price stated that they intend to replat their 3.513-acre tract into three residential lots via a minor Plat after zoning is granted. She stated that one lot will stay with the current home on the property and two residential lots will be marketed to the public for sale. Ms. Price stated that they have not included a site plan because they will not be developing the future lots themselves. The potential landowners of those lots will apply for permitting at the time of their development.

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

On motion by Vice Chair Karam, seconded by Commissioner Anderson, the Planning and Zoning Commission unanimously recommended approval of rezoning property legally described as a 3.513-acre tract being located partially in the I. G. Belcher Survey, Abstract No. 133, and partially in the William Oldham Survey, Abstract No. 919, Grayson County, Texas, according to the deed recorded in Volume 3183, Page 929, Deed Records of

Grayson County, Texas; being commonly known as 2700 S. Fannin Avenue, GCAD Property ID No. 150060, from the Local Retail (LR) District partially within the Austin Avenue Overlay District to the Single Family-5 (SF-5) District partially within the Austin Avenue Overlay District, to allow for residential use.

- B. Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of Lot 1R, Block 7 of the 604 W. Morton Addition. (Case No. 2023-108RP)

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that the Applicant recently had a Conditional Use Permit approved allowing for the use of a restaurant with drive-thru. The construction of the drive-thru and employee parking crosses lot lines and therefore triggered a Replat. The Plat conforms to the neighborhood services development standards. Ms. York stated that the Applicant is not present today. Staff recommended approval of the request.

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

On motion by Vice Chair Karam, seconded by Commissioner Evans, the Planning and Zoning Commission recommended approval of a Replat of Lot 1R, Block 7 of the 604 W. Morton Addition.

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

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 currently zoned as SF-7.5, Single Family Residential Zoning District. The Applicant wishes to rezone the property to the Commercial Zoning District to allow for commercial or retail uses. Ms. York stated that this property, per the future Land Use Plan, is to be developed in a "Mixed Commercial" manner. This request complies with the Comprehensive Plan as this area is depicted as "Mixed Commercial" with an overlay designated as "Revitalization Area," per the Future Land Use." Ms. York stated that this was previously City property and it was transferred to the Denison Development Alliance (DDA). The DDA is pursuing development of the

property but prior to any kind of substantial development taking place the property needs to be rezoned. Staff recommended approval of the request.

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

Mr. Tony Kaai came forward to address the Commission and provided the following information for the record:

Name: Mr. Tony Kaai
Denison Development Alliance (DDA), President

Address: 311 W. Woodard Street
Denison, TX

Mr. Kaai stated that the DDA is currently working with a developer and the property is under contract. He stated that the property cannot be developed for commercial use since it is zoned single family, noting that it may not even be a developable piece of property. Mr. Kaai stated that there is a lot of due diligence that will have to take place to ensure that the property can be developed.

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

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

- D. Receive a report, hold a discussion, conduct a public hearing, and take action on a Replat of Lot 1R, Block A of the Denison Plaza Phase One Addition. (Case No. 2023-111RP)

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that the Applicant is requesting a Replat to adjust the lot lines of the existing tract that has been developed as QuikTrip. The subject property is zoned Commercial and falls within the Highway Oriented and Corridor District. Ms. York stated that with the acquisition of excess TxDOT right-of-way (ROW) and transferring property located on the east side of the existing lot to the adjacent property, a Replat is required to establish new lot lines. Ms. York stated that the Applicant is not present today. Staff recommended approval of the request.

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

On motion by Vice Chair Karam, seconded by Commissioner Evans, the Planning and Zoning Commission recommended approval of a Replat of Lot 1R, Block A of the Denison Plaza Phase One Addition.

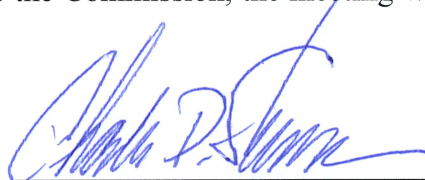
5. STAFF UPDATES

There were no staff updates.

Chair Shearer stated that Vice Chair Karam and Commissioner Evans' terms will expire on December 31, 2023, and thanked them for their service on the Commission, noting that it has been a pleasure to serve with them. Chair Shearer stated that there will be no fourth meeting for the Commission this month and the next meeting will be January 9, 2024.

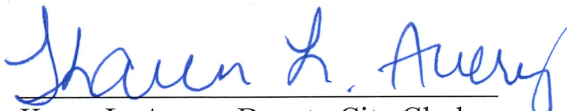
6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:17 a.m.



CHARLIE SHEARER, Chairman

ATTEST:



Karen L. Avery, Deputy City Clerk