



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

**Tuesday, March 12, 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 Linda Anderson, Angela Harwell, Ernie Pickens.

Staff present were Mary Tate, Director of Development, Dianne York, Planner; Felecia Winfrey, Development Coordinator; 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 February 27, 2024.

Commission Action

On motion by Commissioner Harwell, 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 take action on a Replat of Lots 1-5, Block 1 of the B. Wright's 2nd Addition being all of Block 48, Decker's Replat of Chelsea Park. (Case No. 2024-006RP).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that the purpose of the Replat is to create five (5) lots from an entirely platted Block. The property is zoned SF-7.5, Single Family Residential. The proposed lots meet the lot size, width, and depth requirements listed within the SF-7.5 zoning district ordinance. Extensions for both water and sewer will be required to service the property and additional improvements may be required to S. French Avenue for access

purposes. Ms. York stated that staff is requesting to change the motion from what was stated in the staff report to: “Staff recommends approval subject to a Plat note being added to the Plat stating that completion of the required public infrastructure, as required by the City's subdivision ordinance, shall be deferred until the subsequent development of the property and prior to any building permit being released.” Ms. York stated that she will work with the surveyor to get that added and once it's added they can move forward with filing and then present for any questions.

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

On motion by Commissioner Anderson, seconded by Vice Chair Sylvester, the Planning and Zoning Commission unanimously approved the proposed Replat subject to a Plat note being added to the Plat stating that completion of the required public infrastructure, as required by the City's subdivision ordinance, shall be deferred until the subsequent development of the property and prior to any building permit being released.

- B. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a ± 32.361-acre tract of land commonly known as 2700 Texoma Drive, GCAD Property ID Nos. 109826 and 112271, from the Light Industrial (LI) District to the Heavy Industrial (HI) District to allow for a concrete products manufacturer. (Case No. 2024-008Z).

#### Commission Action

Mary Tate, Director of Development, presented this agenda item. Ms. Tate stated that the Applicant has requested to rezone the subject property from the Light Industrial (LI) District to a Heavy Industrial (HI) District [just south of Texoma Drive and to the east of Highway 75 and north of the railyard]. Ms. Tate stated that the Applicant's intent is to allow for the use of a concrete products manufacture in which recycled concrete materials will be manufactured into new products. She stated that the use of a concrete recycling center does not fit into the Light Industrial District and the only area in which that does [fit] is a Heavy Industrial District. Ms. Tate stated that currently all uses must be accommodated, per state law. The operation includes recycling concrete construction materials to create new products and they will be utilized for the developer to use in future product projects, as well as open to the public for purchase. Ms. Tate stated that developers can also make orders for purchase at that location. The recycling center hours of operation are proposed as follows:

- Recycling Center: shall not occur earlier than one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
- Manufacturing: 6:00 a.m. to 8:00 p.m., however, it should be noted that hours of operation are dictated by the needs and requirements of the applicants' customers. Applicant states that they will commit to the hours presented, but they may need to operate the plant outside of the proposed hours.

Ms. Tate stated that it should also be noted that hours of operation are not required to be established during a zoning change. She stated that typically staff will see that during a Conditional Use Permit in which that condition is stated. The Applicant will also have to adhere to all of the requirements by OSHA, EPA, and TCEQ, noting that there are a lot of different layers of approval that will need to be conducted. Ms. Tate stated, though, that the zoning is approved. The Applicant has also stated that they are willing to build a six-foot berm on the western and eastern sides of the property to improve the visual quality of the location. Ms. Tate stated that the berm would also include eastern red cedars that would be planted on forty (40)-foot centers. According to the Future Land Use Plan, the subject property is designated to be developed in a “Mixed Commercial” manner with a “Revitalization Area” overlay. Per the Comprehensive Plan, Mixed Commercial development includes industrial and manufacturing type uses and the intent of the “Revitalization Area” designation is to redevelop areas into a walkable and mixed-use area. Ms. Tate stated that Ruiz Foods, and many of our industrial locations, are along that corridor of Texoma Drive. Ms. Tate stated that it was noted by an individual that Texoma Drive (FM84) is a scenic byway so according to the Comprehensive Plan (Comp Plan), more landscaping has to be included in the development. Ms. Tate stated that redevelopment projects that have taken place further down Texoma Drive have been required to have those additional landscape requirements and this Applicant would be required to do so as well. Ms. Tate stated that staff recommends approval of this request.

Commissioner Pickens stated that he understands this is part of the long-term plan and inquired if that is fully taking into consideration that this is now a major thoroughfare to what is going to be connecting the 7,500 new homes out on the lake [Preston Harbor]. Ms. Tate stated that staff does take that into consideration. She noted that the Comp Plan is a recommendation and staff do their best to make sure that the uses are compatible with what is already there. Ms. Tate stated that the Comp Plan was completed in 2018 and they are about to look at it again. In response to Commissioner Anderson’s inquiry, Ms. Tate stated that the City does not have any other currently operational Heavy Industrial sites. Ms. Tate stated that the Applicant could answer Commissioner Anderson’s questions based on traffic and what they anticipate in production, noting that they will have to require a Traffic Impact Analysis (TIA), most likely, on how many trips are generated. Ms. Tate stated that there are a lot of steps to ensure that this is a good location for this use. In response to Commissioner Harwell’s inquiry regarding the effect to the infrastructure as far as wear and tear on the roads, Ms. Tate stated that she wanted to make it clear that this is a concrete recycling facility – not to be confused with a concrete plant, noting that those are two different uses. She stated that this road is already used to heavy traffic with Ruiz Foods being there. Ms. Tate stated that the road is a TxDOT highway that must be maintained to a certain standard and any development that comes in has to meet that standard. Additionally, she stated that water and sewer have already been vetted out with Public Works. Commissioner Harwell inquired as to what products the Applicant plans to recycle and produce and Ms. Tate stated that this would be a question for the Applicant and called for the Chair to open the Public Hearing. Chair Shearer inquired about the John Mansfield property, to which Ms. Tate stated that those plans have not been made public yet, so she was unable to comment on it, noting that those discussions are ongoing.

For the record, a **letter in support** of the project was received from Erik Gripp - Texoma Drive.

For the record, the following **letters in opposition** of the project were received:

Kelly Cannell – Texoma Gateway, Ltd.  
Jim Meara - Texoma Gateway, Ltd.  
Dino Rendon – Texoma Drive  
Jeff Paschal – Denison Douglas, LLC  
Betty Price – Texoma Drive

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

Mr. James Craig, Applicant, came forward to address the Commission and provided the following information for the record:

Name: Mr. James Craig, Applicant  
Craig International, Inc.

Address: 6850 TPC Drive, Ste. 104  
McKinney, TX 75070

James Craig, Applicant, thanked the Commission for allowing him to speak. Mr. Craig stated that, in response to Commissioner Harwell's question, the products are all recycled materials. He stated that, essentially, they will have an aggregate of products used during development - everything from flex base that you put down before you lay the concrete or put down the roads and all the way to riprap, etc. Mr. Craig confirmed for Commissioner Harwell that the recycling products will be available for public use and purchase. Commissioner Anderson inquired as to the noise pollution because of larger pieces of concrete being brought in in huge chunks. Mr. Craig stated that there are many different TCEQ guidelines that govern noise pollution – one of those being that by their regulation, it has to be at least 200 feet off of any property line; however, they are anticipating placing this site somewhere in the range of 400 to 600 feet off any site. Mr. Craig stated that they are also willing to place any additional noise attenuation components, such as the berms, cedars, etc. In response to Commissioner Anderson's inquiry, Mr. Craig stated that as far as air pollutants are concerned, that is almost 100% mitigated by the TCEQ guidelines, such as spraying the ground periodically so that dust does not rise. Mr. Craig stated that that is all heavily regulated by TCEQ and they are inspected yearly so they have more than one safeguard in place to address these concerns. Commissioner Anderson asked Mr. Craig to address the Applicant's statement wherein they have committed to the hours of operation presented, but they may need to operate the plant outside of the proposed hours. Mr. Craig stated that typically these types of facilities operate from about 6 a.m. to 8 p.m., but that is just a range. He stated that the only time those hours would fluctuate is if they had some sort of special order because that's the only day they are at the mercy of their clients to get the job completed. Mr. Craig stated that those special cases are not the norm. Vice Chair Sylvester asked Mr. Craig to address the major concerns that the Commission has and what they might foresee. Mr. Craig stated

that he understands the concerns of the Commission (i.e., traffic pollution, noise and air pollution, etc.) and stated that they are well founded. He stated that by and large, they have seen that, based on the existing infrastructure in place, there is not more wear and tear than you would normally have in a light industrial or industrial type area, noting that is not a concern on their part. In response to Commissioner Harwell's inquiries, Mr. Craig stated 1) that the square footage of the improvements is approximately an acre to two acres; and 2) they anticipate bringing in between 100 to 300 jobs, but they are conducting a few different studies and will have more information later. Commissioner Anderson inquired about other CDSix recycling centers in the area and Mr. Craig stated that the 380 and Hillcrest center in Frisco is approximately a quarter mile or less to residential neighborhoods and he has never heard of any issues. Mr. Craig stated that this is a family investment. They believe in the future of Denison and believe this is kind of the forefront of how they can continue to be development friendly, yet still be energy efficient and conscious of nature as a whole. Mr. Craig stated that one thing they liked about the City of Frisco, just as an example, is they have a recycling zoning district. He stated that they have been encouraging more cities to look at creating those types of districts so that everyone tries to become more carbon neutral and energy efficient. In response to Commissioner Harwell's inquiry, Mr. Craig stated that they have not decided as to who they will partner with as far as waste management production but assured her that whomever they choose will be top of class.

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

Dr. Linda Twain came forward to address the Commission and provided the following information for the record:

Name: Dr. Linda Twain

Address: [no address provided]

Dr. Twain stated that she is in opposition to this project for several reasons. She stated that Denison is doing such a good job with the major plans for the northwest corner of 84 and putting in a facility like this with trucks coming through there all of the time will cause major noise and air pollution. Dr. Twain stated her believe that the trucks will try to get in as many loads a day as possible, noting that, the more loads they do per day, the more money they make. She is of the belief that no one will want to come to Denison with this type of plant here. Dr. Twain stated that she has an office by the proposed facility and is completely opposed to the idea.

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

Mr. Ben Price came forward to address the Commission and provided the following information for the record:

Name: Mr. Ben Price

Address: 2931 Texoma Drive  
Denison, TX

Mr. Price stated that he works at 2931 Texoma Drive - just across the street from the proposed location. He stated that he is here to voice his strong opposition to the rezoning request. Mr. Price stated that the VOCs [volatile organic compounds] emitted from any concrete manufacturing would be detrimental to businesses, employees, and patrons of this area - not to mention, wildlife. He stated that settled dust on all surfaces would be enough of a nuisance, but breathing in that dust creates its own set of problems for humans, animals, and machinery. Mr. Price stated that the road already has high constant commercial traffic, but adding heavy equipment traffic around the clock, potentially so close to the mouth of a major highway on a hill with limited visibility would increase the risk for vehicle accidents unnecessarily. Mr. Price stated that - to address some of the concerns that the Commissioners have already expressed - he can speak from personal experience [having worked there since 2016] about the traffic. He stated that it is heavy, industrial traffic and it is a danger for him every single day turning into his work. Mr. Price also spoke to the maintenance of the roads because of the heavy traffic and how difficult it is to upkeep. He stated that the maintenance would be even more of a concern now because of adding constant traffic for cement recycling. Mr. Price, referencing abatement and prevention of pollution, stated that the facility would only be required to maintain those standards on their property and it would take no consideration for the properties around it that are also affected by the pollutants (such as dust). Mr. Price stated that if the Commission is still "on the fence" about their recommendation, he encouraged them to look up Aldine, Texas (Houston area), noting that they have several of these manufacturing plants and there were many citizen concerns regarding the plants.

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

Mr. Jim Meara came forward to address the Commission and provided the following information for the record:

Name: Mr. Jim Meara, Partner  
Texoma Gateway, Ltd.

Address: 2116 N. Haskell Avenue  
Dallas, TX 75204

Mr. Meara stated that he is here today to oppose the proposed rezoning. Mr. Meara stated that he is a partner in Texoma Gateway, Ltd., and they own 153 acres directly across 84 at the future intersection of the Tollway 75 and 84. He stated that they started investing at the intersection in the early 2000's. It is Mr. Meara's belief that the intersection of 75 and the Tollway will become one of the premier intersections in Grayson County in North Texas. He stated that they are in discussions with a data center company to acquire a portion of their property - therefore, he has many reasons why he opposes the request. Mr. Meara stated that a typical data center today [200,000 square feet] is almost \$1.5 billion

in investment. He stated that the potential for a \$10 billion data center on their property is real. Mr. Meara stated that they have 30 acres of multifamily which is directly across the street from the proposed use and it is his belief that their use is not conducive to residents in multifamily property. He stated that they would be directly north of the center and the wind blows in Texas 85% of the time from the south so they would be right in the line of fire. Mr. Meara stated that they believe the use can be better served in other places and they think that destroying an intersection like 75 and the Tollway would have a very detrimental effect on our values today and in the future.

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

Mr. David Craig came forward to address the Commission and provided the following information for the record:

Name: Mr. David Craig, Applicant  
Craig International, Inc.

Address: 6850 TPC Drive, Ste. 104  
McKinney, TX 75070

Mr. David Craig stated that after hearing all of the public comments (especially Mr. Meara [and the Schuler family] that they are very close to) and noting that they were unaware of their holdings across the street from the facility - but also listening to location and traffic concerns - they have decided to rescind their application so that they do not put the Commission in a compromising position. Mr. Craig stated that he does believe that the Commission would have voted the right way, however. He stated that they will pull their application and begin looking for another site. Mr. Craig stated that they believe in the growth of Denison and this meeting has been highly informative for them. He apologized if they wasted the staff's time and thanked the Commission for their time.

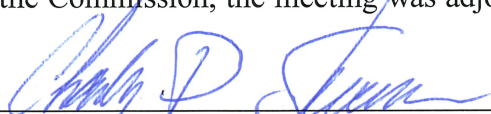
Chair Shearer asked if there was anyone else present who wished to speak on this agenda item, to which there were none. With that, Chair Shearer closed the public hearing.

The Application was rescinded by the Applicant and no action was taken by the Commission.

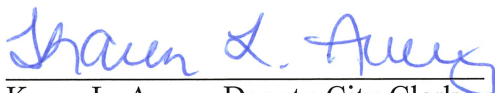
**5. STAFF UPDATES** - There were no Staff Updates.

**6. ADJOURNMENT**

There being no further business to come before the Commission, the meeting was adjourned at 10:38 a.m.

  
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CHARLIE SHEARER, Chairman

ATTEST:

  
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Karen L. Avery, Deputy City Clerk

