



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

Tuesday, January 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 Ernie Pickens and 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 Sylvester.

Chair Shearer stated that Items 1.A and 1.B would be reversed and the Oaths of Office would be administered prior to taking action on officers.

A. Administer Oaths of Office to newly appointed members.

Deputy City Clerk Karen Avery provided the Statement of Officer and administered the Oath of Office to newly appointed members Ernie Pickens and Robert Sylvester.

B. Hold a discussion and take action on the selection of a Chair and Vice Chair, each to serve a one-year term.

Commission Action

On motion by Commissioner Sylvester, seconded by Commissioner Pickens, the Planning and Zoning Commission appointed Charlie Shearer as Commission Chair.

On motion by Commissioner Pickens, seconded by Chair Shearer, the Planning and Zoning Commission appointed Commissioner Sylvester as Commission Vice Chair.

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 December 12, 2023, Planning and Zoning Commission Meeting.

Commission Action

On motion by Vice Chair Sylvester, seconded by Commissioner Pickens, the Planning and Zoning Commission 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 an 11.45-acre portion of the tract identified as GCAD Property ID No. 151234 from the MF-1, Multi-Family Residential (MF-1) and Commercial (C) District partially within the Austin Avenue Overlay (AO) to a Planned Development District (PD) partially within the Austin Avenue Overlay (AO) to allow for multi-family residential use. (Case No. 2023-119PD)

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York stated that the Applicant wishes to rezone the subject property from the MF-1, Multi-Family Residential (MF-1) and Commercial (C) zoning district to a Planned Development (PD) to allow for the development of a multi-family development. The Applicant is proposing thirteen (13) individually platted “twelve-plex” structures allowing for 141 residential units. The proposed development will have its main access located on South Eisenhower Parkway. A second point of access will be constructed on the south portion of the property providing access to South Fannin Avenue and to a proposed single-family project the Applicant is actively working on. Ms. York stated that the Applicant is proposing approximately 30% of the 11.5 acres be dedicated to open space and maintained by the Property Owners Association (POA). Additional amenities for the development will include a pool, playground, and a series of sidewalks allowing for connectivity throughout the development, all to be maintained by the POA. Ms. York stated that the Applicant is proposing a minimum side yard setback of four (4) feet for interior side yard and five (5) feet from a street right-of-way (ROW) line for a structure located adjacent to a public right-of-way. She stated that staff believes this is too close and does not recommend this side yard measurement. Ms. York stated that the ordinance calls for a minimum side yard setback of twenty (20) feet for structures adjacent to a public ROW, however, staff is supportive of a smaller setback of fifteen (15) feet. She further stated that staff is agreeable to accommodating a deviation between thirteen (13) and fifteen (15) feet. The proposed Planned Development Overlay District complies with the Comprehensive Plan. Staff recommended approval of the request. In response to

Vice Chair Sylvester's inquiry, Ms. York stated that she is not aware of any floodplain issues. Chair Shearer stated that he is concerned with the setbacks. In response to Chair Shearer's inquiry, Building Official Kern stated that the building separation is eight (8) feet and the Fire Code requires a setback of ten (10) feet. Ms. York stated that the development will be fully sprinkled.

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

Mr. Naveen Khammampati came forward to address the Commission and provided the following information for the record:

Name: Mr. Naveen Khammampati
Turnkey Tract

Address: 2770 Main Street, #168
Frisco, TX 75033

Mr. Khammampati stated that he would like to point out that the current zoning for this project is multi-family so, by right, they would be able to develop the proposed buildings as per the current zoning. He stated that the only reason that they are requesting to rezone as PD is so that they can plat individually. Mr. Khammampati stated that this would allow staff an opportunity to provide their comments and also see what type of product they are using before they begin construction. Mr. Khammampati stated that with regard to the distance between the buildings, when there is less than ten (10) feet they can use a fireproof material for the walls and they can accommodate for any fire prevention, noting that the buildings will have sprinkler systems.

Chair Shearer stated that he is still concerned about the side setbacks. Chair Shearer inquired if the Commission was tasked with approving the site plan today. Ms. York stated that it is just a concept plan, but it is part of the PD and will have to come back for approval. She stated that the Applicant not only will have to do a preliminary plat and civil engineering plans, but because this is located within a Planned Development, when the structures are built a site plan has to be submitted to the Planning office and then to the Commission for approval. Ms. York stated that if the case is approved today, the site plan must meet the minimum requirements of the Planned Development. Chair Shearer requested that the Applicant come back to the podium to respond to some further questions. Chair Shearer inquired of Mr. Khammampati if he would be opposed to five (5) feet versus four (4) feet. Mr. Khammampati asked the owner to come to the podium to respond to the question. Mr. Michael Todd came forward to address the Commission and provided the following information for the record:

Name: Mr. Michael Todd

1510 W. California Street
Gainesville, TX 76240

With regard to Chair Shearer's concern with the setback, Mr. Todd stated that the only question he would have is what that might do to change the overall module. He stated that what they tried to do with the whole concept was address an early request – when they met with City staff – and come up with something that was less linear and less “barracks looking” as many townhouse projects quite commonly are. Mr. Todd stated that this is the concept that they came up with and they have adjusted it in such a way that it achieves the density that the land allows. Mr. Todd again questioned if this would change the layout of the modules and would it cost them any units. He also wondered about the unit visibility. Chair Shearer inquired of Mr. Todd if the buildings could be redesigned and Mr. Todd stated that they are well underway in the process but believes that they can make modifications to make the five (5) foot setback work.

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

For the record, a Letter in Support of the Request was received by staff from Mr. Mel Hander at 3215 S. Fannin Avenue on January 5, 2024.

Chair Shearer asked Ms. York to clarify the setbacks and what the ordinance calls for. Discussion ensued among the Commission and staff regarding setbacks.

On motion by Vice Chair Sylvester, seconded by Commissioner Pickens, the Planning and Zoning Commission recommended approval of the subject property being rezoned to a Planned Development Overlay District to allow for multi-family residential use, with the stipulation that they must have a side yard setback for interior lots of five (5) feet and a 10 (ten) foot side yard setback for those adjacent to the public right-of-way.

- B. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request for approval of a Conditional Use Permit within the Commercial (C) zoning district, to allow for a distribution center for property located at 307 W. Coffin. (Case No. 2023-116CUP)

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 requesting a Conditional Use Permit (CUP) in order to operate a distribution center for Testa Labs. The operations of Testa Lab include production of over-the-counter medications such as gripe water and herbal supplements. The Applicant would like to utilize the existing structure, located on the property, for mixing ingredients, packaging and storage of products and distributing these products to retailers. Ms. York noted that no production of the products will take place on site. The proposed hours of operation for Testa Labs are Monday-Friday from 8 a.m. to 5 p.m. with distribution (box) trucks bringing raw material, as well as distributing packaged products on a weekly and bi-weekly basis. Ms. York stated that the Future Land Use Map calls for the area to be developed in a “Mixed Commercial” manner. She stated that the Applicant has proposed improvements to building, parking lot, and landscaping of the property (which has been vacant for some time). Ms. York stated that no negative traffic

impacts are anticipated from this project. On-site parking will be provided via the existing parking lot once it is improved and given the proximity to Spur 503/South Eisenhower Parkway, staff does not anticipate negative traffic impacts from distribution trucks to and from the site. Staff recommended approval of the request. [Applicant was not present at the meeting.]

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.

For the record, a Letter in Support of the Request was received by staff from Mr. James Steward at 400 W. Coffin Street on January 8, 2024.

On motion by Vice Chair Sylvester, seconded by Commissioner Pickens, the Planning and Zoning Commission recommended approval of a Conditional Use Permit to allow for the use of a distribution center for property located at 307 W. Coffin Street.

- C. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to amend the current Planned Development Overlay District within the Highway Overlay District, consisting of approximately 28.4 acres to a Planned Development District within the Highway Overlay District to allow for commercial, single-family, single-family townhome, two-family, and multi-family residential uses for property located on the east side of US 75, south of Crawford Street, commonly known as 3400 W. Crawford Street. (Case No. 2023-118PD).

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property.

The property owner is requesting to amend an existing Planned Development (PD) for property consisting of approximately 28.4 acres to allow for commercial and a variety of residential uses for a development called Waterloo Trails. The development is split between two “tracts” as depicted on the Concept Plan. Tract One allows for the development of a mix of residential uses including single-family detached, single-family attached, and duplexes. Tract Two will allow for commercial uses as well as apartment living. The proposed Planned Development Overlay District complies with the Comprehensive Plan. As depicted in the Concept Plan, approximately 28.4 acres will be divided into two tracts.

Tract 1 is located on the east side of the property with frontage on portions of South Lillis Lane. This Tract will allow for the development of a mixture of residential uses to include single-family detached, single-family attached (townhomes), and two-family (duplex) with standards listed in the PD allowing for dwellings to be owner occupied or retained as rental property. The development of garden-style and wrap multi-family buildings, triplexes, and quadrplexes are prohibited uses within Tract 1. While the Planned Development does not call out specific acreage allotted to each residential use, it does establish base zoning districts and development standards based on the use as detailed below. Additionally, all development standards, uses, and deviations are detailed within the “Development Standards”.

A. Single-Family Detached: owner-occupied established lots.

- Base Zoning District: SF-5, Single Family Residential (SF-5)
- Deviation from the front yard setback in relation to garages. Minimum setback of fifteen (15) feet if attached to the unit and may extend five (5) feet past the front door of the dwelling. If the garage is detached from the dwelling, a minimum building setback of three (3) feet from property lines or access drives is proposed.

B. Single-Family Detached, Two-Family (duplex): retained as rental property.

- Base Zoning District: MF-1, Multi-Family Residential (MF-1)
- Significant deviations/standards are as follows:
 1. Minimum Lot Area: Three thousand four hundred (3,400) square feet
 2. Minimum Lot Width: Forty (40) feet
 3. Minimum Lot Depth: Eighty-five (85) feet
 4. Minimum Masonry Content: Seventy-five (75) percent, with the remaining materials utilized to consist of board and batten and Hardie board.
 5. Minimum Parking: Parking for residents will be provided. On-street parking shall not be permitted or counted towards the required minimum parking.
 6. No requirement for playground equipment or pool for areas designated with this use.

C. Single-Family Attached (townhomes): owner-occupied and retained as rental property established lots.

- Base Zoning District: SF-TH, Single Family Townhome (SF-TH)
- Significant deviations/standards are as follows:
 1. Maximum Density: fourteen (14) units per gross acre of land.
 2. Maximum Number of Units: Fifty (50) units. A minimum of three (3) units
 3. and a maximum of twelve (12) units per structure.
 4. Parking: on-street parking shall be allowed to accommodate visitor parking.

D. Two-Family (duplex): lots available to be sold.

- Base Zoning District: 2F-Two-Family (duplex) Residential (2F)
- Significant deviations/standards are as follows:
 1. Minimum Lot Area: Three thousand four hundred (3,400) square feet
 2. Minimum Lot Width: Forty (40) feet
 3. Minimum Lot Depth: Eight-five (85) feet
 4. Minimum Parking: A minimum of two (2) parking spaces shall be required for each dwelling unit. One space shall be accommodated by an enclosed garage and the additional space may be paved open parking.

Additional significant standards required of the entire development of Tract 1 are listed below:

- The façade of each single-family detached and duplex units shall not be repeated for at least three (3) structures in a row.
- Units retained for rental property dwellings shall be a mix of two (2) and three (3) bedroom units.

A Property Owners' Association (POA) will be created and will be responsible for maintaining all perimeter fencing, open spaces, and amenities, as well as any private infrastructure such as sidewalks. All residential uses intended for development must be clearly defined when a Preliminary Plat application is submitted to the Planning Staff. Additionally, formal Site Plan submittals will be required for all residential developments with the base zoning district of SF-TH and MF-1 to be reviewed by Staff and approved by the Planning and Zoning Commission. Construction of all public right-of-way and additional infrastructure serving Tract 1 shall be constructed in accordance with City standards. All landscaping requirements shall apply.

Tract Two is located on the west side of the property with frontage on portions of West Crawford Street and the US 75 frontage road (Katy Memorial Expressway). This Tract allows for the development uses allowed within the Commercial (C) and MF-2, Multi-Family Residential zoning districts as listed within Section 28.49-Use Regulation Chart of the City of Denison Zoning Ordinance. The PD establishes prohibited uses as those listed below:

- i. Mini warehouse/self-storage
- ii. Auto-dealer new/or used.
- iii. Auto-repair major/or minor
- iv. Car wash
- v. Pawn Shop
- vi. Trailer rental/RV sales
- vii. Single-Family attached or detached.

As established within "Exhibit B-Development Standards", the following are significant deviations from the base zoning districts allowed within Tract 2:

A. MF-2, Multi-Family Residential (MF-2):

- Minimum area of two (2) acres and a maximum of ten (10) acres shall be developed in accordance with the MF-2 zoning district.
- Minimum number of units shall be fifty (50) with a maximum number of units being four hundred (400).
- Maximum Density: forty (40) dwelling units per acre
- Exterior Masonry: all main structures shall have a minimum of eighty (80) percent masonry.
- Flat roofs shall be permitted.

B. Commercial (C):

- Minimum area of two (2) acres and a maximum of eighteen (18) acres shall be developed in accordance with the C zoning district.
- There shall be no minimum building area.

- Exterior Masonry: All main structures shall be of exterior materials having at least seventy-five (75) percent of the total exterior constructed of materials.
- Flat roofs shall be permitted.
- Hotel buildings shall be set back a minimum of one hundred (100) feet from existing residential buildings located on an adjacent property measured from edge of building to edge of building.

Additional significant standards required of the entire development of Tract 2 are listed below:

- Landscape requirements and perimeter screening shall conform to Section 28.51 and Section 28.53 of the City of Denison Zoning Ordinance. Additionally, for development abutting Katy Memorial Expressway there shall be a minimum twenty (20) foot landscape easement consisting of turf and or ground cover and one (1) three-inch caliper shade trees planted at thirty (30) feet on center.
- Building height will be measured as an average of the tallest and lowest point due to significant topography across site.
- A Property Owners' Association will be created to maintain all open space, screening and any private infrastructure.

Formal Site Plans for all new structures constructed within Tract 2 must be submitted to the Planning Staff for review and require approval from the Planning and Zoning Commission.

The PD provides for a minimum of five (5) acres of open space across both Tracts, as well as a series of trails connecting the open space areas to the surrounding residential uses. Additional amenities include playground areas and trail head parking. The multi-family complex proposed in Tract 2 will include a pool and an amenity center for resident use.

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

Mr. Forrest Pool came forward to address the Commission and provided the following information for the record:

Name: Mr. Forrest Pool

Address: 5495 Beltline Road, Ste. 380
Dallas, TX 75254

Mr. Pool stated that the existing Planned Development that they are under allows for commercial – which is what they are planning on developing along the Hwy 75 frontage. They are also planning on developing a duplex townhome-style development behind that. Mr. Pool stated that they have been in process with the development for about four years and there have been delays along the way for different reasons, with the most recent issue the sewer line that they were waiting on to be able to tie into. Mr. Pool stated that while they were experiencing delays, they took a step back and looked at the project and met with different groups to see if there is a way to make the project a little more interesting. He

stated that what they came up with will make the residential denser so that they don't have to spread the residential across the entire site and they can create really unique open spaces. Mr. Pool also stated that it allows for the corner of Hwy 75 and Crawford Street to become a unique retail restaurant type. Mr. Pool stated that one of the other challenges that they gave their land planners is how to integrate with the existing residents that are along Lillis Lane. Mr. Pool stated that one of the things that they have been consistent with is [on the far east side] trying to match similar-type residential to the residential along Lillis Lane, noting that their back fence would share something similar to what they have. He stated that it is not an easy site as they are on a large hill and have a floodplain that runs into the north side. Mr. Pool stated that they are working on how to utilize the floodplain and make it a feature of the property to where they can put some restaurants along there and have patio-style restaurants along the floodplain. He stated that adding the multifamily and other features to it allows them to do that and expand on the use of the floodplain. Mr. Pool stated that they are looking at about two and a half miles of trails through their development to someday (hopefully) connect to the City's Katy Trail system. In response to Commissioner Pickens' inquiry regarding the floodplain, Mr. Pool stated that they have some ideas, however, they are not set in stone and they have a lot to work through. He stated that the idea is to add an entrance coming off the far east Independent Bank entrance and maybe add a trailhead for public use (in which that could be ridden all the way to Waterloo Lake). Mr. Pool stated that they will avoid the floodplain as far as development goes but have it usable for the restaurants and retail along that area. In response to Chair Shearer's inquiry regarding the development being cohesive with what is being done downtown, Mr. Pool stated that the way their development ties into the downtown is to give people a reason to stop – bring the “coolness” of the downtown out to their development on US 75, which is going to be a very visible development. Mr. Pool stated that he also believes that the growth west of Denison will greatly benefit the downtown also.

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

Mr. Bobby Roach came forward to address the Commission and provided the following information for the record:

Name: Mr. Bobby Roach
Address: 1409 S. Lillis Lane
Denison, TX 75020

Mr. Roach stated that his residence is 1.6 acres and would back up to this Planned Development. He stated that at this point he is against the development because he does not know what it will entail. He further stated that he does not know enough about it to agree or disagree and he felt that coming to the Planning and Zoning Commission meeting would help him to understand it more but he still does not know anything. Chair Shearer informed him that – at this point they have not decided anything but after their decision, it will then go before the City Council for approval. Chair Shearer further stated that the Applicant will also have to come back with a site plan at a later date. Mr. Roach inquired about the 30 acres that was approved in 2021. Ms. York stated that there was a previous

planned development that was approved in 2021 that allowed for duplex-type structures on the east side and commercial on the west side. The Applicant's team decided to look into the plan that was approved and try to maximize it to be more fitting with the residential uses that are already in existence there, as well as providing a better commercial product off of Hwy 75. In response to Chair Shearer's inquiry, Ms. York stated that there is not a Concept Plan yet. Mr. Roach stated that based on what he knows at this point, he is against the plan.

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

Ms. Peggy Gardner came forward to address the Commission and provided the following information for the record:

Name: Ms. Peggy Gardner
Address: 2705 W. Washington Street
Denison, TX 75020

Ms. Gardner informed Mr. Roach that she empathizes with him. She stated that she appreciates that fact that Mr. Pool wants to transition from single family houses as he goes deeper towards Hwy 75 and stated that as long as the Applicant sticks with the [good] plan that he has, she would approve it.

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

For the record, a Letter Opposing the Request was received by staff from Dave and Kristi Frauhiger at 2926 Greenwood Circle on January 5, 2024.

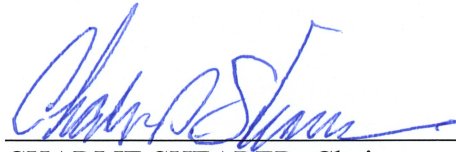
Chair Shearer stated that it seems a little peculiar that the Commission is being asked to approve a PD without a Concept Plan. Ms. York stated that the Planning Department has been having discussions with the Applicant since around September or October and they have been very accommodating. She stated that they have gone back and forth on development standards, but tying particular tracks to that residential use was something that the Applicant was not in favor of. Ms. York stated that based on that, staff took that as an opportunity to beef up the standards that were written in so whatever use was developed had a higher standard accommodating for it.

On motion by Commissioner Pickens, seconded by Vice Chair Sylvester, the Planning and Zoning Commission recommended approval of the subject property being rezoned to a Planned Development Overlay District for commercial, single-family, single-family townhome, two-family, and multi-family residential uses.

5. STAFF UPDATES

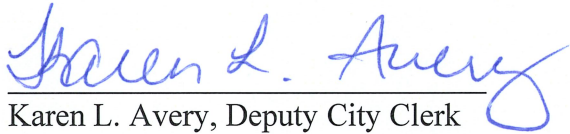
6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:56 a.m.



CHARLIE SHEARER, Chairman

ATTEST:



Karen L. Avery, Deputy City Clerk