



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

Tuesday, March 26, 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; 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 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 March 12, 2024.

Commission Action

On motion by Commissioner Harwell, 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 take action on a Replat of Lots 13 and 14, Block 22 of the OTP Denison Addition creating Lot 13R, Block 22 of the OTP Denison Addition (Case No. 2024-011RP).

For the record, Commissioner Pickens recused himself from the item due to a conflict of interest. He left the dais and Council Chambers at 10:03 a.m.

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 one (1) lot from two (2) lots at 411 W. Sears Street. She stated that the property is zoned MF-1, Multi-Family Residential. Ms. York stated that the property has been developed in a residential manner and water and sewer are already available to the property in the existing dwelling. Ms. York stated that the Applicant is pursuing the Replat so that they may construct an accessory building per the zoning ordinance, noting that an accessory building cannot exist without a main dwelling. Ms. York stated that approval of the proposed Replat will bring the property into compliance and provide the Applicant with the ability to construct an accessory building. Staff recommended approval of 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, the Public Hearing was closed.

On motion by Commissioner Harwell, seconded by Vice Chair Sylvester, the Planning and Zoning Commission unanimously approved the proposed Replat of Lots 13 and 14, Block 22 of the OTP Denison Addition creating Lot 13R, Block 22 of the OTP Denison Addition.

Commission Pickens returned to the Council Chambers and dais at 10:05 a.m.

- B. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone an approximately .1148 of an acre tract legally described as Lot 8, Block 1 of the J.P. Dumas Addition, commonly known as 301 E. Shepherd Street, GCAD Property ID No. 146205, from the Local Retail (LR) District to the Single-Family (SF-5) Residential District to allow for residential use. (Case. No. 2024-010Z).

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 rezone of the subject property from the Local Retail District to the SF-5, Single Family Residential District to allow for residential uses. Ms. York stated that the Applicant wishes to construct a single-family structure comparable to the residential structures developed within the same block. She stated that she looked at the properties and there is one home that has a one-car garage, but most of the dwellings have been constructed without a garage or even covered parking. Ms. York stated that this meets the development standards of the SF-5 zoning district for width, depth, and square footage. She stated that the Comprehensive Plan designates this area to be developed in a residential manner. A rezoning for single-family use would be compliant 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. Aaron Johnson came forward to address the Commission and provided the following information for the record:

Name: Mr. Aaron Johnson, Applicant
Holly Jolly Homes

Address: 3348 W. Stafford Drive
Denison, TX 75020

Mr. Johnson stated that the lot is 50' x 100' and would most likely be too small to build retail on. He stated that they want to build single-family homes to match the designated homes in that area.

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

Mr. Sammy Metcalf came forward to address the Commission and provided the following information for the record:

Name: Mr. Sammy Metcalf

Address: 611 S. Crockett Street
Denison, TX 75020

Mr. Metcalf stated that he owns the empty lot directly across from 301 E. Shepherd and inquired of staff what effect changing the zoning of the subject property to residential district would have on him if he decided to open a bar in the future. Staff requested that Mr. Metcalf stay after the meeting to discuss his concerns and inquiries.

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.

For the record, a letter opposing the request was received from Ms. Sarah Howard, Shepherd Street, Denison, Texas.

On motion by Commissioner Pickens, seconded by Commissioner Harwell, the Planning and Zoning Commission unanimously approved a request to rezone an approximately .1148 of an acre tract legally described as Lot 8, Block 1 of the J.P. Dumas Addition, commonly known as 301 E. Shepherd Street, GCAD Property ID No. 146205, from the Local Retail (LR) District to the Single-Family (SF-5) Residential District to allow for residential use.

- C. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a ± 3,114.1-acre tract of land more commonly known as being located at the northwest corner of SH 84 and FM 406, from the Agricultural (A) District to a Planned Development Overlay District established as a freestanding Planned Development to allow for a mixed-use development. (Case No. 2024-012PD)

Commission Action

Dianne York, Planner, presented this agenda item. Ms. York provided an aerial view of the property. Ms. York provided details of the development as follows:

The Applicant is requesting a rezone of the subject property from the Agricultural (A) District to a Planned Development Overlay District, established as a freestanding PD, to allow for the development of a master planned community named Preston Harbor. The Concept Plan of the Preston Harbor Planned Development District (PD) document depicts an approximate location of each use that will be developed within the 3,114.1 acre-tract of land.

Preston Harbor is located along the west side of FM 84 and north of FM 406 with a substantial amount of shoreline along Lake Texoma to the west. It is the intent of the PD document to develop a variety of residential types throughout the property and to provide non-residential uses along the perimeter of the property while less intense non-residential uses are developed throughout the residential neighborhoods and clustered in mixed-use areas.

A variety of residential uses are listed in the Residential Permitted Uses of the Preston Harbor Planned Development District document. Development standards such as, but not limited to, lot size, lot width, lot depth, minimum setbacks and exterior building material requirements are listed within the PD document. These standards are established specific to each use type titled as residential, townhome and multi-family within the document.

There shall be no maximum number of dwelling units for any particular area or development within the Property, however, the cumulative number of dwelling units at build-out shall not exceed ten thousand (10,000) dwelling units. Areas to be developed as non-residential will allow for the development of a variety of non-residential uses, all of which are listed in the Non-Residential Permitted Uses of the Preston Harbor Planned Development District document. Non-residential areas are required to meet specific development standards. Temporary uses listed within the Preston Harbor Planned Development District document are allowed when appropriate and for the length of time detailed within the document. Landscaping shall comply with the provisions set forth in Section 28.51. of the City of Denison Zoning Ordinance. Given the topography and natural landscape of the property, natural areas may be included within Landscape Plans and counted towards any landscape percentage requirement for development other than single-family detached and duplex lots. A full list of landscape and tree preservation requirements and deviations from Section 28.51. of the City of Denison Zoning Ordinance are detailed within the Preston Harbor Planned Development District document. All fence, screening and wall regulations shall comply with Section 28.53. of the City of Denison Zoning Ordinance with a deviation related to multi-family and non-residential uses which may be revised through approval of a Site Plan.

All signage within the Preston Harbor development will comply with standards set forth within Chapter 19 – Signs, of the City of Denison Code of Ordinances except for the deviations listed within the PD document.

This PD reflects the intent that Preston Harbor be developed in a manner that offers walkability, connectivity, and multi-modal options. Hike and bike trails and a golf cart path will be constructed in addition to typical vehicular infrastructure providing residents and visitors multi-transit opportunities. Additionally, the property is intended to be planned and constructed in a manner that ensures adequate open and park spaces. Open space, both active and passive, will be provided throughout the entire development. In addition to the development of open space, the PD establishes a Park Dedication fee of two hundred and fifty dollars (\$250) per dwelling unit. All parkland and open space shall be dedicated via plat to one or more of the property or homeowners' associations or the Lake Texoma Municipal Utility District for maintenance purposes. Open Space and the Conceptual Trail Plan are depicted in the Conceptual Trail Plan of the Preston Harbor Planned Development District document.

Ms. York stated that staff has reviewed the provided Preston Harbor Planned Development District document against the approved Development Agreement and amendments for compliance. All documents' standards and requirements mirror and do not contradict one another.

In response to Commissioner Harwell's inquiry, Ms. York stated that that this property was annexed into the City in 2013 and the property to the south is located within the City's ETJ (extraterritorial jurisdiction), noting they are not zoned and not part of the City limits.

In response to Commissioner Harwell's inquiry regarding the nearest sewer taps, Development Director Mary Tate stated that this has been an ongoing project in which the Development Agreement states the City's responsibility to provide infrastructure for the development. The City has certain deadlines that have to be met and they are on track to do so. Staff has worked with neighboring property owners to acquire easements, noting that some have been secured and some are still being worked on. Ms. Tate stated that staff is working closely with Preston Harbor to ensure that deadlines are met. Ms. Tate stated that staff is in discussions with some of the surrounding property owners about what annexing into the City could look like for future development for them, but the capacity will be there. She stated that it was staff's ultimate goal to service this property, as well as anything else that comes in along the 84 corridor. The City had to make sure that they were upscaling and putting in infrastructure that could handle any future capacity.

In response to Vice Chair Sylvester's inquiry, Ms. York stated that, with regard to the single-family, which includes duplexes, the lot width is not consistent with what is required for a minimum lot width; however, she believes the intent is to try and make it more like a walkable community and to make sure that they are more like a community where they can be closer to one another. Ms. Tate stated that as long as the PD calls out that deviation (inconsistency with minimum lot requirements), it is sufficient. She stated that staff has worked closely with the Applicant to ensure they are comfortable with the lot requirements.

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

Mr. Bob Roeder came forward to address the Commission and provided the following information for the record:

Name: Mr. Bob Roeder
Abernathy, Roeder, Boyd & Hullett

Address: 1700 Redbud Blvd., Ste. 300
McKinney, TX 75069

Mr. Roeder stated that he is here today on behalf of the Applicant, who is the owner and developer of the property. Mr. Roeder provided a brief overview of the project. He stated that this development is very unique because of its location adjacent to Lake Texoma, which is the critical aspect of why this is such an attractive development opportunity for his client. Mr. Roeder stated that he would like to spend a little bit of time describing the land and the plans for the land. He stated that Ms. York had already pointed out that the Concept Plan sets out the primary land uses and the patterns for those land uses that they propose. Mr. Roeder stated that his client – Preston Harbor – is not a lot developer nor a homebuilder. He stated that on a track this size, the way these things develop typically is that his client puts in the major infrastructure that is required to develop the property and then sells off portions of the property to developers who then put in streets and interior things. Those people might build their own houses or they might sell those lots to homebuilders. Mr. Roeder stated that, in this particular case, because of the size and the topography of the property, they see a number of different types of residential development out there. He stated that before he speaks about the types of residential development, he would like to talk about the infrastructure that they will be putting in. There will be two main roads on the Concept Plan. The first road is what they call the north primary street and that comes off of 84 and goes to the northern tip of the property, which is designated as nonresidential. He stated that they envision it being a resort type area hotel up there, going into 200 rooms. It could have some conference facilities, and that kind of thing, but they see that as nonresidential to hotel-type views. The northern road bisects the north half of the property and they see the north half of the property developing in two different ways. Mr. Roeder stated that this again is just a “vision” as of now and when they actually have buyers, those buyers will tell them how it will be developed. He stated that between State Highway 84 and the north primary road is pretty much flat land. He stated that they envision that as an area for more traditional single-family development like you would see around the City of Denison. On the west side between the road and the lakeshore, they envision that as being a less dense, larger lot, and very expensive type home development there. Their vision is for lots in that area to be half an acre to five acres, noting that the home product will be up in the six figures. Mr. Roeder stated that none of that development will occur without the spine road in place, noting that with the spine road will be water and sanitary sewer. In the middle of the project are some inland lakes, some of which have been recently constructed within the last ten years and some have been there for a long time. Mr. Roeder stated that the northern part of this property was mined for gravel about fifty or sixty years ago and you will find a lot of inundation and vegetation up there. Mr. Roeder stated that the lakes are as valuable, in their opinion, as the shoreline on Lake Texoma. He stated they are big lakes and they create a real focal point. He stated that the lakes also are the lowest spot on the property so they will have sanitary sewers from the northern

development that will drain towards the lake. The southern development will drain north to a point on the lake or north of the lake to a major lift station. He stated that is one of the City's infrastructure projects that they are putting on the property. The main lift station is the place in which all of this property will sewer and then it will be directed through sewer lines to the City's sewer treatment plant. Mr. Roeder stated that there is a major road that goes to the south of the property and this part of the property is more pastureland, noting it was not mined very much. Mr. Roeder stated that this is an area where we see a higher density of residential. He stated that there is a lot of discussion going on about having a major active adult community there (active adult in this context is restricted to age 50 or older). These types of communities typically have smaller lots - smaller residential dwellings, noting that most of it will be front entry product. He noted that these communities do not allow privacy fencing, so they are very open. Mr. Roeder stated that any fence built would be a wrought iron fence or a tubular metal fence. Mr. Roeder stated that the communities are designed to have a centralized amenity center. The amenity center would have things like pickleball courts, bocce ball courts, tennis courts, swimming pools, large area inside for game tables, etc. Mr. Roeder states that the development will be "park friendly" and have walkable environments. He stated that they anticipate the land to the south will be primarily higher density single-family areas, noting that is why they may have a 25-foot-wide single-family lot rather than the typical 50-foot-wide. Mr. Roeder stated that the sheer beauty of this property and the walkability that's going to be created will be a major attraction for that type of development to occur there. There is the center where the two roads intersect with State Highway 84 and they are showing that as a non-residential area, noting that they expect that to be a mixed-use area like a town center. They believe that will be the activity hub for people that do not live in active adult communities. He stated that they expect to see some multifamily there and hope to have eateries and drinkeries like those along Main Street in Denison. They also expect to see retail development there. Mr. Roeder stated that - critical to the success of this project - obviously is not only the view of the lake, but the marina. He stated that they are in conversations with a marina developer and that developer will incorporate a public boat ramp and the facilities like that. Mr. Roeder thanked the Commission for their time and stated that the Applicant requests the Commission's favorable recommendation to the City Council.

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

Ms. Shana Stonebarger came forward to address the Commission and provided the following information for the record:

Name: Ms. Shana Stonebarger

Address: 2031 FM 406
Denison, TX 75020

Ms. Stonebarger stated that she is opposed to the rezoning as she believes having this type of development adjacent to her property line would be a detriment to her family's quality of life. She stated that some of her concerns are safety, traffic, noise, water drainage, and the effect it would have on property value.

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

Ms. Jacqueline Stephens came forward to address the Commission and provided the following information for the record:

Name: Ms. Jacqueline Stephens
Address: 360 Tejas Drive
Denison, TX 75020

Ms. Stephens expressed her concerns regarding storm drains and the development creating a flood zone.

Chair Shearer asked if there was anyone else 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 was received from Mr. Mark S. McKinney of San Antonio, Texas, opposing the project due to the traffic congestion and high rates of speed it will potentially bring.

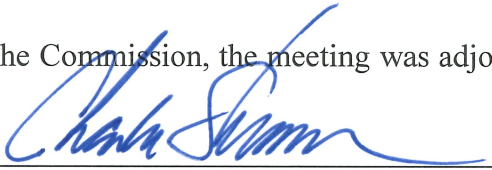
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5. STAFF UPDATES

Mary Tate, Director of Development, stated that staff is applying for grants that will assist with the zoning ordinance and Building Code rewrite/update to ensure that staff has all the standards needed for best practices. She stated that staff will be looking at rewriting the Comprehensive Plan, also using applied grant monies. Staff anticipates hearing back from the grant programs by mid-summer and then the RFPs will go out in August. Ms. Tate stated that they will be assembling committees for these projects. She stated that they are also applying for the U.S. Department of Transportation Safe Streets for All Grant, in coordination with the Public Works Department. Staff is looking at developing an action plan for the entire City which looks at walkability, connectivity, and ensuring that there are safe routes to school, as well. Ms. Tate stated that the grant will be submitted next week and, if awarded, staff will come back for the second phase of implementation.

6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:37 a.m.



CHARLIE SHEARER, Chairman

ATTEST:



Karen L. Avery, Deputy City Clerk