



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

**Tuesday, November 14, 2023**

After determining that a quorum is present, the Planning and Zoning Commission of the City of Denison, Texas will convene in a Regular Meeting on **Tuesday, November 14, 2023 at 10:00 AM** in the Council Chambers at City Hall, 300 W. Main Street, Denison, Texas at which the following items will be considered:

**1. CALL TO ORDER**

**2. PUBLIC COMMENTS**

Citizens may speak on items listed on the Agenda. A “Request to Speak Card” should be completed and returned to the City Clerk prior to the Commission reaching the Public Comment section of the agenda. Citizen comments are limited to three (3) minutes, unless otherwise required by law. Comments related to Public Hearings listed below will be heard when the specific hearing is called.

**3. CONSENT AGENDA**

A. Receive a report, hold a discussion, and take action on approving the Minutes from the October 24, 2023, Planning and Zoning Commission Meeting.

**4. PUBLIC HEARINGS**

A. Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a tract or parcel of land situated in the Ben J. Goode Survey, Abstract NO. 464, City of Denison, Grayson County, Texas and being all of the remaining portion of a called 1.0 acre tract of land described in the deed to Myron Louie Noles recorded in Volume 2869, Page 725, Official Records of Grayson County, Texas, and all remaining portion of a called 0.873 acre tract of land described as Tract One in the deed to Myron Louie Noles recorded in Volume 2813, Page 768, said Official Records, and all the remaining portion of a called 0.796 acre tract of land described as Tract Two in said Volume 2813, Page 768; being commonly known as 7301 Driggs Drive, GCAD Property ID No. 115326, from the Light Industrial (LI) Zoning District, Commercial (C ) Zoning District, and Local Retail (LR) Zoning District within the Highway Oriented and Corridor District Overlay (HO) to the Light Industrial (LI) within the Highway Oriented and

Corridor District Overlay (HO), to allow for light industrial allowed uses. (Case No. 2023-099Z).

**5. STAFF UPDATES**

**6. ADJOURNMENT**

CERTIFICATION

I do hereby certify that a copy of this Notice of Meeting was posted on the front windows of City Hall readily accessible to the general public at all times and posted on the City of Denison website on the 10<sup>th</sup> day of November 2023.

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Christine Wallentine, City Clerk

In compliance with the Americans With Disabilities Act, the City of Denison will provide for reasonable accommodations for persons attending Planning and Zoning Commission Meeting. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at 903-465-2720, Ext: 2437.



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

**Tuesday, October 24, 2023**

**1. CALL TO ORDER**

Announced the presence of a quorum.

Chair Charlie Shearer called the meeting to order at 10:01 a.m. Commissioners present were Chair Charlie Shearer, Vice Chair Mary Karam, Commissioners Brett Evans and Linda Anderson, and Alternate Commissioner Robert Sylvester.

Staff present were Mary Tate, Director of Development Services; Dianne York, Planner; Felecia Winfrey, Development Coordinator, Planning and Development Services; 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 October 10, 2023, Planning and Zoning Commission Meeting.
- B. Receive a report, hold a discussion and take action on approving the proposed 2024 Planning and Zoning Commission Meeting dates.

Commission Action

On motion by Vice Chair Karam, 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 for a Conditional Use Permit (CUP) for property legally described as being all of Lot 1 and 2, Block 7 of Steven’s Addition, an addition, to the City of Denison, according to the plat recorded in Volume 28, Page 362, Deed Records of Grayson County, Texas; also known as 604 W. Morton Street, GCAD Property ID No. 142139, to allow for a restaurant with drive-thru in the Neighborhood Services Zoning District. (Case No. 2023-091CUP).

##### Commission Action

Dianne York, Planner, introduced this agenda item. Ms. York stated that at the last Planning and Zoning Commission meeting staff presented this item and requested that the Commission take no action. Ms. York stated that staff had only looked at one lot to accommodate this use. However, through the review process, it was determined that both Lots 1 and 2 would need to be utilized in order to accommodate the drive-thru and stacking lines that are required by ordinance. Ms. York stated that the property is zoned Neighborhood Services and is located at the corner of Mirick Avenue and West Morton Street. Ms. York provided an aerial view of the property. The Applicant is requesting a Conditional Use Permit for a restaurant with drive-thru. The Applicant is proposing a “drive-thru only restaurant” because the existing structure is less than 600 square feet. Parking will be for employees only. Ms. York stated that the stacking lane meets the requirements of the zoning ordinance. In addition to the stacking lane, the Applicant is providing a 14’ wide emergency/escape lane with two drive accesses coming off S. Mirick Avenue. The proposed name for the restaurant is “Hollywood Gardens featuring Gracie’s Amazing Southern Cuisine.” Ms. York stated that based on the project narrative that was provided by the Applicant, this is a historic building and a historic restaurant where it was utilized as a restaurant in the past. The Applicant is proposing the hours of operation to be 7:00 a.m. to 10:30 a.m. for food preparation and the actual hours that customers can come in or drive thru would be 10:30 a.m. to 7:30 p.m. She stated that Applicant is not proposing too many improvements to the site through the Conditional Use Permit. The Applicant is proposing a “landscaped green space” between the drive accesses that has been approved by Public Works. Ms. York stated that both properties are individually platted. If the case is met with approval by the City Council, the Applicant will move forward with a replat to make one cohesive property. Staff recommended approval of this request.

Chair Shearer opened the Public Hearing and asked if there was anyone present who wished to speak on this agenda item.

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

Name: Mr. James White  
Address: 1377 Crosstimbers Lane  
Denison, TX

Mr. White stated that he believes they have a rather unique restaurant in the north central part of Denison. He stated that, with the exception of Church's Chicken and The Right Spot, there are not any restaurants on the east/west corridor until approximately a mile and a half to two miles out to the west. Mr. White believes that it will provide an opportunity for individuals to not only have a meal in route, but pick up a family meal, as well. In response to Commissioner Sylvester's inquiry regarding a privacy fence, Ms. York stated that given that this property is adjacent to a residential zoning district, the Applicant will have to follow the screening requirements that are detailed in the ordinance. Mr. White confirmed that there will be a privacy fence installed on the south. In response to Vice Chair Karam's inquiry, Mr. White stated that there will be minimal changes to the structure. He stated that there will be a drive-thru window installed at the rear of the building (southside). Mr. White stated that there is some broken glass that will be replaced immediately. In response to Commissioner Anderson's inquiry, Mr. White stated that it is his understanding that the restaurant has been there since the late 1940's. And, through the mid 1960's the Buckley family had a "mom and pop" type restaurant, which was not only a "sit-down" restaurant but they also had parties in the rear of the restaurant.

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

Mr. Robert King came forward to address the Commission and provided the following information for the record:

Name: Mr. Robert King

Address: 619 W. Morton Street  
Denison, TX

Mr. Robert King stated that he has made a written protest to the Commission, which has been received. Mr. King stated that his concerns are that this is a residential block and he believes the restaurant will increase traffic on the east/west, noting that it is already a highly congested area of road and there are times where there is trouble trying to control the speed in that area. Mr. King stated that there are many school buses that travel Morton Street and there are children playing in the neighborhood. He fears this could detrimentally change the nature of the block entirely. Mr. King stated that he believes that the increased traffic will also increase pollution in the area. Mr. King stated that, with his protest letter, he submitted a page from the American Lung Association detailing the effects of increased pollution and effects on residents of living in high pollution areas. It is his belief that if traffic is increased in the area, there will be a detrimental effect on the residents. Mr. King further stated his belief that allowing this restaurant will also increase wildlife – which will not be pleasant. He is of the belief that the trash from the restaurant will also attract rodents, noting that he has already seen coyotes, raccoons, and foxes in the area. Mr. King stated that there is already a rodent problem in the area because of demolition and reconstruction and the increased trash (from the restaurant) will increase the rodent population. Commissioner Evans stated that he does not share Mr. King's concerns regarding the increased traffic because this is a small mom and pop restaurant, not a McDonald's or Starbucks, etc., which would significantly increase the

traffic. He does not believe that there will be a continuous long line of cars throughout the day, noting that it would be great if they did have that. Mr. Evans agreed that there are rodents in the area because of construction, etc., but he does not believe that this restaurant will significantly increase the problem because of the nature of the business (i.e., a small mom and pop restaurant). Mr. Evans also disagreed with the concerns over the increase in traffic and increased pollution because even if one car is idling where it doesn't need to be it is increasing the pollution in the area – same with just one car bringing increased traffic. Chair Shearer inquired about the homes directly to the west of the property and Planner York stated that they are zoned Multi-Family One. In response to Chair Shearer's inquiry, Planner York confirmed that this particular site is zoned Neighborhood Services (NS). Chair Shearer inquired as to what type of services could be built on this site. Planner York stated that NS are less intensive commercial uses that are beneficial to the surrounding neighborhoods (i.e., small pop-up grocery centers, small restaurants, coffee shops, etc.) Chair Shearer stated that the reason for his question is that there are a significant number of allowed uses that could be built on this site without this process so when you are looking at the change in pollution and generation of traffic, there are multiple uses that could be built there that would do that and the City has no control over because it is within the zoning allowed uses. An applicant would not have to come before the Commission or before the City Council to build that project. Chair Shearer stated that the Applicant is here today requesting a Conditional Use Permit. He further explained that there are guidelines and in a CUP the City has control and if they are not good neighbors and they are in violation of the CUP, the City can step in and make them abide by the rules or pull the CUP – which would mean they could no longer operate the business. Chair Shearer stated that we are better off with what was presented today than something that the City has no control over and could create as much or more traffic than this restaurant. He stated that if a convenience store were allowed, they could be open 24 hours a day and then you have traffic all day / night long. This Applicant is proposing to close his business at 7:30 p.m. so there will be no loud noises and stuff going on at night. Mr. King stated that he understands what the Commissioners have said, but he believes that this is a change of usage and that is what he is disputing. Chair Shearer stated that it is not a change of use because as we were told, this building originally operated as a restaurant – back into the 1940's. Discussion ensued between Mr. King and Chair Shearer regarding laws that were allowed 200 years ago. It was reiterated that this is not a change in use and Chair Shearer stated that the Commission would take everything into consideration when making their decision, but that decision could also be appealed to the City Council. Mr. King thanked the Commission for their time.

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.

For the record, Staff received **three letters in support and four letters in opposition** of the request from James White.

On motion by Vice Chair Karam, seconded by Commissioner Evans, the Planning and Zoning Commission recommended approval of a Conditional Use Permit (CUP) for a restaurant with a drive-thru for property located at 604 W. Morton Street.

## 5. STAFF UPDATES

Planner York provided an update to the Commission regarding the zoning case presented to City Council at their October 16, 2023, Meeting. Ms. York confirmed that the City Council approved the following case:

- AMENDING CHAPTER 15 “PEDDLERS, SOLICITORS, AND CERTAIN OTHER SALES”, ARTICLE III “MOBILE FOOD VENDORS”, SECTION 15-56 “DEFINITIONS”, SECTION 15-58 “CATEGORIES OF MOBILE FOOD UNITS AND WHERE ALLOWED”, SECTION 15-60 “MOBILE FOOD UNIT OPERATING REQUIREMENTS”, SECTION 15-62 “DENISON FIRE DEPARTMENT REQUIREMENTS”, AND SECTION 15-63 “APPLICATION AND REVIEW PROCESS”; AMENDING CHAPTER 28 “ZONING”, BEING THE COMPREHENSIVE ZONING ORDINANCE, SPECIFICALLY AMENDING ARTICLE VI “DEFINITIONS”

Director of Development Services Mary Tate provided details regarding the 3<sup>rd</sup> USDA Workshops set for Thursday and Friday, October 26 and 27, 2023. Ms. Tate stated that the workshops will be on proposed design guidelines for the residential areas surrounding downtown and some of the older neighborhoods.

## 6. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:35 a.m.

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CHARLIE SHEARER, Chairman

ATTEST:

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Karen L. Avery, Deputy City Clerk

# The Planning and Zoning Commission Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and make a recommendation on a request to rezone a tract or parcel of land situated in the Ben J. Goode Survey, Abstract NO. 464, City of Denison, Grayson County, Texas and being all of the remaining portion of a called 1.0 acre tract of land described in the deed to Myron Louie Noles recorded in Volume 2869, Page 725, Official Records of Grayson County, Texas, and all remaining portion of a called 0.873 acre tract of land described as Tract One in the deed to Myron Louie Noles recorded in Volume 2813, Page 768, said Official Records, and all the remaining portion of a called 0.796 acre tract of land described as Tract Two in said Volume 2813, Page 768; being commonly known as 7301 Driggs Drive, GCAD Property ID No. 115326, from the Light Industrial (LI) Zoning District, Commercial (C) Zoning District, and Local Retail (LR) Zoning District within the Highway Oriented and Corridor District Overlay (HO) to the Light Industrial (LI) within the Highway Oriented and Corridor District Overlay (HO), to allow for light industrial allowed uses. (Case No. 2023-099Z).

## Staff Contact

Dianne York, Planner  
dyork@cityofdenison.com  
903-465-2720

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## Summary

- The subject property is currently split zoned between the Light Industrial (LI), Commercial (C), and the Local Retail (LR) Zoning Districts.
- The applicant wishes to clean up the zoning by requesting a rezone to Light Industrial (LI).
- The property also falls within the Highway Oriented and Corridor District Overlay (HO).

## Staff Recommendation

Staff recommends approval of this request.

## Recommended Motion

"I move to recommend approval of changing the zoning of the subject property to the Light Industrial Zoning District within the Highway Oriented and Corridor District Overlay."

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## Background Information and Analysis

The applicant is requesting to rezone property commonly known as 7301 Driggs Drive, consisting of approximately 2.5 acres, from the Light Industrial (LI), Commercial (C), and the Local Retail (LR) Zoning District to the Light Industrial (LI) Zoning District. As the property is currently split zoned between three zoning districts, approval of this request will clean up the zoning and allow for only one zoning district. This property also falls within the Highway Oriented and Corridor District Overlay (HO). The overlay district will remain despite approval of the rezone request.

While the Highway Overlay (HO) prohibits a few industrial type uses, uses such as warehouse/office and auto repair major/minor are not prohibited and allowed by right in the Light Industrial Zoning District. These uses will allow for the existing metal building located on the property to be utilized. The



applicant is proposing to include 20% masonry to the existing building if redevelopment. Through redevelopment, additional City standards must be met. These standards include, but are not limited to, landscaping, screening, and parking requirements. Any future new development must also adhere to not only City standards, but the zoning district and overlay district's development standards.

According to Ordinance Section 28.10, City staff and the Planning and Zoning Commission shall consider the following factors when reviewing rezone requests:

1. *Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;*

Light Industrial uses are compatible with other LI uses along FM 1417 and commercial uses located on the corner of FM 691 and FM 1417.

2. *Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;*

N/A

3. *The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development;*

Rezoning of this property will not impact the availability of similar land for development.

4. *The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;*

N. FM 1417 has been developed in a Light Industrial manner and the corner of FM 1417 and FM 691 has been developed in a commercial and warehouse manner.

5. *How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;*

N/A

6. *Whether the zoning petition is consistent with the current land use plan; and*

The Comprehensive Plan does not call out any commercial for property located on FM 691 and FM 1417.

7. *Any other factors that will substantially affect the public health, safety, morals, or general welfare.*

Other factors which may substantially affect general welfare have been addressed above.

**Financial Considerations**

N/A

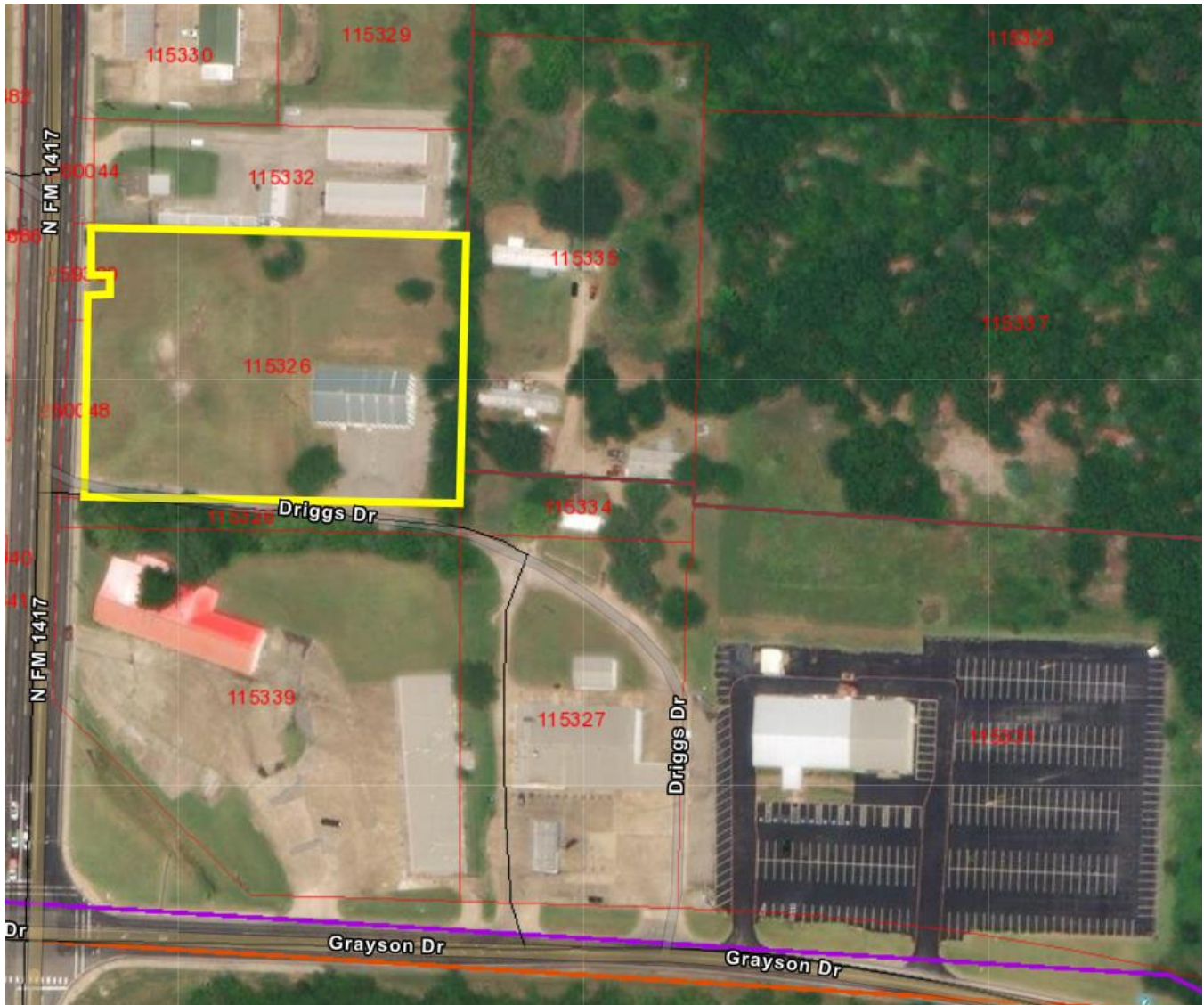
**Prior Board or Council Action**

N/A

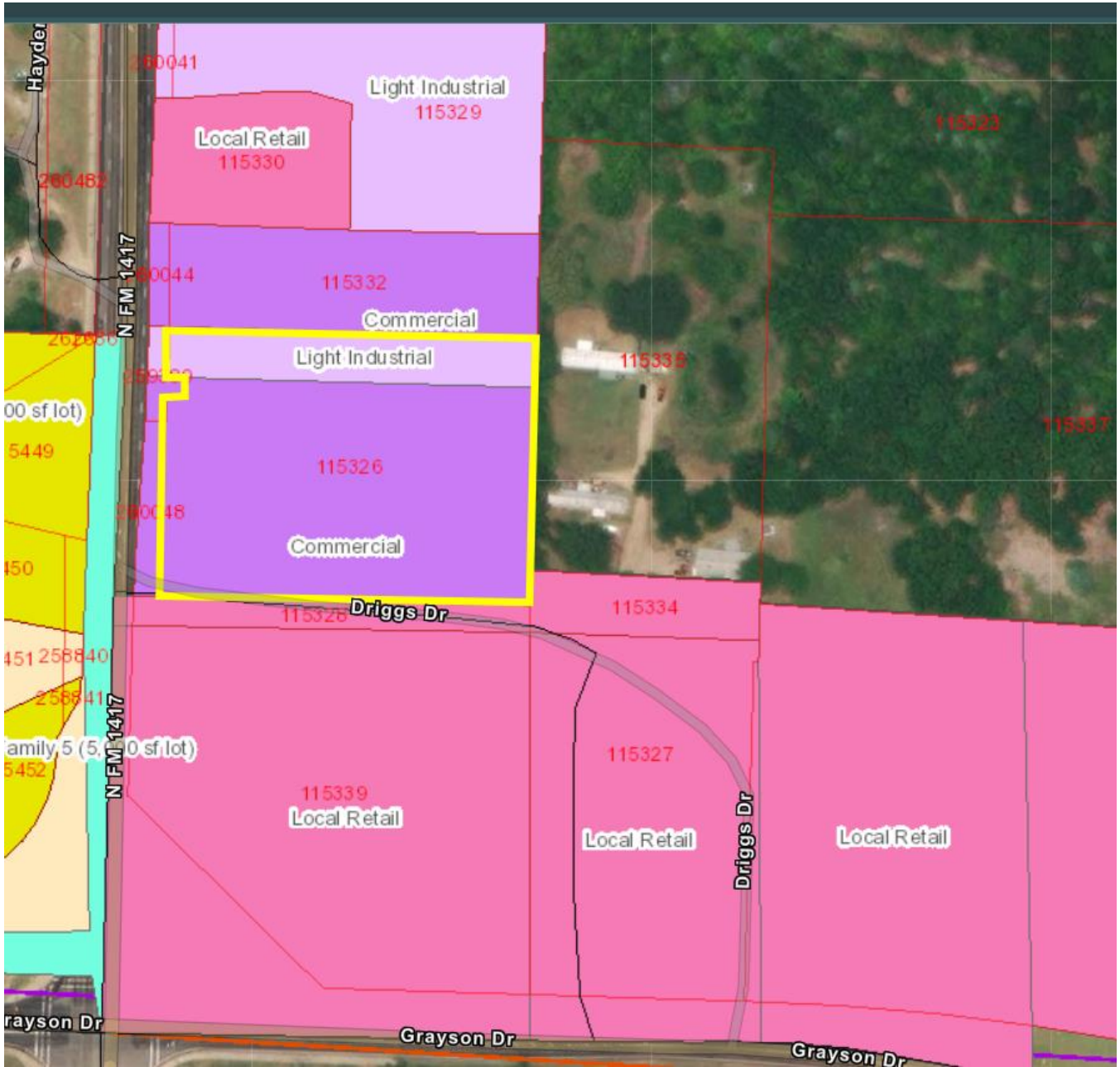
**Alternatives**

- The Planning and Zoning Commission may table, recommend denial or recommend approval with conditions.

**Aerial of Subject Area**



### Zoning Aerial of Subject Area



## ***MULTIVISION PROPERTIES***

PO BOX 647  
DENISON, TEXAS 75021  
(903)463-6779 office  
(903)815-8944 cell

Re: Driggs Drive Re-Zoning

### **PROJECT NARRATIVE**

Concerning the 2.5 acre property at 7301 Driggs Dr in Denison, we are requesting to change the zoning classification to base zoning of Light Industrial District (LI) within the Highway Overlay District (HO). The property is currently in 3 zoning districts (LI),(C), and (LR) within the Highway Overlay District (HO). We are interested in leasing the existing warehouse on the property and the current multiple zoning contradicts most all uses on the property.

The multiple zoning districts on one property may be an oversight by the city, or errors from previous zoning changes in the area. Reading the code of ordinances and researching other properties in Denison it appears the intent is that a parcel should only be in one underlying zoning district. In most cases, zoning district lines are intended to follow property lines, streets, and city boundaries.

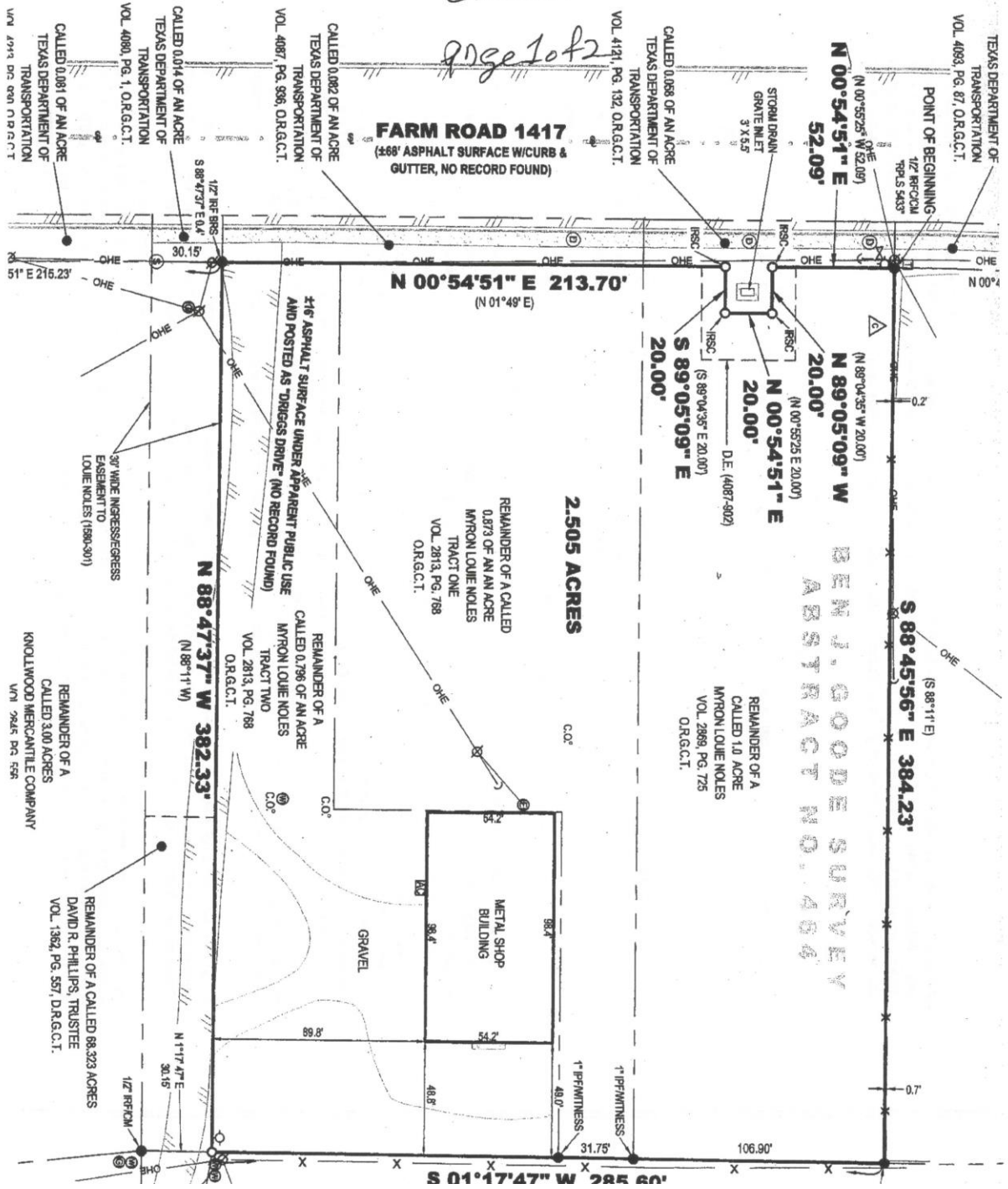
We do not wish to make a major change to the property at this time but do have space on the property for future development of an additional warehouse(s) that would allow the property to support multiple tenants. The proposed possible uses for the property would be for office/warehouse space or auto repair service, which are supported in the (LI) Light Industrial District. Future development on the property would be of similar construction to the existing structure with the addition of 20% masonry on the exterior, maintain a minimum of twelve (12%) percent landscaped area of the total property, and paving of parking areas.

The property is situated with frontage on FM 1417 on the west side with a mobile home park across FM 1417, to the north it borders Hideaway Storage facility, to the east is another mobile home park, and to the south is an abandoned retail center. The LR-local retail zoning on the south side of the property appears to be a continuation of the retail center that has frontage on Hwy 691. Because of this we feel that the local retail (LR) zoning had been extended in error onto our property as the LR zoning does stop at the property line on the neighboring properties to the East. It does appear that LI-light industrial zoning district is the most prevalent zoning for properties in the area that do not have frontage on Hwy 691 and there are numerous properties to the North along 1417 that have similar use in the warehouse space.

Allowing the re-zoning would promote some of the goals outlined in the City Comprehensive Plan. The single base zoning of (LI)-light industrial will allow multiple uses on this property, promote the possibility of expansion and grow the city's tax base and economic strength. New development on existing sites as well as redevelopment, takes advantage of existing infrastructure. Redevelopment will often mean a change in land use and redevelopment will not occur if zoning requires the same use that is on the site today. A wider range of allowed uses are often required to make a project "pencil out" financially for a developer.



Exhibit "A"  
page 1 of 2



**LAND DESCRIPTION:**

**BEING** all of a certain tract or parcel of land situated in the Ben J. Goode Survey, Abstract No. 464, City of Denison, Grayson County, Texas, and being all of the remaining portion of a called 1.0 acre tract of land described in the deed to Myron Louie Noles recorded in Volume 2869, Page 725, Official Records of Grayson County, Texas, and all the remaining portion of a called 0.873 acre tract of land described as Tract One in the deed to Myron Louie Noles recorded in Volume 2813, Page 768, said Official Records, and all the remaining portion of a called 0.796 acre tract of land described as Tract Two in said Volume 2813, Page 768, and being more particularly described as follows:

**BEGINNING** at a 1/2-inch iron rod with a plastic cap stamped "RPLS 5433" found on the northerly line of said 1.0 acre tract, at the northeast corner of a called 0.058 acre tract of land described in the deed to Texas Department of Transportation, recorded in Volume 4121, Page 132, said Official Records, and common to the southwest corner of a called 3.1 acre tract of land described in the deed to Mufvision Properties, LP, recorded in Volume 5074, Page 729, said Official Records;

**THENCE** South 88°45'56" East, with the northerly line of said 1.0 acre tract, and with the southerly line of said 3.1 acre tract, a distance of 384.23 feet to a Nail in 1-inch iron pipe found for the northeast corner of 1.0 acre tract, common to the southeast corner of said 3.1 acre tract, and on the westerly line of a called 2.940 acre tract of land described in the deed to Clyde Driggs, recorded in Volume 2629, Page 827, said Official Records;

**THENCE** South 01°17'47" West, with the easterly line of said 1.0 acre tract, and with the westerly line of said 2.940 acre tract, passing en route at a distance of 106.90 feet a 1-inch iron pipe found for witness at the southeast corner of said 1.0 acre tract, and continuing on said course, with the easterly line of aforesaid 0.873 acre tract, and passing en route at a distance of 138.65 feet a 1-inch iron pipe found for witness at the eastern-most southeast corner of said 0.873 acre tract, and continuing on said course, with the easterly line of aforesaid 0.796 acre tract, a total distance of 285.60 feet to a 1/2-inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEY RPLS 6585" (hereinafter referred to as Capped Iron Rod) set for the southeast corner of said 0.796 acre tract;

**THENCE** North 88°47'37" West, with the southerly line of said 0.796 acre tract, a distance of 382.33 feet to the southwest corner of a called 0.082 acre tract of land described in the deed to Texas Department of Transportation recorded in Volume 4087, Page 936, said Official Records, and common to the northeast corner of a called 0.014 acre tract of land described in the deed to Texas Department of Transportation, recorded in Volume 4080, Page 1, said Official Records;

**THENCE** North 00°54'51" East, crossing said 0.796 acre tract, aforesaid 0.873 acre tract and aforesaid 1.0 acre tract, with the easterly line of said 0.082 acre tract, and with the easterly line of aforesaid 0.058 acre tract, a distance of 213.70 feet to a Capped Iron Rod set for corner;

**THENCE** in a northerly direction, continuing across said 1.0 acre tract with the easterly line of said 0.058 acre tract, the following four (4) courses:

1. South 89°05'09" East, a distance of 20.00 feet to a Capped Iron Rod set for corner;
2. North 00°54'51" East, a distance of 20.00 feet to a Capped Iron Rod set for corner;
3. North 89°05'09" West, a distance of 20.00 feet to a Capped Iron Rod set for corner;
4. North 00°54'51" East, a distance of 52.09 feet to the POINT OF BEGINNING and enclosing 2.505 acres (109,099 square feet) of land, more or less.

**GENERAL NOTES:**

This survey was completed without the benefit of a title commitment. Easements and/or other matters of record may affect the surveyed property. The Surveyor did not perform an Abstract of Title.

**FLOOD STATEMENT:**

I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Denison, Grayson County, Texas, Community Number 480259, effective date 09/29/2010 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0275 F of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.