



Planning and Zoning Commission Minutes

Tuesday, September 13, 2022 | 4:00 PM

City Hall, 200 South Rusk Street, Gainesville, TX, Council Chambers

Chairperson Present:	Phil Neelley
Commissioners Present:	Gina Dill, Larry Smith, Andrew Ploeger, Dan Doss and Nathan Dempsey
Commissioners Absent:	
Staff Present:	Community Development Director Mike Doughty, CEO Jennifer Ekstrand, CCO David Lauteren, Planning Tech Susan Raabe; City Manager Barry Sullivan; City Secretary Diana Alcala
Visitors Present:	Bill and Sherley Riley; Mary Allison; Gayla and Gary Sutton; Brenda McCoy; Jerry Henderson; Bob and Spencer Winston; Mike and Pat King; Edna Slater; Paula Roberts; Glenn and Helen Loch; Kristi Rigsby; Donna Otts; Mack Mattle; Greg Hutcherson; Watts

Item A – Call to order.

Chair Neelley called the meeting to order at 4:00 p.m.

Item B – Swearing in of reappointed members.

City Secretary, Diana Alcala, swore in reappointed members Phil Neelley and Nathan Dempsey.

Item C – Discuss, consider, and possible action on the June 14, 2022 Planning and Zoning Commission meeting minutes.

Commissioner Smith made a motion to accept the minutes as presented by staff. Commissioner Dill seconded the motion. All present voted AYE and the motion carried unanimously.

Item D – Public hearing to take comments on the rezoning request for 4.36 acres at 1505 E Highway 82, legally described as Hardin JG 0460, parcel number 23689, from the current C2 general commercial zone to a C3 outdoor commercial zone.

Item was removed from the agenda at the request of the property owner.

Item E – Discuss, consider and make a recommendation on the rezoning request for 4.36 acres at 1505 E Highway 82, legally described as Hardin JG 0460, parcel number 23689, from the current C2 general commercial zone to a C3 outdoor commercial zone.

Item was removed from the agenda at the request of the property owner.

Item F – Public hearing to take comments on a rezoning request for 32.37 acres out of the William Hawkins and F. Carpenter surveys (W California opposite of One Horse Lane), PIDs 22059, 130423 and 130422 from a Single Family (SF2) zoning district to a High Density Multi-Family (MF2) zoning district. Requested by Spencer Winston of Winston Hotels.

Chair Neelley opened the public hearing at 4:06 p.m. CEO Ekstrand addressed the audience and asked if anyone had comments or questions and wanted to address the Commission. Mrs. Helen Loch addressed the Commission stating she lived across from the Watts property at 7 One Horse Lane. She said she was worried about the traffic and how dense it was with the college, the high school, two churches and the area currently being developed at Black Hill Farm. She stated it was very difficult to get from One Horse Lane on to Highway 51 already and adding 300 people would make it so much worse. She commented she hoped the Commission would consider denying the rezone request.

Next, Ms. Sherley Riley asked how many homes is the developer considering putting in the area? Chair Neelley said over 300 but he was unsure of the exact number. CDD Doughty told the Commission that the proposed development was an apartment complex with 360 units. Mrs. Riley said that her house backs up to this property and that it slopes tremendously. Chair Neelley advised that specific questions regarding construction would be answered by staff or the developers after the public comments had concluded.

Mr. Gary Sutton addressed the Commission stating his concern was the increase in density and that currently it might take ten minutes to get on to Highway 51. Mr. Sutton also wanted to know where the entrance and exits to the complex would be. He stated there had been two traffic fatalities on Highway 51 in that area already and the added traffic would exacerbate the problems. He said we only have one artery in and out of town in that neighborhood and that is Highway 51. He commented on how far traffic currently backs up when school lets out and he is concerned about the added congestion.

Mrs. Helen Loch again addressed the Commission by adding that the cut off from I-35 has commercial and non-commercial traffic that feeds into Highway 51 and said it is heavily used and that a lot of people speed down the highway. She stated it is already a dangerous situation. An audience member stated there is also a concern about flooding and getting rid of the dirt and adding concrete would compound the problems.

Mr. Hutcherson told the Commission his concern was the devaluation of his property. He advised that it was a quiet neighborhood now and he likes it that way. He feels like the apartment complex coming in would be disruptive to the neighborhood.

Mr. Glenn Loch also commented that he likes the peaceful neighborhood and feels that something this size will be tough on everyone. Mrs. Patricia King advised she and her husband were also concerned with the traffic.

Chair Neelley read a letter from Mr. and Mrs. Fleitman into the record. The letter stated the concerns of the family and asked that the Commission consider denying the request for rezone. Chair Neelley then asked if anyone else had comments, and with no one coming forward, the public hearing was closed at 4:17 p.m.

Item G - Discuss, consider and make a recommendation on a rezoning request for 32.37 acres out of the William Hawkins and F. Carpenter surveys (W California opposite of One Horse Lane), PIDs 22059, 130423 and 130422 from a Single Family (SF2) zoning district to a High Density Multi-Family (MF2) zoning district. Requested by Spencer Winston of Winston Hotels.

CDD Mike Doughty addressed the Commission and advised that the currently undeveloped 32.37 acres proposed for rezoning is currently a SF2 Single Family district; the requested change is to a high density MF2 multi-family district. He also advised that the property abuts a low density multi-family MF1 district to the south and is adjacent to parcels zoned MF2—which is the necessary buffer zone iterated in the city’s zoning ordinance. Chair Neelley asked if staff had a recommendation. CDD Doughty replied that staff did not offer a recommendation but instead offered a list of items that should be considered in the Commission’s deliberations, such as if the zoning change would be consistent with the comprehensive land use plan adopted by the city several years ago.

Chair Neelley addressed the audience stating that since Highway 51 is a state highway, ingress and egress would be at the discretion of TxDOT and that TxDOT would work with the developers to implement whatever changes were necessary to alleviate the traffic stress. He commented that the bridge on Highway 51 is already being widened. He stated that the only consideration currently on the table was the issue of zoning and is it appropriate to rezone this property. CDD Doughty commented that TxDOT will require a full traffic study and a complete drainage study before any development began. He reiterated that this was strictly to consider the rezoning issue. Ingress, egress, site plans, drainage plans, construction etc. would be considered totally separate from the current meeting.

A citizen asked who was the ultimate authority for approving this zoning change? Commissioner Smith stated that the zoning steps were necessary first, and if approved by City Council, the project would move forward. He stated this is just the first step. Commissioner Doss commented if the zoning passed, the project still wouldn’t be started for another two to three years.

Commissioner Smith asked the developer, Mr. Winston, if he had heard correctly, the apartments would be luxury, high end apartments? Mr. Winston approached the podium and stated they would be the most luxurious living from Denton North. Mr. Winston addressed the citizens and the Commission by stating that they are sensitive to everyone’s concerns and that he will protect the environment, trees floodplain buffers and were very mindful of the traffic concerns. He said plans were in the very early stages and no site plan had even been rendered as of yet. He did say that they were planning two entry and exit points.

Mr. Winston said this was intended to be housing for Winstar employees and leadership. He said shuttles would run between the casino and the complex transporting employees and this would cut down on some of the traffic. He said they were considering screening so that current residents didn’t feel as if the construction was

right on top of them. He reiterated that he and his company are very sensitive to the environment and wanted to build something people would want to stay at a long time. He commented that they wanted to be a part of the community. He also stated that the community would be a controlled environment with high security.

Commissioner Smith asked if they had researched other tracts of land? Mr. Winston said he had actually spent a year looking at and evaluating properties to locate this project. He felt that the property in question was the best in terms of proximity to the city and to the casino. A citizen asked if it was the cheapest property they had looked at. Mr. Winston stated no it wasn't. A citizen asked why they weren't building in Oklahoma if it was for Winstar employees? Mr. Winston replied that the community would be for any resident who wanted to live there, not just for Winstar employees. He advised that he had already built a couple of properties in Oklahoma as well. A citizen commented that they didn't know if these were actually "luxury" apartments as the rental rate of \$1300 provided by Mr. Winston, was lower than the new apartments just built in Collinsville that rented for \$1350. Mr. Sutton also commented on the luxury versus price statements. Mr. Winston attempted to explain that this was very preliminary and that rents would be based on the current market. He advised everyone that these were not luxury apartments you would find in downtown Dallas because no one could afford that here. He said the luxury standard currently in Gainesville is Liberty Lofts. He stated these will be much higher end than Liberty Lofts. Another citizen again asked if Highway 51 would be the sole access. Mr. Winston said he was looking also at Blacks Hill road but that TxDOT would determine that.

Chair Neelley stated that all the Commission was doing was looking at the legality and merits of the request as it applied to the zoning ordinance for the city. Nothing more. He stated that all the Commission would be responsible for is providing a recommendation for or against to the city council who would make the decision on whether to grant the rezone. Commissioner Ploeger reminded the audience that the city council does not have to take the commission's recommendation. Commissioner Doss stated that it was a pleasant surprise with the developer taking the time at this stage to come in and speak to the Commission and community and to answer questions. Commissioner Dill stated she had never seen a crowd of such size at a Commission meeting before. Commissioner Neelley addressed the Commissioners and the audience stating that he understands everyone's concerns and he thanked the community for coming in to share those concerns. He stated that the community needs housing. He commented that currently our schoolteachers are commuting from Denton. He shared that 360 units on 38 acres is not dense. He compared that to Liberty Lofts which is 200+ units on nine acres. He stated, again, that the Commission's duty was to recommend based on the merits and legality of the proposed change based on the current ordinance. Chair Neelley said the proposed zoning does meet the requirements and the proposal is a good fit for a multi-family zone located on a state highway.

Chair Neelley then offered a motion to recommend the zoning change to city council. Chair Neelley asked for a second but did not receive one. Chair Neelley then asked for a motion which was offered by Commissioner Smith to not recommend the rezone to council. The motion was seconded by Commissioner Dill. Four commissioners voted aye; two commissioners voted nay. The motion carried by simple majority 4:2.

Item E – Adjourn.

Chair Neelley adjourned at 4:45 p.m.

Capital Impact Advisory Committee Meeting Minutes

Tuesday, September 13, 2022 | 5:00 PM

City Hall, 200 South Rusk Street, Gainesville, TX, Council Chambers

Members Present:	Gina Dill, Larry Smith, Andrew Ploeger, Dan Doss, Nathan Dempsey, Phil Neelley, Shane Lee, Ben Hawkins
Staff Present:	Community Development Director Mike Doughty, CEO Jennifer Ekstrand, CCO David Lauteren, Planning Tech Susan Raabe; City Manager Barry Sullivan; City Secretary Diana Alcalá

Item A – Call to order.

Chair Neelley called the meeting to order at 4:47 p.m.

Item B – Discuss, consider, and possible action on approving the semi-annual report on the progress of the capital improvements plan and impact fees.

Starting July 17, 2022, the City began to collect impact fees from all new construction and expansion projects. In total, the City has collected \$57,101 for all categories of impact fees. He also stated that none of the money collected had yet been spent on any of the identified capital improvement projects; although significant dollars had been spent on improvement projects. CM Sullivan turned to the water portion of the semi annual report and noted that two wells had been completed and a current project installing an 8” line is underway on FM3092. He told the committee that the biggest amount of money would be spent on wastewater projects and specifically mentioned the \$1.1 million at Wheeler Creek installation of a 30” line and increasing the Elkins lift station and #9 with a 42” and 36” line. CM Sullivan also mentioned the sewer line between the outlet mall and the old National Supply property and a proposed increase from 12” line to a 24” line in that area. Mr. Sullivan said the city was also working with TxDOT to replace another portion of line on I-35 at a cost of \$1 million. CM Sullivan said we (the City) would be doing \$23 million of water and wastewater improvements over the next couple of years. CM Sullivan told the committee that council had just approved a \$950,000 contract with Kimley Horn to complete the project on the southeast side of the city to supply a 756 unit apartment complex and an 850-parcel subdivision currently in the works. Mr. Sullivan then went on to explain that the impact fees had not yet been used because while \$57,000 may be a lot to one person, it was nothing considering the cost of the projects. He said it would take quite some time for the fees to build up enough to be able to use them on the identified projects.

CM Sullivan gave staff’s recommendation to keep the program and fees the same at this time.

CM Sullivan then stated what did need to be discussed are the impact fee projects along FM1202 that had changed because of the proposed rail park. Conversations with BNSF had produced the need for a bridge over the railroad tracks on FM1202 which would increase safety for the public and make it easier for trains and trucks to enter the park. Phil Neelley asked for clarification on who thought a bridge was needed and it was clarified that BNSF and the developer had weighed in. CM Sullivan commented that there are no free lunches and the city would be expected to absorb some of the cost.

CM Sullivan reiterated that the FM1202 project was already on the list of capital improvement projects, however, it does not currently include the bridge. Shane Lee commented that the entrance to the industrial park would have to be repositioned. CM Sullivan advised that the park had almost doubled in size and an additional 146 acres had already been annexed in for it. So the entrance, as it is, is really not an issue.

Phil Neelley asked about the need for wastewater service on the east side. City Manager Sullivan reminded him that those projects were already listed in the current study and plan. Mr. Sullivan then explained that project was just approved by council (the \$950,000 project) to engineer/design the lines from those developments across the old railroad easement. He then described the plan to waive impact fees for those developers and enter into a 380 agreement which is authorized by the state. This allows the developer to pay the total impact fee amount into wastewater solely (or whatever is needed the most) instead of spreading it out over the three categories of impact fees.

CM Sullivan advised the committee that currently he was recommending that the projects/fees not be changed. Shane Lee asked if the percentage could be revised where needed, a spot increase? CM Sullivan stated no, any change will cover the whole region. Nathan Dempsey asked when is it time to look at raising the fees? Mr. Sullivan advised the current schedule of meetings is every six months; so, maybe two years before we would look at raising fees. He also stated that per state law, the study had to be redone every five years.

Phi Neelley asked what kind of feedback had we received on the impact fees from developers? CM Sullivan advised we hadn't gotten any pushback on them yet although no really large projects had signed on since they went into effect in mid-July. He said developers were more surprised that there weren't impact fees in place than they are that we have them. CDD Doughty interjected that they'd had impact fees in Keller since the late 1980's and builders, especially in the larger cities, were used to paying them.

With no additional questions or discussion, Mr. Sullivan asked for a recommendation. Nathan Dempsey offered the motion to continue with no changes to current fees and to examine the impacts of the proposed rail park/bridge on such fees collected. Shane Lee seconded the motion. All present voted aye and the motion carried unanimously.

Item C – Adjourn.

Chair Neelley adjourned at 5:01 p.m.

Signature of Chairman:  _____ Date 10/11/22

Signature of Secretary:  _____ Date 10/11/2022