

Sherman Church of the Nazarene is the tenant. A Specific Use Permit was granted in 1993 to allow a church facility and parking in an R-2 (Multi-Family Residential) District.

Sherman Church of the Nazarene would like to construct a 10,000 square foot sanctuary with a 1,128 square foot covered drive-thru entry; covered walkways will be added to connect the existing building to the new sanctuary. The exterior of the building will be brick with a metal roof. The new building will have 200-250 seats and 114 parking spaces will be provided. They had seen the Staff Review Letter and would abide by the Recommendations.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF CHUONG HOU HA (OWNER), FUZZY'S TACO SHOP (TENANT), PAUL BROWN (REPRESENTATIVE) AND RICHMOND GROUP ARCHITECTURE & PLANNING (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 1707 TEXOMA PARKWAY, BEING 0.48 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR A COVERED CANOPY FOR OUTDOOR SEATING FOR FUZZY'S TACO SHOP.

SITE PLAN – COVERED CANOPY
1707 TEXOMA PARKWAY
(FUZZY'S TACO SHOP)

The property is located at 1707 Texoma Parkway; Fuzzy's Taco Shop is the tenant. Fuzzy's Taco's would like to construct a covered canopy for outdoor seating. The canopy will have cedar columns with brick/stone veneer and an "R" panel galvalum roof; it will be enclosed by a four foot wrought iron fence. They had seen the Staff Review Letter and would abide by the Recommendations.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

SPECIFIC USE PERMIT

THE REQUEST OF STEVE STARNES (OWNER), DREW BURK (REPRESENTATIVE), RED RIVER AUTO GROUP (TENANT) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY AT 1804 N. HIGHWAY 75, BEING LOT 1, BLOCK 1, JAMES PLAZA ADDITION, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW USED AUTOMOBILE SALES, SERVICE TIRE SALES, SERVICE AND LIGHT MECHANICAL WORK IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

SUP – USED AUTOMOBILE SALES, SERVICE, TIRE SALES, SERVICE & LIGHT MECHANICAL
1804 N HWY. 75
(STEVE STARNES)

Steve Starnes, 4135 Helen, Denison, TX

Mr. Starnes appeared to represent the request and answer

any questions. The property is located at 1804 N. Highway 75, the northwest corner of U.S. Highway 75 and Taylor Street; formerly the Suzuki Dealership. In 2006, a Specific Use Permit to allow automobile sales and repair was granted as well as variances/exceptions to allow shade structures with a 10' front setback; to not require a screening device adjacent to an R-1 (One Family Residential) District and a sign with a 15' front setback. In 2007, a variance was granted to allow overhead doors facing the highway and amended site plan approval for the Suzuki Dealership.

Red River Auto Group recently purchased the property and would like to open a used automobile sales, service, tire sales and service with light mechanical work at this location. They had seen the Staff Review Letter and would abide by the Recommendations.

No other citizens appeared before the Planning and Zoning Commission to discuss the Specific Use Permit and site plan.

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the Specific Use Permit and site plan subject to the Staff Review Letter to allow used automobile sales, service, tire sales and service with light mechanical work. Second by Commission Member Barton.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND DUTTON.

VOTING NAY: NONE

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

EXCEPTION

THE REQUEST OF GORLYN AND JANE BRONSTAD (OWNERS) CONCERNING THE PROPERTY LOCATED AT 1805 ALPINE DRIVE, BEING LOT 1 LESS THE NORTH 1.75 FEET, BLOCK C, TURTLE CREEK WEST ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H)(1) TO ALLOW AN 8' PRIVACY FENCE IN THE SIDE YARD IN LIEU OF THE PERMITTED 6' FENCE IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Jane Bronstad, 1805 Alpine, Sherman, TX

Mrs. Bronstad appeared to represent the request and answer any questions. The property is located at 1805 Alpine Drive between Lamberth Road and Bois D Arc Drive. Mrs. Bronstad explained they would like to replace a 6 foot privacy fence with an eight foot fence on the south side of their property. The property is on a slope and extending

**EXCEPTION – FENCE
1805 ALPINE
(GORLYN & JANE
BRONSTAD)**

the fence would give them and their neighbor more privacy.

No other citizens appeared before the Planning and Zoning Commission to discuss the exception.

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the exception to allow an 8' fence in the side yard. Second by Commission Member Kreck.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND DUTTON.

VOTING NAY: NONE

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

ZONE CHANGE & SITE PLAN

THE REQUEST OF LANDMARK BANK (OWNERS), MIRZA BAIG (PROSPECTIVE BUYER) AND GARY LOWELL (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 927 AND 929 W. BIRGE STREET, BEING LOT 1 OF THE E.L. BENZEL ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL FOR A CONVENIENCE STORE AND LAUNDRYMAT/CLEANERS UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.

ZONE CHANGE & SITE PLAN – R-1 TO C-1
927 & 929 W. BIRGE
(LANDMARK BANK)

(DENIED)

Gary Lowell, 1504 Southridge Lane, Sherman, TX and Mirza Baig, 2104 Bois D Arc, Sherman, TX

Mr. Lowell and Mr. Baig appeared to represent the request and answer any questions. The property is located at 927 and 929 W. Birge Street, the northeast corner of Birge and Ricketts Streets. The property has been used as a convenience store and laundry mat/cleaners in the past but is zoned an R-1 (One Family Residential) District, which is considered an existing non-conforming use.

Mr. Lowell explained Mr. Baig would like to change the zoning to a C-1 Retail Business District to reopen the business as a convenience store on one end of the existing building and laundry mat/cleaners on the other end. The building had been used as a convenience store in the early 60's and 70's. They had seen the Staff Review Letter and would abide by the Recommendations.

Vice-Chairman Gilbert understood that previous use was for a convenience store but it was a non-conforming use; it never was zoned for commercial use.

Scott Shadden, Director of Developmental Services explained "when that use ceases, then to go back in, it

requires commercial zoning. It was an existing non-conforming use that may stay as long as it remains open, but when it closes it goes away.”

Commission Member Kreck asked what he planned for screening between the residential neighborhoods.

Mr. Lowell explained they plan to use six foot shrubs; there is a wood privacy fence in the back now.

Robert Sylvester, Landmark Bank, 720 E. Peyton, Sherman, TX

Mr. Sylvester explained “Landmark Bank is the owner of the property, it was previously a convenience store, we were not aware it was not properly zoned for that use. It is our hope to sell the property, put it back into the use for the community and prevent further deterioration of the property. The property was obtained through foreclosure approximately six months ago.”

Nancy Aiken Mathieu, 1008 Short Lane, Sherman, TX

Ms. Mathieu explained “my family has lived and owned 1008 Short Lane since 1962, when my mother purchased the property at that time. I am here to voice my opposition and that of my neighbors to the proposed zone change at 927 and 929 W. Birge directly adjacent to my property. Just fifteen feet from my fence line, my family and I have been subjected to this property being used commercially despite its location in a residential neighborhood. Throughout the years, since a convenience store and laundry mat were built, family members contacted City officials regarding issues arising from the businesses, however, each time they were told that the owners were only exercising rights of commercial property owners. My mother, who passed away from cancer in 2001, was subjected to several electrical fires from the same property where she assisted with her garden hose over the fence at the request of the owners and other hardships related to the location of these businesses, including excessive dust and vapors vented from nineteen commercial clothes dryers and one dry cleaning machine. This property is presently owned by a bank which I believe got it in a foreclosure, the bank now wants to unload the property, but because it is zoned an R-1 (One Family Residential) District and not commercial, it must come through the City to get the zoning changed. It is clear given its history this location is not conducive for a commercial business as all businesses have failed. Furthermore, these past businesses have occupied this property illegally for the past fifty years. I have brought a signed petition with the signatures of ten property owners in the Benzel Addition to indicate their opposition of this zoning change. This petition contains the signatures of all the property owners within two hundred feet and others. Also included in the petition are David and Linda Tingle who originally expressed support of rezoning and now are against it. The

good residents of this neighborhood pay their taxes, keep their property in good condition, respect each other's privacy, are productive members of this community and do not want this property used for commercial purposes. The property of 927 and 929 W. Birge are currently zoned residential and should remain that way. Why should we be subjected to having this property inappropriately zoned commercial just to bail a bank out of a piece of property it got because it made a bad loan. I ask you to support this neighborhood and its residents by denying this zoning request."

Lavonda Lavender, 1003 Short Lane, Sherman, TX

Ms. Lavender explained her house is on the corner of Short Lane and Birge; "I see the property that is for sale off my front porch. I'm opposed to the business due to the traffic, late at night we see people over there, we see drug exchanges, this was going on when the property was open, now that it is closed, the trash in the parking lot; it blows into our yard. I have concerns if it becomes a convenience store along with the laundry mat, the hours it might stay open if there is no limit to when it would close. The sale of beer and wine is a concern, there are children, not specifically on our street but there are lots of kids on the streets behind us, teenagers, my concern is that. We would like for it to stay residential just to keep the neighborhood a neighborhood."

Chairman Hicks asked what they would like to see there, would they prefer a vacant building.

Ms. Lavender explained "I could accept if it just stayed the laundry mat, if it was kept nice, the previous owner, the last one was not, they would walk through the trash in the parking lot and not even pick it up; the neighbors would go pick up the trash. The convenience store; I'm totally against it, I don't like that the building is vacant, but I don't like it being a convenience store that might be open 24/7 with constant traffic in our neighborhood, it's a cul-de-sac so it is easy to just make a loop, it would just cause constant traffic on our short street. There a lot of people that lived there for many years, they are older, most of them have grandchildren that come to see them and it is not going to be safe, that is another issue."

Mr. Lowell felt Mr. Baig would take everything that they said into consideration. "I personally used the laundry mat and dry cleaners when it was open and it stayed a real nice business to me. I didn't see any drugs or people walking around; it just stayed busy, it was a good business and when they closed down, people had to go elsewhere to wash their clothes because there are a lot of low income people that depended on that washateria, but I am sure he will take everything into consideration, he wants to protect his safety and family as well, I'm sure he will do everything he could to protect that."

Commission Member Kreck asked about the convenience store; “what do you plan on selling at the convenience store.”

Mr. Baig said “it would be a regular convenience store, food, drinks, snacks, candy and try to get beer and wine too. The hours would probably be during the week 6 a.m. – 11 p.m. and weekends 6 a.m. to midnight. In the beginning, the laundry mat will be coin operated. The laundry mat will not be open as long of hours as the convenience store. The plan is to open the laundry mat first and the convenience store later.”

Commission Member Barton asked about the emissions from the dryer vents.

Ms. Mathieu explained “the dust, the vapors from the dryer sheets; there are nineteen vents facing Short Lane. The vents emit fumes, vapors; we can’t have our windows open in our house anymore.”

Chairman Hicks explained he drove by there and the vents discharge from the roof.

Ms. Lavender explained “there is something from the side, it is on the bottom, and I don’t know if it is steam or if it comes from the dry cleaning machine in there.”

Ms. Mathieu explained “its condensation coming out of the building, its hot, you can’t touch it.”

Chairman Hicks’ concern was that “you mentioned there are people in the neighborhood that miss the laundryman, they would support the laundry mat but all we have here is opposition; I’m not seeing anyone here in support of the request. We’ve got 32% of the people within two hundred feet that are opposing the laundry mat.”

Mr. Lowell explained “the investment that he is looking at is that it stayed busy, I don’t know anyone getting hurt or getting sick of some of the things that she mentioned, he is a businessman and that is basically what he saw, that it stayed busy, it stayed packed, it was busy; it was a good business. From what I understand, the previous owner got sick and passed away, it was always a busy business; it was good for the community. It has been about a year now since the business closed down.”

Vice-Chairman Gilbert explained “the primary concern is there is a building here constructed and used as a business in the past, it feels like it has been grandfathered in as commercial zoning although it hasn’t, but at the same time it is in a residential neighborhood and directly affects several neighbors that are adjacent to the property that have voiced their concerns. At the same time, a dilapidated

structure adjacent to their property might be a concern as well than an operated business.”

Commission Member Kreck explained “it comes down to whether or not we are going to enforce the ordinances we put in place, it seems like a growing trend in the last several months, we have just been granting exceptions and we get more and more opposition and this is a zone change that could be even more drastic.”

Scott Shadden explained “a zone change will allow anything that is permitted in that zoning district, in this case a C-1 (Retail Business) District, any retail business; it is pretty wide open; you could not put restrictions on a zone change.”

No other citizens appeared before the Planning and Zoning Commission to discuss the zone change and site plan.

Letter were received from:

David & Linda Tingle, 1012 Short Lane, Sherman, TX

“Use to be a convenience store here before. Looking forward to both being open.”

A petition was received protesting the zone change:

Kelly Flowers and Nancy Aiken Mathieu, 1008 Short Lane

David Tingle, 1012 Short Lane

Olan Bullard, 1020 Short Lane

John Franklin, 1024 Short Lane

Rich Hayes, 1028 Short Lane

Opal Kirk, 1005 Short Lane

John Kirk, 1009 Short Lane

Clem Lavender, 1003 Short Lane

ACTION TAKEN.

Motion by Commission Member Barton to deny the zone change. Second by Commission Member Kreck.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND DUTTON.

VOTING NAY: NONE

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST DID NOT CONFORM TO THE INTENT OF THE ORDINANCE.

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF L&DB PARTNERSHIP (OWNERS) AND DARREN K. PULS (TENANT) CONCERNING THE PROPERTY AT 901 E. PECAN STREET, BEING THE SOUTH 68’ OF LOTS 1-4, BLOCK 17, CHAFFIN’S 1ST ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW USED AUTOMOBILE SALES IN A C-2

**SUP & SITE PLAN –
USED AUTO SALES
901 E PECAN
(L&DB PARTNERSHIP)**

(GENERAL COMMERCIAL) DISTRICT.

Darren K. Puls, 1509 E. Magnolia, Sherman, TX

Mr. Puls appeared to represent the request and answer any questions. The property is located at 901 E. Pecan Street; the northeast corner of Pecan and Willow Streets. In 1983, an exception was granted to allow a 12' canopy setback in lieu of the required 21'. In the past, the property has been used as a gas station and a tire and wheel business.

Mr. Puls explained he would like to sell used automobiles at this location, "it is zoned commercial and used to be a hub cap shop, tire shop and gas station at one time." He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks asked Mr. Puls if he had spoken to Mr. Shadden about the canopy poles out in front.

Mr. Puls explained "I will do something to cover the poles to meet the masonry requirement and the tree ordinance. I have not owned an auto sales business before, I am jumping in feet first, but I have owned a paint contractor business since 1989, I learned that, so I can learn this."

Chairman Hicks asked if he would be doing auto repair.

Mr. Puls explained "it may be very minor repair like a starter or alternator, I don't plan on having cars that I have to pull engines or transmissions or anything like that, if I do I will bring it to a mechanic, mostly just detail, minor stuff, water pumps, starters, alternators or batteries, there is not a garage at this location. I plan on having 18 cars on the lot and installing a pipe guard rail on the lot. Hours of operation are going to be Monday thru Friday 9 a.m. to 5 p.m. and 8 a.m. to 2 p.m. on Saturday."

Mr. Shadden explained "it was not addressed in the Staff Review Letter but we need to make sure there are no outside repairs or storage of dismantled vehicles, wrecks, parts, tires or displays are allowed."

Chairman Hicks explained one of the concerns was increased traffic.

Mr. Puls said "I hope so, I want to sell cars. It's pretty busy there already; if you stand there for five minutes, fifty cars will go by."

No other citizens appeared before the Planning and Zoning Commission to discuss the Specific Use Permit and site plan.

Letters were received from:

Temple of Hope, Faith & Grace, 823 E. Pecan, Sherman, TX
"We the Temple of Hope, Faith & Grace Church do not

agree that a car lot be allowed to do business at 901 E. Pecan St. in Sherman, Texas. This lot is located across the street, east of our church. This is a very busy corner and this would only increase traffic.”

Larry Scruggs, 816 E. Pecan, Sherman, TX

“ I strongly disagree on putting a car lot at this location. This is a busy intersection and is the main route for school buses. The lot is too small and cars will be parked all over the street. We have gotten a new park in the area, and people are remodeling their houses. I have built a house across the street, and I feel that the last thing that we need is a car lot at this location. I have included names of people who stay in the area, that feel the same way.”

Larry Scruggs, 816 E. Pecan
Lillie Lucas, 1024 E. Pecan
D’Ashley & Natasha Edmonson, 808 E. Pecan
Bobbie Adams, 802 E. Pecan
James Etta Walker, 908 E. Pecan

ACTION TAKEN.

Motion by Commission Member Kreck to approve the Specific Use Permit and site plan to used automobile sales subject to the Staff Review Letter and no outside repairs or storage of dismantled vehicles, wrecks, parts, tires or displays are allowed. Second by Commission Member Gilbert.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND DUTTON.

VOTING NAY: NONE

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

(RENEW) TEMPORARY USE PERMIT

THE REQUEST OF CHARLES E. ANDERSON (OWNER), BRAD TRAVIS (TENANT) AND JOHN LEBLANC (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1400 WEST TAYLOR STREET, BEING A 1.6890 ACRE TRACT IN THE J. B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS;

BOARD OF ADJUSTMENTS

(RENEW) TEMPORARY USE PERMIT UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4) TO ALLOW A HAUNTED HOUSE FROM SEPTEMBER 20TH THROUGH OCTOBER 31ST, 2013 IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT, R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AND C-1 (RETAIL BUSINESS) DISTRICT.

**TUP - HAUNTED HOUSE
1400 W. TAYLOR
(BRAD TRAVIS)**

John LeBlanc, 221 W. Texas, Sherman, TX

Mr. LeBlanc appeared to represent the request and answer any questions. The property is located at 1400 West Taylor

Street across from Fairview Park; it was formerly the Anderson Slaughterhouse. Temporary Use Permits to allow a haunted house were granted in 2007-2010 and 2012.

The applicant would like to open a haunted slaughterhouse, September 20th thru October 31st, 2013. Outside loud speakers will not be used. They had seen the Staff Review Letter and would abide by the Recommendations.

Mike Walthall, 609 Madison Place, Sherman, TX

Mr. Walthall explained he did not have anything against the haunted house, “it’s just the property itself, it looks like the building should be condemned, it looks like a dangerous building for people to go into, it is a fire hazard and the property is always trashy and junky on the outside; it is an eyesore for the City of Sherman. If you do approve it maybe make it a condition they clean the property up first to make it look nice and if they inspect the building to make sure it meets code because it doesn’t look like it meets code at all.”

Commission Member Barton explained “it is part of the Staff Review Letter that they meet City Codes and Fire Codes.”

Mr. Shadden explained “we will do a walk thru to make sure it will be safe and not injure anybody.”

Mr. Walthall explained “it has a lot junky things around it, cars and everything; it is kind of an eyesore for the City of Sherman being right across from Fairview Park.”

No other citizens appeared before the Planning and Zoning Commission to discuss the Temporary Use Permit.

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the Temporary Use Permit to allow a Haunted House from September 20th through October 31st, 2013 subject to the Staff Review Letter. Second by Commission Member Barton.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND DUTTON.

VOTING NAY: NONE

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

EXCEPTIONS & SITE PLAN

THE REQUEST OF WASHINGTON 1417 JOINT VENTURE (OWNERS) BROOKSHIRE GROCERY COMPANY (PROSPECTIVE BUYER), JIM FANCHER (ARCHITECT/REPRESENTATIVE), BALLARD & BRAUGHTON ENGINEERING (ENGINEERS) AND SUMMIT SURVEYING, INC. (SURVEYORS) CONCERNING THE PROPERTY AT 1123 & 1125 N. F.M. 1417 (HERITAGE PARKWAY), BEING 7.431 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(N) (1) TO ALLOW A 448 SQUARE FOOT WALL SIGN IN LIEU OF THE PERMITTED 300 SQUARE FEET IN C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (FM 1417) OVERLAY DISTRICT.
- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8.1, SUBSECTION (10) TO ALLOW A 240 SQUARE FOOT FREESTANDING SIGN IN LIEU OF THE PERMITTED 65 SQUARE FEET IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (FM 1417) OVERLAY DISTRICT.
- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1B) TO ALLOW PREFINISHED METAL INSULATED PANELS IN LIEU OF THE REQUIRED MASONRY ON A PORTION OF THE NORTH, A PORTION OF THE SOUTH AND ALL OF THE EAST SIDE OF THE COMMERCIAL BUILDING VISIBLE FROM THE FRONT STREET RIGHT-OF-WAY IN A C-1 (RETAIL BUSINESS) DISTRICT/ O-1.1 (FM 1417) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR BROOKSHIRE'S FOOD, PHARMACY & FUELING STATION

Jim Fancher, Director of Design & Construction, Charles Merrell, Director of Real Estate and Brian Ballard, Civic Engineer, Brookshire's Grocery Co., 430 E. Front St., Tyler, TX,

Mr. Fancher, Mr. Merrell and Mr. Ballard appeared to represent the request and answer any questions. The property is located at 1123 and 1125 N. FM 1417 (Heritage Parkway); the southeast corner of FM 1417 (Heritage Parkway) and Washington Street. The property was zoned a C-1 (Retail Business) District in 2006.

Mr. Fancher explained Brookshire Grocery Company is the prospective buyer of the property at the southeast corner of FM 1417 (Heritage Parkway) and Washington Street and would like to construct a 42,240 square foot grocery store with pharmacy and fueling station. The exterior finish on the building will be brick/stone veneer with EIFS (Exterior Insulation Finishing System) and pre-finished metal insulated panels; 214 parking spaces will be provided. They had seen the Staff Review Letter and would abide by the Recommendations.

1123 & 1125 N FM 1417
(HERITAGE PARKWAY)

EXCEPTIONS – SIGNS
& EXTERIOR FAÇADE

SITE PLAN –
BROOKSHIRE'S
GROCERY STORE

(BROOKSHIRE'S
FOOD, PHARMACY &
FUELING STATION)

Mr. Fancher explained “the first exception is for a wall sign and they believe all sign ordinances do not fit all. They have multiple businesses within our business; pharmacy, produce, bakery, deli, market and grocery store. The primary Brookshire Food & Pharmacy sign would make the three hundred square foot, but since the pharmacy drive thru is to the side, we would like to put this small box sign and a leaf logo that is our new corporate identity that brings it up to 440 square feet. The size of our building, the multiple businesses we have in the building and the fact that we are several hundred feet off the street that we ask for your consideration to be allowed to increase the square footage.”

Chairman Hicks asked if it was basically like the store in Pottsboro.

Mr. Fancher explained it was, but a little bit larger store to enhance service meats and seafood and to make a little more room in the aisles.

He explained “the exception for the freestanding sign is basically because Brookshire’s has so many letters in it; if it was shorter you could make a much bolder statement with a sixty-five square foot sign. The building will be located far off the street so the main reason for the larger sign is to locate the entrance to the store and to get the gas prices where they are legible on the sign; it would have a LED electronic message board to advertise specials and other announcements. The proposed sign would be twenty-nine feet tall and would be setback approximately forty foot from the front property line.”

Commission Member Kreck asked how close to the bridge on FM 1417 (Heritage Parkway) the sign would be located.

Mr. Fancher explained they are only taking a quarter of the tract at the corner of FM 1417 (Heritage Parkway) and Washington Street, so the property would be located approximately a quarter mile from the bridge.

Chairman Hicks asked Mr. Fancher to address the exterior façade.

Mr. Fancher explained “it is an elastomeric stucco finish; it is a paint product that has cement to give it more texture so that when you are at a distance it emulates the look of stucco or old time plaster, the difference is, it doesn’t crack, it doesn’t peel, it is a 30 or 40 year finish, it is a rubberized type product that we use and we have been using it successfully for over ten years. That allows us to use a sandwich metal panel that has insulation in the middle and finish metal skin on both sides; it gives us an “R” value of 19 on the walls, it is already prefinished on the inside, it is very energy efficient. We will be using a synthetic stone to appliqué with a wainscot on the bottom

on the rest of the building. The other part of our request is to be able to use the metal panels on the return side of the back wall of the building, technically by ordinance if the wall faces either side of the road it is supposed to be masonry.”

Chairman Hicks asked if they plan on spraying the metal with the stucco finish.

Mr. Fancher explained they do not plan to spray that portion.

Mr. Shadden explained he understood the sample that was submitted with the stucco finish would be on the portion of the building that did not have the masonry finish.

Mr. Fancher explained “the metal panel has a texture to it; it’s not just a flat metal like your metal building wall panel.”

Vice-Chairman Gilbert explained “the west bound traffic on Washington Street which is the east side of the building, wouldn’t it be highly visible, you would be looking at a metal exterior.”

Commission Member Kreck explained there is a tree line there blocking the view.

Mr. Fancher explained “they would also include the stucco finish on the fueling station canopy as well as the columns.”

Mike Walthall, 609 Madison Place, Sherman, TX

Mr. Walthall explained he lives across the highway in the Washington Place subdivision; he was not opposed to Brookshire’s coming to this location, but he was concerned with the lighted sign. “We do have a sign ordinance and spent a lot of time revising the ordinance, why should we let them put a big sign, which is huge compared to the sixty-five square foot allowed. The other Brookshire Grocery Stores in the surrounding areas are in a commercial area, there are no residential houses close by, in this situation, Washington Place, right across the street has hundreds of homes, so it’s kind of a problem with the neighborhood, lights flashing all the time. I wish you wouldn’t approve a big sign basically.”

Chairman Hicks explained there is an optional proposed sign in the packet.

Mr. Fancher explained “the sign would be perpendicular to the houses across the street so it would be facing the traffic coming and going down the main thoroughfare. We are offering no signage on the gas station canopy, but we could by the sign ordinance put a three hundred square foot sign or twenty percent of the canopy. We could put signage on the fuel center which would be facing the

houses across the street; that's our balance, our sensitivity. We want to be good neighbors, our preferred method might not be right, if this sign is not acceptable we could put a lower level sign, but we would still ask for more square footage, this would be 128 square foot and it is only 12 feet tall, it is a monument type sign."

Mr. Walthall explained "the larger marquee type sign will be seen by everyone in Washington Place when they are sitting on their back porch; it will be like bright lights flashing. We would be alright with the smaller sign."

Richard Thomas, 2007 Briarbrook Lane, Allen, TX

Mr. Thomas explained he use to live around the corner from this piece of property on Archer Drive. "I do have a small ownership interest in this corner. One of the issues we addressed when we bought this property and came before the City to get the commercial zoning was the possibility of light, because we knew from the very start this was a grocery corner. At one point, I personally went into Washington Place, spending a couple of nights looking at the lighting situation, looking between houses, the second and third streets over, I even took photographs at different points, because of elevations and where the sign might be, you can't see the lights across FM 1417 (Heritage Parkway); the lighting doesn't carry over. There were simulated lights, it was the 4th of July, fireworks were going off in the field and you couldn't see them, so we addressed that with City Council and it became a non-issue."

Mr. Fancher explained "we use low lights and box type lights in the parking lot for the safety of our customers and to be able to conduct business we will have parking lot lights and canopy lights on the fuel center."

Mr. Shadden explained they will have to be shielded so that they do not go into a residential area.

Mr. Fancher explained they will use the new LED type fixtures that focus down in the parking lot.

Chairman Hicks asked "if they would be open to the optional plan for their freestanding sign. He felt everyone wanted Brookshire's to come to Sherman and did not want a hundred square feet of sign to be a problem."

Mr. Fancher explained "they would, absolutely, that's why they offered the optional plan. We have been in business eighty-four years now and we want to be good neighbors and we plan to be around a while."

Steve Allen, 717 Madison Place, Sherman, TX

Mr. Allen explained the back of his house will face the proposed parking lot. "We want Brookshire's to come in but we don't think it is necessary to have the large

signage, traffic flow on FM 1417 (Heritage Parkway) will increase but the sign will not be so far back that you don't know there is going to be a Brookshire's there. We know what gas prices are going to be, you don't need big lettering to demonstrate or market it. If you can keep the signage and lights down I think you will make everyone happy."

Andy Olmstead, 12 Timber Creek, Sherman, TX

Mr. Olmstead explained "I'm a property owner on FM 1417 (Heritage Parkway) and Taylor Street that has a large building that has all four sides of stucco siding. The Overlay District has been reviewed many times, I encourage the Commission to look back at that and follow the rules that are in place. It addressed the signage, the type of material to use, it addressed setbacks and I encourage you to look at that. I'm certainly for Brookshire's, the Overlay District is there, I think what other people have to do; they should have to do as well. If you think back when Dollar General built, the ordinance was not in place, we have a three sided metal building, I don't think we want our City to look like that on FM 1417 (Heritage Parkway)."

Commission Member Kreck asked what they had planned for drainage.

Brian Ballard

Mr. Ballard explained "the property naturally drains to the south towards the creek, we are collecting drainage in front of the store and piping into the rear where we will have a detention pond as required by the City's drainage ordinance, it will discharge into the creek on the east side of the property."

Vice-Chairman Gilbert wanted to revisit the issue on the east side of the property that is just going to be the metal façade across the east side of the property. He was trying to get a visual of the building from west bound traffic on Washington Street. "Will the refrigeration units be exposed; will they be on the roof."

Mr. Fancher explained "there will be a zone there when you are looking down the back drive and you will see the back of the building. The refrigeration units will be on the ground in a fenced area in the back; it will be similar to the metal panels on the building, they will not be visible at all. The dock door will be faced away from the street."

Mr. Shadden asked how difficult would it be to put the nice finish on the back of the building.

Mr. Fancher explained "if it pleases the board they will go ahead and spray the whole back of the building."

No other citizens appeared before the Planning and Zoning

Commission to discuss the exceptions or the site plan.

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(N) (1) TO ALLOW A 448 SQUARE FOOT WALL SIGN IN LIEU OF THE PERMITTED 300 SQUARE FEET IN C-1 (RETAIL BUSINESS) DISTRICT/ O-1.1 (FM 1417) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the exception to allow a 448 square foot wall sign. Second by Commission Member Barton.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND DUTTON.

VOTING NAY: NONE

MOTION CARRIED

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8.1, SUBSECTION (10) TO ALLOW A 240 SQUARE FOOT FREESTANDING SIGN IN LIEU OF THE PERMITTED 65 SQUARE FEET IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (FM 1417) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Kreck to approve an exception to allow a 128 square foot, 12 foot tall monument sign. Second by Commission Member Gilbert.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND DUTTON.

VOTING NAY: NONE

MOTION CARRIED

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1B) TO ALLOW PREFINISHED METAL INSULATED PANELS IN LIEU OF THE REQUIRED MASONRY ON A PORTION OF THE NORTH, A PORTION OF THE SOUTH AND ALL OF THE EAST SIDE OF THE COMMERCIAL BUILDING VISIBLE FROM THE FRONT STREET RIGHT-OF-WAY IN A C-1 (RETAIL BUSINESS) DISTRICT/ O-1.1 (FM 1417) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Barton to approve the exception to allow elastomeric acrylic finish stucco panels on the north, south and east sides of the building. Second by Commission Member Kreck.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND DUTTON.

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

**SITE PLAN APPROVAL FOR BROOKSHIRE'S FOOD,
PHARMACY & FUELING STATION**

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the site plan subject to the Staff Review Letter. Second by Commission Member Barton.

**VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND
DUTTON.**

VOTING NAY: NONE

MOTION CARRIED

**THE COMMISSION FOUND THE REQUEST CONFORMS TO
THE INTENT OF THE ORDINANCE.**

(RENEW) TEMPORARY USE PERMIT

**THE REQUEST OF CHARLES E. ANDERSON (OWNER)
AND SHAWN DAVIS (APPLICANT) CONCERNING THE
PROPERTY LOCATED AT 1330 WEST TAYLOR STREET,
BEING 3.43 ACRES IN THE J. B. MCANAIR SURVEY,
ABSTRACT NO. 763, AS FOLLOWS;**

BOARD OF ADJUSTMENTS

**(RENEW) TEMPORARY USE PERMIT UNDER ORDINANCE
NO. 2280, SECTION 8, SUBSECTION (4) (A), TO ALLOW
THE OPERATION OF A SNOW CONE STAND MAY
THROUGH SEPTEMBER IN A C-1 (RETAIL BUSINESS)
DISTRICT.**

**TUP – SNOW CONE
STAND 1330 W
TAYLOR
(SHAWN DAVIS)**

Shawn Davis, 915 Western Hills, Sherman, TX

Mr. Davis appeared to represent the request and answer any questions. The property is located at 1330 West Taylor Street across from Fairview Park. In December 2010, the property was rezoned to a C-1 (Retail Business) District, but is still being used as residential, which requires approval for a Temporary Use Permit. This is a renewal for the snow cone stand that has been in operation at this location since 1999.

No other citizens appeared before the Planning and Zoning Commission to discuss the Temporary Use Permit.

ACTION TAKEN.

Motion by Commission Member Kreck to approve the Temporary Use Permit. Second by Commission Member Barton.

**VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND
DUTTON.**

VOTING NAY: NONE

MOTION CARRIED

**THE COMMISSION FOUND THE REQUEST CONFORMS TO
THE INTENT OF THE ORDINANCE.**

PLANNING & ZONING COMMISSION MINUTES – MAY 21, 2013

ADJOURNMENT

**On Motion duly made and carried, the meeting adjourned
at 7:00 p.m.**

ADJOURNMENT

CHAIRMAN

SECRETARY