

like to plat the property into one lot for industrial development. 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF WALT DERONDE (OWNER), GREG EDWARDS ENGINEERING SERVICES, INC. (ENGINEERS) AND COX LAND SURVEYING COMPANY (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 1800-1900 BLOCKS S. FM 1417 (HERITAGE PARKWAY), BEING LOTS 6 & 7, PARK PLAZA ADDITION CONTAINING 4.70 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS;

PLANNING & ZONING COMMISSION

REPLAT APPROVAL OF LOTS 6 & 7 OF THE PARK PLAZA ADDITION

REPLAT LOTS 6&7,
PARK PLAZA ADDN.
1800-1900 BLKS. S. FM
1417 (HERITAGE
PARKWAY)
(WALT DERONDE)

The property is located in the 1800-1900 Blocks S. FM 1417 (Heritage Parkway); the northeast corner of S. FM 1417 (Heritage Parkway) and Park Avenue. The owner would like to replat the property into three lots for commercial development. 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 WALT DERONDE (OWNER), GREG EDWARDS ENGINEERING SERVICES, INC. (ENGINEERS), COX LAND SURVEYING COMPANY (SURVEYOR) AND DRAWING THE LINE (ARCHITECTS) CONCERNING THE PROPERTY LOCATED AT 1821 S. FM 1417 (HERITAGE PARKWAY), BEING LOT 8R, OF THE REPLAT OF LOTS 6 & 7, PARK PLAZA ADDITION, AS FOLLOWS;

PLANNING & ZONING COMMISSION

SITE PLAN APPROVAL FOR DOLLAR GENERAL.

SITE PLAN – DOLLAR
GENERAL
1821 S FM 1417
(HERITAGE PARKWAY)
(WALT DERONDE)

The property is located at 1821 S. FM 1417 (Heritage Parkway) near the Pebblebrook subdivision. Dollar General would like to construct a 9,100 square foot brick retail center. The exterior will be brick and forty-four (44) 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.

EXCEPTION & VARIANCE

THE REQUEST OF COVENANT PRESBYTERIAN CHURCH (OWNERS) AND CHRIS SPINKS, NORTH TEXAS SERVICES (CONTRACTOR/REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 322 WEST PECAN STREET,

EXCEPTION &
VARIANCE – SIGN
322 W. PECAN
(COVENANT
PRESBYTERIAN

BEING LOTS 3-9, BLOCK L, BLACK’S ADDITION, AS CHURCH)
FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(I)(1) AND SECTION 6.4, SUBSECTION (1) TO ALLOW AN ADDITIONAL FREESTANDING LED MESSAGE SIGN FOR A TOTAL OF TWO FREESTANDING SIGNS, WITH A 20’ FRONT SETBACK IN LIEU OF THE REQUIRED 25’ IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

Todd Bass, North Texas Services, 4408 Texoma Parkway, Sherman, TX

Mr. Bass appeared to represent the request and answer any questions. The property is located at 322 West Pecan Street, the southeast corner of Pecan and Rusk Streets; Covenant Presbyterian Church is the owner. They would like to erect an additional 20 square foot, LED message board for their Community Center, 20’ from the front property line. Mr. Bass explained they have an existing sign in front of the Church at the corner of Rusk and Pecan Streets on a separate lot.

Scott Shadden, Director of Developmental Services explained “when the Community Center was constructed and connected to the main structure with a walkway, it made it into one property; that is the reason for the exception for the additional sign.”

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

ACTION TAKEN.

Motion by Commission Member Morgan to approve the exception and variance to allow an additional freestanding LED message sign for a total of two freestanding signs, with a 20’ front setback in lieu of the required 25’ in a C-1 (Retail Business) District/Central Business District. Second by Commission Member Kreck.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & VARIANCE

THE REQUEST OF SHERMAN GRAYSON HOSPITAL LLC AND TEXAS HEALTH PRESBYTERIAN HOSPITAL – WNJ (OWNERS), GRAYSON COUNTY HEALTH CLINIC (TENANT) AND TODD BASS, FASTSIGNS TEXOMA (CONTRACTOR/REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 1111 GALLAGHER DRIVE, BEING LOT 7, BLOCK 1, GLECKLER PLAZA, AS

EXCEPTION & VARIANCE - SIGN
1111 GALLAGHER
(SHERMAN GRAYSON HOSPITAL LLC & TX. HEALTH PRESBYTERIAN HOSPITAL – WNJ)

FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(I)(1) AND SUBSECTIONS (5)(A) & (D) TO ALLOW AN ADDITIONAL FREESTANDING SIGN FOR A TOTAL OF TWO FREESTANDING SIGNS, WITH A 3' FRONT SETBACK AND A 20' SIDE STREET SETBACK IN LIEU OF 25' REQUIRED IN A C-1 (RETAIL BUSINESS) DISTRICT.

Todd Bass, FASTSIGNS Texoma, 1916 N. Grand, Sherman, TX,

Mr. Bass appeared to represent the request and answer any questions. The property is located at 1111 Gallagher Drive, the northwest corner of Gallagher Drive and Calais Drive; Grayson County Health Clinic is the tenant. In 1974, the property was granted a zone change to a C-1 (Retail Business) District as well as a Specific Use Permit to allow a general hospital and related professional and medical facilities.

The property currently has an existing freestanding sign located at the entrance of the main building and the owners are requesting a second 32 square foot, free standing sign to be located 3' from the Gallagher Drive property line and 20' from the Calais Drive property line to direct patients to the proper building and entrance for the new Grayson County Health Clinic.

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

ACTION TAKEN.

Motion by Commission Member Kreck to approve the exception and variance to allow an additional freestanding sign for a total of two freestanding signs, with a 3' front setback and a 20' side street setback in lieu of 25' required in a C-1 (Retail Business) District. Second by Commission Member Barton.

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

VOTING NAY: MORGAN

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF KEN & LINDA ARNOLD (OWNERS) CONCERNING THE PROPERTY LOCATED AT 2941 OVERLAND TRAIL, BEING LOT 10R, BLOCK 1, O'HANLON RANCH ADDITION, PHASE 2, REPLAT LOTS 10 & 11, BLOCK 2, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION

**SUP – HAIR SALON
2941 OVERLAND TRL.
(KEN & LINDA
ARNOLD)**

(DENIED)

(5)(A) TO ALLOW A HAIR SALON IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Ken & Linda Arnold, 2941 Overland Trail, Sherman, TX,

Mr. and Mrs. Arnold appeared to represent the request and answer any questions. The property is located at 2941 Overland Trail, the northeast corner of Overland Trail and Silverado Trail in the O'Hanlon Ranch Addition. In 2012, an exception was granted to allow a 6' privacy fence above a retaining wall, being no higher than 5' and a variance to allow a 10' side street setback for a detached pool house in lieu of the required 25'.

In the early part of 2013, the Developmental Services Department received a complaint concerning a hair salon business ("Hair Art by Linda") being operated in a residential neighborhood at this address. After further investigation, a letter was sent March 18, 2013 to the owner of the property to cease operation of the business to be in conformance with the ordinances with the City of Sherman.

The owners are requesting to use the existing pool house as a hair salon; parking will be in the driveway.

Mrs. Arnold explained "I apologize in advance for not doing this in the right order for submitting the request sooner. Please know that I will gladly work with the board to comply with the City's zoning rules. My husband and I moved to Sherman last year and after buying our new home we decided to construct a small multi-purpose building by the pool in our backyard. We use the building as an exercise room and get-togethers with family and friends and also as a place that I can cut and color my family and friends hair."

"I have been a hair stylist for thirty-five years while living in Oklahoma and the clients that I had during that time have become very close personal friends. Even though moving to another State, my family and my friends have wanted to stay in touch and I have wanted to cut and color their hair. My intent is not to open a full-fledged salon or attract new customers, but only to keep doing the hair of a small group of my close personal friends. Once I was informed by the City that I needed to go through this permit process, I then went door to door to talk to my neighbors and introduce myself and listen to any concerns that they might have in regards to my business; ninety-nine percent of the neighbors said that they didn't even know that I had a business there and they signed a petition in order to support my business. I believe this shows that my small business has not adversely affected the neighborhood or the neighbors."

"As far as my business is concerned, I have no intentions of trying to grow it at all. I'm not taking any new clients, I

do not advertise or promote my business; I keep my clients or my friends to about ten per week. I only work three days a week, I've made sure to tell my clients that when they come to get their hair done to please park in my driveway and do not park on the street. I've worked hard to coordinate schedules to make sure I only see one person at a time. I'm not in the phone book, I have no signs and I'm not open to the public."

"Also I have my Texas State License to cut hair and the building that is being considered has been inspected by the Texas State Cosmetology Board and has passed that inspection. Overall, I want the board to know I love my new neighborhood; that is why it is important to me to talk to my new neighbors and to listen to any concerns that they might have about my business. The show of their support has meant so much to me, they signed my petition and I will continue to make sure that my business will remain very small with only my close friends and family and has no adverse impact on the neighborhood. Also, if there are additional steps I need to take to ensure the business has minimal impact on the neighborhood, I would be glad to take those steps. I appreciate my neighbors who support my business; I will work hard to maintain that support."

Chairman Hicks asked what hours she worked.

Mrs. Arnold explained she works three days a week, "Tuesday, Wednesday and Friday starting at 10:00 a.m. and finish between 5:00 and 6:00 p.m. A lot of times on Saturdays, unfortunately my family does come over, but it is just my kids to get their hair done, just something like that; it is not friends, but that is probably once a month. I would love to have every Saturday off but most of the time, my kids want their hair done."

Chairman Hicks asked how they access the building.

Mrs. Arnold explained "they park in the driveway, walk about five or six feet through a gate that goes into the backyard and walk straight back to the pool house. There is an entrance from the street, but it is not being used anymore; that way we keep people off the street, in the driveway coming directly to the side gate."

"I actually retired when I moved over here, but I had about forty friends that I see over a six week period; it averages out to about nine or ten people a week, that what I see."

Chairman Hicks explained they received several letters, "I noticed you have a petition from the neighbors that basically say they do not have a problem; there are several people that have sent letters that do have a problem with it. Some of them have questions about traffic, but it sounds like you don't have anyone parking on the street."

Mr. Arnold explained “not anymore, maybe in the very beginning; she has cut her business back about seventy-five percent. She’s got it down now to just a very small amount where she is only working those three days. They park in the driveway; she never overlaps the people, there is no waiting room, at the very most maybe three cars a day would be at our house throughout the day.”

Commission Member Olmstead asked Mr. Shadden about the deed restrictions, “because it states in the deed restrictions that there is not to be any businesses in that subdivision; how does that affect what we do.”

Mr. Shadden explained “that would be a civil matter. City approval would not waive the deed restrictions.”

Mrs. Arnold explained “in the deed restrictions it talks about being open to the general public which we are not; it makes it sound like a walk-up situation. When we call it a beauty salon, it’s actually, I want to do my family and a few friends hair.”

Commission Member Olmstead explained his opinion is “if you do one or fifty, you are still open to the public; you are charging money for what you are doing, so if it’s for the public, it’s a business.”

Commission Member Barton was concerned about “once you get the Specific Use Permit, does the City have any ability to police it to see if it is friends and family and not the public.”

Mr. Shadden explained “no; they would need a few more people.”

Commission Member Morgan explained “there are several retail centers where you could rent a space or building; is there some specific reason you don’t want to do that; obviously the convenience of home is nice.”

Mrs. Arnold explained “in the beginning when I first moved here, I did that. I have three new grandbabies, so I started taking off to take care of the babies and so I put it down on paper and as far as me renting a space it would cost me \$600 and then by the time I pay for my product use which would cost me \$1,000-\$1,200 a month; I have to make \$2,000 or \$1,800 a month. So with me only working three days a week, doing three people a day which is about all I do; I can’t make anything. Obviously, my family doesn’t even pay me anything, they just want to come over and get their hair done free and the few friends that I do; I can’t afford to go rent a place with me just working three days a week doing about three or four people a day; it just doesn’t pay. When I first moved to Sherman in 2011, we moved by my daughter to help her take care of the twins, I worked at Salons by Loy Lake, but when I wanted to cut back and just

take care of the babies three days a week because we got a new one too, so we have three under two years; so I take care of the babies the other days. It is so convenient to be able to walk out back.”

Appearing from the audience:

Thom Bolin, 2608 Silverado Trl., Sherman, TX

“I signed the petition not fully understanding what was being asked for, so my name is on there, but I’m not in favor of it. Once you open it up to one commercial business in there, what is it to stop the second, third or fourth; I’m not in favor of it.”

Larry & Mary Potts, 705 N. McKown, Sherman, TX

Mr. Potts explained they are building a house in the O’Hanlon Ranch Addition. “We chose this area because we thought it would be a very good neighborhood, we were assured of excellent zoning and I don’t feel this exception to zoning is going to help the neighborhood. There is some congestion here already and I feel like this just is going to add to the congestion; I am thinking about kids and people that just trying to walk down the sidewalk.” Mrs. Potts added “the homes are \$350,000 to \$375,000, it’s not cheap property and as it is now, there is not even room for their cars to park in the garage or on the sidewalk at the present. So as my husband said it is going to add to the congestion.”

Daniel Walter, 2905 Selalia Trail, Sherman, TX

Mr. Walter explained he and his wife have two young children, the oldest is two old; they are sixteen months apart. “My wife and kids do like to go on walks. We had noticed this corner had seemed a bit congested and when we got the letter, a light bulb came on; so we are opposed to this as a young family that just moved here in May and do not want commercial businesses operating in our neighborhood. My wife and I request the zoning board deny the request and not allow commercial businesses to operate in our neighborhood and to let the commercial businesses happen in areas of the City that have been zoned and planned accordingly.”

Dr. David Foster, 2901 Sedalia Trl., Sherman, TX

Dr. Foster was against the request. “My concerns are with the traffic congestion in the area. I have noticed the cars being parked in the driveway as they mentioned when they made the request. I have seen a car parked at the same time in front of the residence on Overland Trail and this creates a blockage for the line of site for those trying to make a left-hand turn onto Overland Trail to get to FM 1417. I’ve had to hit the brakes quickly several times to avoid being hit by a car coming around the one that was parked there. I’m concerned about the amount of traffic in the area with my neighbor’s children; we have grandchildren coming to visit, this is a concern of ours as well. I’m also concerned about the integrity with the zoning

in the area, when we bought a house in the area this year there; our understanding was it would be residential only and if this request is granted, I wonder if that sets a precedent then for other requests and who knows what type of businesses and what traffic in addition might be generated. I would ask that you deny this request.”

Sue Raush, 2617 Riata, Sherman, TX

Mrs. Raush explained her and her husband Doug just wanted to say “ditto and etc. We are definitely opposed to this for the good reasons these people have gotten up and told you, so I don’t think there is any need for me to repeat them.”

Mr. Arnold explained “I totally understood their concerns, the traffic was the main concern at the very beginning in February 2013 when the first complaints came in; that’s when we took action to avoid that. There are times there are cars parked in front of my house but they are either our cars or there one of the kids dropping off some grandkids; every house has people that park out in front of their house, so I’m not going to apologize for that.”

Mrs. Arnold explained “a lot of the traffic that was parked in front of the pool house entrance had nothing to do with my business; it was construction workers vehicles that were building homes in the area. Every person that comes to see me parks in my driveway and walks through my gate. There are other people out there that have home businesses, I don’t know that it is exactly the same thing but I’m not the only person out there that has a little home business.”

Commission Member Kreck asked the address of another home business.

Mrs. Arnold explained “I did not want to get into that.”

Commission Member Kreck asked “who runs it.”

Mrs. Arnold could not say.

Vice-Chairman Gilbert explained “the underlying principle here as both a member of the Planning and Zoning Board and a developer in the area is not the fact that you want to cut friends hair or your family’s hair and not even so much the amount of traffic that is generated in the area; it’s more of the precedent and the integrity of the subdivision. The fact that it has gotten to this point to where you have to come to the Planning and Zoning Board for a Special Use Permit has meant that the business is too big or that there has been someone in the area which doesn’t like it or for whatever reason not appreciated it. So when it gets to this point to ask for a Specific Use Permit in a residential neighborhood, it’s very difficult to do that because there are neighbors and families in the subdivision that have to

abide by the ordinances and deed restrictions that are in place. Not only that, there are more lots to be developed and more houses to be sold in the area with these same deed restrictions. It is a little bit more than just the additional cars being there or cutting friends and family's hair; that's not a problem, the problem is that you have had to come before the Planning and Zoning Board to get a Specific Use Permit.

Mr. Arnold explained "that is correct, but out of all the signatures we got, thirty something signatures, there were only three that knew what was going on, and I don't know that any of these fine people that came up if they even knew before the zoning sign went up. It was one of those deals that we were so non-intrusive, but I'm just telling you from that standpoint."

Vice-Chairman Gilbert explained "with all due respect, I'm not trying to create an enemy or to end a friendship. If there is just one person that deed restrictions are in place to protect those people's rights and it doesn't matter if there are fifty people or one person. If there is one person against it, then that's the reason the deed restrictions are in place."

Mr. Arnold understood that; "that's why we are asking for the Specific Use Permit."

Mrs. Arnold explained "I did not know how to go about doing it, so I was just doing it and when I talked to Mr. Shadden, he said that is how I should go about doing it, so then that is when I tried to do it correctly because I didn't know how to do it. As far as other people, you were asking me other people, I won't say who else has a business out there, I know that there are some, but I wouldn't do that. Just because someone complained about me, doesn't mean I'm going to complain about somebody else and make somebody else's life hard; I'm not going to do that."

Commission Member Barton asked "if the Specific Use Permit were granted; it wouldn't be for friends and family only; we would be opening it up to the public."

Mrs. Arnold asked "if it could be for friends and family only."

Vice-Chairman Gilbert explained "if there is a monetary transaction involved."

Mrs. Arnold explained, "so I could cut my friends and family for free. So I can do them all and they can come for free."

Vice-Chairman explained "right, as long as there is not a business there. A business is defined by payment for services."

Mrs. Arnold, “Hmm.”

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

Letters and emails were received from:

David Sprowl, 2603 Silverado Trail, Sherman, TX

“I urge P&Z to turn down this request. A residential business is not conducive to a neighborhood like this one. This is why places like Big Apple exist. I am unable to attend the meeting, however, I will call those members that I know. Are there further steps that I should take? It is disappointing to know that they have been operating in violation of city code. This obviously would degrade the integrity of the neighborhood and have a negative effect on property values. Additionally it sets a bad precedent. I am strongly opposed to any residential business in an R-1 neighborhood.”

Mukesh & Bhavana Sheth, 2928 Overland Trl., Sherman, TX

“We object strongly to zoning change. This is a good residential area and we would like that way. No business should start in the middle of neighborhood. We strongly oppose.”

Dean Gilbert, Jr., 801 E. Taylor, Sherman, TX

“I am in receipt of notice that application has been made to allow a beauty shop to operate at O’Hanlon Ranch Addition. As you are aware, I represent the interests of DGR Development Group, Ltd and Dean Gilbert, Inc. who are the developers of O’Hanlon Ranch. Please know that I adamantly oppose that use in this neighborhood. In addition, please know that such use (even if approved by the City of Sherman) would be contrary to private deed restriction that limits the property to residential use and which specifically prohibits commercial and/or business activity.”

Howard Brandon, 2509 Sedalia Circle, Sherman, TX

“Mr. Shadden, according to the legal notice printed in the Sherman Democrat, dated October 6, 2013, a request has been made by the owners of the residence at 2941 Overland Trail to operate a commercial business in a residential district. Being a resident of the O’Hanlon Ranch Addition, I wish to file my objection to this request being approved and granted. According to the Declaration of Covenants, Conditions, and Restrictions made on September 28, 2007 and filed by DGR Development Company with Grayson County, document # 2007-00024301 under Prohibited Activities, item # 4.17 states that “No professional, business, or commercial activity to which the general public is invited shall be conducted on any lot”. Please maintain O’Hanlon Ranch area as a residential area only.”

Michael & Michelle Ross, 2508 Sedalia Circle, Sherman, TX

“We are objecting to the Planning and Zoning request at 2941 Overland Trail, Lot 10R, Block 1, O’Hanlon Ranch Addition, Phase 2, Replant Lots 10 & 11, Block 2, Ken & Linda Arnold (Owners). As per our deed restrictions, Section 4.17 Prohibited Activities: No professional, business, or commercial activity to which the general public is invited shall be conducted on any lot. Our main concern is the traffic situation. This home is located on the corner of one of the main thoroughfares into/out of the subdivision. There are already several cars parked outside of this property on a daily basis, creating a safety hazard. Adding a business will only worsen this situation.”

Larry & Lynda Cruise, 2910 Butterfield Trail, Sherman, TX

“A hair salon in an R-1 (One Family Residential) District is an inappropriate use. We would hope the P&Z Commission would deny this request. There are ample facilities in properly zoned districts to accommodate this use.”

William & Cassie Disch, 2509 Silverado Trl., Sherman, TX

Mr. and Mrs. Disch had no objections to the request.

Leslie & Lieuen Boyington, 2506 Silverado Trail, Sherman, TX

“This is absurd. Increase traffic, depreciation of property values. This residence continues to operate a salon after being cited by the City for operating a retail business in a residential neighborhood. I can’t believe they could even apply for a permit in the first place for a rezoning permit. Do they have a tax I.D. and a permit in the State of Texas to run a salon? No to the rezoning of this property. This does not only effect houses within 200 foot, it also effects anyone living in this area who have children that ride bike's within a several blocks of this residence, asking for a zoning change to have a hair salon on their property. It will be just a matter of time a child will be riding his or her bike down the street facing traffic and will have to turn into the opposite lane to pass a parked car and be hit head-on by an oncoming car, causing injury or death, due to cars parked on Overland Trail or Silverado Trail. This I believe was the purpose of having a divided street where Overland Trail is zoned for retail property. IT IS JUST A MATTER OF TIME AND NOT WHEN THIS WILL HAPPEN. I know because I live across the street. So, if this residence and the ZONING COMMISSION WANT TO HAVE THIS BURDEN ON THEIR SHOULDER'S, I WOULD HATE TO WALK IN THIER SHOES.”

Randy & Kim Yarbrough, 2920 Overland Trail, Sherman, TX

We are the owners of the property at 2920 Overland Trail, O’Hanlon Addition. We purchased this property with the covenants stating the addition would not allow a business to be conducted in a residence. Should this be granted we will pull our permits for construction and relocate our new building location. We have constructed two prior homes in

this addition because of the restrictions in the covenants making this an attractive housing addition to reside in. Please stop any residence wanting to conduct a business in this addition.”

ACTION TAKEN.

Motion by Commission Member Kreck to deny the request.
Second by Commission Member Barton.

VOTING AYE: HICKS, MORGAN, BARTON, KRECK, GILBERT, SCHEIBMEIR AND OLMSTEAD.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF SHERMAN ECONOMIC DEVELOPMENT CORPORATION (OWNERS), WT BROGDON, SOUTHEASTERN FREIGHT LINES, INC. (APPLICANT), DAVID MOLLENKOPF (ARCHITECT), SCHWOB BUILDING COMPANY, LTD (CONTRACTOR), WIER & ASSOCIATES, INC. (ENGINEERS/LAND PLANNERS) AND UNDERWOOD DRAFTING & SURVEYING, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 3209 NORTHGATE DRIVE, BEING 13.771 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV, SECTION 410(2)(J) FOR SOUTHEASTERN FREIGHT LINES IN THE BLALOCK INDUSTRIAL PARK.
- EXCEPTION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(M) TO ALLOW ARCHITECTURAL PANELS FOR SOUTHEASTERN FREIGHT LINES IN LIEU OF MASONRY OR FACTORY FINISHED METAL PANELS IN THE BLALOCK INDUSTRIAL PARK.
- EXCEPTION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(I) TO ALLOW OVERHEAD DOORS, LOADING DOCKS, AND TRACTOR AND DOLLY PARKING FACING NORTHGATE DRIVE IN THE BLALOCK INDUSTRIAL PARK.
- EXCEPTION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(L) TO ALLOW A CHAIN LINK FENCE ON THE PROPERTY LINE IN LIEU OF 100' SETBACK REQUIRED ON THE WEST SIDE AND ON THE PROPERTY IN LIEU OF 55.7' SETBACK REQUIRED ON THE NORTH SIDE IN THE BLALOCK INDUSTRIAL PARK.
- EXCEPTION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(G)(1) TO ALLOW A 74' FRONT LAWN, LANDSCAPE AND GREEN AREA IN LIEU OF THE 100' REQUIRED IN THE BLALOCK INDUSTRIAL PARK.

**SITE PLAN – SE
FREIGHT LINES, INC.**

**EXCEPTIONS –
EXTERIOR FINISH,
LOADING DOCKS,
FENCE SETBACK
LANDSCAPE & GREEN
AREA
3209 NORTHGATE DR.
(SEDCO)**

Scott Connell, SEDCO, 307 W. Washington, Sherman, TX and Micah Davenport, Schwob Building Company, LTD, 2349 Glenda Lane, Dallas, TX,

Mr. Connell and Mr. Davenport appeared to represent the request and answer any questions. The property is located at 3209 Northgate Drive off FM 1417 West in the Northgate Business Park.

Southeastern Freight Lines operates as a commercial less-than-truckload (LTL) freight carrier. The facility will operate as a freight transfer facility where freight from inbound trucks is offloaded onto the dock area. It is then transferred and loaded into outbound trucks for delivery.

Southeastern Freight Lines would like to construct a 15,433 square foot freight carrier facility. The exterior will be brick masonry at the office portion of the terminal with factory finished PEMB reverse rolled R-panel walls along the dock portion. Due to the orientation of the building the "front" of the building does not face Northgate Drive. A landscape berm along Northgate Drive will be constructed to limit the line-of-sight from the roadway; the side of the building facing the street is only partially visible. They will provide 193 parking spaces and erect a chain link fence around the facility.

Mr. Davenport explained Southeastern Freight Lines is currently leasing a small facility in town and they would like to expand their operations. "We are asking for the same leniency that was granted for the same type business adjacent to the proposed building; FedEx Ground."

Commission Member Olmstead asked Mr. Connell if the cul-de-sac would be going away and if Northgate Drive would be extended.

Mr. Connell explained they would extend the road out, the cul-de-sac portion of the road is not in the platted properties, so the new plat begins right before you get to the cul-de-sac, so the entrance to the property will come off what is currently the cul-de-sac; the property line will be right where the cul-de-sac begins.

Commission Member Olmstead explained "so there is potentially another business across the street."

Mr. Connell explained that was correct.

Commission Member Olmstead explained "that was my point, so when you talk about sides, it may not be a side, maybe today, but it may not be to the business next door."

Mr. Connell explained "correct, as far as the project, we will extend the road."

Mr. Davenport explained "the panels that they are

proposing to use are a reverse rolled “R Panel”, it is much more attractive having the fluted look on the outside. The FedEx Ground Facility next door has used pre-engineered panels on the outside of their facility, they don’t have a brick or masonry façade on theirs either, they have panels out there, they may be textured or embossed panels, but they are metal panels on the adjacent FedEx Ground facility as well. A lot of the exception requests are based on precedents of the adjacent facility; it might just be in the same park or having the same exact business model.”

Commission Member Olmstead asked if they had seen the textured panel, where they put the metal panel up and paint it to give it a stucco look; “are you familiar with that product.”

Mr. Davenport stated he was. “There are several different options to go with these panels, coming before you guys, of all the things that we are asking for; this obviously is the least important to me. The stuff that we do have to get approved with a lot of the other exception requests really would hinge upon the property; the applicant proceeding with the purchase of this property and development as it’s proposed. It’s critical to the operations facility on the rest of these matters. We’ve got a large easement running on the right side of the property that has impacted the way we have oriented the building; it has impacted our pavement layout, our storm drain, several different issues that have come up because of this. Believe me, the issues that come up tonight, if we have to make an exception or bend a little bit on the panel type finish, this is the least of my concerns up here, but I thought I would ask on behalf of the client in using the adjacent facility as a precedence for this point.”

Mr. Shadden explained “FedEx Ground went by the Blalock Ordinance with a few exceptions, using metal on the loading docks; the front of the building is architectural metal panels.”

Mr. Davenport explained “the panels are an “R” type panel but they are reversed rolled.”

Mr. Shadden asked “if you could get the other exceptions you would probably be ok with putting a stucco type finish on the panels or some other panels.”

Mr. Davenport explained “absolutely.”

Chairman Hicks asked Mr. Davenport about the loading docks.

Mr. Davenport explained “the orientation of the site forces us to face them to Northgate Drive; the loading docks need full access around the building in order to facilitate future growth. We have had to shift our detention pond to the back of the site to work around the easement. The loading

docks facing the street are absolute critical to us operating out of this location, there is no way around to change the building to work on this site, so that would be pretty much a deal killer to move forward to develop this site.”

“We have a landscape plan to develop along the site where we will build up berms along Northgate with trees and landscaping along Northgate and in front of the building. They build and nice facility and it will be very well maintained.”

Commission Member Olmstead asked Mr. Connell if Sherman Economic Development Corporation (SEDCO) had any issues with any of the requests.

Mr. Connell explained no.

No other citizens appeared before the Planning and Zoning Commission to discuss the site plan or exceptions.

ACTION TAKEN.

Motion by Commission Member Olmstead to approve the site plan for Southeastern Freight Lines and grant the exceptions with the condition the metal panels have a stucco finish and subject to the Staff Review Letter. Second by Commission Member Morgan.

VOTING AYE: HICKS, MORGAN, BARTON, KRECK, GILBERT, SCHEIBMEIR AND OLMSTEAD.
VOTING NAY: NONE
MOTION CARRIED

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:23 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY