

VARIANCES, EXCEPTION & SPECIFIC USE PERMIT

THE REQUEST OF EDGAR WAYNE MCCARLEY (OWNER), PETER KAVANAGH, ZONE SYSTEMS (REPRESENTATIVE), VERIZON WIRELESS (PROPOSED TENANT) AND WEBB SURVEYING, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 304 U.S. HIGHWAY 82 WEST, BEING 0.1056 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (15)(C) TO ALLOW A 125' MONOPOLE ANTENNA IN LIEU OF THE PERMITTED 70' PERMITTED IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (5)(A)(1) TO ALLOW A 20' FRONT SETBACK IN LIEU OF THE REQUIRED 150' FRONT SETBACK FOR A 125' MONOPOLE ANTENNA IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (15)(C)(1)(II) TO ALLOW A 48' REAR SETBACK FROM THE SOUTH PROPERTY LINE IN LIEU OF THE REQUIRED 400' FROM ANY RESIDENTIAL ZONED PROPERTY FOR A 125' MONOPOLE ANTENNA IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (15)(C)(1)(IV) TO ALLOW A 100' SIDE SETBACK FROM THE EAST PROPERTY LINE IN LIEU OF THE REQUIRED 125' MINIMUM SETBACK EQUAL TO THE TOWER HEIGHT FROM ANY PROPERTY LINE FOR A 125' MONOPOLE ANTENNA IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (5)(A) TO ALLOW A 15' FRONT SETBACK IN LIEU OF THE REQUIRED 40' FOR AN EQUIPMENT SHELTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.
- EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (5)(A) AND SECTION 7, SUBSECTION (13)(B) TO ALLOW AN 8' MASONRY WALL STRUCTURE TO SURROUND THE MONOPOLE, EQUIPMENT SHELTER AND GROUND MOUNTED EQUIPMENT 2' FROM THE FRONT PROPERTY LINE IN LIEU OF THE REQUIRED 40' IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

VARIANCE – 125'
MONOPOLE ANTENNA

VARIANCE – FRONT
SETBACK - ANTENNA

VARIANCE – REAR
SETBACK

VARIANCE – SIDE
SETBACK

VARIANCE – FRONT
SETBACK –
EQUIPMENT SHELTER

EXCEPTION &
VARIANCE – 8' WALL
ON PROPERTY LINE

SUP – MONOPOLE
ANTENNA FACILITY

304 U.S. HWY. 82 W.
(EDGAR WAYNE
MCCARLEY)

(DENIED)

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW 125' MONOPOLE ANTENNA FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82)

OVERLAY DISTRICT.

Peter Kavanagh, Zone Systems, 1620 Handley, Ste. A, Dallas, TX

The property is located at 304 U.S. Highway 82 West, the southwest corner of Highway 82 and Hickory Street; the property has two buildings on the tract as well as a billboard. The property was zoned a C-2 (General Commercial) District in 1979 and is located in the O-1 (75 & 82) Overlay District. In 2010, the property was granted a Specific Use Permit to allow a digital billboard as well as a variance to allow a 25' front yard setback for the billboard. In 1994, an exception was granted to not require a screening device between the C-2 (General Commercial) District and R-1 (One Family Residential) District.

Mr. Kavanagh explained “Verizon Wireless proposes to locate a 125 foot monopole antenna on Mr. McCarley’s property. Mr. McCarley’s office, the grey brick building is located on the west side of where the monopole antenna is proposed sharing the same property as his office. Most people want to know, wisely so, why in the world do we have to be where we are asking to be. Verizon Wireless attempts to provide the best coverage it can, in order to do that, we have to get antennas up in the air so people’s phones will work. What we try to do when possible, is locate our antennas on an existing structure if there is a structure available to us where we need to be. The closest antenna to this location is located at the Police Station, downtown; we have one southwest at West Washington Street and another on Highway 82 East.”

“What we are proposing to do is simply put up a little pole that will hold our antennas up and provide a better service than they have now, in the middle of our area, in the west side so to speak. This antenna will serve everybody now what they expect it to do; work inside your houses. Everybody here knows someone that no longer has a land-line, they depend on their mobile phones, but they also depend on them to work inside buildings. Our intent is to put more and more antennas up to get the signal into people’s homes and into the buildings. The location of this pole will solve a big problem in the middle of the service area so that the people in that area will have a lot better service inside their homes and whatever they are downloading on their phones.”

“This is a typical monopole, it is basically a stick with a rack of antennas on the top, kind of like a highway light with the big rack of lights on the top; that is what it will look like. The monopole will be 125' tall and the equipment at the base of the pole will be surrounded by a grey wall to match Mr. McCarley’s office; it will be an 8' masonry wall. Access will be from an existing driveway on his property. We are asking you to approve a crazy number of variances, but that is the problem you have when you try to put a

stick up in the air to provide an antenna to the area; there are a lot of limitations that the code has, the code is anticipating buildings and apartments; none of those things really are a part of what a telephone site needs; we just need to put a stick up in the air and get antennas up in the air, if there was already a church there we could put our antennas on the steeple and move on, but there is nothing there; that's why we have to erect a new pole for our antennas to serve that area." They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks was concerned with the amount of variances required for the monopole antenna, "how far up in the air would the 125' monopole be." He asked if there were any other sites that would meet their needs.

Commission Member Thorpe asked how tall the billboard is that is located on the same property.

Scott Shadden, Developmental Services Director responded "I believe 50'."

Commission Member Thorpe explained elevation wise; that is probably one of the highest points in Sherman.

Mr. Kavanagh explained "the elevation is 799' above sea level for this site. The location of antennas is a strong issue, it would be nice to just put one big tall tower and cover the whole city, but what happens is, these antennas broadcast a limited distance, you don't want them broadcasting too far, where they interfere with two antennas down the road, what you do is, you reuse the same signal over and over again in the community; that is why these things are 125' tall, not 100' tall; you go out to West Texas they are 300' tall and they are 8-10 miles apart, because you are in a more urban setting, they are shorter and covering less area; a shorter antenna will work, but it will not work as well; that is why a lot of people have to walk outside to get a signal, that is the problem with your antenna being too far away."

Mr. Shadden asked "that is, if you just have one, but if you have several antennas that will comply with the ordinance you will get the same coverage?"

Mr. Kavanagh responded "that is correct, if you built antennas all over the city."

Chairman Hicks explained he had a lot of obstacles to get past, "one being in the Overlay District; that is a pretty tall structure in the Overlay District, is the elevation what you are shooting for at this location. The property behind this property is zoned an R-1 (One Family Residential) District, so it is developable; they could build homes there. What is the optimum spacing you are looking for tower to tower?"

Mr. Kavanagh explained they are shooting for the relationship to other antennas.

Mr. Shadden asked “if they had a 70’ tower at this site and you could fill in the blanks with lower towers around that; is that correct?”

Mr. Kavanagh explained “we have not done a 70’ tower in a long time; the problem is the antennas send a signal and they are going through trees and buildings to get through the tallest tree, the lower you put the antenna, the more your signal has to go through to get to the final point; if you put the antenna up higher, you are only going through people’s roofs; 70’ is not something we are going to consider, it is just too low for it to work.”

Mr. Shadden added “there are alternative ways to get coverage without having all these exceptions.”

Mr. Kavanagh explained “my first thought was, we could move back into the oil field, it’s single family, it’s off the highway, it seems to fit, it’s not an inconvenience to everybody, I can assure you if this stick is a problem and it is just a stick, we’re going to be back because everybody in the city is going to expect their phone to work whether ya’ll approve my request or not; it’s that simple, and we will continue to pursue a site darn close to this if this doesn’t work, because Verizon is committed to providing service to the community.”

Commission Member Gilbert was concerned with the height of the structure and the proximity to the residential property to the south and the future growth to the City.

No other citizens appeared before the Planning and Zoning Commission to discuss the variances, exception or Specific Use Permit.

BOARD OF ADJUSTMENTS

ACTION TAKEN.

Motion by Commission Member Thorpe to deny the request for the variances and exception. Second by Commission Member Gilbert.

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

VOTING NAY: KRECK

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW 125’ MONOPOLE ANTENNA FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Barton to deny the Specific Use Permit to allow a monopole antenna. Second by Commission Member Thorpe.

VOTING AYE: HICKS, BARTON, THORPE, GILBERT DUTTON, SCHEIBMEIR AND OLMSTEAD.

VOTING NAY: KRECK

MOTION CARRIED

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

RENEW TEMPORARY USE PERMIT

THE REQUEST OF WALTER M. COLE (OWNER) CONCERNING THE PROPERTY LOCATED AT 1802 EAST HOUSTON STREET, BEING LOTS 1 & 3, BLOCK 16 OF THE CHRISTIAN COLLEGE ADDITION AS FOLLOWS;

BOARD OF ADJUSTMENTS

(RENEW) TEMPORARY USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4)(A) TO ALLOW A SNOW CONE STAND IN A C-1 (RETAIL BUSINESS) DISTRICT.

TUP – SNOW CONE STAND
1802 E. HOUSTON
(WALTER M. COLE)

Walter Cole, 1809 E. Lamar, Sherman, TX

Mr. Cole appeared to represent the request and answer any questions. The property is located at 1802 East Houston Street, the southeast corner of Houston and Carr Streets. The property is zoned a C-1 (Retail Business) District but is being used as residential. The snow cone stand has been at this location since 2008. He had seen the Staff Review Letter and would abide by the Recommendations.

ACTION TAKEN.

Motion by Commission Member Kreck to approve the Temporary Use Permit to allow a snow cone stand in a C-1 (Retail Business) District. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF MATTHEW & AMY JACKMAN (OWNERS) AND JASON SOFEY (GENERAL CONTRACTOR) CONCERNING THE PROPERTY LOCATED AT 4814 VIVALDI CROSSING, BEING LOT 5, BLOCK A, VISTA NORTE, PHASE I, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 5' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 11'8" FOR AN ATTACHED GARAGE ADDITION IN AN R-1 (ONE FAMILY

VARIANCE – SIDE SETBACK
4814 VIVALDI CROSSING
(MATTHEW & AMY JACKMAN)

RESIDENTIAL) DISTRICT.

Jason Sofey, 116 W. Lamar, Sherman, TX

Mr. Sofey appeared to represent the request and answer any questions. The property is located at 4814 Vivaldi Crossing in the Vista Norte subdivision off Fallon Drive.

Mr. Sofey explained “the owner would like to construct an attached two-story, two-car garage addition, 5' from the side property line. They had looked at doing a detached garage and could meet the ordinance maintaining the same 5' side yard setback as long as we set it back 6' from any structures. Atheistically, we didn't feel that was as conducive to the neighborhood, cost-wise it is a little bit more also, so we came up with a plan to keep it all under one roof to maintain what is going on in the neighborhood. It will follow the existing roof line, adding on the back and north sides of the house. The garage door will face the street but it will set back roughly where the existing corner of the house is now. The existing garage is a “J” entry garage, it is on the front of the house; this one would be in the back. Both lots on the sides of this lot are vacant; the lot to the east, which is nearest to the addition, is in the cul-de-sac on Verdi Lane and will have its back yard to the addition. There is a two-car garage on the existing home; but more garage space is needed for the growing family. The existing setback for the house right now is 11'8”, which is 10% of the lot width. 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 variance.

ACTION TAKEN.

Motion by Commission Member Kreck to approve the variance to allow a 5' side yard setback for an attached garage addition in an R-1 (One Family Residential) District. Second by Commission Member Gilbert.

VOTING AYE: HICKS, BARTON, THORPE, DUTTON AND OLMSTEAD.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & SPECIFIC USE PERMIT

THE REQUEST OF JUST BLW3, LLC (OWNER), JUST BRAKES (TENANT), WADE TODD, NATIONAL SITE SOLUTIONS (REPRESENTATIVE) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 1305 N. SAM RAYBURN FREEWAY, BEING 0.40 ACRES IN THE J.B. MCANAI SURVEY ABSTRACT NO. 763, AS FOLLOWS;

BOARD OF ADJUSTMENTS

**EXCEPTION - PARKING
SUP – AUTOMOTIVE
REPAIR
1305 N. SAM RAYBURN
FRWY.
(JUST BLW3, LLC)**

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW SEVEN (7) OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED ELEVEN (11) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW AUTOMOTIVE REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT.

Wade Todd, National Site Solutions, PO Box 33, Georgetown, TX

Mr. Todd appeared to represent the request and answer any questions. The property is located at 1305 N. Sam Rayburn Freeway between Evergreen and Sycamore Streets. Just Brakes is requesting a Specific Use Permit to allow an automotive repair business and an exception to allow seven parking spaces in lieu of the required eleven at this location.

Mr. Todd explained “this building was built forty-five years ago; it has been an automotive service facility since it was constructed. During a time when Just Brakes was going through a sales transition, the facility was closed and that necessitates the Specific Use Permit in order to reopen. A number of years ago, before we acquired the property, there was a right-of-way taking and that reduced the size of the parcel, so we are limited to what we can do as far as adding more parking. We do have parking in the bays; it is a six bay facility in addition to the seven parking spaces on the lot. Just Brakes typically has four or five employees working at one time. 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 exception or Specific Use Permit.

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW SEVEN (7) OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED ELEVEN (11) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the exception to allow seven off-street parking spaces in lieu of the required eleven. Second by Commission Member Kreck.

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

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW AUTOMOTIVE REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Olmstead to approve the Specific Use Permit to allow automotive repair in a C-2 (General Commercial) District. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF SHEPHERD RD SHERMAN PARTNERSHIP (OWNERS/MINERAL RIGHTS OWNERS), TAYLOR CHARBONNET, SILVER CREEK OIL & GAS, LLC (REPRESENTATIVE) AND MICHAEL BLAKE BROWN, TOPOGRAPHIC LAND SURVEYORS (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 5600 BLOCK FARMINGTON ROAD, BEING 76.54 ACES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765, AS FOLLOWS:

**SUP – OIL/GAS WELL
5600 BLK. FARMINGTON
RD.
(SHEPHERD RD.
SHERMAN
PARTNERSHIP)**

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW THE DRILLING OF AN OIL/GAS WELL (MUSTANG 2H) IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Commission Member Thorpe abstained from this request because of a conflict of interest.

Robert Minshew, 206 W. Belden, Sherman, TX

Mr. Minshew appeared to represent the request and answer any questions. The property is located in the 5600 Block Farmington Road off FM 1417 West. Silver Creek Oil & Gas is proposing to drill an oil well (Mustang #2H) at this location.

Mr. Minshew explained “the property is in an R-1 (One Family Residential) District but the well will be located south of the civilized area. The property is seventy-five acres and it is over a half a mile to the nearest home; so it shouldn’t have any residential complaints. Silver Creek Oil and Gas is fully aware of the drilling ordinance. They will

be drilling at a dept of 8,200 feet vertically.” 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.

ACTION TAKEN.

Motion by Commission Member Olmstead to approve the Specific Use Permit to allow the drilling of an oil/gas well (Mustang 2-H) in an R-1 (One Family Residential) District. Second by Commission Member Gilbert.

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

VOTING NAY: NONE

ABSTAIN: THORPE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF PAMELA HASSEBROEK (MINERAL RIGHTS OWNER), TAYLOR CHARBONNET, SILVER CREEK OIL & GAS, LLC (REPRESENTATIVE) AND MICHAEL BLAKE BROWN, TOPOGRAPHIC LAND SURVEYORS (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2900-3700 BLOCKS W. O.B. GRONER ROAD, BEING 143.993 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW THE DRILLING OF AN OIL/GAS WELL (CABO 2H) IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND C-1 (RETAIL BUSINESS) DISTRICT.

**SUP – OIL/GAS WELL
2900-3700 BLKS W. OB
GRONER RD.
(SHEPHERD RD.
SHERMAN
PARTNERSHIP)**

(TABLED)

Commission Member Thorpe abstained from this request because of a conflict of interest.

A letter was received from Daniel Driver, Craig S. Charbonnet, Inc. requesting to table the request until the April, 2014 Planning and Zoning Commission Meeting.

ACTION TAKEN.

Motion by Commission Member Olmstead to table the request until the April 2014, Planning and Zoning Commission Meeting. Second by Commission Member Barton.

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

VOTING NAY: NONE

ABSTAIN: THORPE

PLANNING & ZONING COMMISSION MINUTES – FEBRUARY 18, 2014

MOTION CARRIED

THE REQUEST WAS TABLED.

ADJOURNMENT

**On Motion duly made and carried, the meeting adjourned
at 5:58 p.m.**

ADJOURNMENT

CHAIRMAN

SECRETARY