



Planning and Zoning Commission Meeting to allow the owner time to meet with the Engineering Department. The property is located in the 500 Block Pleasant Home Road and 700 Block Riddels Road in the City of Sherman's extra territorial jurisdiction (ETJ). The owners would like to plat the property into (1) one lot for residential development.

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

**PRELIMINARY & FINAL PLAT – CONSENT AGENDA ITEM**  
THE REQUEST OF WEST CANYON CREEK ESTATES, L.P. (OWNERS) AND HARLAN LAND SURVEYING, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED IN THE 200-500 BLOCKS SHADY OAKS LANE, BEING 2.29 ACRES IN THE JAMES H. VADEN SURVEY, ABSTRACT NO. 1288, AS FOLLOWS:  
*PLANNING AND ZONING COMMISSION*  
PRELIMINARY AND FINAL PLAT APPROVAL OF WEST CANYON CREEK ESTATES, SECTION 1

PRELIMINARY & FINAL PLAT – WEST CANYON CREEK ESTATES, SECTION 1  
200-500 BLKS. SHADY OAKS LANE  
(WEST CANYON CREEK ESTATES, L.P.)

The property is located in the 200-500 Blocks of Shady Oaks Lane off West Lamberth Road; the property was formerly the County Farm, which was annexed into the City in 2003. In 2012, Preliminary and Final Plats were approved for Section 1 for seven lots; but the plat was never filed.

The owner has revised the preliminary and final plat by enlarging the lots and dividing the tract into five lots for residential development.

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

**PRELIMINARY & FINAL PLAT – CONSENT AGENDA ITEM**  
THE REQUEST OF WEST CANYON CREEK ESTATES, L.P. (OWNERS) AND HARLAN LAND SURVEYING, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED IN THE 200-500 BLOCKS SHADY OAKS LANE, BEING 4.163 ACES IN THE JAMES H. VADEN SURVEY, ABSTRACT NO. 1288, AS FOLLOWS:  
*PLANNING AND ZONING COMMISSION*  
PRELIMINARY AND FINAL PLAT APPROVAL OF WEST CANYON CREEK ESTATES, SECTION 2

PRELIMINARY & FINAL PLAT – WEST CANYON CREEK ESTATES, SECTION 2  
200-500 BLKS. SHADY OAKS LANE  
(WEST CANYON CREEK ESTATES, L.P.)

The property is located in the 200-500 Blocks of Shady Oaks Lane off West Lamberth Road; the property was formerly the County Farm, which was annexed into the City in 2003. This the second phase of the West Canyon Creek Estates Addition and the owner would like to plat the property into eight lots for residential development.

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

**VARIANCE**

THE REQUEST OF ABDEL LAKTIRI (OWNER) AND SARTIN AND ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 409 E. ODNEAL STREET, BEING 1.18 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AS FOLLOWS:

***BOARD OF ADJUSTMENTS***

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.7, SUBSECTION (1) TO ALLOW AN 8' CORRUGATED METAL SECURITY FENCE FOR A RECYCLING CENTER ON THE PROPERTY LINE ON A CORNER LOT IN LIEU OF THE REQUIRED 15' FRONT SETBACK AND 10' SIDE STREET SETBACK IN AN M-2 (HEAVY MANUFACTURING) DISTRICT.

**Abdel Laktiri, 617 Carriage House Lane E-3, Garland, TX**

Mr. Lakriti appeared to represent the request and answer any questions. The property is located at 409 E. Odneal Street; the northwest corner of Odneal and East Streets. The property is zoned an M-2 (Heavy Manufacturing) District and the owner is requesting a variance to allow an 8' corrugated metal security fence on the property line for screening a future recycling center. Mr. Lakriti explained "there is a large scale located at the northeast corner of the lot and he would like to have the scale inside the fence." He had seen the Staff Review Letter and would abide by the Recommendations.

Scott Shadden, Developmental Services Director explained "it appears from the survey that the scale is right up to the property line and the street, there is some street right-of-way between there and the edge of the pavement and that is what it is setting on; we can't grant him to go out on City right-of-way."

Mr. Lakriti explained "the survey is not correct, it shows the scale in the street but it does not look that way."

Mr. Shadden explained "he would need to talk to the surveyor about that; we couldn't change that here."

Commission Member Morgan asked if he could place the fence around the scale.

Mr. Shadden explained "you couldn't grant him anything beyond the property line."

Commission Member Scheibmeir explained "because of the City right-of-way, there wouldn't be the kind of visibility issues we could imagine if everything was at the corner of a street both ways; if safety was a criteria here; he's not at the street, he's at the property line."

Clay Barnett, Public Works and Engineering Director explained "Engineering did make a comment that we would be looking at visibility from East Street; that is a concern."

VARIANCE – FRONT &  
SIDE STREET  
SETBACK  
409 E. ODNEAL  
(ABDEL LAKTIRI)

(TABLED)

Chairman Hicks asked Mr. Lakriti if the material in the picture is what he actually wants to use for the fence.

Mr. Lakriti explained “I just took a picture of an example, but if it is not acceptable I could change it.”

Mr. Hicks explained “the material looks like it has holes all in it; I would prefer something newer.”

Mr. Lakriti responded “ok”.

Commission Member Thorpe asked if we have material requirements for a fence going up.

Mr. Shadden explained “what they have done on some of the others is a new “R” panel fence like the one on Lamar Street; they put it up several years ago; but it was new material and all the same color.”

Chairman Hicks had a concern with putting the fence on the property line; “I don’t think that is enough setback and I know what Alan is saying, that it is not really up on the edge of the street.”

Commission Scheibmeir explained “people have to be able to use the scale and so if we want to allow him to have his business there; he has to have access to the scale and they are at the edge of his property. Either we tell him no and he can’t have the business he wants, or we give him a variance.”

Commission Member Gilbert explained “this is only for the fence; he could hypothetically put a gate up to access the scale and leave the scale outside the fence.”

Mr. Shadden explained he may want to work on a traffic pattern, “how he is going to run the vehicles in, is he going to weigh them when they come in and weigh when they go out and they will be out in the street.”

Chairman Hicks explained if they grant it, “he couldn’t put the fence up on the property line anyway because it appears the scale is located over the property line.”

Mr. Laktiri explained “the survey is confusing because before I purchased the property, the owner said the property line goes right at the edge of the scale; the scale is inside the property line”.

Don Halling, Plant Manager ConAgra Foods, 408 E. Magnolia, Sherman, TX

Mr. Halling explained “this property is adjacent to ConAgra Foods property and the street that comes through adjoining his property and our property is a street that is not paved or accessible. My concern with a gate there is, we have 30-40 semi tractor trailers coming off of East

Street, turning right there at that corner, plus we have a railroad tract that crosses in the front as well, which I hit switches for flour once a day. I don't know what his traffic plan is, but I have concerns with visibility and obviously traffic flow. Not understanding what the front and side setback is; I'm a little bit concerned about that. More than welcome to have a neighbor, but I do have some concerns."

Chairman Hicks asked Mr. Laktiri if there was any way to move the scale.

Mr. Laktiri explained "the scale is too big and it would cost too much to move it."

Scott Shadden explained "if Mr. Laktiri could table the request and then come back with a traffic flow plan and the actual material the fence will be built out of; if the board turns it down you would not be able to come back for a year and you would have to pay the fee again."

Chairman Hicks asked Mr. Laktiri if he understood, "if the request was tabled it wouldn't cost any more money but if it is denied you will have to wait a year and pay the fee again."

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

**ACTION TAKEN.**

Motion by Commission Member Thorpe to table the request to allow Mr. Laktiri time to plan the route of the vehicles and determine the location of the fence and the scale. Second by Commission Member Gilbert.

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

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS TABLED.

**VARIANCE**

THE REQUEST OF CREED CANYON PARTNERS, LTD (OWNERS), MATTHEW LOONEY (REPRESENTATIVE), XTO ENERGY (APPLICANT), VILBIG & ASSOCIATES (ENGINEERS) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 4205 N. TRAVIS STREET, BEING 17.67 ACRES IN THE JOHN JENNINGS SURVEY, ABSTRACT NO. 647, AS FOLLOWS;

***BOARD OF ADJUSTMENTS***

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (10)(H) TO ALLOW A TEMPORARY GRAVEL DRIVEWAY FOR A PERIOD OF SIX MONTHS IN LIEU OF THE REQUIRED CONCRETE OR ASPHALT TO PROVIDE A

VARIANCE –  
DRIVEWAY  
4205 N. TRAVIS  
(CREED CANYON  
PARTNERS, LTD)

**DURABLE AND DUSTLESS SURFACE TO AN EXISTING OIL WELL IN A C-1 (RETAIL BUSINESS) DISTRICT.**

David Vilbig, Vilbig & Associates, 10132 Monroe, Dallas, TX  
Mr. Vilbig appeared to represent the request and answer any questions. The property is located at 4205 N. Travis Street, between Canyon Grove Road and Forest Creek Drive.

Mr. Vilbig explained Creek Canyon Apartments is currently under construction on the tract, which also has an existing oil well on the same property; the existing road to the oil well was removed to make way for the apartment complex. The owner would like to provide a temporary gravel driveway for a period of six months to the well. “The temporary drive will be used only to service the oil well which is fairly rare that they have to go in and do that. I am currently working on some layouts of potential commercial projects on that site so that they can market the property.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks asked if six months would be enough time.

Matthew Looney, 3930 W. FM 120, Denison, TX  
Mr. Looney felt six months would be plenty of time.

**ACTION TAKEN.**

Motion by Commission Member Thorpe to approve the variance to allow a temporary gravel driveway for a period of six months to an existing oil well in a C-1 (Retail Business) District. Second by Commission Member Gilbert.

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

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**EXCEPTION**

**THE REQUEST OF LAWRENCE & MARY POTTS (OWNERS) CONCERNING THE PROPERTY AT 2602 RIATA DRIVE, BEING LOT 4, BLOCK 2, O’HANLON RANCH ADDITION, PHASE 3, AS FOLLOWS:**

***BOARD OF ADJUSTMENTS***

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

**EXCEPTION – FENCE  
2602 RIATA  
(LAWRENCE & MARY  
POTTS)**

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

Mr. and Mrs. Potts appeared to represent the request and answer any questions. The property is located at 2602

Riata Drive between Overland Trail and Bandera Drive in the O’Hanlon Ranch Addition.

Mr. Potts explained “they are currently constructing a new home at this location and they would like to erect an 8’ privacy fence in the side yard. I’ve spoken to the neighbors on both sides of the lot and neither one of them have a problem with the fence.” 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.

**ACTION TAKEN.**

Motion by Commission Member Scheibmeir to approve the exception to allow an 8’ fence in the side yard in an R-1 (One Family Residential) District. Second by Commission Member Thorpe.

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

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**VARIANCE**

**THE REQUEST OF DGR DEVELOPMENT GROUP LTD (OWNERS) JOHN BRENNAN (PROSPECTIVE BUYER), AND LINCOLN GOLIKE, BLUESTONE PARTNERS (GENERAL CONTRACTOR) CONCERNING THE PROPERTY LOCATED AT 2526 SILVERADO TRAIL, BEING LOT 7, BLOCK 4, O’HANLON RANCH ADDITION, PHASE 2, AS FOLLOWS:**

***BOARD OF ADJUSTMENTS***

**VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 15’ FRONT SETBACK IN LIEU OF THE REQUIRED 25’ FOR A RESIDENTIAL DWELLING IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.**

**VARIANCE – FRONT SETBACK  
2526 SILVERADO TRL.  
(DGR DEVELOPMENT GROUP, LTD)**

**(DENIED)**

Commission Member Gilbert abstained from this request because a conflict of interest. Chairman Hicks appointed Commission Member Olmstead to the Board of Adjustments to replace Mr. Gilbert.

Commission Member Morgan left during this request at 5:47 p.m.

**Lincoln Golike, Bluestone Partners, 2913 Overland Trail, Ste. 100, Sherman, TX**

Mr. Golike appeared to represent the request and answer any questions. The property is located at 2526 Silverado Trail between Overland Trail and Sedalia Trail in the O’Hanlon Ranch Addition. A detention pond is located in the back of this lot and the owners are requesting a 15’

front setback to construct a new home.

Mr. Golike explained “the only part that is in front of the 25’ setback is 10’ of the garage, the house is actually setback 39’ for the majority of the house. We are actually increasing the square footage of the house by 400 square foot by setting it up this way. That is due to the detention pond in the back; the back of the lot as it gets more towards the south has a topographical drop off about 3-6 feet as it goes toward the detention pond; that is why we are going to have a retaining wall 9’ with a 12’ bank. Twenty eight percent of the lot is under water; that is why we want to push the house forward about 10’.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks explained “as you drive down the street and everyone is at a 25’ setback, it may look a little bit funny as the house all of a sudden sticks out. Is there any way you could redesign this house?”

Mr. Golike explained “no, the only way would to move it back and we would be moving it on top of the retaining wall; for the cost of this lot, there is really no other option.”

Commission Member Morgan asked if the retaining was already built.

Mr. Golike responded “no; it’s not built yet. On this property there is still 10’ in front of the property pin, from the sidewalk to the edge of the curb you have another 10’, so even though you have a 25’ setback; you’ve got 35’ to the edge of the pavement, so even if you move it up 10’ you still have 25’ from the street. You are not changing that much of the look of the land; it probably won’t be even recognizable and the house is setback at 39’ as well.”

Commission Member Gilbert asked “is all 10’ of the setback where the variance request needed”?

Mr. Golike responded “yes, because you would not have any backyard at all, from the edge of the back of the house to the retaining wall is only 9’5”.”

Chairman Hicks explained “where the retaining wall is at now looks like there is 12 more feet.”

Mr. Golike explained “that is basically the bank of the water, so it is somewhat of an over flow when the detention pond is full. You can’t move the retaining wall back without significant infill.”

Commission Member Scheibmeir explained “if you look on the other side of the street there is no way that the corner lot is 25’ from the house, the fence is like 10’ and I don’t

even know if it is 10', if you look at the corner of Silverado and Overland Trail. Even if you go down some of the other blocks, if it is the side it is still on a corner, but it is their side yard, there are others that don't meet the 25' setback."

Mr. Golike explained "there is a ten percent setback on the side."

Commission Member Scheibmeir explained "then the argument would be from an aesthetic standpoint you already got an encroachment on the 25' rule because of the close side yards."

Thom Bolin, 2608 Silverado Trail, Sherman, TX

Mr. Bolin explained he lives three lots down from the lot requesting the variance. "I would rather the house be back like the other houses are on that street than having something popping out at us when you are going down the street. I'm not in favor of it; I'm against it."

Mr. Golike explained "some of the concerns have been similar to that, they don't want it to come out, worried about property values; personally I think this is going to increase property values to have a lot that is not as usable of a lot to be able to be built upon and significantly nice house as well, you can see from the elevation that the front of the house does not look like a garage door sticking out there."

Commission Member Barton asked if the house plan had a three car garage.

Mr. Golike explained "it is a two car garage; 21'x24' garage."

Commission Member Thorpe asked if the detention pond was a certain size when the development started and it cannot be changed. "These lots go out in the middle of the retention pond. If he wanted to add a retaining wall and fill it in and go into that pond; does he have that right to do that."

Mr. Shadden explained "there is an easement across the back of the lot. He can go right up next to the easement but not into the easement."

Mr. Barnett responded "he is not permitted to do that. He is welcome to do whatever he likes out there as long as it can be subject to flooding; so if he wanted to put in playground equipment or something to that nature he could."

Mr. Golike explained "another concern is when you move the house up, you lose that open area, you lose that feel of the what the neighborhood is designed for, and the way the house is highlighted on this site plan, the way we have the house designed is 2,500 square feet versus if we

brought the house up all the way up across the setback, it is only 2,100 square feet for the full setback, so by designing this and even going over the setback 10', we are actually gaining 400 more square feet of open area that opens up the front of the house versus having a house that is straight across there. We are trying to accommodate neighbors that would have a concern with it, kind of closing down the neighborhood but not having enough room between the house and the street by pushing the house back and designing only the garage to be up in the front and opening up the whole front of the house."

Commission Member Barton stated "when the development was created, the developer dealt with these issues at the time knowing the setback and what size pond to put in."

Mr. Golike responded "yes, the road curves in right there and the pond curves in, so you get a squeezed lot; it is a development flaw, I guess if you want to say that, but that is why we are trying to work with that and build a nice house on it and continue the growth of that subdivision is the key."

Chairman Hicks explained "on house designs, people start working with architects and they fall in love with their designs, I understand that, but there is a lot of square footage in the first floor. It seems to me there is a way to design a house that would actually fit on this lot, that wouldn't require a setback variance."

Mr. Golike responded "we are definitely open to discussion on that, it is only 2,400 square feet downstairs, it is not necessarily a very monstrous house, so with the ten percent setback on the side and we have the house to the setback lines to the side and you can't really go back any further unless you put a one car garage, but you don't want to do that in this neighborhood."

Chairman Hicks explained "everyone out there has used every square inch of the lot, and a lot of that is the way modern day developments go. You have 3,000 square feet and almost 600 of it is upstairs; there is room to take some of your square footage and move it upstairs."

Mr. Golike explained "unfortunately, it is for a couple that is older than I am and most of the living area needs to be on the downstairs level."

Commission Member Scheibmeir explained "the alternatives are to change the design of the house, or he buys another lot, or we grant the variance. The only argument I would make to allow the variance would be when you drive through the neighborhood and you look at the side yards and how close they are to the street, the idea that this would compromise that rule by this amount,

it isn't a deal breaker other than the concern of the neighbor; we have to respect the concern of the neighbor. It's going to pay taxes; the City is going to benefit from that development and it is a unique lot that the probability of getting that kind of return for the City is going to be diminished, these are the things we are struggling with."

Commission Member Olmstead explained "not just one neighbor but two neighbors."

Mr. Golike explained "this lot has a contract on it that has design plans, we have a floor plan already laid out, everything has been done; we are literally waiting on the ok to proceed to build this house to continue to develop this development. From a City standpoint, there is a purpose of a setback and I understand that purpose and then you keep the neighborhood uniform and I understand the concerns of the neighbors as well, they don't want it to be an eyesore, one of the neighbors stated it would have a detrimental effect on property values. This neighbor said they vehemently oppose granting such a variance and I would have to disagree and I vehemently oppose not granting it to continue to develop this lot and this neighborhood."

Chairman Hicks explained "one thing is this street does curve a little bit right there so it is not like it is a straight street and you are looking down the street and everybody's setback and you got one that sticks out and then a bunch more back."

Thom Bolin asked "if the variance was granted, could they come back later and build the house out to the 15' setback."

Mr. Shadden responded "yes."

Mr. Golike stated "that would not happen; our intent is to only have that 10' of the garage in the front."

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

A letter was received from:

Mrs. Frankie Sprowl, 2603 Silverado Trail, Sherman, TX

"As a property owner of 4 lots within the 200' of the property variation request in question. It is inconsistent with the plan of this community, as it was intended. I feel that it would not only be an eyesore but, it would have a detrimental effect on property values of the adjacent properties. There is a purpose for uniform and consistent setback rules of residential dwellings, for which the request does not adhere to. The integrity of this community is very important. I, therefore, vehemently oppose granting such a variance."

**ACTION TAKEN.**

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

**VOTING AYE: BARTON, THORPE AND OLMSTEAD.**

**VOTING NAY: SCHEIBMEIR**

**MOTION CARRIED**

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

Mr. Golike asked the process to appeal the board's decision.

Mr. Shadden explained he would have to appeal to District Court.

Mr. Golike responded "I guess we will have to research that."

**SPECIFIC USE PERMIT & SITE PLAN APPROVAL**

THE REQUEST OF K INVEST (OWNER), SCOTT SANDERS (PROSPECTIVE BUYER), C&L NATURAL STONE (PROPOSED TENANT) AND HELVEY & ASSOCIATES SURVEYING, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 5208 TEXOMA PARKWAY, BEING 3.919 ACRES IN THE D.C. SHELP SURVEY ABSTRACT NO. 1097, AS FOLLOWS;

***PLANNING AND ZONING COMMISSION***

**SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A RETAIL NATURAL STONE FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT.**

**SUP & SITE PLAN –  
RETAIL NATURAL  
STONE FACILITY  
5208 TEXOMA  
PARKWAY  
(K INVEST)**

**Scott Sanders, 6400 Texoma Parkway, Sherman, TX**

Mr. Sanders appeared to represent the request and answer any questions. The property is located at 5208 Texoma Parkway between Fallon Drive and FM 691; the vacant lot south of Mrs. King's Kitchen.

C&L Natural Stone which is currently located at the corner of FM 691 and Texoma Parkway would like to move their business to this location. This location will be used for a natural stone facility consisting of various types of natural stone such as flagstone, chop stone and building stone that is used for landscaping, residential and commercial construction, swimming pools, waterfalls, patios and much more. There will also be a whole line of sands, gravels, mulches and soils. In addition, they will be able to obtain several new lines of natural thin veneer and the whole line of Pave Stone Products that will be in one easy to access location. They plan to construct a masonry retail building and provide twelve parking spaces for the stone facility.

Mr. Sanders explained he has been at his present location for thirteen years. "With the growth of the community and

everything that comes along with construction, landscaping and swimming pools, it is time for an expansion. This location is a perfect location for us with the rear access on Theresa Drive, it eliminates any issue with the truck traffic; they can come straight through the main concrete drive to the rear access on Theresa Drive; Latimore Materials probably has forty trucks that enter and exit there every day, it is a straight shot back to Highway 75.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks asked if they were proposing that all delivery trucks come in back off of Theresa Drive.

Mr. Sanders explained “they will actually come down FM 691, turn south on Texoma Parkway, enter the center of our facility and exit out the rear to Theresa Drive. They will turn left to go back to Fallon Drive or turn right to go back to FM 691.”

Mr. Sanders explained “the building will be two-tone stucco with a stone masonry façade on the bottom. All the stone on the building will be the same type of stone including the end-caps and the walls on the dumpster; it will all be uniform, not a collage of all the products I sell.”

“The retention pond will be in the lowest northeast corner of the lot. It is unfortunate it will be facing Texoma Parkway, but I believe I can build it in such a fashion that it will look nice, if I have to use natural stone around it or make it where it is a swell with permanent grass.”

Doug Grisham, address unknown

Mr. Grisham explained he was representing Gary Yost who owns property across the street. “They had originally written a letter with the respect of our concerns with the increase of truck flow in and out of that location and the dust was a big issue as well. Having talked to Scott Sanders, he came by and brought us information explaining that the large volume of the truck traffic will be coming in the back of the property and exiting off to Theresa, so we will not have all of that on Texoma Parkway in front of the building and he talked about the concrete and seal coat that he is going to use; we will not have the dust that we have at the present location. I am familiar with the situation at the present location, I’m pastor of the church that is right next door, and we have a tremendous amount of dust. Mr. Yost was also concerned with dust because it will blow right in front of our building. Mr. Sanders has addressed those issues with us and we do not feel that it is no longer a challenge with us after seeing his site plan, visiting with him and seeing that he will have the concrete and seal coat and the things he is doing, I think it will have the dust to a minimum, but the real concern was the heavy truck traffic coming out onto Texoma Parkway, but that is not what is happening, the

retail customers will come in and back out that way, but the commercial trucks will come in and out the back way; I think it is a good plan.”

Chairman Hicks asked about the granite chip seal; “is that where you put oil down and put granite stone on top of it.”

Mr. Sanders explained “it is like you see on a Farm-to-Market Road, it’s not asphalt, it’s not concrete, it’s a good solid chip seal, it’s got a six inch flex base underneath, you come back in with an oil coating and apply chipped granite over the top of it. That will go in between where the bin walls are because you are going to have fifty foot of concrete under the bins, where sand and gravel will be, twenty-four foot of that will be inside the bin, twenty-six foot will be on the outside. On the outside of that and the main inventory, will be the chip seal. Our biggest issue where we are right now is when forklifts and general car traffic drive across the lot, it creates dust, the rocks itself where they are sitting on the pallets do not create the dust. We are putting in the concrete drive because you can’t do asphalt having semis, it would never work, so we are going to do the main drive in concrete and a chip seal around the main inventory.”

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

Letters were received from:

Modern Exploration, Inc. 4900 Texoma Parkway, Sherman, TX

They wrote “Modern Exploration, Inc is not in favor of the zoning request of K Invest (Owner), Scott Sanders (Prospective Buyer), C & L Natural Stone (Proposed Tenant) and Helvey & Associates Surveying, Inc. (Surveyors) concerning the property located at 5208 Texoma Parkway.

1. We feel that the increase in the number of heavy trucks use to receive and deliver the stones will be a greater safety risk because of the size of vehicle to traffic by slowing down and turning onto Texoma Parkway.
2. An open display of stones will take away from the existing buildings and any business that is built on this lot should have architectural design that is equal to surrounding buildings.
3. Business being build along Texoma Parkway should have the same consideration as new business along Hwy 75. In that it adds to the look of Texoma Parkway and not takes way.
4. Modern has spent considerable money to remodel the former Red Lobster building that had been vacant and deteriorating for several years for our corporate headquarters office building.
5. This is the type improvement that should be

encouraged and made along Texoma Parkway.”

Armstrong McCall, 5213 Texoma Parkway, Sherman, TX

They wrote “Please be advised as a property owner, across the street to the property in question; we feel that the heavy increase in driveway traffic may well be significant safety hazard. The large volume of heavy trucks entering and leaving the proposed site will form a dangerous addition to the present heavy traffic in this area. We have also considered the increase in noise and heavy dust that comes from this type of operation. Our deep concern is the health issue that may be raised by this matter. We already have two stone locations on Texoma Parkway in our City at this time.”

**ACTION TAKEN.**

Motion by Commission Member Thorpe to approve the Specific Use Permit and site plan approval to allow a retail natural stone facility in a C-2 (General Commercial) District. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTIONS & ZONE CHANGE

THE REQUEST OF JAMES & SANDRA MAHON (OWNERS) AND SARTIN & ASSOCIATES, INC, (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 130 MISSION DRIVE, BEING 4.00 ACES IN THE JAMES M. HAMBRIGHT SURVEY, ABSTRACT NO. 538, AS FOLLOWS:

*BOARD OF ADJUSTMENTS*

- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(D) TO ALLOW EXISTING METAL BUILDING FINISHES IN LIEU OF THE REQUIRED MASONRY OR EQUIVALENT ON ALL SIDES OF ALL BUILDINGS VISIBLE FROM THE FRONT STREET RIGHT-OF-WAY IN A C-2 (GENERAL COMMERCIAL) DISTRICT.
- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (10)(H) TO ALLOW A GRAVEL DRIVEWAY AND PARKING LOT IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

*PLANNING AND ZONING BOARD*

ZONE CHANGE UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN RA- (SINGLE-FAMILY AGRICULTURAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT.

Jason Mahon, 1330 N. White Chapel Blvd., Ste. 200, Southlake, TX

Mr. Mahon appeared to represent the request and answer

EXCEPTION – EXTERIOR FAÇADE

EXCEPTION – DRIVEWAY & PARKING LOT

ZONE CHANGE – R-A TO C-2  
130 MISSION DRIVE  
(JAMES & SANDRA MAHON)

any questions. The property is located at 130 Mission Drive off U.S. Highway 82 West; west of FM 1417. The property was annexed into the City, October 24, 2011, as an R-A (Single-Family Agricultural) District.

Mr. Mahon explained “his parents have owned and operated the property since 1989 as a cabinet and woodworking shop until two years ago, there is another cabinet shop in there now.” They are considering selling the property and are requesting a zone change to get into compliance with the use. In addition to the zone change, they are requesting exceptions to allow existing building finishes on two existing buildings and to allow the existing driveway and parking lot to continue as a gravel surface. Mr. Mahon explained “you cannot see the property from the highway; that is why we are requesting the exception for the masonry requirement. As far as the gravel parking lot, the traffic is minimal, there are no properties past there; all the property is in front. All the adjacent properties have similar gravel driveways. There is no one that would be affected by the dust from a gravel driveway or parking lot; to the east is the back of Catching’s Tractor yard and to the south is Raborn’s Transmission Shop, it backs up to us, to the west is a house but it is not that close to us.”

Chairman Hicks asked about the drive that goes to these properties.

Mr. Mahon explained “Mission Drive is a private road that is paid for by the owners; it’s not a City street. The road has a layer of white rock, thin gravel, oiled and rolled. The owners maintain the road.”

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 exceptions or zone change.

A letter was received from:

Auto-Lec Rebuilders, 41 Mission Dr., Sherman, TX

“As a property owner in the same area, and in the same situation as the Mahon’s, I have no problem with granting exceptions to the listed ordinances. Since their building is at the end of what has always been a private road, which I, personally, have spent the most through the years to maintain, I see no reason for them to have to brick the building and pave the parking lot. I seriously doubt that the City has any intention of developing this area in the near future, so I doubt that a metal building at the end of a private road will be a detriment to the City’s long term goals. Therefore, I encourage the Planning and Zoning Board to grant all of James and Sandra Mahon’s exceptions to Ordinance Number 2280 at this time.”

***Board of Adjustments***

Exception under Ordinance No. 2280, Section 6.5, Subsection (5)(d) to allow existing metal building finishes in lieu of the required masonry or equivalent on all sides of all buildings visible from the front street right-of-way in a C-2 (General Commercial) District.

*and*

Exception under Ordinance No. 2280, Section 7, Subsection (10)(h) to allow a gravel driveway and parking lot in lieu of the required durable and dustless surface in a C-2 (General Commercial) District.

**ACTION TAKEN.**

Motion by Commission Member Olmstead to approve the request to allow existing metal building finishes in lieu of the required masonry or equivalent on all sides of all buildings visible from the front street right-of-way and to allow a gravel driveway and parking lot in lieu of the required durable and dustless surface in a C-2 (General Commercial) District. Second by Commission Member Barton.

**VOTING AYE: HICKS, BARTON, SCHEIBMEIR, THORPE AND OLMSTEAD.**

**VOTING NAY: NONE**

**MOTION CARRIED**

***Planning and Zoning Board***

Zone change under Ordinance No. 2280, Section 12, from an RA- (Single-Family Agricultural) District to a C-2 (General Commercial) District.

**ACTION TAKEN.**

Motion by Commission Member Thorpe to approve the zone change subject to the Staff Review Letter. Second by Commission Member Scheibmeir.

**VOTING AYE: HICKS, BARTON, SCHEIBMEIR, GILBERT, THORPE 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 6:05 p.m.

**ADJOURNMENT**

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CHAIRMAN

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SECRETARY