

STATE OF TEXAS §
 April 22, 2014
COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission and Board of Adjustments of the City of Sherman, was begun and held on April 22, 2014.

**MEMBERS PRESENT: CHAIRMAN DON HICKS
COMMISSION MEMBERS: GILBERT, BARTON, THORPE,
MORGAN, SCHEIBMEIR, DUTTON, KRECK AND OLMSTEAD**

MEMBERS ABSENT: NONE

CALL TO ORDER

Chairman Hicks called the meeting to order at 5:00 p.m.

CALL TO ORDER

APPROVE MINUTES

**The Planning and Zoning Commission reviewed the minutes of the March 18, 2014 Meeting. Motion by Commission Member Thorpe to approve the Minutes as written. Second by Commission Member Olmstead. All present voted AYE.
MOTION CARRIED.**

APPROVE MINUTES

APPOINT BOARD OF ADJUSTMENTS

Chairman Hicks appointed the members of the Board of Adjustments: HICKS, GILBERT BARTON, MORGAN, AND KRECK.

**BOARD OF
ADJUSTMENTS**

CONSENT AGENDA (ITEM 8)

Consent Agenda items are considered to be routine and non-controversial items. The Commission reviewed the Consent Agenda. Commission Member Morgan moved to approve the Consent Agenda, as presented subject to the Staff Review Letters. Second by Commission Member Kreck. All present voted AYE.

CONSENT AGENDA

THE COMMISSION FOUND THE REQUESTS CONFORM TO THE INTENT OF THE ORDINANCE.

**PRELIMINARY & FINAL PLAT – CONSENT AGENDA ITEM
THE REQUEST OF WALT DERONDE (OWNER), GREG EDWARDS ENGINEERING SERVICES (ENGINEER) AND COX LAND SURVEYING COMPANY (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2200-2300 BLOCKS PEGGEY’S COVE, 2200-2300 BLOCKS SOUTHRIDGE LANE AND THE 3400-3500 BLOCKS DARTMOUTH LANE, BEING 8.663 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:**

***PLANNING & ZONING COMMISSION*
PRELIMINARY AND FINAL PLAT APPROVAL OF
PEBBLEBROOK SOUTH, PHASE II**

**PRELIMINARY & FINAL
PLAT –
PEBBLEBROOK
SOUTH, PHASE II
2200-2300 BLKS
PEGGEY’S COVE, 2200-
2300 BLKS
SOUTHRIDGE LANE &
3400-3500 BLKS
DARTMOUTH LANE
(WALT DERONDE)**

The property is located in the 2200-2300 Blocks Peggey’s Cove, 2200-2300 Blocks Southridge Lane and the 3400-3500 Blocks Dartmouth Lane in the Pebblebrook subdivision off FM 1417 South (Heritage Parkway). The owners would like to plat the property into (46) forty-six lots for residential development.

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

TEMPORARY USE PERMIT

THE REQUEST OF GLENDA HUNTER (OWNER) CONCERNING THE PROPERTY AT 1803 E. MAY STREET, BEING LOTS 1 & 3, BLOCK 3, MILAN HEIGHTS ADDITION, AS FOLLOWS:

TUP - SNOW CONE STAND
1803 E. MAY
(GLENDA HUNTER)

BOARD OF ADJUSTMENTS

(RENEW) TEMPORARY USE PERMIT UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4) (A) TO ALLOW THE OPERATION OF A SNOW CONE STAND MAY THROUGH SEPTEMBER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Robert Hunter, 1814 E. May, Sherman, TX

Mr. Hunter appeared to represent the request and answer any questions. The property is located at the northeast corner of May and Ross Streets. This is a renewal for the snow cone stand that has been in operation at this location since 1998. He 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 Temporary Use Permit.

ACTION TAKEN.

Motion by Commission Member Kreck to approve the request to allow the operation of a snow cone stand May through September subject to the Staff Review Letter. Second by Commission Member Morgan.

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

VOTING NAY: NONE

MOTION CARRIED

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

TEMPORARY USE PERMIT

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

TUP- SNOW CONE STAND
1330 W. TAYLOR
(TRAVIS BACA)

BOARD OF ADJUSTMENTS

TEMPORARY USE PERMIT UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4) (A), TO ALLOW THE

OPERATION OF A SNOW CONE STAND MAY THROUGH SEPTEMBER IN A C-1 (RETAIL BUSINESS) DISTRICT.

Chairman Hicks moved item #15 up on the agenda.

Travis Baca, 802 W. Bells Blvd. Bells, TX

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

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

ACTION TAKEN.

Motion by Commission Member Morgan to approve the Temporary Use Permit to allow the operation of a snow cone stand May through September in a C-1 (Retail Business) District. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE

THE REQUEST OF TX CREI CORPORATION (OWNERS) AND ANDY BEEGHLY (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 927 AND 929 W. BIRGE STREET, BEING LOT 1 OF THE E.L. BENZEL ADDITION AND PART OF J.B. MCANAI SURVEY ABSTRACT NO. 763, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-O (OFFICE) DISTRICT.

**ZONE CHANGE – R-1
TO C-O
927 & 929 W. BIRGE
(TX CREI
CORPORATION)**

Andy Beeghly, 3114 Rex Cruse Drive, Sherman, TX

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

denied at the May 21, 2013, Planning and Zoning Commission Meeting; it was appealed to the City Council at the June 17, 2013 Meeting; the request was denied.

Mr. Beeghly explained he would like to change the zoning to a C-O (Office) District to be used as a real estate office in part of the building and rent the other section for a professional office. He had spoken to the neighbors and “they are supportive of the zone change to an office use rather than retail; no one is going to be loitering and there will not be a lot of traffic.” He had seen the Staff Review Letter and would abide by the Recommendations.

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the zone change from an R-1 (One Family Residential) District to a C-O (Office) District subject to the Staff Review Letter. Second by Commission Member Kreck.

VOTING AYE: HICKS, MORGAN, KRECK, OLMSTEAD, DUTTON, 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 WALMART R.E.B.T. (OWNERS), CMA ARCHITECTURE (ARCHITECT) CAROL COOK (REPRESENTATIVE) AND EVERAGE CONSULTANTS (SURVEYORS) CONCERNING THE PROPERTY AT 401 E. U.S. HIGHWAY 82, BEING LOT 1B, BLOCK 1, WALMART ADDITION, SECTION 1, REPLAT 1A & 1B, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(N) (1) TO ALLOW WALL SIGNS TO TOTAL 578 SQUARE FOOT IN LIEU OF 300 SQUARE FEET PERMITTED IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

EXCEPTION – WALL SIGNS
401 E. U.S. HWY. 82
(WALMART REBT)

Gretchen Gause, CMA Architecture, 1300 Summit Ave., Ste. 300, Ft. Worth, TX

Ms. Gause appeared to represent the request and answer any questions. The property is located at 401 E. US Highway 82, the northeast corner of US Highways 75 & 82; Walmart is the tenant. Walmart currently has wall signs totaling 550 square foot; they are proposing to add wall signs totaling 578 square foot. Ms. Gause explained they are doing some selective market signs and tire and lube signs. Over time the signs crack and need to be replaced; the only signs that will be lit are the “Walmart” sign.

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

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the exception to allow wall signs to total 578 square foot in lieu of 300 square feet permitted in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District. Second by Commission Member Morgan.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF BRIAN PARKS (OWNER) AND HELVEY & ASSOCIATES SURVEYING, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 1420 W. SHEPHERD DRIVE, BEING 11.206 ACRES IN THE C.S. DALE SURVEY, ABSTRACT NO. 356, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (10)(H) TO ALLOW A GRAVEL DRIVEWAY IN LIEU OF THE REQUIRED CONCRETE OR ASPHALT TO PROVIDE A DURABLE AND DUSTLESS SURFACE TO A GENERAL PURPOSE BARN IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**EXCEPTION –
DRIVEWAY
1420 W. SHEPHERD
(BRIAN PARKS)**

Brian Parks, 4707 Lotus Circle, Frisco, TX

Mr. Parks appeared to represent the request and answer any questions. The property is located at 1420 W. Shepherd Drive in southwest Sherman, between Farmington Road and U.S. Highway 75 South. Mr. Parks explained he would like to build a 40'x60' barn/workshop at this location and is requesting an exception to allow a gravel driveway to the building, which will be approximately 330 feet off the road. He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks asked what type of material he would be using for the road.

Mr. Parks explained he had not looked into the material yet, he was going for the approval first, but he would use the same type of gravel that is in the area now.

Chairman Hicks asked if he had spoken to the Engineering Department about the drive approach; “they will have some standards that you will need to follow.”

Mr. Parks explained he had not.

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

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the exception to allow a gravel driveway in lieu of the required concrete or asphalt to provide a durable and dustless surface to a general purpose barn in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Kreck.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF NEM CREED CANYON APARTMENTS, LP (OWNERS) AND JACK WHITWORTH (REPRESENTATIVE) AND R.C. MYERS SURVEYING LLC (SURVEYOR) CONCERNING THE PROPERTY AT 211 E. CANYON GROVE ROAD, BEING A 9.23 ACRE TRACT IN THE JOHN JENNINGS SURVEY, ABSTRACT NO. 647, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (5) & (13)(B) TO ALLOW A 23' SIDE STREET SETBACK FOR A 6' WROUGHT IRON FENCE WITH 7' MASONRY COLUMNS IN LIEU OF THE REQUIRED 25' IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

Jack Whitworth and Andre Nicholas, 420 Southfork Drive, Lewisville, TX

Mr. Nicholas and Mr. Whitworth appeared to represent the request and answer any questions. The property is located at 211 E. Canyon Grove Road; the northeast corner of North Travis and Canyon Grove Road, Creed Canyon Apartments is currently under construction at this location. An exception to allow a 6' wrought iron fence with 7' masonry columns was granted at the March 20, 2012, Planning and Zoning Commission Meeting with the condition of planting Nellie R. Stevens or Red Tip Photinias 3'-5' apart on the north side of the development adjacent to residential properties. The owners are requesting to locate the fence 23' from the Travis Street property line in lieu of 25' required.

Mr. Nicholas explained “we have an approved plan that has the apartment complex with a retaining wall with a wrought iron fence on top, but when we were pulling the permit for the fence, it was rejected because of the setback, so in order to protect anyone that is walking on top of the retaining wall that will not fall off, we have to have a fence.”

Chairman Hicks explained “it looks like part of the original

**VARIANCE – FENCE
211 E. CANYON GROVE
RD.
(NEM CREEK CANYON
APARTMENTS LP)**

approved site plan had the retaining wall drawn outside the setback.”

Mr. Nicholas explained “the back of the retaining wall is 22.76’ and the fence sits in the middle of it on top, which is 23.34’.”

Commission Member Olmstead asked if they put the retaining wall in place.

Mr. Nicholas responded “yes, we built the retaining wall and road.”

Chairman Hicks asked if they could go around the retaining wall.

Mr. Nicholas explained they could not put it on the bottom, “there is a road and it is useless on the bottom; because the retaining wall itself is 7’.”

Commission Member Barton asked if the retaining wall was 25’ back from the property line.

Mr. Nicholas explained “no, the back of it is 22.7’, the face of it is about 24.”

Chairman Hicks asked if he understood this right, “we approved the site plan and this was on the site plan, but when you went to get the permit for the fence, you realized it did not meet the ordinance. Is that not covered in the Staff Review Letter?”

Scott Shadden, Developmental Services Director explained “no.”

Commission Member Olmstead asked if the fence was proposed originally.

Mr. Nicholas explained “it has always been on the plans but a fence requires a separate permit, so when we went to apply for the permit; this was discovered.”

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

ACTION TAKEN.

Motion by Commission Member Morgan to approve the variance to allow a 23’ side street setback for a 6’ wrought iron fence with 7’ masonry columns in lieu of the required 25’ in an R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District. Second by Commission Member Kreck.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE

THE REQUEST OF GRAYSON COUNTY AIRPORT PARTNERS, REX GLENDENNING (OWNERS), TEAGUE NALL & PERKINS, CHRIS SCHMITT (REPRESENTATIVE) AND HELVEY & ASSOCIATES, INC, (SURVEYORS) CONCERNING THE PROPERTY LOCATED IN THE 5600-5800 BLOCKS N. FM 1417 (HERITAGE PARKWAY), AS FOLLOWS:

PLANNING AND ZONING BOARD

- **TRACT 1 - BEING 34.52 ACRES IN THE S.C. ROYAL SURVEY, ABSTRACT NO. 1047 - ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-A (SINGLE-FAMILY AGRICULTURAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.**
- **TRACT 2 - BEING 41.24 ACRES IN THE S.C. ROYAL SURVEY, ABSTRACT NO. 1047 - ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-A (SINGLE-FAMILY AGRICULTURAL) DISTRICT, C-1 (RETAIL BUSINESS) DISTRICT AND C-2 (GENERAL COMMERCIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.**

**ZONE CHANGE –
TRACT 1 – R-A TO R-2
TRACT 2 – R-A TO C-1
5600-5800 BLKS. N. FM
1417 (HERITAGE
PARKWAY)
(GRAYSON COUNTY
AIRPORT PARTNERS)**

Chris Schmitt, Teague Nall & Perkins, 200 N. Travis, Sherman, TX

Mr. Schmitt appeared to represent the request and answer any questions. The property is located in the 5600-5800 blocks of N. FM 1417 (Heritage Parkway); the southwest corner of N. FM 1417 (Heritage Parkway) and Grayson Drive (FM 691). The property was annexed into the City limits of Sherman at the September 9, 2013 City Council Meeting as an R-A (Single-Family Agricultural) District.

Mr. Schmitt explained the owners are requesting a zone change on two tracts; 34.52 acres to an R-2 (Multi-Family Residential) District and 41.24 acres as a C-1 (Retail Business) District. The site plans are conceptual and will require site plan approval before developing the property. They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks felt it was an interesting proposal for that area; “it is basically adjacent to the airport property, which is somewhat limited to use.”

Mr. Schmitt explained “we have reviewed the proposed airport zoning ordinance and have had discussions with them, they are aware of our project, we can meet the requirements of the different zoning. There is a Zone A at the end of the runway which is more restrictive and a Zone

B at the perimeter, our use falls in the allowable use.”

Commission Member Olmstead asked if there were height restrictions on apartments.

Mr. Shadden explained “three stories.”

Commission Member Olmstead asked if they are proposing three stories for the apartment complex.

Mr. Schmitt explained he did not believe they are proposing three story high density uses; “it is more of a townhome, condo use but still within that criteria.”

Chairman Hicks asked about the proposed FM 691 thoroughfare plan.

Mr. Schmitt explained “the alignment is actually a study that the Metropolitan Planning Organization (MPO) did in 1996, there were three alignment options and this was the preferred alignment, the ultimate routing of FM 691 to Preston (S.H. 289), so we used that for our master plan; we had a discussion with staff about that as well.”

Commission Member Thorpe asked about the detention area; he did not see one on the site plan.

Mr. Schmitt explained “that part of the engineering has yet to be produced, as a conceptual site plan to get our zoning that is part of the Staff Review Letter; that will be addressed once we move forward.”

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

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the zone changes subject to the Staff Review Letter. Second by Commission Member Thorpe.

VOTING AYE: HICKS, MORGAN, KRECK, OLMSTEAD, DUTTON, 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 RODOLFO REYNOSO (OWNER) AND TATCHIO & ASSOCIATES CONCERNING THE PROPERTY LOCATED AT 2019 W. HOUSTON STREET, BEING LOT 2, BLOCK 1, REYNOSO ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
EXCEPTION TO ORDINANCE NO. 2684, SECTIONS (5) AND (6) TO THE AGREED CONDITIONS #4 AND #5 OF THE

EXCEPTION – DRIVE
APPROACH
2019 W. HOUSTON
(RODOLFO REYNOSO)

(DENIED)

STAFF REVIEW LETTER DATED JUNE 13, 2012, AS APPROVED BY THE PLANNING AND ZONING COMMISSION (JUNE 19, 2012) AND CITY COUNCIL (JULY 16, 2012) SUBJECT TO THE JUNE 13, 2012 STAFF REVIEW LETTER FOR THE PRELIMINARY AND FINAL PLAT APPROVAL OF REYNOSO ADDITION:

4. *DRIVE APPROACHES SHALL CONFORM TO TXDOT AND CITY OF SHERMAN STANDARDS AND A PERMIT IS REQUIRED FROM CITY OF SHERMAN ENGINEERING DEPARTMENT.*
5. *LOT 2 ACCESS MAY BE LIMITED AND COULD REQUIRE A SHARED ACCESS WITH THE LOT 1.*

Rod Tatchio, 2605 Westridge Trail, Sherman, TX and Rodolfo Reynoso, 2011 W. Houston, Sherman, TX

Mr. Tatchio and Mr. Reynoso appeared to represent the request and answer any questions. The property is located at 2019 West Houston Street, between Binkley Park Drive and Arapaho East. The property was approved for a Preliminary and Final Plat of the Reynoso Addition at the June 19, 2012 Planning and Zoning Commission Meeting and the July 16, 2012 City Council Meeting subject to the Staff Review Letter. Site plan approval for an office building was granted at the August 21, 2012, Planning and Zoning Commission Meeting and an amended site plan was approved at the January 22, 2013 Meeting.

Mr. Tatchio explained “I am here today because this kind of got mishandled. I would like to make one point, #5 said that lot access may be limited and could require a shared access with Lot 1. Let me go over what has happened, Mr. Reynoso came to me after the plat had been filed and asked me to help him get the project off, I assumed he was having trouble getting squared away so I did that, and we took the site plan that had been approved and I recognized the site plan and the building was facing the back of the frontage road (Highway 56), so I came to Scott Shadden and Scott talked to me and I asked him if he really wanted this building not facing the highway and he said no, so we turned it around and resubmitted the site plan based on the new layout with the parking lot on the front of the building and the front of the building facing the highway.”

“We went through the site plan approval process and the comments came back, nothing was mentioned in either one of the comments when either site plan was approved with regard to not being allowed to use the approach which was delineated on the plans, so Mr. Reynoso after that, got a letter that said he could come get your building permit, so he did that, went and applied for the building permit and was issued a building permit and started construction. He went through complete construction of the building, put in all the parking area, got up to where the drive approach is suppose to go, and if y’all have driven by there you can tell there is about 10 or 12 feet till he gets to the highway and he was turned down by the City Engineering Department

for the approach using these two items as the basis for turning that down. If they had told him about this prior to beginning construction, if that had been an item on anyone of the Staff Review Letters for the site plan approval, there wouldn't be an issue here, but he has money invested in this building and he even went and asked the neighbor if he could have shared access, the karate owner said that he would not give shared access; I've got a letter in your packet that indicates that. I was also told from time to time if we got approval from the State, if they rescinded their objection from this access that we would be given a permit and I did that, there is a letter in here from Brad Martin stating that TXDOT did not have any objection to this access any longer. The reason they did that is because it is land locked, he can't get access another way except going all the way to back of his property; there is an easement that Mr. Reynoso owns that goes to his house at the back of his property and he maintained that easement when he sold his property to the Karate owner. To get to the parking lot that was already built, he would have to go half-way back to his house, turn around and come back to get to his parking lot, doubling the distance it would require. So what we've got is a situation where he's spent the money to build this based on the information he was given by the City, the approval of the site plans he got, and now he is turned down for the permit for the driveway."

Mr. Tatchio showed the board the site plan, a survey and plat of Mr. Reynoso's property showing the access easement that he has to go to the back of his house.

"I also have an issue with the idea this is unsafe. Mr. Tatchio gave a copy of a Google map of the area, the site is marked with an "x" of Arapaho East and a driveway going into the property is 675'. I parked my car going in the back of the driveway and I measured from that point back to where I could see my car; so there is 675' from the west side of the property to the driveway before you get to it. I looked up what it takes to stop a vehicle, at 40 mph, which is the speed limit at that driveway, it takes 120' on dry pavement and 200' on wet pavement, so the stopping distance is ok and the site distance is ok. The reason TXDOT was trying to disprove this was that they require 400' between drives on State Highways. When Highway 56 comes into town, it becomes a thoroughfare and as you can see, there are houses on 56, they can't keep them from having a driveway because that would be landlocked; the same thing is true with Mr. Reynoso. So what we are asking is that this requirement be overturned so that he can go ahead and put his approach in and take advantage of the money he has spent on this building. He is going to have a little accounting office, it's a small building, it is only 1,800 square feet, you can tell there is only four or five parking spaces there, he is not going to have a lot of traffic; the safety issue is not something that even should be considered on this."

Commission Member Morgan asked how he accesses the house.

Mr. Tatchio explains the drive continues on back; he goes in the Karate entrance.

Commission Member Morgan stated “the Karate place will let you access the house but not the business.”

Mr. Tatchio explained “he sold the Karate Place and that was a condition of the sale; for him to have access to his house.”

Mr. Reynoso explained “the owner was the same owner that sold the house, owned the karate place.”

Mr. Tatchio explained “I was over there the other night and there were thirty cars in that parking lot.”

Mr. Reynoso informed the board “he has put in a restaurant next door to the karate place, so they, the cars block my driveway many times, if I run my traffic through that business it is really going to be safety issue; he has a lot of customers. I put my business on the other side of the lot so it would not interfere with the traffic and his business.”

Mr. Tatchio asked the board if they saw the letter from TXDOT (Brad Martin) stating they did not have any objection to the driveway any longer.

Commission Member Olmstead was confused, “Mr. Tatchio, so you are saying TXDOT turned down the driveway permit.”

Mr. Tatchio explained “initially and we went back to them and said here’s the plan for the driveway, its landlocked, he can’t get access from the neighbor and the letter says I have looked at the driveway request on S.H. 56 west of FM 1417. There is already an existing (grandfathered) driveway at the location of the request. Also, not allowing a driveway would appear to create a hardship for the potential development of the property since it appears to be landlocked except by easement to the backside of the property. Therefore, TXDOT has no objection to the installation of a driveway at the existing driveway location. Brad Martin was the interim Sherman area Engineer that wrote that.”

Commission Member Morgan asked what the business would be at this location.

Mr. Tatchio explained “it is an accounting business.”

Commission Member Morgan asked if that would primarily

be a day time business.

Mr. Reynoso explained “it would be daytime only; no night time.”

Commission Member Olmstead asked Clay Barnett, Director of Public Works/Engineering if he had convened with TXDOT about this matter.

Mr. Barnett explained “I know everything you read on the internet is true, right; there is a commercial out there about that. I don’t know what particular website Mr. Tatchio is referring to, but there are calculations for stopping site distances for a 40 mph roadway, which is what it is posted as you are west bound on Highway 56; the stopping site distance is 305 feet, east bound, it is 425 feet and that’s the reason for the criteria in the “Access Management Manual” from TXDOT. TXDOT has spent a lot of time putting those together, actually, those come from the Federal Highway Administration, so they pass them along to the State and require each State to pass those, they turn around and require us to pass them. They are based on any number of years of study of traffic situations similar to this, and I think before we give an exception to those, we really need to have a look and see whether or not that is warranted.”

“There was also a mis-statement by Brad Martin at TXDOT, he was the Acting Area Engineer, that is true, but he is based out of Paris, he made that statement from Paris in error, not having driven to the location or seen the location. He regrets that situation, but the email is out. Aaron Bloom is the new Area Engineer, but David Selman before him, who was local, based in Grayson County did send a letter, and I put it in the additional information I handed out, it was sent to Mr. Tatchio, but he carbon copied me on that, he did express a number of concerns about the driveway.”

“I do take some exception to the way the process was handled, that Mr. Tatchio had described, it was made very clear up front and continuously. I spoke to Mr. Reynoso and Mr. Tatchio that the City would not issue a permit out there, they then went through an effort to contact first, the Area Engineer, David Selman and then appeal to the Paris District when David had said no, we concur with the City Engineer’s recommendation. That being said, if Mr. Reynoso and Mr. Tatchio feel that they can get a permit from TXDOT, because they did say they felt it was alright, they are more than welcome, it is a State Highway, they are welcome to go get the permit from them, but I, as the City don’t feel that it is safe and would not recommend this driveway.”

“The proposed driveway is roughly the same distance from the top of the hill as it is from the top of the hill to Arapaho West. There has been a number of turning related

accidents at Arapaho West, which necessitated the installation of the blinking yellow light. Continuing to add driveways and these kinds of situations, will continue to cause turning related accidents along S.H. 56. Another concern we have is, that driveway coming off the roadway is extremely steep and there is a genuine concern whether or not you can even see Highway 56 sitting in a car seeing traffic coming from that direction, over that metal road guard fence.”

Commission Member Morgan asked if there was a center turning lane coming east on Highway 56.

Mr. Barnett answered “I thought they were commonly referred to as a suicide lane, yes. Our ordinances state where there is undue hardship from the enforcement of this division, an exception may be granted; that’s the process we are going through today. I will just submit that there was an access easement that was granted for this particular purpose in June 2003 and with that access easement there and valid, regardless of how the current property owner feels about it, that access easement is there, its valid, its created for that purpose, and I don’t know that there is an undue hardship, and I would certainly recommend denial.”

Chairman Hicks asked if the grandfathered language, had been addressed.

Mr. Barnett explained “that was Brad Martin from Paris, he had not visited this location, he made a determination from Paris; I’m not sure how he made that determination. But, none the less, he has concurred that it is not grandfathered, there is an aerial photo dated 2008, I have one that is as recent as 2013 that shows that there is no driveway at that location.”

Commission Member Gilbert asked Mr. Barnett to clarify the distance the driveway will be from the nearest intersection and what is TXDOT’s requirement and how close are they.

Mr. Barnett explained “traveling westbound, the speed limit is 40 mph, so the distance requires 305 feet between two driveways; they meet that requirement. On the eastbound side, they do not, there are three or four other driveways in that 425 foot segment, but that is not our chief concern, our chief concern is, can you see to turn off Highway 56 onto that driveway and still have enough time for the person behind them to stop, without rear ending them and similarly if you are sitting on that driveway, can you see traffic at all on 56.”

Commission Member Thorpe asked “if you are turning down into it while you are heading west, you are pretty much going to have to come to a complete stop to go

down the driveway, aren't you."

Mr. Barnett could not imagine that you would come off of that with any speed as steep as that driveway is; "there is no shoulder there, it is right at the end of that metal guard rail."

Commission Member Olmstead wanted to make sure he understood how the permit process works. "He applies for a permit and gives a site plan, goes to Scott, the City reviews it, we reverse the building, right, at this point, no driveways are ever talked about, we give him a building permit because he meets all the requirements and it states in there, may or may not get access to permit and then he gets approval from TXDOT, who is the authority who gives the permit, the City does not give the permit, TXDOT gives the permit."

Mr. Barnett explained "they do not issue a permit, they said they were ok with the driveway and they certainly implied that they could get a permit."

Commission Member Olmstead explained "so he is building a building, thinks he has a permit in hand to build the road, builds the road all the way up there, then all of a sudden, the new leadership at TXDOT says sorry or whatever it is, what's the change."

Mr. Tatchio explained "TXDOT has not said, what Aaron Bloom has told me is that it went through their committee, it passed their committee for the approach, went down to Austin, the Attorneys at Austin said that it was Sherman's responsibility to give that permit and TXDOT wouldn't take responsibility for it. They said Sherman had applied for and had the right to approve that driveway and they were suppose to have a policy in place to do that; that's what Aaron Bloom told me. It came out of their approach committee for the approval, but the attorneys would not let them take responsibility, in fact he gave me the impression that Sherman is going to have to approve every driveway on a State Highway from now on, they are not going to be involved."

Mr. Barnett responded "and they have for the past two years that I have been here, we've been approving every driveway on a State Highway."

Mr. Tatchio asked "how many have been denied."

Mr. Barnett responded "this would be the first one and really it is out of safety."

Mr. Tatchio asked "if he had measured the distances from the existing driveways to the new driveway."

Mr. Barnett responded that he had.

Mr. Tatchio asked “how far it was from the west.”

Mr. Barnett explained “from the west, it is about a 100 feet.”

Mr. Tatchio responded “no it is not; it’s 675 feet; I measured it, I put my car down there and I measured it.”

Mr. Barnett responded “I actually drove it, which would be a little bit different than measuring it.”

Mr. Tatchio presented the board with pictures. “Clay, what you said earlier I’m going to take exception to, because when I came to you, I did everything you asked me to do and you disapproved, you never told me that you were not going to approve that until we got to the end.”

Mr. Barnett responded “that was not true.”

Mr. Tatchio responded “it is too true, you had me go get the drainage plan; that was part of it; you had me go get several other things to complete this.”

Mr. Reynoso explained “I spent \$20,000 on the parking lot, by its self only; I’m not a rich guy.”

Mr. Tatchio explained “we had to get water from across the street, we had to push the sewer across the street; we had to do all those things.”

Chairman Hicks asked Mr. Barnett to explain what the pictures are; the top picture is looking east and that is 425’ from the proposed driveway to the karate place.

Commission Member Olmstead asked Mr. Barnett “who controls the speed limit on Highway 56.”

Mr. Barnett responded “TXDOT would control the speed limit because it is a State Highway”

Commission Member Olmstead asked “if we wanted to lower the speed limit because of the traffic dangers the City citizens of Sherman are having; we can’t do that.”

Mr. Barnett responded “no we cannot.”

Mr. Tatchio said he asked about that as well, “they said you need to do a speed study, and then you go through the process; it surprised me because he told me the speed limit is set based on what the traffic flowed.”

Commission Member Olmstead was confused “why we have a State Highway that the State won’t make a decision on, and trying to force it on the City, yet the City has no control on the speed limit, so we can’t control what is going on over there and now the Board of Adjustments is

put in the middle to try decide between the two; Brandon help me out here.”

Brandon Shelby responded “you want me to try to figure out why the State’s Attorneys won’t take the liability for the approach.”

Commission Member Olmstead responded “no, I want you tell us as the Zoning Board, how we can overrule a State Highway that won’t make a decision, either way, it don’t matter; that’s not our job, it’s a State Highway job.”

Donald Makinson, 325 Arapaho East, Sherman, TX

Mr. Makinson explained “that lot is in a floodplain. If you can’t get access through the karate studio’s property; can’t you go around behind the building to the flatland on the east side, rather than going up the hill? He built a nice building there, there should be a way to allow access to the building.”

Mr. Reynoso explained “it cost a lot of money to do that; it would cost another \$50,000 to do that.”

Mr. Barnett explained “there has been some debate about the access easement, the access easement is there, if it is being parked in or if it’s being blocked or denied access; that’s a civil matter.”

Commission Member Gilbert asked to look at the distance between the proposed driveway to the west, “the nearest driveway approach is approximately 600 feet and then to the east there are four additional driveways, maybe three, one to the karate studio and then there are two others that are within a couple hundred feet.”

Mr. Barnett showed the board an aerial with the distances to the drive approaches.

Commission Member Morgan explained he felt they should trust the experts; “I have to trust Clay.”

Mr. Tatchio explained “when you make a mistake you need to take responsibility for it, and that what needs to happen here; the City needs to take responsibility for it, pay him to put the driveway in the way they want it or let him put the approach in where it is suppose to go.”

Mr. Barnett explained “I would have to take exception to that; the Staff Review Letter did not make a mistake.”

Chairman Hicks explained “the Staff Review Letter said that you have to get the permit and you would have to meet the standards, and that Lot 2 access may be limited to require shared access with Lot 1. To me when I’m reading that, even though I know your site plan was approved, but we approve site plans every month that say drive

approaches must meet these standards. When they are approved at that point, you need to make sure that you are going to get permits for your drive approaches and that didn't happen, until you got to the end; am I correct or did I miss something. It was on the site plan, I understand, but Number 4 and 5 are telling you that you've got a problem; you need to make sure you can get your permit and get access. I think you had the easement, so you've got access down through your easement, I understand the parking lot is full of cars, to me that gives me a red flag if I'm reading that, if I'm not sure I can get my permit for my approach."

Commission Member Morgan felt it should be turned down based on the professional opinion of the City, "I'm not an Engineer."

Commission Member Gilbert stated "we can see other driveways all up and down that street that are side by side that have been approved in the past; I hate to see him spend 15-30 thousand dollars and be turned down. However, I don't want to be responsible for a safety issue, I don't think it is fair the reason that the City Engineer is in the position that he is in, because he doesn't want to be responsible, he has a set of rules that he follows, he doesn't want to be responsible for that, but at the same time there are existing driveways for the residences and some can argue that it is kind of grandfathered in."

Commission Member Scheibmeir thought he is erring on the side of caution to the City's part. "We get legalized to death on a lot of this stuff and so the City can imagine all kinds of worse case scenarios, but to me it lacks significance relating to the worst case. He acted in good faith through the whole process, and after it is all over with, to end up with another \$50,000 in cost; I think it is a hardship."

Commission Member Morgan stated "there is a letter from George Olson back in February, that was another thing, but even without that, I don't know if any of us are Engineers."

Commission Member Scheibmeir stated "but neither are they; they are lay people just trying to in this case make a living; they can't figure all that stuff out."

Commission Member Gilbert explained "the owner has a letter in his possession from TXDOT stating that they do not have a problem with it."

Chairman Hicks explained "the letter from May 7, 2013."

Mr. Reynoso explained "every time I came to the City, because I went through a lot of inspections, they never said anything about the parking or the approach. They just said you hire a license person to the do the approach, they never said you are not approved."

Mr. Barnett stated “he had ample warning.”

Commission Member Gilbert stated “I think you just didn’t understand.”

Mr. Tatchio stated “the comment about the grandfathered, the reason that is there is because, ONCOR has access to their power lines through that driveway, and I had to go get an agreement from them to use this driveway; the reason we planned it this way is because the culvert was put in by TXDOT, that culvert was already there, we didn’t have to do that; so that’s a grandfathered driveway.”

Mr. Barnett explained “there was a culvert there, but there never was a driveway.”

Mr. Tatchio explained “it was dirt, but there was a culvert there and they expect you to be able to use it. That is ONCOR’s access to maintain the power lines.”

Commission Member Olmstead explained “that doesn’t make it a driveway.”

Commission Member Kreck asked “how many parking spaces he had.”

Mr. Reynoso explained “six.”

Commission Member Kreck “what his hours of operation were.”

Mr. Reynoso responded from “10 a.m. till 5:00 or 6:00 p.m.”

Commission Member Kreck asked “if there was a way to do a traffic or speed study of that time of day to show how many people are actually driving through there at that speed limit to see if there is a safety issue for that part of the day.”

Mr. Barnett explained “the speed limit will probably go up; we have actually requested one from TXDOT and they have conducted the speed study and they have not acted on it. I think there is the possibility that the speed limit would go up.”

Commission Member Barton explained “it appears in 2003 that some part of this easement was addressed.”

Mr. Tatchio responded “no it wasn’t addressed; the only thing about the easement, was for him to get back to his residence, he sold the property, so the easement was created for his house, the drive goes all the way back to his house.”

Commission Member Olmstead stated “wasn’t that all one piece of property at that time.”

Mr. Tatchio responded “yes.”

Commission Member Olmstead stated “there wouldn’t be an easement, a second driveway to a parcel he split out; he split that out since then.”

Mr. Tatchio explained “he split that out in 2012.”

Chairman Hicks explained “they have conflicting statements from the State, the State says they don’t have a problem with it, and then you have another letter from the State that says they do have a problem with it. The City says they do have a problem with it from a safety standpoint.” He called for a motion.

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

ACTION TAKEN.

Motion by Commission Member Morgan to deny the request based on the comments from the City Engineer. Second by Commission Member Thorpe.

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

VOTING NAY: KRECK, OLMSTEAD, SCHEIBMEIR AND GILBERT

MOTION CARRIED

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

VARIANCE

THE REQUEST OF GARY HESS (OWNER) CONCERNING THE PROPERTY LOCATED AT 925 HOLIDAY DRIVE, BEING LOT 1, BLOCK C, CASA LINDA 3RD ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE TO ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 10’ FRONT SETBACK FOR AN ATTACHED CARPORT IN LIEU OF 25’ REQUIRED IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – FRONT SETBACK
925 HOLIDAY
(GARY HESS)

Gary Hess, 925 Holiday, Sherman, TX

Mr. Hess appeared to represent the request and answer any questions. The property is located at 925 Holiday Drive; the southeast corner of Holiday Drive and Linda Lane. Mr. Hess purchased the property in 2013 and the previous owner enclosed the garage. Mr. Hess explained he would like to construct a 20’x20’ attached metal carport, 10’ from the front property line to protect his vehicles from the elements. The carport will attach to the roof of the house and be placed over the existing driveway. Mr. Hess stated there were several carports in the neighborhood. He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Barton asked Mr. Hess if he had looked at the option of turning the enclosed area back into a garage.

Mr. Hess explained “that is an option, this is my first step, I don’t want to do that, but I may have to; the previous owners turned it into a game room.”

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

A letter was received from:

Ann Rapherd Reynolds, 1100 Idlewild Drive, Sherman, TX
Ms. Reynolds wrote “I fail to see how anyone needs a carport with a two car garage; I do not see how it could help the looks of the street.”

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the variance to allow a 10’ front setback for an attached carport in lieu of 25’ required in an R-1 (One Family Residential) District. Second by Commission Member Morgan.

VOTING AYE: HICKS, GILBERT, MORGAN AND KRECK.

VOTING NAY: BARTON

MOTION CARRIED

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

VARIANCE

THE REQUEST OF JAMES L. UTLEY (OWNER), BLAKE AMMERMAN FARMER’S INSURANCE (TENANT) AND TODD BASS, NORTH TEXAS SERVICES (SIGN CONTRACTOR/REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 2008 NORTH TRAVIS STREET, BEING LOTS 10 & 11, BLOCK 15, SHANNON HEIGHTS REPLAT, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE TO ORDINANCE NO. 2280, SECTION 7, SUBSECTION (5)(A)&(D) TO ALLOW A 13’ FRONT SETBACK FOR A FREESTANDING SIGN IN LIEU OF 25’ REQUIRED IN A C-1 (RETAIL BUSINESS) DISTRICT.

VARIANCE – FRONT SETBACK FOR SIGN 2008 N TRAVIS (JAMES L. UTLEY)

Todd Bass, North Texas Services, 1602 E. Houston, Sherman, TX

Mr. Bass appeared to represent the request and answer any questions. The property is located at 2008 N. Travis between Dexter and Burton Streets; Blake Ammerman Farmer's Insurance is the tenant. The property was granted a zone change to a C-1 (Retail Business) District in 1994 and has been operating as an insurance office.

Mr. Bass explained the owner is requesting to replace an existing sign with a 4'x4' sign, 13' from the Travis Street property line. He 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.

A letter was received from:

James & Sandra Utley, PO Box 1335, Sherman, TX

They wrote “I approve the request. He is replacing the old sign with a new sign that is the same size and setback as the one that’s been there for 20 years.”

ACTION TAKEN.

Motion by Commission Member Morgan to approve the variance to allow a 13’ front setback for a freestanding sign in lieu of 25’ required in a C-1 (Retail Business) District. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF 75/82 SHERMAN CROSSING LTD (OWNERS), HERB GOODMAN (REPRESENTATIVE), AND NEON SIGNS AND DESIGNS (SIGN CONTRACTOR) CONCERNING THE PROPERTY LOCATED AT 3207 N. U.S. HIGHWAY 75, BEING LOT 1R-2, BLOCK 1 OF THE REPLAT OF LOT 1R, SHERMAN CROSSING ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE TO ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (5)(A)(1) TO ALLOW A 45’ FRONT SETBACK FOR A FREESTANDING MULTI-TENANT SIGN IN LIEU OF 55’ REQUIRED IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75&82 OVERLAY) DISTRICT.

**VARIANCE – FRONT
SETBACK FOR SIGN
3207 N. U.S. HIGHWAY
75
(75/82 SHERMAN
CROSSING LTD)**

Ricky Bates, Neon Signs and Designs, 103 E. Crawford, Denison, TX

Mr. Bates appeared to represent the request and answer any questions. The property is located at 3207 U.S. Highway 75 North; the northeast corner of Highways 75 and 82; Rib Crib and Aspen Dental are currently under construction at this location. At the August 20, 2013 Planning and Zoning Commission Meeting, a variance and exception was granted to allow an additional 30’ tall, 10’x10’ freestanding sign on the north property line in lieu of 5’ required.

Mr. Bates explained he was not the original sign contractor, they turned in a 50’ setback so that is where the base of the sign was placed but when they came out to issue the permit we were 3’ over. The sign will line up with

the other signs along the highway.

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 45' front setback for a freestanding multi-tenant sign in lieu of 55' required in a C-1 (Retail Business) District/O-1 (75&82 Overlay) District. Second by Commission Member Morgan.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF ET JOINT VENTURE (OWNERS), LINCOLN GOLIKE, BLUESTONE PARTNERS (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 1611 N. U.S. HIGHWAY 75, BEING LOT 4B, BLOCK 1, CRESCENT OAKS PLAZA, REPLAT LOT 4, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION AND VARIANCE TO ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(I)(1) AND SECTION 6.8, SUBSECTION (5)(A)(1) TO ALLOW A FREESTANDING MULTI-TENANT SIGN WITH A 10' FRONT SETBACK IN LIEU OF 40' REQUIRED IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75&82 OVERLAY) DISTRICT.

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 1611 N. U.S. Highway 75 between Texoma Parkway and Taylor Street in the Crescent Oaks Plaza Addition. An exception and variance were granted to allow a freestanding multi-tenant sign with a 10' front setback at the entrance of the development along Taylor Street at the July 16, 2013 Planning and Zoning Commission Meeting.

Mr. Golike explained the owners of the Crescent Oaks Subdivision along Highway 75 and Taylor Street are requesting to erect a 12' tall, 17 square foot multi-tenant sign along the Highway 75 entrance to the development, 10' from the front property line. "The sign is a small directional sign to let customers know what businesses are in the development." He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Olmstead explained "when we

VARIANCE – FRONT SETBACK EXCEPTION – MULTI-TENANT SIGN 1611 N. U.S. HIGHWAY 75 (ET JOINT VENTURE)

(DENIED)

approved the other sign it was because there was a hardship of the building setbacks and we didn't have enough room for multi-tenant signs, you are way down on the other end now asking for the same thing, what's the hardship."

Mr. Golike explained "just so there is a sign on that access. I'm not saying there is not necessarily a hardship, other than you have a setback already because of TXDOT, and if you set that back another forty feet, you are basically into the property. There is no way to see that sign all the way up the hill, so we are asking that to be lower so that we can see the sign towards the edge of the TXDOT easement, so that you can actually see the sign off of the service road, to have some sort of direction to access the businesses."

Commission Member Olmstead stated "wouldn't that be considered a billboard, Scott."

Scott Shadden, Developmental Services Director responded "it could be a billboard, what we have done in the past is multi-tenants, when they are all inside that block and it has a service drive that goes to it, such as the one in Town Center and a few other places."

Chairman Hicks asked if they were limiting signs for the individual businesses in the complex, if they have multi-tenants.

Mr. Shadden explained "the board could make it a condition, there could be no other free standing signs in the complex."

Chairman Hicks stated "so they could put them on the building but not free standing."

Commission Member Olmstead explained "but there are already free standing signs out there."

Chairman Hicks asked "what was done on the one on Taylor Street."

Mr. Shadden explained "the sign variance was for 10' and it was a multi-tenant as well to direct people into the development."

Mr. Golike explained "this is the exact same sign as the one on Taylor Street."

Commission Member Olmstead felt "most of those were done because they didn't have enough room for a free standing sign for each of those businesses; it's different when we are down on this end because there is plenty of room for free standing signs."

Mr. Golike explained "it is more of a directional sign for the

development; there are still three or four more other lots that are still available. The sign is to give direction to the businesses in the complex; it is modeled after the signs in Allen, just a simple directional sign. We have businesses that are in there that are multi-tenants in the building that don't have the ability or resources to put up a free standing sign of their own. We are trying to give a fair shake to those businesses to have some sort of directional sign. Better Hearing Associates is in there, they don't have a free standing sign that's their own."

Chairman Hicks explained "I know you are calling it directional, but I think at that point they are all one direction."

Mr. Golike explained "right, but you are telling them to turn here to access any one of these eighteen businesses that are here. As the sign is now, you could have ten tenants, I don't envision anymore than that."

Commission Member Olmstead stated "that is in the Overlay District; right, which is highly visible. In the Overlay District, we are very specific on sign usage and we have had several new tenants, we just had one that was five foot off trying to maintain a fifty foot setback; this certainly doesn't fit that criteria."

Chairman Hicks stated "all the buildings are going to be visible from the road; one building is not going to block another building."

Mr. Golike explained "you can't see the University of Gymnastics and potentially the new buildings that will be on the final lots of the development."

Commission Member Barton felt the ordinances were taken into consideration when the property was subdivided.

Mr. Golike explained "their goal is to have businesses that want to be there and help the community thrive and give them an opportunity to be seen."

Commission Member Gilbert felt "creating the sign is doing a service to the tenants that are there."

Commission Member Olmstead felt "there are sign ordinances in place that we are enforcing on a lot of other people, you are trying to get visibility for buildings that are set back off the highway; if they wanted road visibility, they should have bought up on the highway."

Mr. Golike explained "we are not trying to put a billboard up or a large sign to try to fight the ordinance of the Overlay, we are not trying to get a billboard up that is going to broadcast all these businesses; it is literally a twelve foot directional sign, and then each business would

get the opportunity to come to say this is the kind of sign we want to put up, which was approved for the Vein Center and whatever other places will be in there.”

Chairman Hicks explained “if you have an individual building in there, they could put up their own free standing sign.”

Mr. Shadden explained “one free standing sign per development lot is allowed; so depending how you plat the lots; if you had several small lots you could have a bunch of signs. The exception and variance allows you to put any condition on the property; it runs with the property.”

Commission Member Morgan asked “if they could invoke that with the people that haven’t bought the property yet.”

Mr. Golike explained he didn’t think that is what they want; “the goal is to allow the tenant the opportunity to come and apply for the sign.”

Chairman Hicks explained “maybe you should wait for each individual tenant to put up their own sign.”

Mr. Golike explained “it doesn’t help the direction for the tenants that are in there now; the purpose of the multi-tenant sign.”

Commission Member Barton explained “10’ is really close to the property line.”

Mr. Golike explained “we would take anything we could get, the closer we could get obviously the better, so that it would be visible from the road, but if we can’t get it granted at 10’ then ultimately it is up to you to say where you could grant it. After the 35’ or 40’ setback, once you push it back even 10’, you are still back way far from the road, so it almost becomes irrelevant then.”

Commission Member Olmstead’s concern was “if we allow the sign, the next development that goes in next to Town Center or every crossroad that comes in, we are going to have one of these on every corner. The Overlay District is a special district.”

Commission Member Gilbert felt it was a case by case basis, “you have to read between the lines a little bit whenever you have an ordinance out there that is so restrictive, and basically this doesn’t allow more than just a directional street sign, as far as I can tell, it is not like a large free standing sign.”

Commission Member Olmstead explained “actually it is more like a billboard, even though it is smaller, it is more like a billboard.”

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

ACTION TAKEN.

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

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & SITE PLAN

THE REQUEST OF TAPS, NORTH TEXAS REGIONAL TRANSPORTATION CENTER (OWNERS) AND DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 6104 TEXOMA PARKWAY, BEING 4.31 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION TO ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(C) TO ALLOW A 3 STORY, 45' TALL TERMINAL AND ADMINISTRATION BUILDING ADDITION IN LIEU OF THE PERMITTED 2 STORIES OR 35' IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A TERMINAL AND ADMINISTRATION BUILDING ADDITION FOR TAPS NORTH TEXAS REGIONAL TRANSPORTATION CENTER.

EXCEPTION –
BUILDING HEIGHT

SITE PLAN –
TERMINAL &
ADMINISTRATION
BUILDING ADDITION

6104 TEXOMA
PARKWAY
(TAPS)

David Baca, 100 N. Travis, Ste. 500A, Sherman, TX

Mr. Baca appeared to represent the request and answer any questions. The property is located at 6104 Texoma Parkway; North Texas Regional Transportation Center (TAPS) is the tenant. The owners would like to construct a 38,900 square foot, three-story (45') terminal and administration building addition. The exterior will be finished fiber cement panels and brick veneer; 177 parking spaces with landscaped islands will be provided.

Mr. Baca explained they are keeping the one story vehicle service shop that is existing; “we are tearing down two small office buildings, one is about 3,500 square feet and the other is about 4,000 square feet. There is an existing building with metal siding where the addition is going, we will reface the façade that faces Texoma Parkway with fiber cement panels, the existing metal will be in the back and will not be visible from the Texoma Parkway.” He 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 site plan.

A letter was received from:

Mr. B's Phil Mart, Inc., 5500 Arroyo Trl., Sherman, TX

Mr. Boutwell wrote "Will this block view of my business or signs?"

BOARD OF ADJUSTMENTS

EXCEPTION TO ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(C) TO ALLOW A 3 STORY, 45' TALL TERMINAL AND ADMINISTRATION BUILDING ADDITION IN LIEU OF THE PERMITTED 2 STORIES OR 35' IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

ACTION TAKEN.

Motion by Commission Member Morgan to approve the exception to allow a 3 story, 45' tall Terminal and Administration Building Addition in lieu of the permitted 2 stories or 35' in a C-2 (General Commercial) District. Second by Commission Member Kreck.

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

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A TERMINAL AND ADMINISTRATION BUILDING ADDITION FOR TAPS NORTH TEXAS REGIONAL TRANSPORTATION CENTER.

ACTION TAKEN.

Motion by Commission Member Olmstead to approve the site plan for the Terminal and Administration Building Addition in a C-2 (General Commercial) District. Second by Commission Member Thorpe.

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

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 6:51 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY