



The property was zoned a C-1 (Retail Business) District at the September 15, 2014, City Council Meeting.

Mr. Andrus explained he would like to construct an express car wash, providing a 40' tall brick column entryway with an attached sign off Loy Lake Road, (22) twenty-two vacuum spaces, stacking for (40) forty cars and a brick and glass car wash tunnel will be provided, allowing the cars to exit to Pecan Grove Road. "We have met all of the City's requirements on setbacks, building heights and any such requirement." He had seen the Staff Review Letter and would abide by the Recommendations.

Robert Minschew, 206 W. Belden, Sherman, TX

Mr. Minschew explained he represents Dr. Sarris, the owner of the property. "I have reviewed the request and the important thing to remember is, it is zoned properly for a car wash; the car wash is a permitted use in this zoning. The site plan is what you are looking at today and the site plan meets all the ordinance requirements for the City, there is nothing left that has to be done and there are no exceptions or variances requested."

Normally site plan approval would be totally routine unless there is a safety issue involved. You have the discretion if you find that there is something unsafe about cars exiting onto Loy Lake Road from a car wash as distinguished from cars coming out from the Renaissance, or a doctor's office, or anything else; there are driveways all along Loy Lake Road, cars come out daily from all those driveways and if there is something more inherently from a clean car coming out from a dirty car, I don't know what it is; a car is a car when it comes out of a driveway onto a street, it has to be careful. That is not a safety issue that is created by the use of this property; that is a safety issue that is there every time a car comes out onto Loy Lake Road, whether it is a doctor's office or a car wash. This site plan by itself does not create any safety issues at all."

"Dr. Sarris has owned this property for over thirty years and a person has the constitutional right to use their property as they see fit for any purpose that is legal in the City according to the ordinances that apply to it; the only exceptions would be if there is an overriding safety concern. This is not a popularity contest, I know there are going to be a number of people that don't want this car wash, the doctors that are located south of there, they don't want this car wash but this is not a popularity contest, it's not an election. The only issue is, do you have a safety issue created by cars coming onto Loy Lake Road by a car wash as distinguished from any other driveway, otherwise it is a routine matter to approve; we ask that it be approved."

Chairman Gilbert asked Mr. Shadden to verify the zoning was changed to a C-1 (Retail Business) District in September and now it is going before the Planning and Zoning

Commission for site plan approval and it meets all the City's requirements and ordinances.

Scott Shadden, Director of Developmental Services explained "that is correct, what is submitted and the Staff Review Letter would be a condition."

Dr. P.T. Swamy, 1111 Sara Swamy Dr., Sherman, TX

Dr. Swamy explained he is truly concerned, "I'm not against car washes, but placing the car wash in the middle of the medical district; it's not the right thing to do. Safety was mentioned, there's nothing unsafe about the car wash, but the fact that we already have a crowded Loy Lake Road. I go up and down Loy Lake Road all the time and when we add more cars coming in and out, that is definitely going to create a problem. The more cars on the road, we do worry about safety, the greater amount of cars on the road, the greater the chances of accidents or mishaps."

"When my clinic was located, we were outside the city limits, the City has grown, I'm glad to see it grow, what I'm concerned about is on the one hand we have a hospital district which everyone admits is dying and then we have another district which is flourishing where we are; it's kind of unfair to make that go down and drag the doctors to Denison because this is not what they envisioned in the past or what they expect in the future. I would like to see support from all of you to keep this medical community growing and where we don't have reasons to leave the area."

"The other thing I have concern is, this is a pristine area, you walk in there you see the doctor's offices, you see the hospital, you see surgery centers and you see a retirement community and it's good to have some quiet, peace and cleanliness. I feel the car wash will create more noise, trash and activity; and we don't want such things happening in a place which is unique to Sherman. So talking about the medical district whether you planned it or not, Loy Lake Road, Gallagher, Sara Swamy and Calais; you just find a congregation of doctor's offices, hospitals, medical centers including my friend, Dr. Sarris' office. I feel placing the car wash in that area is something wrong and something we will regret if it happens."

Dr. Clint Moss, Texoma Dermatology Clinic, 815 E. Pecan Grove Road, Sherman, TX

Dr. Moss wanted to thank Dr. Swamy and echo his concerns. "I spent most of today performing procedures removing cancerous tumors from patients. The room in which myself and my colleagues do the majority of these procedures is about twenty feet away from what is proposed to be twenty-two vacuum stations, along with the cars that will be using them with their engines running and music being played."

"Imagine you are the patient that is already in anxiety inducing experience sitting in a room having surgery done

while this is taking place and you have this added distraction. Imagine being the physician who is trying to focus and concentrate performing a delicate precise procedure while this distraction is going on. I understand this lot has been approved for commercial use and I am not against car washes, I like having my car clean as much as the next guy. I'm not against business; I'd like to see the Andrus brothers succeed in all of their endeavors. What I am against is poor planning, which is where you guys come into play. Echoing Dr. Swamy and his concerns about disrupting the medical community in that area which has been established. I would like to urge you to consider the collateral damages that might occur by placing such an establishment in the center of the medical community. Certainly noise and trash would be issues regardless of anyone's argument that they can keep it contained, eventually it will find its way out. Thank you and I urge you to consider the potential damages that might take place by placing a car wash in this location."

Dr. Mark Koone, 815 E. Pecan Grove Road, Sherman, TX

Dr. Koone explained he would like to review a couple of things that we discussed at the September meeting. "One is the traffic stacking that has been mentioned, traffic stacking is already a significant problem on Loy Lake Road, especially when school is starting and getting out. One of my partners has already totaled his truck at that intersection and we have had another car totaled this past week. An economic issue I would like to make is, our clinic draws about two hundred patients a day from both sides of the river, from Oklahoma and Texas. Our patients drive from seventy to one hundred miles away frequently. Most of the two hundred people will bring at least one other person with them, so that's four hundred people coming to our area every day. These people eat lunch here; they shop here and fill up their cars with gas. I doubt that anyone is going to drive one hundred miles to get their car washed. If we leave that is the exchange that we make."

"Another economic issue worth considering is the fact that our clinic employs twenty-four non physicians, the twenty-four that are employed are predominately head of household jobs with a pay scale of two and one half times the minimum wage; if we leave we lose this in exchange for a business that will probably employ two or three people at minimum wage. Our employees come from communities surrounding Sherman, they shop here, they dine, they fill their cars up with gas; we could lose that if we move to Denison."

"Finally, as Dr. Swamy mentioned, Sherman has two medical communities, one is doing well, one, Wilson N Jones is not doing well, most of the doctors at Wilson N Jones have moved to Denison; they've moved to TMC, we risk the doctors of our area moving to TMC as well. Thank you for considering this issue."

Dr. Ray Thomas, Texoma Dermatology, 815 E. Pecan Grove Road, Sherman, TX

Dr. Thomas explained “the question I have before the board is, what is the purpose of zoning? Dr. Christina Ford of Columbia University who is a well respected authority on planning and was instrumental in helping New Orleans rebuild from Katrina, states that the purpose of zoning is to maintain property values. Obviously, we have zoning so that there is some kind of equitable and reasonable distribution of facilities throughout the town and things are not misplaced. Putting a car wash twenty to twenty-five feet from our property line is not proper zoning for maintaining our property values. If we ever wanted to sell our office, I don’t know of any physicians that would look out an examining window and twenty-five feet away are twenty-two vacuum stations with trash blowing around and perhaps cars playing radios as loud as they could to overcome the noise of the vacuum cleaner. So, in order to maintain our property values and to continue with the proper zoning of the medical community, it makes sense to have this property, though it is zoned commercial, to have the sort of commercial businesses there that would enhance the medical facilities that are already there rather than a car wash which we feel would be detrimental to our property values, our community and perhaps also cause physicians to move because patients found the traffic, the noise and general inconvenience of the things around there to the point they would go somewhere else.”

Fred LeVay, 2633 Kimberly, Plano, TX

Mr. LeVay explained he owns the Whistle Stop on Texoma Parkway. “We talk about the traffic issues, Texoma Parkway is a four-lane and when we get busy the right side of that highway is blocked, we have traffic on a busy day that can really back up. A busy day for us is, two hundred cars a day; I believe they have projected fifteen thousand cars a month, which is over five hundred cars per day. You put five hundred cars a day on Loy Lake Road, which is one lane currently, I think there are projections to widen that to four lanes and at that time it might be feasible, but when you look at the restaurants, Town Center; that is a major artery that is traveling in that area. From the car wash there is going to be some serious traffic issues on a one lane car wash entrance on Loy Lake Road and when the traffic is exiting on the other street you are still going to have five hundred cars a day; that is a huge number and that is what that car wash is designed to have. I just need you to consider that.”

Chairman Gilbert asked Clay Barnett, Director of Public Works and Engineering if there had been any studies done as far as traffic counts and traffic flow; “how is that taken into consideration for the site plan and the Staff Review Letter.”

Mr. Barnett explained “the driveway does meet all our standards, with that being said, we are aware there are a

considerable amount of traffic on Loy Lake, we have gotten a proposal from Kimley Horn and Associates in order to proceed for designing that section, we are looking into bonding that project and building it next physical year. It will be a four lane, median divided section from south of Sara Swamy where we are taking it to four lanes and extending south to Highway 82. That is not something that has been approached by the City Council, so that is something we are looking into.”

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

Chairman Gilbert explained “we have heard lots of reasonable concerns, economic impact, potential for economic impact for the area, the traffic flow patterns, other issues and citizens wanting the best for Sherman in a good area, expanding a growing area that happens to be an area where there is medical clinics and different communities, but at this point as I understand correctly, as the board on the Planning and Zoning Commission, this is a site plan that was part of a consent agenda, which is something that we’re legally obligated to pass, unless there are grounds as a specific as far as safety or another item that’s brought to the board for us to consider. I’m not sure at this point with this being just site plan approval and the zoning change already taken place in September, I’m not sure on what grounds we have not to pass this item. It doesn’t have to do whether or not you think it is a good idea, whether or not you want to listen to it or look at it, who is going to be employed where, but it is a fact that it falls within the proper zoning and proper ordinance, that it is an accepted business for this zone; so I don’t know at this point what grounds there is not to pass this item.”

Commission Member Thorpe explained “as far as I know it fits within our Master Plan.”

Mr. Shadden explained “the Master Plan is commercial for that area.”

Commission Member Thorpe explained “we cannot just pick and choose what businesses we want to go in there; if it meets our guidelines, we’ve got to roll with it.”

Vice-Chairman Patterson asked Mr. Barnett if he had any estimated traffic flow currently on Loy Lake; “what it will handle at this point; will it handle a business like this. Have there been any traffic studies for Loy Lake Road.”

Mr. Barnett explained “we have not looked at a specific business, but traffic counts in general do warrant increasing the capacity of the street; which is something we are looking into.”

Vice-Chairman Patterson explained that was his only

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concern was traffic congestion, especially late in the afternoon when school lets out.

Commission Member Thorpe explained “any business you put in there will do that. They might anticipate five hundred but that is a lot of vehicles, any business can anticipate that.”

**ACTION TAKEN.**

Motion by Commission Member Thorpe to approve the site plan for an express car wash subject to the Staff Review Letter. Second by Commission Member Davis.

**VOTING AYE: GILBERT, THORPE, PATTERSON, DAVIS, ELLIOTT AND VANDERVEER**

**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 5:28 p.m.

**ADJOURNMENT**

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**CHAIRMAN**

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**SECRETARY**