

STATE OF TEXAS §

May 19, 2015

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 May 19, 2015.

MEMBERS PRESENT: CHAIRMAN GILBERT,
COMMISSION MEMBERS: VICE-CHAIRMAN PATTERSON,
THORPE, ELLIOTT, DAVIS, DUTTON, VELLOTTI AND
VANDERVEER

MEMBERS ABSENT: BARTON

CALL TO ORDER

Chairman Gilbert 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 April 21, 2015 Meeting. Motion by Commission Member Vanderveer to approve the Minutes as written. Second by Commission Member Thorpe. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

APPOINT BOARD OF ADJUSTMENTS

Chairman Gilbert appointed the members of the Board of Adjustments: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

BOARD OF ADJUSTMENTS

CONSENT AGENDA (ITEMS 5, 7 & 8)

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

CONSENT AGENDA

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF MICHAEL L. MOORE (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1715 EAST KING STREET, BEING LOTS 1 & 2, BLOCK 2, J.C. LINNSTAEDT ADDITION, CONTAINING 0.327 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF MICHAEL MOORE

REPLAT – MICHAEL MOORE ADDITION, A REPLAT OF LOTS 1 & 2, BLOCK 2, J.C. LINNSTAEDT ADDN.
1715 E. KING
(MICHAEL L. MOORE)

ADDITION, A REPLAT OF LOTS 1 & 2, BLOCK 2, J.C. LINNSTAEDT ADDITION.

This item was moved from the April 21, 2015, Planning and Zoning Commission Meeting. The property is located at 1715 East King Street between Loving and Dewey Avenues. The owner would like to replat the property into one lot for residential development.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF ROBERT & VICKI BEEGHLY (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1126 WEST HUNT STREET, BEING LOTS 64 & 65, BIRGE'S 2ND FAIRVIEW ADDITION, CONTAINING 0.570 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF LOTS 64 & 65, BIRGE'S 2ND FAIRVIEW ADDITION.

The property is located at 1126 West Hunt Street between Kessler Boulevard and Binkley Street. The owner would like to replat the property into two lots for residential development.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF MELVIN & KIMBERLY DUNLAP (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 908 AND 910 NORTH BROUGHTON STREET, BEING ALL OF LOTS 6 THRU 11 AND A PART OF LOTS 18, 19 AND 20, BLOCK 3, W.P. CARTER'S ADDITION AND A PART OF LOT 1 OF BOYER & LUCAS ADDITION AND ALSO A PART OF A 16' WIDE ALLEY CLOSED BY CITY ORDINANCE NO. 3813, CONTAINING 0.508 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
FINAL PLAT APPROVAL OF M&K DUNLAP ADDITION, A REPLAT OF PART OF LOT 1, BOYER & LUCAS ADDITION, PART OF LOTS 18, 19 & 20 & ALL OF LOTS 6, 7, 8, 9, 10 & 11, BLOCK 3, W.P. CARTERS ADDITION AND A PORTION OF THE ALLEY RELEASED IN ORDINANCE NO. 3813.

The property is located at 908 and 910 North Broughton Street between College and Richards

**REPLAT – LOTS 64 & 65,
BIRGE'S 2ND FAIRVIEW
ADDITION
1126 W. HUNT
(ROBERT & VICKI BEEGHLY)**

**REPLAT - M&K DUNLAP
ADDITION, A REPLAT OF
PART OF LOT 1, BOYER &
LUCAS ADDITION, PART OF
LOTS 18, 19 & 20 & ALL OF
LOTS 6, 7, 8, 9, 10 & 11,
BLOCK 3, W.P. CARTERS
ADDITION AND A PORTION
OF THE ALLEY RELEASED IN
ORDINANCE NO. 3813
908 & 910 N. BROUGHTON
(MELVIN & KIMBERLY
DUNLAP)**

Streets. The owners would like to replat three lots into one lot for commercial development.

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

SPECIFIC USE PERMIT

THE REQUEST OF MICHAEL L. MOORE (OWNER) CONCERNING THE PROPERTY AT 1715 EAST KING STREET, BEING LOTS 1 & 2, BLOCK 2, J.C. LINNSTAEDT ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5) (A) TO ALLOW THE INSTALLATION OF GROUND MOUNTED SOLAR PANELS IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

SUP – GROUND MOUNTED
SOLAR PANELS
1715 E, KING
(MICHAEL MOORE)

Michael Moore, 1715 E. King, Sherman, TX

Mr. Moore appeared to represent the request and answer any questions. This item was moved from the April 21, 2015, Planning and Zoning Commission Meeting. The property is located at 1715 East King Street between Loving and Dewey Avenues. Mr. Moore explained he would like to erect 60 ground mounted solar panels on the lot next to his residence to be used for his residential dwelling.

A solar panel system is a combination of equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage and distribution of solar energy for the purpose of generating electricity. A ground mounted solar panel system is a solar panel system with supporting framework that is placed on, or anchored in the ground and is independent of any building or other structure. He had seen the Staff Review Letter and would abide by the Recommendations.

Jody Brock, Crutchfield Heights Baptist Church, 600 S. Dewey, Sherman, TX

Mr. Brock was concerned if there was going to be a privacy fence around the solar panels, considering it is going to be 60 panels; that's going to be pretty big.

Mr. Moore explained "there will be four rows of fifteen each, they will be 7 ½ foot tall. They will all be behind a fence with no access from the street for the kids to get in."

Jimmy Roberts, 1609 E. Wells, Sherman, TX

Mr. Roberts asked if the panels will reflect on the neighbors.

Mr. Moore explained "they are anti-reflective, they absorb light; there will not be any reflection

whatsoever.”

Chairman Gilbert asked if he currently was offering to put in a six foot privacy fence; that’s not a requirement, if I understand correctly.

Mr. Moore did not know if it was a requirement, but there were some issues, “I think Scott Shadden thought I would need to have a privacy fence so it won’t be a distraction from the street for drivers; I will agree to do that, it is not a problem. The system is only about 7 ½ foot tall, we submitted some photos of what it would look like behind there, the privacy fence is six foot tall, there is probably just a few inches that is showing above that.”

Scott Shadden, Director of Developmental Services explained “we recommended that for safety as well to keep children or people from getting on them because they are ground mounted.”

Mr. Moore explained “we have children of our own and we don’t want them in there either; it’s all going to be secured.”

Connie McKinney, 1203 W. Birge, Sherman, TX

Ms. McKinney needed clarification on the project and missed the meeting last month.

Commission Member Vanderveer explained this is the first time they have heard the request.

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the Specific Use Permit to allow the installation of ground mounted solar panels in an R-1 (One Family Residential) District subject to the Staff Review Letter and providing a fence around the solar panel system. Second by Commission Member Thorpe.

VOTING AYE: GILBERT, PATTERSON, DUTTON, ELLIOTT, VELLOTTI, DAVIS, THORPE, AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF MELVIN & KIMBERLY DUNLAP (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 908 AND 910 NORTH BROUGHTON STREET, BEING ALL OF LOTS 6 THRU 11 AND A PART OF LOTS 18, 19 AND 20, BLOCK 3, W.P. CARTER'S ADDITION AND A PART OF LOT 1 OF BOYER & LUCAS ADDITION AND ALSO A PART OF A 16' WIDE ALLEY CLOSED BY CITY ORDINANCE NO. 3813, CONTAINING 0.508 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(D) TO ALLOW A METAL SIDING EXTERIOR FINISH TO MATCH THE EXISTING BUILDING FOR AN ADDITION TO RAILSIDE CROSS FIT IN LIEU OF THE REQUIRED MASONRY IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

Kim Dunlap, 1817 W. Hunt, Sherman, TX

Mrs. Dunlap appeared to represent the request and answer any questions. The property is located at 908 and 910 North Broughton Street between College and Richards Streets; Railside Cross Fit is the tenant.

Mrs. Dunlap explained they bought the existing metal building at 908 North Broughton two years ago and opened Railside Cross Fit. The business has grown and they would like to add a 30' x 60' addition to their athletic training facility. The existing building has metal siding and they would like to match the existing building that is already there; seventeen (17) parking spaces will be provided. She had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert asked if they had come before the board before for a similar request.

Mrs. Dunlap explained "at first they had bought the property at 910 North Broughton and planned to build a metal building from the ground up on the vacant lot. At that time, I got an exception just doing masonry up so many feet on the front side of the building. Then, we had the opportunity to buy the foreclosed building next door, so we turned that into our business. The building is already there, it is a metal building and now we need to expand and would like match the all metal building."

Hillary Lockett Clark, 1009 N. Broughton, Sherman, TX

Mrs. Clark explained she owns the residence across the street from this business. "The owners Mr. and

EXCEPTION – EXTERIOR
FACADE
908 & 910 N. BROUGHTON
(MELVIN & KIMBERLY
DUNLAP)

Mrs. Dunlap as well as the business RAILSIDE CROSS FIT, keep their building nice and tidy. I don't have any doubts with the expansion with the current building would do anything to harm the neighborhood, in fact, I think it is very beneficial for the neighborhood to have this business and allowing this exception would promote growth."

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

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the exception to allow a metal siding exterior finish to match the existing building for an addition to RAILSIDE CROSS FIT in lieu of the required masonry in a C-2 (General Commercial) District subject to the Staff Review Letter. Second by Commission Member Dutton.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION, VARIANCE, SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF KENT HUGHLETT (OWNER) AND DAVID FITE SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 529 SOUTH CROCKETT STREET, BEING 0.310 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3 TO PERMIT A 6' WROUGHT IRON FENCE INSIDE THE EXISTING CONCRETE SIDEWALK ALONG CROCKETT AND KING STREETS IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/HISTORIC PRESERVATION DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 10' REAR SETBACK FOR AN ATTACHED GARAGE IN LIEU OF THE REQUIRED 25' IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/HISTORIC PRESERVATION DISTRICT.

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER SECTION 8, SUBSECTION (5)(A) TO ALLOW A BED AND BREAKFAST IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/HISTORIC PRESERVATION DISTRICT.

EXCEPTION – FENCE (DENIED)

VARIANCE – REAR SETBACK SUP & SITE PLAN – BED & BREAKFAST
529 S. CROCKETT
(KENT HUGHLETT)

Kent Hughlett, 529 S. Crockett, Sherman, TX

Mr. Hughlett appeared to represent the request and answer any questions. The property is located at 529 South Crockett Street, the northeast corner of Crockett and King Streets. A Certificate of Appropriateness was granted at the November 25, 2013, Historical Preservation Board Meeting for the exterior colors, gutters, fence, garage, fireplace chimney caps and recommendation to the Planning and Zoning Commission to allow a bed and breakfast. At the April 20, 2015, City Council Meeting, an encroachment easement was granted to place a decorative fence within the South Crockett Street right-of-way.

Mr. Hughlett explained they are currently remodeling the house. “My wife and I plan on living there and they would like to open a Bed and Breakfast (2 rooms) at this location. It will be a four bedroom residence and we have provided a site plan that shows four parking spaces on our lot to meet the requirement for off street parking. There is an old dilapidated one car garage on the rear property line and we are going to remove that and construct a two car garage attached to the house, 10’ from the rear property line.”

“The reason for the exception for the six foot fence requirement, being on a corner, we get a lot of foot traffic coming across the church parking lot, from the apartments on Crockett Street, going to the stores on Travis Street and cutting across our property. What we would like to do is divert that around our property, raising it to six foot so that someone won’t jump the fence and vandalize our vehicles; that is the reason for the six foot fence, rather than a shorter fence. The other fences in the neighborhood such as the Police Station have a tall wrought iron fence, after talking to the Police they did that so domestic traffic would not destroy their vehicles. If the Police Station needed a six foot fence or taller around their personal vehicles; that’s the reason we requested that.” He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Thorpe was concerned with the six foot front fence; “you could turn it into a compound. I understand the police department does, but no other residents that I could find have a six foot front fence anywhere in Sherman.”

Mr. Hughlett explained “I don’t have any residences right next to me, I have a parking lot on one side, I have the abandoned school building on the other side, a parking lot across the street and a commercial building behind me, so I’m not really impacting

anyone, we have some distance between us and the other residents. We are not trying to be different from the rest of them and you do understand about my concern. There are some folks that have broken some of my windows while were doing the renovations and leaving trash on the back porch; we do get quite a bit of foot traffic through there and hopefully the fence will take care of that. The fence will be a decorative fence; we are not going to make it look like the compound fence, we do want to protect our property.”

“We bought this property in a foreclosure two years ago, the project was put on hold because I became sick, but we have gotten back in high gear and want to get this project complete, so that we can move to Sherman, we currently live in Gunter, we are going to sell our property there and move to Sherman and become Sherman citizen and develop this property to be useful. I also feel to be useful, you also need to be protected so if you come to the Bed and Breakfast and park your vehicles, I don’t want them vandalized, I don’t want someone to jump over the fence and vandalize the vehicles. I understand your concerns with it being a compound and we will make sure we are sensitive with that to make it as attractive as possible.”

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

Commission Member Vellotti was concerned with the other historical homes in Sherman taking their four foot fence to six feet or allowing them to put up something as high as six foot in the front yard; “this will be the example going forward. Not that I don’t want you to protect your property or anything like that, I completely understand that, it’s a little bit of a difference of what we are used to seeing and what I drive by quite a bit, compared to a six foot high fence. I understand it is a decorative fence, it is wrought iron; I just wanted to voice my concerns.”

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3 TO PERMIT A 6’ WROUGHT IRON FENCE INSIDE THE EXISTING CONCRETE SIDEWALK ALONG CROCKETT AND KING STREETS IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/HISTORIC PRESERVATION DISTRICT.

ACTION TAKEN.

Motion by Commission Member Thorpe to deny the request for the 6’ wrought iron fence inside the existing concrete sidewalk along Crockett and King

Streets in an R-2 (Multi-Family Residential) District/Historic Preservation District. Second by Commission Member Vanderveer.

VOTING AYE: GILBERT, PATTERSON, THORPE, AND VANDERVEER.

VOTING NAY: DUTTON

MOTION CARRIED

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 10' REAR SETBACK FOR AN ATTACHED GARAGE IN LIEU OF THE REQUIRED 25' IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/HISTORIC PRESERVATION DISTRICT.

ACTION TAKEN.

Motion by Commission Member Thorp to approve the variance to allow a 10' rear setback for an attached garage in lieu of the required 25' in an R-2 (Multi-Family Residential) District/Historic Preservation District subject to the Staff Review Letter. Second by Commission Member Vanderveer.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER SECTION 8, SUBSECTION (5)(A) TO ALLOW A BED AND BREAKFAST IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/HISTORIC PRESERVATION DISTRICT.

ACTION TAKEN.

Motion by Commission Member Elliott to approve the Specific Use Permit and site plan to allow a Bed and Breakfast in an R-2 (Multi-Family Residential) District/Historic Preservation District subject to the Staff Review Letter. Second by Commission Member Thorpe.

VOTING AYE: GILBERT, PATTERSON, DUTTON, ELLIOTT, VELLOTTI, DAVIS, THORPE, AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION
THE REQUEST OF HMH LIFESTYLES LP (OWNERS)

EXCEPTION – FENCE
1434 S. RAVEN

AND BRUCE FRENCH (REPRESENTATIVE)
CONCERNING THE PROPERTY LOCATED AT 1434
SOUTH RAVEN DRIVE, BEING LOT 22, BLOCK 4,
COUNTRY RIDGE ESTATES NO. 4, AS FOLLOWS:

(HMH LIFESTYLES, LP)

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION
7, SUBSECTION (13)(H) TO ALLOW A 6' PRIVACY
FENCE ON THE PROPERTY LINE ON A CORNER LOT
IN LIEU OF THE PERMITTED 4' IN HEIGHT
EXTENDING CLOSER THAN 25' TO A FRONT LINE
STREET IN AN R-1 (ONE FAMILY RESIDENTIAL)
DISTRICT.

Bruce French, History Maker Homes, 9001 Airport
Freeway, Ste. 400, North Richland Hills, TX

Mr. French appeared to represent the request and
answer any questions. The property is located at
1434 South Raven Drive, the northwest corner of
South Raven Drive and West Raven Drive in the
Country Ridge Estates Subdivision.

Mr. French explained they are the builder in the
Country Ridge Estates subdivision and they would
like to erect a six (6) foot tall wood privacy fence on
the corner lot side street property line to allow the
home owners the maximum use of their rear and side
yards. The fence will be set back to maintain the
visibility triangles for traffic. 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.

ACTION TAKEN.

Motion by Commission Member Thorpe to approve
the exception to allow a 6' privacy fence on the side
street property line on a corner lot in lieu of the
permitted 4' in height extending closer than 25' to a
front line street in an R-1 (One Family Residential)
District subject to the Staff Review Letter. Second by
Commission Member Vanderveer.

VOTING AYE: GILBERT, PATTERSON, THORPE,
DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF HMH LIFESTYLES LP (OWNERS)
AND BRUCE FRENCH (REPRESENTATIVE)
CONCERNING THE PROPERTY LOCATED AT 4515
HUMMINGBIRD DRIVE, BEING LOT 1, BLOCK 10, THE

EXCEPTION – FENCE
4515 HUMMINGBIRD
(HMH LIFESTYLES, LP)

PRESERVE, PHASE 1, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H) TO ALLOW A 6' PRIVACY FENCE ON THE PROPERTY LINE ON A CORNER LOT IN LIEU OF THE PERMITTED 4' IN HEIGHT EXTENDING CLOSER THAN 25' TO A FRONT LINE STREET IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Bruce French, 9001 Airport Freeway, Ste. 400, North Richland Hills, TX

Mr. French appeared to represent the request and answer any questions. The property is located at 4515 Hummingbird Drive, the northeast corner of Hummingbird Drive and Seasons West Avenue in The Preserve Subdivision off South FM 1417 (Heritage Parkway). The owner would like to erect a six (6) foot tall wood fence on the side 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 exception.

ACTION TAKEN.

Motion by Commission Member Patterson to approve the exception to allow a 6' privacy fence on the side street property line on a corner lot in lieu of the permitted 4' in height extending closer than 25' to a front line street in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Vanderveer.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF HMH LIFESTYLES LP (OWNERS) AND BRUCE FRENCH (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 4401 HUMMINGBIRD DRIVE, BEING LOT 9, BLOCK 10, THE PRESERVE, PHASE 1, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H) TO ALLOW A 6' PRIVACY FENCE ON THE PROPERTY LINE ON A CORNER LOT IN LIEU OF THE PERMITTED 4' IN HEIGHT EXTENDING CLOSER THAN 25' TO A FRONT LINE STREET IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**EXCEPTION – FENCE
4401 HUMMINGBIRD
(HMH LIFESTYLES, LP)**

Bruce French, 9001 Airport Freeway, Ste. 400, North Richland Hills, TX

Mr. French appeared to represent the request and answer any questions. The property is located at 4401 Hummingbird Drive, the northwest corner of Hummingbird Drive and Swan Ridge Drive in The Preserve Subdivision off South FM 1417 (Heritage Parkway). The owner would like to erect a six (6) foot tall wood fence on the side 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 exception.

ACTION TAKEN.

Motion by Commission Member Patterson to approve the exception to allow a 6’ privacy fence on the side street property line on a corner lot in lieu of the permitted 4’ in height extending closer than 25’ to a front line street in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Vanderveer.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF DEREK & TONYA ALLEN (OWNERS) AND HMM LIFESTYLES, LP, BRUCE FRENCH (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 4603 WEST CORMORANT DRIVE, BEING LOT 2, BLOCK 1, THE PRESERVE, PHASE 1, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H) TO ALLOW A 6’ PRIVACY FENCE ON THE PROPERTY LINE ON A CORNER LOT IN LIEU OF THE PERMITTED 4’ IN HEIGHT EXTENDING CLOSER THAN 25’ TO A FRONT LINE STREET IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

EXCEPTION – FENCE
4603 W. CORMORANT
HUMMINGBIRD
(DEREK & TONYA ALLEN)

Bruce French, 9001 Airport Freeway, Ste. 400, North Richland Hills, TX

Mr. French appeared to represent the request and answer any questions. The property is located at 4603 West Cormorant Drive, the northwest corner of West Cormorant Drive and Seasons West Avenue in The Preserve Subdivision, off South FM 1417

(Heritage Parkway). The owners would like to erect a six (6) foot tall wood fence on the side 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 exception.

ACTION TAKEN.

Motion by Commission Member Patterson to approve the exception to allow a 6' privacy fence on the side street property line on a corner lot in lieu of the permitted 4' in height extending closer than 25' to a front line street in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Thorpe.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN

THE REQUEST OF TYSON FRESH MEATS INC, (OWNERS) AND GEOFF BATES, BATES & ASSOCIATES, INC. (ENGINEER/SURVEYOR), CONCERNING THE PROPERTY LOCATED AT 4700 SOUTH U.S. HIGHWAY 75, BEING 73.76 ACRES IN THE SHEROD DUNMAN SURVEY, ABSTRACT NO. 329, AND IN TRACT 2 OF THE BLALOCK INDUSTRIAL PARK, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2) (J) FOR AN EXPANSION OF THE TRUCK PARKING LOT FOR TYSON FRESH MEATS IN THE BLALOCK INDUSTRIAL PARK.

SITE PLAN – TRUCK
PARKING LOT ADDITION
4700 S. U.S. HWY 75
(TYSON FRESH MEATS)

Dustin Kratochvil, Tyson Fresh Meats, 4700 S. U.S. Highway 75, Sherman, TX and Geoff Bates, Bates & Associates, Inc. 91 W. Colt Square Dr., Ste. 3, Fayetteville, AR

Mr. Kratochvil and Mr. Bates appeared to represent the request and answer any questions. The property is located at 4700 South U.S. Highway 75 in the Blalock Industrial Park; Tyson Fresh Meats is the tenant.

Mr. Bates explained “Tyson Fresh Meats would like to add additional truck parking behind their building along Howe Drive and extend a 7' chain link fence.”

Mr. Kratochvil explained “business has grown to the point where we do not have parking on site for trucks

and trailers, so we need to expand. We roughly have one thousand trucks in and out of our facility every week.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis was concerned with runoff from rain, considering the amount of concrete being added.

Mr. Bates explained “most of it is going back to the south of the property to a creek.”

Clay Barnett, Director of Public Works/Engineering explained “it is contained on their property; it is not located in the floodplain, so it should not be an issue, relatively it is not that much pavement.”

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

ACTION TAKEN.

Motion by Commission Member Patterson to approve the site plan for an expansion of the Truck Parking Lot for Tyson Fresh Meats in the Blalock Industrial Park subject to the Staff Review Letter. Second by Commission Member Elliott.

VOTING AYE: GILBERT, PATTERSON, DUTTON, ELLIOTT, VELLOTTI, DAVIS, THORPE, AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF CLAYTON & PATSY BENTLEY (OWNERS) AND DAVID FITE SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2627 NORTH WOODS STREET, BEING LOT 5 OF THE 2ND REPLAT OF A PORTION OF BLOCKS 4 & 5, MJ TURNER ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H) TO ALLOW A 6’ PRIVACY FENCE, 4’ FROM THE SIDE STREET PROPERTY LINE ON A CORNER LOT IN LIEU OF THE PERMITTED 4’ IN HEIGHT EXTENDING CLOSER THAN 25’ TO A FRONT LINE STREET IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Clayton Bentley, 2627 N. Woods, Sherman, TX

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

EXCEPTION – FENCE
2627 N. WOODS
(CLAYTON & PATSY
BENTLEY)

2627 North Woods Street, the southeast corner of Woods and McLain Streets.

Mr. Bentley explained he would like to replace their existing fence that is 4' high in one place, 6' high in another place and then 5' in another place all the way around the house. "I would like a 6' high privacy fence for privacy sitting in the back yard. The fence will go in the same location as the existing fence, all the way around the property. The fence will be put in by professionals and will be maintained. In my opinion it will not obstruct any view for traffic. The fence will be about 4 ½ foot from the side 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 exception.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the exception to allow a 6' privacy fence, 4' from the side street property line on a corner lot in lieu of the permitted 4' in height extending closer than 25' to a front line street in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Patterson.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN

THE REQUEST OF S&W AL, LLC (OWNERS), TEXAS ROADHOUSE (TENANT) AND TCB CONSTRUCTION GROUP LLC (GENERAL CONTRACTOR) CONCERNING THE PROPERTY LOCATED AT 2773 N. U.S. HIGHWAY 75, BEING LOT 5A, BLOCK 1, TEXOMA CROSSING ADDITION, REPLAT LOTS 5 & 5A, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B) TO ALLOW BUILDING FINISHES OF BRICK WAINSCOT WITH CEDAR LAP SIDING TO MATCH THE EXISTING BUILDING FACADE FOR AN OUTDOOR WAITING AREA ADDITION IN LIEU OF THE REQUIRED MASONRY IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN ADDITION FOR AN OUTDOOR COVERED WAITING AREA FOR TEXAS

SITE PLAN – OUTDOOR COVERED WAITING AREA
2773 N. U.S. HWY. 75
(S&W AL, LLC, OWNERS;
TEXAS ROADHOUSE,
TENANT)

ROADHOUSE RESTAURANT.

Paul Ashton, 2773 N. U.S. Highway 75, Sherman, TX
and Manuel Lozano, 706 N. Goliad, Rockwall, TX

Mr. Ashton and Mr. Lozano appeared to represent the request and answer any questions. The property is located at 2773 U.S. Highway 75 North between Lamberth Road and U.S. Highway 82; Texas Roadhouse is the tenant. Texas Roadhouse Restaurant would like to add an outdoor covered waiting area. They would like to match the existing exterior facade which is cedar with a brick wainscot. They had seen the Staff Review Letter and would abide by the Recommendations.

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

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B) TO ALLOW BUILDING FINISHES OF BRICK WAINSCOT WITH CEDAR LAP SIDING TO MATCH THE EXISTING BUILDING FACADE FOR AN OUTDOOR WAITING AREA ADDITION IN LIEU OF THE REQUIRED MASONRY IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the exception to allow building finishes of brick wainscot with cedar lap siding to match the existing building for an addition for an Outdoor Covered Waiting Area for Texas Roadhouse Restaurant subject to the Staff Review Letter. Second by Commission Member Vanderveer.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN ADDITION FOR AN OUTDOOR COVERED WAITING AREA FOR TEXAS ROADHOUSE RESTAURANT.

ACTION TAKEN.

Motion by Commission Member Patterson to approve the site plan approval for an addition for an Outdoor Covered Waiting Area for Texas Roadhouse Restaurant subject to the Staff Review Letter. Second by Commission Member Elliott.

VOTING AYE: GILBERT, PATTERSON, DUTTON,

ELLIOTT, VELLOTTI, DAVIS, THORPE, AND
VANDERVEER.
VOTING NAY: NONE
MOTION CARRIED

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

EXCEPTION & CONCEPTUAL SITE PLAN

THE REQUEST OF SHERMAN CROSSROADS LTD
(OWNERS) AND JEFF CARROLL, CARROLL
ARCHITECTS (ARCHITECT) CONCERNING THE
PROPERTY IN THE 2800-3600 BLOCKS SOUTH U.S.
HIGHWAY 75, BEING 44.83 ACRES IN THE PRESTON
KITCHEN SURVEY, ABSTRACT NO. 667, AND IN
TRACT 4 OF THE BLALOCK INDUSTRIAL PARK, AS
FOLLOWS:

PLANNING AND ZONING COMMISSION

EXCEPTION AND CONCEPTUAL SITE PLAN
APPROVAL UNDER ORDINANCE NO. 2252 ARTICLE
IV SECTION 410 (2) (J) TO ALLOW A MEDICAL
HOSPITAL IN THE BLALOCK INDUSTRIAL
PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT.

EXCEPTION & CONCEPTUAL
SITE PLAN – MEDICAL
HOSPITAL
2800-3600 BLKS. S. U.S.
HWY. 75
(SHERMAN CROSSROADS)

**Jeff Carroll, Carroll Architects, 750 E. Interstate 30,
Rockwall, TX**

Mr. Carroll appeared to represent the request and
answer any questions. The property is located in the
2800-3600 Blocks South U.S. Highway 75; the
Northwest corner U.S. Highway 75 and West FM 1417
(Heritage Parkway). The property is located in the
Blalock Commercial Overlay District which was
created February 15, 2010 by Ordinance 5638 to
create a regional image for retail/commercial
developments within and around the Blalock
Commercial Overlay District. The District consist of
highway frontage in the Blalock Industrial Park at FM
1417 (Heritage Parkway) and nearby tracts that form
the south gateway to the city.

Mr. Carroll explained “the owners are requesting an
exception to allow a medical hospital at the north end
of the tract in the Blalock Commercial Overlay
District. The site plan is for the northern portion of
the site; it is 44.8 acres, we have a major hospital and
surrounding doctor’s offices. The medical facility
would have overnight doctor care, operational
services, emergency services and out-patient care. It
will have 24 hour services with seventy-five to one
hundred beds. They have allowed room on the lot for
a major hospital and smaller medical offices.” They
had seen the Staff Review Letter and would abide by
the Recommendations.

**Terry Kluesner, GlobiTech, 200 W. FM 1417 (Heritage
Parkway), Sherman, TX**

Mr. Kluesner explained the Blalock Commercial Overlay District was created by the City Ordinance in 2010. “I would like to revisit some of our comments made by our Mayor at that time regarding that ordinance. The ordinance has a chance to impact the City in a positive manner not just for us, but our children and grandchildren. The ordinance is supported by the Comprehensive Plan, the plan the City and SEDCO spent \$300,000 for. Draft of the ordinance was submitted at the joint meeting of the City Council and the Comprehensive Plan Committee in February of 2009 and from that point forward through December the Mayor and SEDCO President met with manufacturers in the area: TI, Kaiser, Fisher, Progress Rail, Folgers, Sunny Delight, Tyson, CertainTeed and GlobiTech. The result of those meetings was that the proposed ordinance excluded the following from the permitted uses in the district: theaters, residential, multi-family residential, churches, daycares, hotels, motels and hospitals. The Mayor’s summarizing statement was: this ordinance implements the master plan, provides the highest and best use of land, improves public safety and strikes a balance between industry and the growing needs of Sherman and it was considered the best for our citizens as a whole.”

“I also addressed that meeting; I had to say that we were against it. We were in the process of expanding and for that expansion we needed to get an Air Quality Permit, basically doubling our size. We were concerned that the zoning change, even with the restrictions preclude us from getting that permit. We did in fact support and collaborate on what and what could not be there. Between then and the City Council Meeting in February, we had additional discussions and basically formulated a plan that said we could support the change, if it would not be effective until October of that year, that allowed us to precede and get our permit; we got that permit in July and the City passed the ordinance at the February 15th Council Meeting where the Mayor reiterated those points about the ordinance being positive.”

“The growth we were planning then was realized and exceeded, we received the Air Quality Permit and we grew from 98 employees in January 2010 and we now have nearly 200 and since that time we have invested over \$78,000,000 in building improvements and processing equipment additions.”

“Our next major expansion would require an update of our current permit and we, us and our parent company, have a clear path for continued growth and demand and we would need that expansion. We are 98% sure, the hospital at that location would preclude

us from getting that permit, and therefore we could not expand. The additional and more troubling possibility is, that our current permit expires in 2020. Before that, we will pursue that permit for our existing operations, even if we don't grow and once again that hospital in that location would likely preclude us from getting that permit, just to remain in business. If that happens, we could all be looking at another empty specific use building on our Sherman landscape.”

“To allow this would establish a precedent that could impact further growth, not just us, but our industrial neighbors. When we located there, it was because of zoning that existed at the time, fully industrial, no mixed use. We're concerned any outside companies coming to Sherman would be very reluctant to be relying on zoning that is so easily changed. This concern is shared by many of our manufacturing neighbors, who may or may not speak tonight. In summary, the statements that were made a few short years ago about the existing zoning, to not allow hospital etc. are still valid today, it's the master plan that strikes a proper balance to promote growth, of the needs of the community and now is not the time to deviate from that plan. All the efforts that went into that ordinance five years ago, should not be negated, it should be allowed to continue to grow.”

Chairman Gilbert asked Mr. Kluesner to elaborate on what he was referring to in regards to permitting.

Mr. Kluesner explained “it is an Air Quality Permit issued from Texas Commission Environmental Quality (TCEQ).”

Commission Member Vanderveer stated “when you say when you go to renew it, it would be denied, would you be denied or would it be more stringent regulations.”

Mr. Kluesner explained “the likelihood, is denied or it could possibility be allowed with further abatement actions, actions like extending stacks, we can't be sure what they would propose as an alternative. Those types of actions could sometimes cost \$1,000,000 or more, it's the kind of action that can really aggravate an already cost structure in our industry, where cost is so important and that could be a trigger to make a decision not to expand or to leave.”

Chris Craze, 1400 W. FM 1417 (Heritage Parkway), Sherman, TX

Mr. Craze explained he is the Plant Manager for CertainTeed. “We too have to get an Air Permit every couple of years, and that is our concern. We didn't

get a chance to voice an opinion, then there are concerns where it ends up costing us more money to remediate or possibly upgrade, so that is a concern for us. I just ask a question, put the shoe on the other foot, would you allow me, a factory to go up in the middle of a hospital complex; that's my point. I'm all for growth, but I don't think a hospital is a good idea."

Melissa Purvis, 300 W. FM 1417 (Heritage Parkway), Sherman, TX

Ms. Purvis explained she is with Sunny Delight Beverages, we are also in Blalock Industrial Park. "This would not affect our plant as it stands right now, but I do want to support our industrial neighbors and would highly recommend you do not allow this exception."

Chairman Gilbert explained he was trying to draw the connection between the hospital and your permitting environmental regulations, "is that strictly a density item."

Mr. Kluesner explained "it is both, there is already a hotel across the highway and hotels are considered a dense receptor for air emissions and hotels are also considered 24/7 occupancy, a hospital would have that same designation, but it would be adding to the density already in the area, therefore just itself, would be a problem as a density issue. The hospital is also 24/7 and they are also considered a sensitive receptor of air emissions, because TCEQ regards them as housing individuals, the patients are already considered some level of diminished health and therefore a higher risk."

Commission Member Thorpe asked if that was driven by distance.

Mr. Kluesner responded "partially."

Commission Member Patterson stated "so even with the hospital being on the northern most part of the where it is proposed."

Mr. Kluesner explained "it is still an issue".

Commission Member Patterson asked if there had been any type of studies done to support that.

Mr. Kluesner stated "yes, we have been working with TCEQ getting as much information as we can ahead of time; that was the basis for our 98% comment."

Mike Foster, 1160 Adams Lane, Southlake, TX

Mr. Foster explained he is an '86 graduate of Austin College and the managing member of two LLC's, one

that owns Stone Creek Golf Club and the other owns twelve hundred acres on and around the golf course. “Our property lies within the Blalock Commercial Overlay District and adjoins the Industrial Park. I’m here to voice our group’s support of the proposed site plan to allow a medical hospital in the district. It is on the far north end, we’ve got a bunch of golfers out there every day, I don’t know what type of air permit that we are talking about or emissions coming out that is harmful, we have ten or fifteen thousand rounds a year of people that are out in the open in this air. We are for it, we expect it to lead to improvements around Sherman’s southern gateway and enhance the quality of life for all the residents of Sherman.” “We believe Sherman’s ability to attract a high quality medical facility is an important step in the process.”

“Look at the mixed use of FM 691 and Highway 75 and other locations as an example of what can be achieved with such a catalyst. We believe such a facility when considered in conjunction with the new Idea Center will benefit and enhance Austin College’s roll as a Premier Pre-Med Institution and help the college to expand in other areas of the healthcare industry. We support the plan to allow a medical hospital in the Blalock Industrial Park. It does several things; one protects interest of existing businesses, will be a positive catalyst to local investment, enhances the development of Sherman’s southern gateway and benefits the entire community.”

Scott Connell, President Sherman Economic Development Corporation, 307 W. Washington, Sherman, TX

Mr. Connell explained he wanted to speak on this issue, “it is obviously a very sensitive issue for us. We are a land owner in Progress Park, we own six hundred acres in a variety of sites in and around to the west and south of this property. I obviously want to see development occur throughout that region, long term in a variety of matters, including the heavier industry as well as lighter in a commercial nature. We are not a land owner of that particular property, but our board has reviewed this in detail and they have asked us to be in favor of this, we are solely behind this, it’s a unanimous approach.”

“The one thing that we have historically done and continue to do, is to be with our companies as they grow, assist them in the cost structure relative, we know this is an extremely competitive environment, no matter how you look at things because we are truly competitive globally. Our issue is to look at each company as how we can assist them in mitigating cost to be competitive. We’ve done that a lot with a

lot of companies, our commitment is to continue to be there.”

“It’s challenging because we don’t want to be in a situation in where we are put in a noncompetitive scenario for our companies, but there are ways we think, in listening to our predecessors here, there may be ways to mitigate these issues on a cost basis and our commitment is to be there with them, to help them with that. But we think long term, this is a commercial corner, its highest and best use visible from the highway is of a commercial nature, it already is zoned in an overlay with a commercial nature, the driver of that commercial can advance that development in a hospital on that site on the northern site as far away as we can get is something I think would be a benefit to our community and that’s from the SEDCO point.”

Jeff Carroll explained “the whole purpose of putting this on the northern end of the property was some of the concerns of the air quality. In the interest of the industrial group around us, we are trying to reflect on that. We are about 2,500 linear feet from 1417 from the southern part of our site, whereas the hotels themselves are about 1,000’ from where the GlobiTech entry to the hotels themselves; so we did take that into consideration knowing that is an issue, wanting to support industrial zoning of the surroundings.”

Commission Member Vanderveer asked “how far would you be from the old Johnson and Johnson building, because we don’t know what would go in there in the future.”

Mr. Carroll explained “roughly almost a 1,000’.”

Chris Craze, 1400 W. FM 1417 (Heritage Parkway), Sherman, TX

Mr. Craze asked if anyone had done a traffic study, a hospital attracts a lot of traffic. “We have a lot of trucks and I heard Tyson has 1,000 trucks a week and I get 50 a day at my facility.”

Chairman Gilbert explained the purpose when they come before the Planning and Zoning Board is they are just entertaining a conceptual plan and use for the medical and several steps along the way would be to work with the City Engineers and Civil Engineers and TXDOT to review that.

Mr. Craze explained “I have been in industry my whole career in manufacturing and I have seen the plants that are out in the middle of nowhere, development came to them and all of a sudden we are

the bad guys, people don't want the plant there anymore and I don't want to see that happen to the people in this area, because we need the jobs. I'm not saying the other jobs would not be good too, but I hate to see the industry become the bad guy when we let growth encroach upon it; the wrong kind of growth."

Dr. Richard Jelsma, 425 N. Highland, Sherman, TX

Dr. Jelsma explained he is one of the physicians involved with this project, "we did a lot of work trying to meet with the Plant Managers ahead of time to explain to them what we wanted to do. I want to give you an idea of why we came upon this and what's the rationale behind this."

"Healthcare is changing dramatically, we all know that and we are trying to change with that, to provide a better environment and service to our patients and be accessible. We have people from Baylor United Surgical Partners International (USPI) who are with us, who are partnering with us. The hospital will be built in Sherman; Heritage Park, that's the only hospital in Grayson County and Collin County except for Baylor Heart Hospital that's got a five star rating by the Government, so we are focused on patient care and quality care."

"We do not want to do anything to encroach upon any of the existing businesses or make our life more difficult; that's why we did put the building as far north as possible and much further away than the existing businesses that are already there. If we don't do something like this, there is no other prime piece of property on the highway. I think everyone understands what happened when the other facility in Denison put their facility on the highway; it basically just about killed Wilson N Jones' business, just because it was newer and more accessible position. So, we are trying to work the existing medical community and prove that healthcare in Sherman, make it more accessible by putting it on a highway, not encroaching upon any of the neighbors or stopping their businesses, I'm more pro growth than anyone; this will create more jobs."

"Eventually, someone is going to put businesses in that property and putting a small hospital to the north of it, is not going to make a dramatic difference in terms of it being developed. This will be a catalyst though to bring in more businesses and grow the jobs in Sherman and make it a better healthcare community; we want to attract people here."

"I know this is a big retirement community, one of the things that attracts people like that is having good

healthcare. If we put a nice facility on the highway that compliments what we have done with Heritage Park and works with the local hospitals, it's going to work."

"I understand their concerns, I respect that, and I certainly don't want to do anything that would hurt GlobiTech or any of the other businesses here, but there is no other good site to do this. We don't want to do it off of the highway in a less accessible area, we want to do it in this place because it's going to work there, and it probably won't work in other places."

Terry Kluesner wanted to add that "GlobiTech is certainly pro good health, good medical services and we fully support any new hospitals, but unfortunately not in that location, and we would encourage anyone wanting to build a hospital, do it elsewhere and we are concerned about a slippery slope."

"I mentioned what was approved a few years ago as permitted uses in this area, what was approved and what was not approved was a hospital and a hotel, and we are concerned about slippery slope, where if we approve a hospital today, will we back here in two months to discuss the possibility of another hotel. Looking at the package we received, the concept plan includes exactly that. In the middle of the property, retail office, restaurant, hotel, and in fact residential, so, if this is part of step one of plans to add more and more density to that area, it basically increases our 98% estimate."

Commission Member Vellotti explained "not knowing what you know about the density requirements there but, wouldn't expanding a facility out there, have any kind of negative impact as moving a hospital would towards business. Like you said, there are 24 hour residents not far on the northeast side of that intersection, and there are residents near the golf course. I guess what I am asking, is expanding a facility better there, such as yours; won't that produce more."

Mr. Kluesner responded "yes, it creates emissions that we have to carefully monitor and make sure they are within the limits allowed by TCEQ."

Commission Member Vellotti asked "how much growth can that area handle before that density is reached."

Mr. Kluesner felt "they could grow and eventually add that kerfab, we call it, and get a permit under existing zoning, in other words without hotels and hospitals

and be allowed to grow unencumbered without it. But it's the addition of more density that indicates of a hospital, a more sensitive receptor as our more major concern."

Commission Member Dutton explained "in regarding the permit, you said it is not only for the expansion, but it's also just for the existing."

Mr. Kluesner explained "it for the existing, because in a few years, actually we will start the process in 2019, because our existing permit runs until July, 2020, we start the process of going before TCEQ to request a renewal of our existing permit. If we are merely the size that we are today and maybe fill up our second Fab which is currently about 70%, it's at that time, that if the hospital is there, that would be a density issue."

Commission Member Davis explained "the air quality is what kind has me at a loss; closer to your east is a heavy manufacturing district that I know is nothing but pasture and field, on the other side of the Truck Stop. What if something went in under what that allows, smoke stacks and it's blowing smoke, how is this dealt, is it just based on what your area is zoned; how far out do they go to establish that you need to be at 98%. Does this deal change, if something goes in closer to the east of you, but based on how it is set up to allow, it could blow you out to 150% and now everybody over there can't get anything done. How is this air quality done, based on a stick on top of your building and we go out so far."

Mr. Kluesner explained "it is basically a circle around the site and what is inside that circle."

Commission Member Vanderveer explained "that circle could be shared with another adjacent industry."

Mr. Kluesner responded "right".

Commission Member Patterson stated "meaning your growth could inhibit the growth of Folgers or another plant."

Mr. Kluesner responded "no, each site is looked at individually, in other words, what we do is reviewed by TCEQ and we are either allowed a permit or not."

Commission Member Vanderveer asked "if they take into consideration the things around you, not the hospital but other industries."

Mr. Kluesner explained other industries, "I'm not

sure, but I don't think so."

Mr. Craze explained "it is based on a lot of what your chemicals or what your emissions are also, what you are releasing and what's your diameter."

Commission Member Davis understood not wanting to feasibly spend a million dollars in 2020, but also feasibly if everyone is here for what's best for Sherman maybe; "is it about the dollar or what's best. If I wrapping my head about the air quality, it's based on your actual business or your business, not everything combined to give a reading, so in that, it is telling me it doesn't apply, am I misunderstanding that."

Commission Member Dutton did not feel like he had all the information in front of him to make a good decision. "It seems like we are trying to connect a lot of dots in regarding either side."

Commission Member Vanderveer had an air quality question too, he explained "I have an Occupational Safety Degree and I probably know more about air quality than anybody up here, just assuming that, but can TCEQ say you can only have a maximum amount of emissions in a certain amount of radius of a highly dense area."

Mr. Kluesner explained "that basically is how it works. There's a term called ESL that relates to the effluents that are being emitted."

Commission Member Dutton explained "we have already discussed this back in 2010, we deemed it negative at that point, as far as the development."

Dr. Jelsma understood their concerns, "but we are not asking for anything other than to allow the hospital, we are not going to come back and ask for other changes, that's not going to happen, we are just trying to make this a viable development."

"One of the things we are going to put in there to help the local businesses is we have an Occupational Medicine Program to help people that are injured, to help issues on their job that is presently at Heritage Park Hospital, nine or ten miles away. We are going to put down next to all these businesses, to give them an easier access to whatever they need, that's not a huge thing, but it's the kind of thing we have and we are trying to do things like that and actually provide a service for them."

Commission Member Elliott asked how many jobs would be created if this hospital would come in.

Dr. Jelsma explained “our current employee count at Heritage Park is about 150, I don’t have the exact number here with me, but it was zero when we started it. The nature of this community, and the way it is going to continue to grow, there is going to be a big demand for healthcare.”

“I don’t personally view any of the hospitals in town as competitors, I view possibly the government as a problem sometimes or maybe some of the insurance companies, they make our life difficult but the idea is to work with the local hospitals, make it a local healthcare system and get some of the economy back. There is nothing wrong with corporations owning hospitals but they are not located here in Sherman. The only hospital located in Sherman that is controlled by anybody here is our hospital, and we are partnering with Baylor in part because they value physicians input, and they are supportive of this and we will continue to have and hopefully strike a partnership with Wilson N Jones and/or TMC and that is the ultimate goal to work together with all these people and put it in a better location.”

“I know it is hard to understand this, if you’re not a doctor, but there are a lot of patients who leave this community now and go down south because they think it is better down there, and lot of that has to do with the facilities being newer. If you can’t provide a better environment and a better location with easier access to make it efficient, I’m trying to prevent that migration from occurring, put it on the southern end of town, it’s going to draw people not just from Sherman but also draw from all towns south that are growing. They don’t want to drive down Highway 75, so we get this community on the south end of Sherman, people are going to flock to it because it is easy, it’s accessible, it’s new and it’s got good doctors to provide high quality care. People are going to love that, if you go into a massive hospital, you get lost, and you don’t know where you are going.”

“We are emphasizing small efficient facilities which should make the density problem, less of a problem. We are not talking about building a big hospital; we are talking about building a small hospital with fewer beds, less density and making it efficient. The way medicine is going, inpatient care is going away gradually, things we use to do to keep people in the hospital ten years ago, they all go home even total joints which use to be in the hospital 5-7 days are going home in a day now. That’s the trend in medicine, less hospital admissions, less need for inpatient beds, more need for efficient outpatient care. I want to provide any service to a patient that comes in, so if they come into a doctor’s office, they

go a the pharmacy and get their brace, they go to Physical Therapist, they can go get their lab drawn, to get imaging test, they can go to all of that in a nice easy accessible environment on the highway.”

Eventually, if we need a small hospital we are not talking about a 200 bed hospital, we are talking about something small, it’s going to be much smaller than it exist now at the other two facilities. I don’t think it needs to be more than fifty beds; that might even be more than we need; we have fourteen beds at Heritage Park. I just want you to have a full understanding of what the rationale behind this was.”

Jason Sofey, 116 W. Lamar, Sherman, TX

Mr. Sofey wanted to address some of the comments, “speaking for myself. We have an opportunity to do some development in an area that isn’t being developed and has been vacant for a long time. I want to reiterate what Scott Connell said, that all the SEDCO members, if I heard him correctly, they were appointed by the City Council and they were in favor of looking at things for a progressive development out there. I served on the Comprehensive Master Plan Committee in 2008, and was Chairman of the Planning and Zoning Commission during that. There’s some decisions that were made that I think some decisions that have to be adjusted, that’s why you guys are here; you are here to make those Specific Use Permits, those variances and adjustments on those things. I just want you to keep an open mind on looking at the development going in there. I don’t know anything about the air quality issues and I understand that, and I don’t pretend to know everything about that. There were three representatives from industries that spoke and Scott, who is the President of our SEDCO organization and is educated in that, and with them being behind that and I think you guys need to take that into consideration.”

Chairman Gilbert thought it was important that the board know this has to go before the City Council for its final approval. “Obviously, it’s a sensitive subject, there are Plant Managers and industry that our City values greatly and then there is also quite a bit of support for the hospital and the conceptual plan and idea; it’s exciting for some, but it also raises concern for those industries that are already there. With that being said, if we pass this, it just keeps the door open for the conversation and it still goes before the City Council, so the decision is not definite and there will be room for more conversation about the concerns and maybe more research for a study in regards to the air quality and how this type of development might affect them individually, or the rest of the

industrial community. Whatever our decision is here tonight, is not final, but it could keep the door open to this possibly.”

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

ACTION TAKEN.

Motion by Commission Member Elliott to approve the exception and conceptual site plan to allow a medical hospital in the Blalock Industrial Park/Blalock Commercial Overlay District subject to the Staff Review Letter. Second by Commission Member Patterson.

VOTING AYE: GILBERT, PATTERSON, ELLIOTT, VELLOTTI, DAVIS, THORPE, AND VANDERVEER.

VOTING NAY: DUTTON

MOTION CARRIED

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

EXCEPTION & SITE PLAN

THE REQUEST OF GRAYSON BIBLE BAPTIST CHURCH (OWNERS), ROY WEBSTER (REPRESENTATIVE) AND BWG ARCHITECTURE (ARCHITECT), CONCERNING THE PROPERTY LOCATED AT 4400 EAST U.S. HIGHWAY 82, BEING 11.802 ACRES IN THE WILLIAM H. BROGDEN SURVEY, ABSTRACT NO. 92, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B) AND SECTION 6.8.1, SUBSECTION (4)(B) TO ALLOW WOOD SIDING EXTERIOR FINISHES FOR TWO PORTABLE CLASSROOM BUILDINGS IN LIEU OF THE REQUIRED MASONRY IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT/O-1.1 (F.M. HIGHWAY 1417) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR TWO (2) PORTABLE CLASSROOMS FOR GRAYSON BIBLE BAPTIST CHURCH.

Roy Webster, Pastor Grayson Bible Baptist Church, 4400 E. Highway 82, Sherman, TX and Bruce Green, BWG Architecture, Tom Bean, TX

Mr. Webster and Mr. Green appeared to represent the request and answer any questions. The property is located at 4400 East US Highway 82, the southwest corner of U.S. Highway 82 and NE FM 1417; Grayson Bible Baptist Church is the tenant. The property is zoned an M-1 (Light Manufacturing) District and is

EXCEPTION – EXTERIOR
FAÇADE
SITE PLAN – TWO
PORTABLE CLASSROOMS
4400 E. U.S. HWY. 82
(GRAYSON BIBLE BAPTIST
CHURCH)

located in the O-1 (75 & 82) Overlay District and O-1.1 (FM 1417) Overlay District.

Pastor Webster explained “we have grown considerably in our Christian School. We already have an existing Christian School building with the classrooms, administration and the Family Life Center that is existing on the property. The idea behind these portables, we have grown since I became pastor two years ago, from a school that has grown from about 50 or 60 students in enrollment to when we finish this year to 125 and looking to go to the 200 mark next year. Without the surety of that enrollment being there, we would prefer to do a portable situation and then when the growth is sustained be able to build a building; that’s the idea behind the portable situation. We want to put two portable classroom buildings in south of the existing school building. The reason for the exterior being wood siding, if we put it all masonry around the bottom for the skirting and three sides, it’s going to cease being a portable building. The cost is considerable, we are looking at buying these from a used place that buys them from the school districts, there is about a ten to fifteen thousand dollar difference on the exterior finish.”

Commission Member Thorpe asked if they had a timetable to replace these with permanent structures.

Mr. Webster stated “that would depend on the enrollment. We are going to use them as dual purpose for the church and school; church and school growth is very unpredictable. As soon as we fill these to capacity and have them full with the students from the school for a year or two, then we will move forward to try to build an Administration and School, Sunday School Class wing.”

Commission Member Thorpe was concerned the portable buildings would turn into permanent buildings.

Scott Shadden, Director of Developmental Services explained “the exception runs with the land, but you can put a time limit on it, to review it again or you have to do the masonry.”

Mr. Green explained “the portable buildings will not be visible from either one of the highways”

Mr. Webster explained he would be fine with an extension for 3-5 years.

They had seen the Staff Review Letter and would abide by the Recommendations.

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

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B) AND SECTION 6.8.1, SUBSECTION (4)(B) TO ALLOW WOOD SIDING EXTERIOR FINISHES FOR TWO PORTABLE CLASSROOM BUILDINGS IN LIEU OF THE REQUIRED MASONRY IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT/O-1.1 (F.M. HIGHWAY 1417) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the exception to allow wood siding exterior finishes for two portable classroom buildings in lieu of the required masonry in an M-1 (Light Manufacturing) District/O-1 (75 & 82) Overlay District/O-1.1 (F.M. Highway 1417) Overlay District subject to the Staff Review Letter and the condition of reviewing the request in three years. Second by Commission Member Vanderveer.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR TWO (2) PORTABLE CLASSROOMS FOR GRAYSON BIBLE BAPTIST CHURCH.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the site plan for two (2) portable classrooms for Grayson Bible Baptist Church subject to the Staff Review Letter. Second by Commission Member Patterson.

VOTING AYE: GILBERT, PATTERSON, DUTTON, ELLIOTT, VELLOTTI, DAVIS, THORPE, AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE & REPLAT

THE REQUEST OF KATHERINE NEVINS (OWNERS) AND SARTIN & ASSOCIATES, INC. (SURVEYOR)

**VARIANCE – LOT WIDTH
REPLAT – NEVINS
ADDITION, A REPLAT OF**

CONCERNING THE PROPERTY AT 602 & 606 SOUTH TRAVIS STREET, BEING PART OF LOT 1, BLOCK 1, HARE & RANDOLPH ADDITION, CONTAINING 0.33 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW THE PROPOSED LOT 1, BLOCK 1 OF NEVINS ADDITION TO HAVE A 46.70' WIDE LOT AND LOT 2, BLOCK 1 TO HAVE A 59.30' WIDE LOT IN LIEU OF THE REQUIRED SIXTY (60) FOOT WIDTHS IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF NEVINS ADDITION, A REPLAT OF PART OF LOT 1, BLOCK 1, HARE & RANDOLPH'S ADDITION.

PART OF LOT 1, BLK. 1,
HARE & RANDOLPH'S
ADDN.
602 & 606 S. TRAVIS
(KATHERINE NEVINS)

Katherine Nevins, 5773 Woodway #221, Houston, TX
and Marshall Sartin, 109 S. Travis, Sherman, TX

Ms. Nevins and Mr. Sartin appeared to represent the request and answer any questions. The property is located at 602 and 606 South Travis Street; the southwest corner Travis and King Streets. The lot has two houses on the lot and the owner would like to replat the property into two lots to sell the residential properties.

Ms. Nevins explained "per lender requirements, a driveway is required and these two houses have shared a driveway for a number of years. Both of these houses are under contract." She explained the existing driveway will go to the property to the south and the other house has a driveway on King Street. The houses were built as one piece of property, one family lived in both homes; it was connected upstairs with a breezeway.

Mr. Sartin explained they jogged the property line around an existing garage and the driveway. "There is plenty of room for the King Street driveway for the north lot." He had seen the Staff Review Letter and explained they were not increasing a driveway on Travis Street. Also, there was a suggestion made to include all of Lot 1, which would be the Aleman property. These two lots have been equal for eighty years and Mr. Aleman might not object to that, but can we make him participate in this plat. He would have to sign the plat as an owner. His lot has been standing for as long as these two have and are really separate lots. I don't know that you could make him participate, in my mind it doesn't really serve a need or a purpose or a safety issue or any of that. These two lots have been existing since I believe 1920, and at that time, these kinds of lots were just 50' wide. We are not really changing anything except making that

one jog to accommodate the lender.”

Mr. Shadden explained “we are trying to clean up the paperwork, nothing is going to change when you drive by it.”

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

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW THE PROPOSED LOT 1, BLOCK 1 OF NEVINS ADDITION TO HAVE A 46.70’ WIDE LOT AND LOT 2, BLOCK 1 TO HAVE A 59.30’ WIDE LOT IN LIEU OF THE REQUIRED SIXTY (60) FOOT WIDTHS IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the variance to allow the proposed Lot 1, Block 1 of Nevins Addition to have a 46.70’ wide lot and Lot 2, Block 1 to have a 59.30’ wide lot in lieu of the required sixty (60) foot widths in an R-2 (Multi-Family Residential) District subject to the Staff Review Letter. Second by Commission Member Patterson.

VOTING AYE: GILBERT, PATTERSON, THORPE, DUTTON AND VANDERVEER.

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF NEVINS ADDITION, A REPLAT OF PART OF LOT 1, BLOCK 1, HARE & RANDOLPH’S ADDITION.

ACTION TAKEN.

Motion by Commission Member Elliott to approve the Replat subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: GILBERT, PATTERSON, DUTTON, ELLIOTT, VELLOTTI, DAVIS, THORPE, 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 6:38 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY