

The property is located in the Sherman Commons Shopping Center, the northeast corner of Highway 75 and Loy Lake Road; between Kohl's and Joann Fabrics. The property is zoned a C-1 (Retail Business) District and is located in the O-1 (75 & 82) Overlay District. The owners would like to construct a 17,853 square foot retail building for Five Below and Ulta Beauty. The exterior finish will be brick veneer and EFIS (Exterior Finish Insulation System).

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

SPECIFIC USE PERMIT, SITE PLAN & EXCEPTION

THE REQUEST OF TAREQ HAMA INVESTMENT LLC (OWNER), ROBBY MOSSOP AND SARINA PAAPE (APPLICANTS) CONCERNING THE PROPERTY AT 5504 TEXOMA PARKWAY, BEING 5.25 ACRES IN THE D.C. SHELPH SURVEY, ABSTRACT NO. 1097, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW AUTOMOTIVE REPAIR, TIRE SALES, SERVICE AND INSTALLATION AND AUTOMOBILE SALES AND RENTALS IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

BOARD OF ADJUSTMENTS

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

Robby Mossop & SaRina Paape, 1523 Texoma Parkway, Sherman, TX

Mr. Mossop and Ms. Paape appeared to represent the request and answer any questions. The property is located at 5504 Texoma Parkway between Fallon Drive and F.M. 691 and was formerly Red River Auto Salvage. The property is zoned a C-2 (General Commercial) District. Ms. Paape explained they would like to open the business for minor maintenance, tire sales, service and installation and Penske truck rentals at this location. They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert explained they have had some concerns with tire stores and automotive repair. "In the past there have been some conditions placed on the Specific Use Permit; for example if there are wreckage or tires stored in the front facing Texoma Parkway, some things that set a precedent that we try to stay away from."

Ms. Paape explained "there will be indoor storage for the tires and vehicles; it's not a junk yard; we are not going to keep anything like that on the property."

SUP & SITE PLAN –
AUTOMOBILE REPAIR,
TIRE SALES, SERVICE
& INSTALLATION &
AUTOMOBILE SALES
AND RENTALS

EXCEPTION –
EXTERIOR FAÇADE
(WITHDRAWN)

5504 TEXOMA
PARKWAY
(TAREQ HAMA
INVESMENT LLC)

Chairman Gilbert asked if they would be open to a condition placed on the Specific Use Permit subject to vehicles being left on the front of the lot that are not in running condition.

Ms. Paape explained “yes, we will comply with that.”

Mr. Mossop explained “we are only going to bring the tires out during the day and then they will go right back in at the end of the day.”

Commission Member Thorpe asked if they would be using the whole property back to Theresa Lane.

Ms. Pape explained “no, just the main building, that is what we are focused on right now, we are going to get that up to code, that is where the office will be and the main repair shop. We are undecided about the back building; we are going to see if it is worth repairing before we put anything in there or allow anyone back there.”

Mr. Mossop explained “as far as the repairs, I’m not going to keep any vehicle over four days, if I can’t do it in four days, it can’t be done.”

Scott Shadden, Director of Developmental Services explained “wrecks, parts or dismantled vehicles could not be parked anywhere except inside the building and anywhere you do park must be concrete or asphalt.”

Ms. Paape responded “yes.”

Mr. Mossop explained “the rental trucks will be parked in the back so that they do not block everything else.”

Commission Member Davis asked if what they are asking for, allows it to be a salvage yard.

Mr. Shadden responded “no.”

Mr. Mossop explained “we don’t want that.”

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

**PLANNING AND ZONING COMMISSION
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL
UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION
(5)(A) TO ALLOW AUTOMOTIVE REPAIR, TIRE SALES,
SERVICE AND INSTALLATION AND AUTOMOBILE SALES
AND RENTALS IN A C-2 (GENERAL COMMERCIAL)
DISTRICT.**

ACTION TAKEN.

Motion by Commission Member Barton to approve the

Specific Use Permit and site plan to allow automotive repair, tire sales, service and installation and auto/truck consignment sales and rentals in a C-2 (General Commercial) District subject to the Staff Review Letter and no outside storage of wrecks, tires, or parts allowed. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(D) TO ALLOW EXISTING BUILDING FINISHES IN LIEU OF THE REQUIRED MASONRY OR EQUIVALENT ON ALL SIDES OF ALL BUILDINGS VISIBLE FROM THE FRONT STREET RIGHT-OF-WAY IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

Chairman Gilbert stated “so the existing building on the lot is metal and the ordinance requires masonry all the way up on the three sides visible from the front street right-of-way. Have you looked at any options of putting on some type of masonry or equivalent?”

Mr. Mossop explained “we have, but their finances at this point are not that great to do that.”

Commission Member Barton explained “hardy board would qualify in that area, have you looked at that cost.”

Mr. Mossop responded “no, I haven’t.”

Ms. Paape asked “does the masonry would have to be done before we open or could you give us a six month extension after we open to have it done.”

Mr. Shadden explained “you would be very heavily invested with your utilities and your customers in six months and if the funds were not available to do that, what would you do, close the doors.”

Chairman Gilbert explained “we have had this scenario come up a few times and I think we have shown to work with individuals like yourselves, we have settled for a wainscot in the past, maybe you would be open to something along those lines, if the board agreed with it.”

Commission Member Thorpe explained “if we are looking at that, then we need to table this request because we would have to re-advertise; wouldn’t we.”

Mr. Shadden explained “they are asking for none so you can amend it, but I would think you would want to see some type of drawing or proposal to capture what you are

actually approving.”

Commission Member Thorpe explained “I want to see a viable business there, but we are also trying to upgrade that whole area.”

Commission Member Elliott explained “this will be a continued problem for whoever leases the building; if you moved out, it is going to come up with this same issue, so it would be a benefit for everyone.”

Jameel Toron, 10509 Many Oaks Dr., Ft. Worth, TX

Mr. Toron explained he represents the owner, he is overseas. “We will get it done, whatever it takes, I will take care of it as far as brick; it that will help. I will talk to the owner and I will explain to him it has to be done, because it will be an existing problem. Hopefully it will work for them, but if it doesn’t we will have to go through this again.”

Mr. Shadden explained they could just withdraw that request.

Ms. Paape withdrew the request for the exception.

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

EXCEPTIONS & SITE PLAN

THE REQUEST OF UTTER PROPERTIES LTD (OWNER), DAVID PRYOR (REPRESENTATIVE), TERRY SKIPWORTH (CONTRACTOR) AND BWG ARCHITECTURE (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 2525 TEXOMA PARKWAY, BEING LOT 1, BLOCK 1, BOB UTTER ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTIONS UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTIONS (5C) AND (6) TO ALLOW SIX (6) OVERHEAD DOORS FACING THE HIGHWAY ON THE COLLISION CENTER AND NOT REQUIRE A 10’ BUFFER STRIP, LANDSCAPED AND IRRIGATED ADJACENT TO THE HIGHWAY RIGHT-OF-WAY IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR BOB UTTER FORD SERVICE & PARTS DEPARTMENT AND COLLISION CENTER ADDITIONS.

Terry Skipworth, 2860 Refuge Road, Sherman, TX, David Pryor, 2060 Shannon Rd. Denison, TX and Bruce Green, BWG Architecture, PO Box 893, Tom Bean, TX

Mr. Skipworth, Mr. Pryor and Mr. Green appeared to represent the request and answer any questions. The property is located at 2525 Texoma Parkway, the southeast corner of Texoma Parkway and East U.S. Highway 82; Bob Utter Ford is the tenant. The property is zoned a C-2

EXCEPTIONS –
OVERHEAD DOORS &
LANDSCAPING

SITE PLAN – SERVICE &
PARTS DEPT. &
COLLISION CENTER
ADDITIONS

2525 TEXOMA
PARKWAY
(UTTER PROPERTIES
LTD)

(General Commercial) District and also located in the O-1 (75 & 82 Overlay) District.

Utter Properties would like to construct additions to the Parts and Service Department and the Collision Center; the exterior on both additions will be EFIS (Exterior Finish Insulation System) to match the existing buildings.

The Parts and Service Department addition will include a 5,642 square foot addition with nine (9) service bays facing the south, for a total of 37,505 square feet; 94 parking spaces will be provided for the Parts and Service Building.

The Collision Center addition will include a 2,800 square foot addition with six overhead doors facing U.S. Highway 82 for a total of 11,944 square feet; 30 parking spaces will be provided for the Collision Center.

Mr. Skipworth explained “we would like to put the doors on the other side of the building, but the other side of the building has the only existing doors that access that body shop now. The whole entire property seems like half of Texoma Parkway, the water flows right through that parking lot, right beside that building, so to try to build something on the other side and have doors over there; we would have to stack cars and we would have to shut it down to pour concrete in there. We only need five doors, not six, if that is helpful. We are down at the end, we are not going across the railroad tracks, the road dead ends right there, the front side of the building faces a berm at the overpass of U.S. Highway 82, the road splits right in front of us with the on-ramp, so we can’t put a drive in there. We have to move the fences around to adjust for adequate parking for the new project. We have stepped up the front of the building to look like the Service Center we did a few years ago. We are going to make it look like the building up front. They are backed up and turning business away, so they have to do something.”

Mr. Pryor explained “there is really nothing you can landscape at the front because of the ditch, they don’t even mow the ditch because it is so steep. I have asked the Highway Department to put concrete because it is washed out all the time; so much water flows through there. There is really no way to put a green area out there. We could put the doors on the front to match the color of the EFIS instead of being white doors; we have two-toned beige with cream, so I’m sure we could put cream on there. We will keep it clean out front, most of it will be on the back side anyway; we need additional space to expand.”

Mr. Skipworth explained “the only cars that stay out front are the ones that are finished. We won’t be keeping cars that are to be repaired in front; that is for pick-up and daily use, it’s not for parking of wrecked cars. You can’t see this area from Texoma Parkway; you really can’t see it until you

pull in that direction.”

Mr. Pryor explained “the business came from a tin building in 2010 when we enhanced that whole body shop to make it a better facility.”

Mr. Shadden asked if there was any way they could put some green in the parking lot next to the buildings.

Mr. Pryor explained “right now our lot is full, we are just jam-packed; we need to expand the property behind us, there’s just no place to put it right now. We have shrubs and flowers on the west side of the building, those will all stay there.”

Mr. Skipworth explained while they are doing this they are also adding a significant amount of space to the Service Center and Parts and Bob Utter wants it all done at the same time and also pave the parking lot. “We are having issues with so much water coming through there that the pavement cannot tolerate it, so we are going to address all of that in this build this time.”

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

BOARD OF ADJUSTMENTS

EXCEPTIONS UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTIONS (5C) AND (6) TO ALLOW SIX (6) OVERHEAD DOORS FACING THE HIGHWAY ON THE COLLISION CENTER AND NOT REQUIRE A 10’ BUFFER STRIP, LANDSCAPED AND IRRIGATED ADJACENT TO THE HIGHWAY RIGHT-OF-WAY IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Thorp to approve the exceptions to allow overhead doors facing the highway on the Collision Center and not require a 10’ buffer strip, landscaped and irrigated adjacent to the highway right-of-way in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District subject to the Staff Review Letter and painting the bay doors to match the color of the walls of the building. Second by Commission Member Dutton.

VOTING AYE: GILBERT, BARTON, THORPE, DUTTON AND ELLIOTT.

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR BOB UTTER FORD SERVICE & PARTS DEPARTMENT AND COLLISION CENTER ADDITIONS.

ACTION TAKEN.

Motion by Commission Member Thorp to approve the site plan for Bob Utter Ford Service & Parts Department and Collision Center Additions subject to the Staff Review Letter. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF ERVIN SASSER (OWNER) AND TIM GRAY (APPLICANT) CONCERNING THE PROPERTY AT 1706 NORTH BINKLEY STREET, BEING LOTS 1, 2, 3, THE SOUTH 44' OF LOT 4 AND THE NORTH 16' OF LOT 5, BLOCK 2, MAXEY'S 4TH ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 16' FRONT SETBACK IN LIEU OF THE REQUIRED 25' AND A 3' SIDE SETBACK IN LIEU OF THE REQUIRED 6' FOR A CARPORT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**VARIANCE – FRONT & SIDE SETBACK
1706 N. BINKLEY
(ERVIN SASSER, OWNER; TIM GRAY, APPLICANT)**

Tim Gray, 1706 N. Binkley, Sherman, TX

Mr. Gray appeared to represent the request and answer any questions. This item was tabled at the July 21, 2015, Planning and Zoning Commission Meeting. The property is located at 1706 North Binkley Street between Texas and Fairview Streets. Mr. Gray explained he would like to construct a 20' x 24' carport, 16' from the front property line and 3' from the side property line. The carport will be metal with a flat roof, painted brown to match the house. "If I have to, I will put cedar around the post to make it look better."

Chairman Gilbert asked if the neighbor's driveway would be on the side next to the proposed carport.

Mr. Gray explained "the neighbor's driveway is on the north side, so it is not close to the proposed carport."

Commission Member Barton asked Mr. Shadden if there was anything in the ordinance that would not allow you to put flammable materials added to that being that close to the house, like cedar.

Mr. Shadden explained "vener around the post would be ok."

Mr. Gray stated "if I have to brick it I will do that too."

Chairman Gilbert explained "we appreciate that, but we are

more concerned that it is so far in front of the house, it is also going into the setback to the neighbor’s yard, also it is a metal structure; it doesn’t take in the same characteristics of the house. You can paint it to look like the roof but it’s a flat metal roof structure that doesn’t have a gable or anything else, so when we look at the carport we have to take into consideration those things.”

Commission Member Thorpe stated “I know you need this, I have the same situation at my house, I can’t put one up. It’s nothing personal, but it just sticks out way too far.”

Mr. Gray explained “if I have to shorten it, I will. The width of the concrete is 20’ and the poles sit outside the edge of the concrete.”

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

ACTION TAKEN.

Motion by Commission Member Thorpe to deny the request. There was no second.

Commission Member Barton wanted to put a stipulation on the request for a more reasonable size.

Commission Member Thorpe withdrew his motion.

ACTION TAKEN.

Motion by Commission Member Barton to approve the variance to allow a 22’ front setback in lieu of the required 25’ and a 3’ side setback in lieu of the required 6’ for a carport in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Elliott.

VOTING AYE: GILBERT, BARTON, DUTTON AND ELLIOTT.

VOTING NAY: THORPE

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 5:45 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY