

**ADDITION, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
PRELIMINARY AND FINAL PLAT APPROVAL OF
FALLON DRIVE WAREHOUSE ADDITION, BEING A
REPLAT OF A PART OF LOT 5, BLOCK 1, MIDWAY
INDUSTRIAL PARK ADDITION.**

The property is located at 2945 Fallon Drive across from Cooper B-Line in northeast Sherman. The owner would like to replat Lot 5 of the Midway Industrial Park Addition for industrial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

**THE REQUEST OF DATAVAULT JOINT VENTURE (OWNER), JOE PASSANISSI (REPRESENTATIVE), CRANNELL, CRANNELL & MARTIN ENGINEERING (ENGINEER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2945 FALLON DRIVE, BEING 6 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085 ALSO BEING A PART OF LOT 5, BLOCK 1, MIDWAY INDUSTRIAL PARK ADDITION, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR FALLON DRIVE WAREHOUSE NO. 2**

**SITE PLAN – FALLON
DRIVE WAREHOUSE
NO 2
2945 FALLON DR.
(DATAVAULT JOINT
VENTURE, OWNER)**

The property is located at 2945 Fallon Drive across from Cooper B-Line in northeast Sherman. The property is zoned an M-1 (Light Manufacturing) District. The owner would like to construct a 6,000 square foot, one-story warehouse; the exterior finish will be metal and sixteen (16) parking spaces will be provided. They had seen the Staff Review Letter and would abide by the Recommendations.

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

EXCEPTION AND VARIANCE

**THE REQUEST OF FACE VALUE PRODUCTIONS, INC. (OWNER) AND GARY HARBISON (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1715 EAST PECAN STREET, BEING LOT 7, BLOCK 2, CHRISTIAN COLLEGE ADDITION, AS FOLLOWS;
BOARD OF ADJUSTMENTS
EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 4 AND SECTION 6.2, SUBSECTION (1) FOR AN ADDITION TO AN EXISTING NONCONFORMING DWELLING, TO ALLOW A 4' SIDE YARD SETBACK IN LIEU OF 5' REQUIRED FOR AN ATTACHED CARPORT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.**

**EXCEPTION – ADDITION
NONCONFORMING
DWELLING
VARIANCE – SIDE YARD
SETBACK
1715 E. PECAN
(FACE VALUE
PRODUCTIONS, INC.,
OWNER)**

Gary Harbison, 1311 E. Odneal, Sherman, Texas

Mr. Harbison appeared to represent the request and answer any questions. The property is located at 1715 East Pecan Street between Harrison Avenue and Carr Street. It is zoned an R-1 (One Family Residential) District. The dwelling has an attached carport 4' 1" from the side yard property line; the requirement is 5', making the structure existing nonconforming. Mr. Harbison explained we attempted to add on to the back of the home and the existing carport has been there for a number of years; it is located next to the house. My contractor has already started the addition; they have halted the construction process because the carport is too close to the property line and also too close to the house. He explained he is requesting an exception and variance to get in compliance rather than tearing the carport down. He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert asked Mr. Harbison if he had received any complaints from his neighbors.

Mr. Harbison responded “no, I own the house to the east of it and completely remodeled it. The house on the other side recently sold and I do not think there is going to be an issue there.”

Chairman Gilbert asked if he considered moving the 4x4 post, 1' closer to the house to get in compliance.

Mr. Harbison explained “that would not be that easy because they are embedded in the concrete driveway.”

Commission Member Elliott explained “the concern he had was the carport was originally put up, I don't know when it was built, but it is obviously a noncompliant structure when it was built, so someone probably just put it up and didn't check with anyone and you are stuck with that. It was noncompliant to begin with, so that is my concern with the carport; it probably shouldn't have been there in the first place.”

Mr. Haribson explained “functionally it is doing its purpose; it's providing a driveway and access without getting out into the elements. I have no idea how long it has been there, but it has held up for all this time. There was a fire in the back of the house so I decided to rip off the back wall; that's all that burned was the back wall, rip off the back wall and add a bedroom and bathroom to make it a little bit more conducive property. Having a three bedroom, two bathroom house helps in resale.”

Commission Member Davis asked “if Face Value Productions is a company that just comes in and flips the houses or are you going to live in the home.”

Mr. Harbison explained” I’m not flipping a lot of them; I’m putting a little too much equity in them to get money out of them, most of my properties are rentals.”

Commission Member Elliott explained “Mr. Harbison bought the property next door to this house as well and remodeled it and plans to do the same to this one and is trying to make improvements to the City of Sherman.”

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

ACTION TAKEN.

Motion by Commission Member Elliott to approve the exception and for an addition to an existing nonconforming dwelling, to allow a 4’ side yard setback in lieu of 5’ required for an attached carport in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Patterson.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF SHERMAN HOTELS, LLC (OWNER), RAJ PATEL (REPRESENTATIVE), RICHARD HUMISTON (ARCHITECT) AND GRAY ROCK CONSULTING (CIVIL ENGINEER AND LANDSCAPE ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 4344 LOY LAKE ROAD, BEING LOT 2, BLOCK 1, AMERISTATE PLAZA, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A MARRIOTT COURTYARD HOTEL IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

SUP & SITE PLAN –
MARRIOTT COURTYARD
HOTEL
4344 LOY LAKE RD.
(SHERMAN HOTELS, LLC,
OWNER)

Vicki Woodard, 118 N. 7th Street, Durant, OK

Ms. Woodard appeared to represent the request and answer any questions. The property is located at 4344 Loy Lake Road, north of Sherman Town Center. A Specific Use Permit to allow a Marriott Courtyard Hotel was approved at the June 6, 2011 City Council Meeting but construction was never started. Variances were granted at the May 17, 2011 Planning and Zoning Commission Meeting to allow a five story, 62’ tall hotel, to allow a 28’ rear setback and a 37’ side setback from residentially zoned property.

The hotel will be a five-story, 62' tall, 117-room Marriott Courtyard Hotel; parking will be provided for 119 spaces with 6 handicap accessible. Ms. Woodard explained the plans have not changed from the previous time we submitted. They had seen the Staff Review Letter and would abide by the Recommendations.

Scott Shadden, Director of Developmental Services explained in 2011 they came to apply for a Specific Use Permit, site plan and some variances for the building height and setbacks; the variances were granted, but the Specific Use Permit has expired, they came in to start the project but it expired, so they are having to come back before the board for site plan review and the Specific Use Permit. The variances run with the land so they are still in place.

Commission Member Patterson asked why construction never started on it.

Ms. Woodard explained “there was a delay because we had several other projects going on at that time; we were building other hotels at the time and this one got put on hold.”

Clay Emby, Central Freight Lines, 4070 Loy Lake Rd., Sherman, TX

Mr. Embry explained “Central Freight Lines is located just behind the proposed hotel, our entryway comes down between Graham Road and where they are going to the hotel. We are a trucking company, we have multiple trucks coming in and out of that area everyday Monday through Friday, some of those trucks are fifty-three foot long trucks, tractor-trailer rigs, and some are dual pups. Our concern is adding additional volume to that area, which is already congested as you know. We are certainly for growth in that area but we want you to take a look at the site plan to see where their egress and ingress are located. The way I see it, Graham Road is within forty feet or so of our access point for our property and the access point to the hotel is on the south side of the property, they are going to have Graham Road and our access point and the access point into the hotel all within a very small confined area; so those curb cuts are going to play havoc with each other and our concern is that it is going to create an unsafe situation in that area, which is already congested. If you draw it for safety sake, then that access point should be on the north side of the property so that we could avoid the congestion in that corner and the safety of our drivers and drivers on Loy Lake Road.”

Chairman Gilbert explained “with the concern of the traffic flow and the layout of the hotel, everything will go through the City’s Engineering Department, it will be reviewed and will have to conform to specific standards,

not only with the City but also with TXDOT, with their market studies of the traffic, spacing between the curb cuts and so forth; that will certainly be looked at by the City's Engineering Department and will also have to comply with TXDOT guidelines."

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 Vanderveer to approve the Specific Use Permit and site plan to allow a Marriott Courtyard Hotel in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: GILBERT, ELLIOTT, PATTERSON, VANDERVEER, DAVIS AND MAHONE.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF TIM HARRIS (OWNER) AND BREWER'S CUSTOM HOMES (CONTRACTOR) CONCERNING THE PROPERTY AT 1108 NORTH HOPSON STREET, BEING THE SOUTH 5' OF LOT 25, ALL OF LOT 26, AND THE NORTH 1/2 OF LOT 27, BLOCK 1, BIRGE ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 1' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 7' 9" TO REBUILD A RESIDENTIAL DWELLING WITH AN ATTACHED GARAGE IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – SIDE SETBACK

**1108 N. HOPSON
(TIM HARRIS, OWNER)**

Tim Harris, 1108 N. Hopson, Sherman, TX

Mr. Harris appeared to represent the request and answer any questions. The property is located at 1108 North Hopson Street between Belden and Easy Streets. An exception and variance was approved at the October 19, 2010, Planning and Zoning Commission Meeting to allow the percentage of the required rear yard coverage to be 32% in lieu of 30% permitted in an R-1 (One Family Residential) District and to allow a 2.68' side yard setback for a detached accessory building.

Mr. Harris explained the existing dwelling was consumed by fire August 12, 2015 and he would like to rebuild the house with an attached garage, 1' from the side yard property line; it will be the same location and same footprint with a few minor adjustments; the

driveway and the slab for the garage should stay in the same line. We have a carport behind the garage now that is lined up with the garage. The whole house and garage will be rebuilt; the carport was not damaged by the fire and will remain. He had seen the Staff Review Letter and would abide by the Recommendations.

Don Brewer, Brewer's Custom Homes, 11714 FM 697, Whitewright, TX

Mr. Brewer explained "he could actually set the house back and build it exactly like it was before, but our suggestion is to level it and start completely over. The reason why is, his concrete that is there now is a pier and beam house, it is one of the best well built 1920 houses that I have seen, but the problem is he still has concrete that is almost a hundred years old, he can set it right back everything exactly where it was originally but I told him lets tear it down, let's take the concrete out and he said what about the property line. We started looking at the City information about setbacks that apply to the lot today. He wants to build the house back to look like a 1920's style house."

Robin Atherton, 900 Western Hills, Sherman, TX

Mrs. Atherton explained "they have taken great care to rebuild this back historically significant as it was on that great historical street that we have. I think it is heart wrenching enough to lose your home in a fire and they are just trying to rebuild it basically back the way it was, conforming to the neighborhood and taking great care to do so. I would ask for your approval."

Leland Bowen, 1102 N. Hopson, Sherman, TX

Mr. Bowen explained "as Tim has stated that garage has been there for a number of years, which implies there was a variance in place in the beginning so all he is asking is to put this garage back in the same place with understandable a new variance. Is this the last technical that he has to go through before he can apply for his building permit because we would love to see the Harris' back in the neighborhood?"

Mr. Shadden responded "as far as I know".

One letter was received from:

Margaret & Richard Bice, 1109 N. Woods, Sherman, TX

They wrote: "The present garage is 1' off of the side property line and is no problem. I fully support the Harris' request for a variance, as they lonely desire to rebuild the garage in the same location as the old garage."

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

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the variance to allow a 1' side yard setback in lieu of the required 7' 9" to rebuild a residential dwelling with an attached garage in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Patterson.

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

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 5:34 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY