

STATE OF TEXAS §
February 16, 2016
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 February 16, 2016.

**MEMBERS PRESENT: CHAIRMAN GILBERT
COMMISSION MEMBERS: DAVIS, ELLIOTT,
VANDERVEER, MAHONE, VELLOTTI, ADAMS
AND PATTERSON**

MEMBERS ABSENT: THORPE

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 January 19, 2016 meeting. Motion by Commission Member Vanderveer to approve the Minutes as written. Second by Commission Member Patterson. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

APPOINT BOARD OF ADJUSTMENTS

Chairman Gilbert appointed the members of the Board of Adjustments: GILBERT, ELLIOTT, PATTERSON, VANDERVEER AND VELLOTTI. SHAWN DAVIS WAS APPOINTED AS AN ALTERNATE.

BOARD OF ADJUSTMENTS

CONSENT AGENDA (ITEMS 12 & 18)

Consent Agenda items are considered to be routine and non-controversial items.

CONSENT AGENDA

The Commission reviewed the Consent Agenda. Commission Member Vanderveer moved to approve the Consent Agenda as written subject to the Staff Review Letters. Second by Commission Member Elliott. All present voted AYE.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF DEN PARTNERS LTD, BARRY L. & JESSIE BURTON, RUSSELL SPEARS AND POST OAK LIQUIDATING TRUST (OWNERS), MICHAEL CLARK, WINKELMANN & ASSOCIATES, INC. (SURVEYORS/CIVIL ENGINEERS), CR ARCHITECTURE + DESIGN (ARCHITECT) AND FAIN CUPPETT LANDSCAPE ARCHITECTS, LLC (LANDSCAPE ARCHITECT) CONCERNING THE PROPERTY IN THE 1900-2200 BLOCKS N. U.S. HIGHWAY 75 AND NORTH TRAVIS STREET, CONTAINING 18.156 ACRES, AS FOLLOWS;

**SITE PLAN –
KROGER
1900-2200
BLKS. N. U.S.
HIGHWAY 75, &
TRAVIS
(DEN
PARTNERS
LTD, BARRY L.
& JESSIE**

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR KROGER GROCERY STORE WITH OUTDOOR DINING & FUELING STATION AND CONCEPTUAL SITE PLAN APPROVAL FOR A RETAIL SHOPPING CENTER.

**BURTON,
RUSSELL
SPEARS AND
POST OAK
LIQUIDATING
TRUST)**

The property is located in the 1900-2200 blocks of North U.S. Highway 75 and North Travis Street. The property is bound on the west by Travis Street, the south by Taylor Street and the east by North U.S. Highway 75; it consists of 18.15 acres. The proposed use is to allow a Kroger Marketplace, a fuel sales facility and three tracts for retail and a restaurant.

The Kroger Marketplace Grocery Store and Pharmacy will be a 123,590 square foot building; the exterior finish will be masonry with fiber cement siding. Six hundred and five (605) parking spaces will be provided. The fueling station will have nine (9) fuel dispensers with a 179 square foot kiosk with restrooms. There is also a conceptual site plan for three tracts for retail spaces and a restaurant. 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 SHERMAN HOLDINGS LP (OWNER) AND NATHAN GRAY, NBS DRAFTING AND DESIGN (DRAFTSMAN), CONCERNING THE PROPERTY AT 3113 NORTH U.S. HIGHWAY 75, BEING LOT 2, SHERMAN SHOPPING CENTER, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR STANTON OPTICAL

**SITE PLAN –
STANTON
OPTICAL
3113 N. US
HIGHWAY 75,
STE. 300
(SHERMAN
HOLDINGS, LP,
OWNER)**

The property is located at 3113 North U.S. Highway 75, Suite 300; the northeast corner of U.S. Highways 75 & 82, the former tenant was Brident Dental. The property is zoned a C-1 (Retail Business) District and is located in the O-1 (75 & 82 Overlay) District. The owner would like to change the exterior of the building by adding glass, a glass doorway, a new stucco finish and awning on the west side of the building. Stanton Optical plans to occupy the lease space at this location. 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.

ZONE CHANGE & SITE PLAN

THE REQUEST OF BARRY L. & JESSIE BURTON (OWNERS) AND MICHAEL CLARK, WINKELMANN & ASSOCIATES, INC. (ENGINEER/SURVEYOR) CONCERNING THE PROPERTY AT 2007 N. TRAVIS STREET, BEING 1.393 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

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

**ZONE CHANGE
– R-1 TO C-1
2007 N. TRAVIS
(BARRY L. &
JESSIE
BURTON,
OWNERS)**

**2021 N. TRAVIS
(RUSSELL
SPEARS,**

THE REQUEST OF RUSSELL SPEARS (OWNER) AND MICHAEL CLARK, WINKELMANN & ASSOCIATES, INC. (ENGINEER/SURVEYOR) CONCERNING THE PROPERTY AT 2021 N. TRAVIS STREET, BEING 1.623 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.

OWNER)

Jackie Kreda, 751 Freeport Parkway, Coppell, TX

Ms. Kreda appeared to represent the request for Kroger and answer any questions. The properties are located at 2007 and 2021 North Travis Street between Dexter and Burton Streets. The properties are zoned an R-1 (One Family Residential) District and the owners would like to rezone the property to a C-1 (Retail Business) District for commercial development. Ms. Kreda explained these properties are part of the development that are not zoned commercial that are a part of the development for the proposed Kroger Marketplace, a fuel sales facility and three tracts for retail and a restaurant.

Chairman Gilbert explained the Kroger Development project was part of the consent agenda; this is two single family adjoining lots that are requesting a zone change to commercial.

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

ACTION TAKEN.

Motion by Commission Member Davis to approve zone change from an R-1 (One Family Residential) District to a C-1 (Retail Business) District for the properties at 2007 and 2021 North Travis Street. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF DELMAR HILL (OWNER), CHINIQUA HILL (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1211 BLANTON DRIVE, BEING LOT 5, BLOCK 8, WESTERN HILLS 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 A DAYCARE/PRESCHOOL/EDUCATIONAL DEVELOPMENT CENTER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

SUP & SITE
PLAN –
DAYCARE
1211 BLANTON
DR.
(DELMAR &
CHINIQUA
HILL, OWNER)

(DENIED)

Delmar & Chiniqua Hill, 1215 Blanton Dr., Sherman, TX

Mr. & Mrs. Hill appeared to represent the request and answer any questions. The property is located at 1211 Blanton Drive between Hunt and Belden Streets. Mr. Hill explained they recently purchased the property next door to them to open a licensed child care facility that would be used for the care and educational development of young children from birth to five years of age. Mrs. Hill explained “it will be a licensed facility; it will be appropriately staffed and maintained for approximately fifteen children. I only want a small facility for no more than fifteen kids. It will be open 6 a.m. to 6 p.m., Monday thru Friday.”

Mr. Hill explained they have noticed in the Sherman Community there are other child development centers in the City such as: the Belden Street Montessori, Harmony on Tuck, Stepping Stones, Growing Smart and Jack and Jen, just to name a few.

Mrs. Hill explained they are not looking to operate the facility in that magnitude; it is going to be a small facility in an area that is still going to be home friendly.

Mr. Hill stated “the house is going to look like a home, it is not going to look like a business; there will not be any signs outside or anything like that. We are going to make sure it is going to be maintained like a home. We talked to our neighbors about our vision and they were in agreement with our vision.” He had seen the Staff Review Letter and would abide by the Recommendations.

Appearing from the audience:

Callena Fitzpatrick, 516 W. Brock, Denison, TX

Mrs. Fitzpatrick explained she has worked with Chiniqua Hill in early childhood settings and has known her for over five years. “Her experience and love of children is what we need in this childcare industry. Quality childcare can be hard to find and I feel that Sherman is growing and as families come into Sherman they will be looking for early childcare centers that provide social and emotional development and for centers that prepare their children for school. This would be a great asset for Sherman.”

Steve Stell, 164 Mourning Dove Lane, Denison, TX

Mr. Stell explained he is the pastor of Greater New Hope Missionary Baptist Church located at 722 E. Pecan Street. “I have known Delmar and Chiniqua Hill for many years. As a pastor, you see the many needs for our community and right now there is a need for good childcare for our children; it is a huge need and one of the most important needs for our community. I’ve seen Chiniqua teach at our church schools, work with our youth; I have seen both of them raise a beautiful family. I would be blessed to send my kids to a daycare like that. I would encourage you for the benefit of the community to support this.”

Tammy Sanders, 2391 Juanita Drive, Denison, TX

Ms. Sanders explained her daughter Sierra went to Chiniqua when she was younger, stayed there until she was in school. “She was raised in a loving environment and as a working parent, I did not fear going to work and wonder if my child was being taken care of.

I have a grandbaby and she will be the first one on the list.”

Becky Moore, 1520 N. Wharton, Sherman, TX

Ms. Moore agreed with everything Ms. Sanders said. “My daughter started staying with Mrs. Hill when she was six months old and I never worried a day about going to work or how she was going to be treated. They are her second mother and father and I think our community could not benefit more from having them care for other children.”

Belinda Segrest, Wylie, TX

Mrs. Segrest explained she is the person that sold the home to Delmar and Chiniqua Hill; “it was my parent’s home. I took it very seriously when they asked to purchase my home. It is a day and age where children need hope; I have served as the Director of Kiddie Kampus Childcare in Denison for almost twenty-five years, I have since retired and have moved on to the high school level in Wylie, Texas. They are good people, they are passionate about children. Chiniqua is trained, she is loving, children have to earn our trust, then they accept our love and then they are teachable. I think it would be a great service to this community and the children if they could serve in a loving, safe, small setting, not every child is set out for a large group setting, but this would be a small setting. I would ask you to consider this request, they are here to give children love, education and hope for the future.”

Sierra Wolff, 2391 Juanita Drive, Denison, TX

Ms. Wolff explained she is one of Mrs. Hill’s students. “I am honored to be one of their children they have taught. I grew up with their kids and I would highly recommend them to have a daycare.”

Kelly Bickerstaff, 1208 Dundale Circle, Sherman, TX

Mr. Bickerstaff thanked the board for their service, “I have been where you are and hard decisions have to be made.

“This is a situation where a property was bought and effort made to make use of it prior to that use being approved. Ordinarily, the use was approved before the purchase and the investment. We have rules, and rules are rules. Our house is immediately behind this proposed daycare. I do not dispute anything anyone says about how qualified the Hill’s are to provide daycare. To have a daycare like they are proposing in an R-1 (One Family Residential) District is going to be similar to the Belden Street School, everybody knows there are problems with parking, pickup and drop off. There is only a fence between our house and their house. She may take wonderful care of those kids but who wants fifteen running around in the backyard at 6 p.m. behind your house.”

“On top of that, everyone on Blanton Street parks on that street, there is no parking over there. I don’t know how many employees they will have, but they will have to have employees because if you have fifteen kids, somebody has to be watching them, somebody is going to have to feed them, somebody will need to be available if a medical issue comes up to take them to get medical care, then there is an employee gone.”

“My most significant point is there is a procedure to go through to determine whether you can do this at that location and they haven’t done that. What they have done is bought this property adjacent to them and the purpose of that enterprise is to make money. I don’t think that is going to be beneficial to the neighborhood or the area. The hours of operation that are supposedly 6 a.m. to 6 p.m., that’s a long time, but it is tolerable, but some parents will not always be there by 6 p.m. to pick their kids up.”

“Secondly, the purpose of this enterprise is to make money; if there are more than fifteen kids there, who is going to enforce that. It’s going to require a neighbor to call the police and the police are going to say we think that is a civil matter, and so then we are going to go to the Staff, because there are more than fifteen kids, the Staff doesn’t want to do that and I don’t want Scott to do that.”

“My point is with the examples that have been presented, we recognize we have zoning rules for a reason and they are intended to accomplish a purpose. There is no parking or area to drop kids off, other than they have added to the driveway. With the cars that currently park on Blanton Drive, you have to stop two or three times to get through there and to add in the morning people dropping kids off and in the evening picking kids up; this is not an appropriate place for a daycare center. I appreciate your service, I think the Hill’s are fine people, my kids are friends with their son, this should have been addressed long before. Kathy and I did not know anything about this until we got a letter from Mr. Shadden. I appreciate the work they have done, the amount they have spent on that property but that is not relevant for what you guys are deciding. However good a childcare provider Chiniqua is, that’s not relevant to what you are deciding; this has to do with following the rules and they haven’t been followed in this case.”

Jeff Wilson, 1212 Dundale Circle, Sherman, TX

Mr. Wilson explained he lives next to Mr. Bickerstaff, right behind the Hill’s house. “Usually, I’m the guy that says you ought to be able to do what you want with your property within reason. This house that they purchased is right in the middle of the block. I think that everything that Mr. Bickerstaff said is very relevant. I think there are rules that you have to follow; you really should try to get zoning before you buy something and try to turn it into something that you want. This is an R-1 (One Family Residential) District, I would like for it to stay an R-1 (One Family Residential) District; I would like to have the Special Permit denied. If they want to sell the house, fine, if they want to rent the house, whatever they want to do; I just don’t think that it is appropriate for a daycare where it is. You heard all these people from Denison come, if they want to put a daycare over in Denison, that’s great with me. I believe the Hill’s are great people, I don’t know them personally, but everything that I have heard, they sound like great people, it sounds like a great business; I just think it is the wrong place to put a daycare. I would ask the board to deny the special permit for the daycare.”

Mrs. Hill thanked the people from Denison that came, “I do take care of their children, but also our neighbors that are next door and across the street; we have talked to all of them and they are here in support of the daycare. We have done the right chain of command to do the zoning and everything else that is required of us through licensing and to come to the City before you all because we want to do things decent. We also know that there are a whole lot of places that are not trying to do things decent and in order with people in their home. We are making a very small place for people to come to be taught, to be loved, to be in a safe environment. There will be a curriculum and there will be a schedule; the kids will not be running outside all hours; only during lunch time.” Mrs. Hill thanked the board for the time and consideration of this request.

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

Letters were received from:

Morris Family Trust of 2000, 1428 W. McGee, Sherman, TX

They wrote: “I would like to keep this a residential area with no commercial zoning.”

Gary & Rane Abbe, 1301 Blanton Dr., Sherman, TX

They wrote: “No objections; had rather have this than another Sherman rent house to be abused.”

Patsineel Castleberry, 1205 Dundale Circle, Sherman, TX

“I’m not in favor of any commercial interest in my One Family Residential District: Western Hills Addition.”

Jeff & Lisa Wilson, PO Box 2104, Sherman, TX

They wrote: “As a property owner within 200 feet, I object to a residential home in the middle of a block being allowed a zoning change or a Specific Use Permit granted for a daycare or school. The increase in traffic congestion and increase in noise in the backyard from children does not fit in the middle of a residential neighborhood.”

The board discussed pickup and drop off locations for the children, parking and traffic. They commended the Hill’s for the service they provide, but were concerned with a daycare in a residential neighborhood; they felt it undermines the single family residential area.

ACTION TAKEN.

Motion by Commission Member Davis to deny the request to allow a Daycare/Preschool/Educational Development Center in an R-1 (One Family Residential) District. Second by Commission Member Vanderveer.

**VOTING AYE: GILBERT, DAVIS, ELLIOTT, VANDERVEER,
MAHONE, VELLOTTI, ADAMS AND PATTERSON**

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF RIGOBERTO RIVAS (OWNER) AND RIVAS GENERAL UPHOLSTERY (TENANT) CONCERNING THE PROPERTY AT 3710 TEXOMA PARKWAY, BEING A PART OF LOT 3, BLOCK 1, REDICK ADDITION, CONTAINING 0.42 ACRES, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW AN AUTO UPHOLSTERY SHOP IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

SUP & SITE
PLAN – AUTO
UPHOLSTERY
SHOP
3710 TEXOMA
PARKWAY
(RIGOBERTO
RIVAS,
OWNER)

Commission Member Patterson left during this request; 5:30 p.m. Commission Member Davis was appointed as the alternate for the Board of Adjustments.

Rita Perez, 605 W. Owings, Denison and Rigoberto Rivas, 1630 W. Bond, Denison, TX

Ms. Perez and Mr. Rigoberto appeared to represent the request and answer any questions. The property is located at 3710 Texoma Parkway between Gallagher Drive and Frisco Road; Midas and Hertz Car Rental were former tenants. The property is zoned a C-2 (General Commercial) District. Rivas General Upholstery has been in business for a number of years at 2810 Texoma Parkway; they would like to move their business to this location. Mrs. Perez explained there would not be any mechanical work done at this location; only automobile upholstery. 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 Specific Use Permit and site plan.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the Specific Use Permit and site plan to allow an auto upholstery shop in a C-2 (General Commercial) District. Second by Commission Member Elliott.

VOTING AYE: GILBERT, DAVIS, ELLIOTT, VANDERVEER, MAHONE, VELLOTTI AND ADAMS

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & SITE PLAN

THE REQUEST OF OWEN FAMILY TRUST (OWNER), EARL OWEN SUPPLY, INC. (TENANT), JOHN WESTERHAUS, WESTERHAUS MANAGEMENT (REPRESENTATIVE), KBA (ARCHITECT) AND HELVEY AND ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 606 EAST LAMBERTH ROAD, BEING LOTS 2 & 3, BLOCK 4, DR. J.H. CARRAWAY’S SUBDIVISION, AS

EXCEPTION –
EXTERIOR
FAÇADE

SITE PLAN –
ADDITION TO
EARL OWENS

FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(D) TO ALLOW FULL HEIGHT EFIS (EXTERIOR FINISH INSULATION SYSTEM) ON THE FRONT AND THE NORTH 50' ON THE EAST AND WEST FAÇADE IN LIEU OF THE REQUIRED MASONRY REQUIREMENTS FOR AN ADDITION TO EARL OWEN SUPPLY, INC. IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN ADDITION TO EARL OWEN SUPPLY, INC.

SUPPLY INC.
606 E.
LAMBERTH
(OWEN FAMILY
TRUST,
OWNER)

John Westerhaus, 10039 Kirhaven Dr., Dallas, TX

Mr. Westerhaus appeared to represent the request and answer any questions. The property is located at 606 East Lamberth Road between Loy Lake Road and U.S. Highway 75; Earl Owen Supply Inc. is the tenant. Mr. Westerhaus explained “the owners would like to add a 2,860 square foot addition to the existing 5,721 square foot metal building for a total 8,581 square foot. They would like to add full height EFIS (Exterior Finish Insulation System) on the front of the building and fifty foot from the front on the sides of the building; the remainder of the building would be metal. They would be adding approximately seventeen parking spaces on the east side of the building. The EFIS (Exterior Finish Insulation System) will be applied over the metal building; it is like a stucco finish. Mr. Owens wants to make the building more efficient; he will replace all the exterior glass, as well as insulation. They plan to paint the remainder of the building, add new signage and landscaping.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert asked if this metal building was built before the Overlay District was in place.

Scott Shadden, Director of Developmental Services responded “yes, it was.”

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

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(D) TO ALLOW FULL HEIGHT EFIS (EXTERIOR FINISH INSULATION SYSTEM) ON THE FRONT AND THE NORTH 50' ON THE EAST AND WEST FAÇADE IN LIEU OF THE REQUIRED MASONRY REQUIREMENTS FOR AN ADDITION TO EARL OWEN SUPPLY, INC. IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Elliott to approve the exception to allow full height EFIS (Exterior Finish Insulation System) on the front and the north 50' on the east and west façade in lieu of the required masonry requirements for an addition to Earl Owen Supply, Inc. in a C-1 (Retail Business) District/O-1 (75 & 82)

Overlay District. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN ADDITION TO EARL OWEN SUPPLY, INC.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the site plan for an addition to Earl Owen Supply, Inc. Second by Commission Member Elliott.

VOTING AYE: GILBERT, DAVIS, ELLIOTT, VANDERVEER, MAHONE, VELLOTTI AND ADAMS

VOTING NAY: NONE

MOTION CARRIED

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

FINAL PLAT

THE REQUEST OF FIRST PENTECOSTAL CHURCH, AKA FAITH CHURCH OF SHERMAN (OWNERS) AND SARTIN AND ASSOCIATES, INC. (SURVEYOR), CONCERNING THE PROPERTY AT 601 AND 603 NORTH HARRISON AVENUE, BEING 11.14 ACRES IN THE CHARLES CARTER SURVEY, ABSTRACT NO. 229, INCLUDING BLOCKS 5 AND 6 OF C.J. KELIEHOR'S FIRST ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF PALABRA DE FE DE SHERMAN ADDITION, BEING PART OF A REPLAT OF BLOCKS 5 AND 6 OF C.J. KELIEHOR'S FIRST ADDITION.

Brad Morgan, 141 Shady Oaks Circle, Sherman, TX, Marshall Sartin, 109 S. Travis, Sherman, TX and Jared Dutton, 2221 Post Oak Drive, Sherman, TX

Mr. Morgan, Mr. Dutton and Mr. Sartin appeared to represent the request and answer any questions. The property is located at 601 and 603 North Harrison Avenue, the southeast corner of Harrison Avenue and Brockett Street; First Pentecostal Church was the former tenant. The property is zoned an R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District. The owner would like to plat the property into two lots. 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 Final Plat.

ACTION TAKEN.

Motion by Commission Member Elliott to approve the Final Plat subject to the Staff Review Letter. Second by Commission Member Vanderveer.

FINAL PLAT – PALABRA DE FE DE SHERMAN ADDN., BEING PART OF A REPLAT OF BLKS. 5 & 6, C.J. KELIEHOR'S 1ST ADDN. 601 & 603 N HARRISON (FIRST PENTECOSTAL CHURCH, AKA FAITH CHURCH OF SHERMAN, OWNERS)

VOTING AYE: GILBERT, DAVIS, ELLIOTT, VANDERVEER,
MAHONE, VELLOTTI AND ADAMS
VOTING NAY: NONE
MOTION CARRIED

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF LESTER VANCE W LLC 401K PROFIT SHARING
PLAN (OWNER), RODNEY OWENS, PARAMOUNT HEALTHCARE
(PROSPECTIVE BUYER), DFD ARCHITECTS, INC. (ARCHITECT)
AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR)
CONCERNING THE PROPERTY AT 2410 SHADY OAKS LANE,
BEING 3.79 ACRES IN THE ELIJAH HARTZOG SURVEY,
ABSTRACT NO. 540 AND 13.72 ACRES IN THE FIELDING BACON
SURVEY, ABSTRACT NO. 120 FOR A TOTAL OF 17.507 ACRES,
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 SKILLED NURSING FACILITY IN A R-1 (ONE FAMILY
RESIDENTIAL) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL)
DISTRICT.

SUP & SITE
PLAN –
SKILLED
NURSING
FACILITY
2410 SHADY
OAKS LANE
(LESTER
VANCE W LLC
401K PROFIT
SHARING
PLAN, OWNER)

(DENIED)

**Rodney Owens, Paramount Senior Living, 403 Alexandria Circle,
Southlake, TX**

Mr. Owens appeared to represent the request and answer any
questions. The property is located in the 2400 block of Shady Oaks
Lane between Norwood Street and Lamberth Road. The property is
zoned an R-1 (One Family Residential) District and R-2 (Multi-
Family Residential) District. The prospective buyer would like to
construct a skilled nursing facility at this location. The building
will be a single story 54,400 square foot wood frame structure with
a combination of cement fiber board lap siding, masonry veneer
and gabled metal roof. He had seen the Staff Review Letter and
would abide by the Recommendations.

Mr. Owens explained “in March of 2015, he had the opportunity to
buy one hundred and sixty-five licensed beds in Grayson County
when the Chapel of Care Nursing Home shut down. Since then, he
has been looking for property to open up a skilled nursing facility
and this property came up for sale. We are a family owned
business; all of our businesses are in Texas. We are trying to build
facilities in communities; so you can have that fellowship and
community feel. The transition from a home to a nursing facility is
a huge transition for everyone. We have found, when you have
these facilities in residential areas, it is a good fit. Texas is a
certificate of needs State, so you can’t just build a nursing facility
and get it licensed; you have to have Title 18 and Title 19 beds,
which allows you to be reimbursed from Medicaid and Medicare. It
is a good insulator for our industry because it keeps competition
down; it is based on actual numbers, they do it per County.”

“This property is seventeen and a half acres, and as much as the

neighborhood wants to be buffered from me, we want to keep that buffer as well because it allows our residents to have outdoor space to go to, you don't feel so congested. There is an office building near this tract; that office building has a metal roof, Austin stone, a ranch house feel. We would want to build a facility that has a very ranch house feel to it; that is not something you see when you think of a skilled nursing facility. We try to build a high end facility, we are building a home for multiple people; so we don't like that institutional feel; that does not work well in this market for today. We have eighty million plus baby boomers that are transitioning to needing that care, the expectation of those facilities have to look like, feel like, that operate today are drastically different than they were ten years ago; so we try to have a high end residential feel, that feel has to blend in with the community around it. You want something that blends into the neighborhood, you want something that disappears into the backdrop, it's not an eyesore, and it actually enhances the area if anything."

Chairman Gilbert asked Mr. Owens to bring up some of the items of concern such as traffic; "what type of improvements or what would be required for adequate access to the property."

Mr. Owens explained they have an entrance coming off of Shady Oaks Land and further down on Norwood. "If these entrances are causing heartburn, we have several facilities that have single entrances; we would just have to loop around the building per City and State requirements in case there is an emergency situation. We always try to have two entrances, but some of our facilities have one. In a skilled nursing facility with one hundred twenty beds, the peak for traffic is twenty six cars in the evening hours after 6 p.m. On a daily basis, the traffic count is around two hundred cars relative to an office or retail use, the traffic is much lower at a skilled nursing facility. Another concern was you have a lot of emergency vehicles going in and you hear sirens all the time. A study has been done at one of our other facilities that reported a call every thirteen days, so there are some misconceptions about a lot of traffic coming in, noise. Most of the time the events that happen take place at the hospital, going in, sirens blaring. Our type of facility, you have the long term care and you have the short rehab, either way the people that are at our facility are not driving cars; the only people driving cars are the people that work there and visitors and most of that happens Thursday, Friday, Saturday and Sunday."

Appearing from the audience:

Don Simpson, 1810 Carriages Estates Rd., Sherman, TX

Mr. Simpson had safety concerns about the patients with dementia; "they could become violent when they want to leave; they could get out of the skilled nursing facility and wander through the neighborhood; then you have a legal or police issue. There are some potential issues when you have a nursing home in a residential neighborhood and it could be from people getting hurt and that is a no win situation."

Gary Dutton, 2109 Norwood St., Sherman, TX

“This tract of land is directly across the street from my house. I am concerned with traffic, the views that we see, the roads are horrible anyway, Shady Oaks Lane is not wide enough for two cars, much less delivery trucks, contractors or disposal trucks. The concern we have is our home value will definitely go down, if you live further down the road it won’t, but mine will. I moved to Carriage Estates outside the city limits for that reason. I guarantee you, if I want to sell my home with something like that across the street; I will not get my money back and that will be on you guys. Increased traffic, that’s our safety concerns, delivery trucks, damage to the roads, environmental impact, water run-off, medical waste. We’ve all been in nursing homes, we’ve all seen it, it’s never been pretty, and most of them are run badly. Increased noise, this is a 54,000 square foot facility, going in across the street from a residential home. Please look at this very hard because this is going to impact about two hundred families.”

Chris Richardson, 2022 Norwood St., Sherman, TX

“Lord knows we need more nursing homes, just like we need more daycare centers. I think the real question is, it is a residential area, Special Use Permit, you ruled earlier on a similar circumstance only a larger magnitude. If any of you have been on Norwood Road when there is heavy rain, you would have a hard time driving the street there, the culverts don’t handle the rain; it comes close to flooding homes as it is today. If there is in fact something done here today, I would look for you to look at water run-off being directed into some other direction.”

Helen Vargus, 2111 Carriage Estates Rd., Sherman, TX

Mrs. Vargus was concerned with the run-off. “In 2015, the property at 2111/298 Carriage Estates Road received 76.06" of rainfall. This was documented in daily reports to CoCoRaHS and NOAA. During that time, there were twelve 1" rainfall events. We have no storm sewers on any of our streets, the streets will be flooded, it floods over our driveway because it can’t handle the amount of water coming through; it eventually ends at the creek at the bottom of Montclair. I’m sure that creek goes on into the City of Sherman, so you have to ask yourself, are you prepared for the flooding that could take place if the infrastructure is not there.”

Clint Philpott, City Engineer

Mr. Philpott explained “the City has a flood ordinance and detention requirements for any development that happens in the City of Sherman. So with a site like this, they would have to provide engineering calculations and prove to us they are not increasing the run-off compared to what it was before development.”

Randy Kinison, 3517 Carriage Estates Rd., Sherman, TX

Mr. Kinison explained “the Carriage Estates community has a (HOA) Home Owner’s Association which represents ninety-six properties next to this facility. We have concerns with this and we are not in favor of it coming into our community. When I look at the Master Plan and the maps posted online talking about the land use and community character and also look at the map for future

use and character, all of the property is designated to be Estate, Ag and Rural, and Vacant and the future use dedicated toward Residential. We already know that they are R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District. We would conclude that if there is going to be any change to the area, that it be changed to an R-1 (One Family Residential) District to stay in character with the community. The roof of this facility is noted as being a finished metal roof; all of the homes in the area are composition roofs. Metal roofing is not allowed by our (POA) Property Owner's Association. The size of this facility will not be in character with these communities. This is seen as a commercial business, not a residential. The roads are residential, they are not commercial; the only one that could be close is Lamberth Road. We also are concerned with the land that will not be used; this could allow other things to come in, more on the commercial side; we don't want that. We believe there are other areas much better adapted for this type of business. We also have concern with lighting and noise. A lot of people have moved into that area because they want to get away from the City lights, noise from ambulances, access for those vehicles to the facility."

Brandon Shelby, City Attorney

Mr. Shelby wanted to clear up a misconception of what they are asking for. "The underlying zoning will stay R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District; it is not changing to commercial; the Specific Use Permit is for this specific project. There is not any danger of coming out of this meeting of a commercial property going in there. It will remain single family and there is a small portion that is multi-family residential."

Randy Kinison

Mr. Kinison explained "we do not necessarily consider that a single family or even a multi-family, it is a business, it is a commercial business."

Mr. Shelby explained "yes, this business, you asked if another business could come in after this zoning, it could not, it doesn't change the zoning on the property."

Commission Member Davis asked if a year later; "could he sell that skilled nursing facility to gas station or a grocery store."

Scott Shadden responded "no, the Specific Use Permit is only for the skilled nursing facility."

Randy Kinison

Mr. Kinison explained "once again we consider commercial in a residential area."

Steve Goodman, 2300 Carriage Estates Rd., Sherman, TX

Mr. Goodman did not feel there was enough information for the board to make a good decision. "Drainage is an issue, sewage is an issue; they will have to resize their lines going to Post Oak, it's not going to work. Medical waste will be a problem as well. These issues need to be addressed before a decision is made. "

Allen Mattingly, 1902 Norwood St., Sherman, TX

Mr. Mattingly explained he is a hospice chaplain, “my job has led me to almost all the assisted living and nursing homes in the Sherman Denison Area. Not one of those facilities has been built to the entrance of a housing addition and next door to private homes as this extremely large facility would be. There are good reasons for that; many of those reasons have been addressed. There is heavy traffic going and coming every day. Supply trucks coming regularly to fulfill the needs of the facility. Emergency vehicles come more often than you could imagine to those types of facilities. The exterior environment of those facilities are often noisy and do not contribute to a private housing development. In this neighborhood, the proposed building and its usage are not compatible with the existing adjacent conditions of Carriage House Estates.”

Bob Bolin, 1711 Carriage Estates Rd., Sherman, TX

Mr. Bolin was opposed to the Specific Use Permit because it would be in the middle of single family homes. “I talked to a realtor this week and he commented that the property behind Cable One may have townhouses built there and that would be acceptable just like the ones that are being built by Lamberth and Little Lane. If that comes about, that means that this facility will be completely surrounded by residential homes; it will not fit in with the neighborhood.”

Mary Manuel, 2215 Carriage Estates Rd., Sherman, TX

Mrs. Manuel explained her back property line will back up to the back of this, if it is built. “The main consideration is the traffic in the back of this building probably where the big trucks will be turning, flashing lights, emergency vehicles, trash pickup; there are things like that about the noise and the traffic on the back of the building, as well as the other things that have been said. I appreciate you considering what will happen if this is approved and think about your own property where you live and would you want a nursing home beside you, in front or behind it.”

Rhonda Hicks, 1716 Carriage Estates Rd., Sherman, TX

“The gentleman talked about keeping in character with the office building in front of this property; if this is approved, we would think it would be more appropriate to keep it in more character with our facades, because it is going to be in our neighborhood; not theirs. Currently, we have a 17 acre green zone between our community and this building he is talking about, if this is approved that green zone goes away; it will be backed up against someone’s back yard. I think those things are important to look at, I think there should be fencing, tall shrubs put in place, there should be a minimum amount of space between this and the homes or a park or something of that nature so that it feels like a residential area instead of just a business.”

Charles Fellenbaum, PO Box 519, Bells, TX

Mr. Fellenbaum explained he owns the three undeveloped lots that are directly across the street. “This project more than doubles the traffic flow through the small streets out there; now we have an

infrastructure problem.”

Terri Stokes, 3409 Montclair, Sherman, TX

Mrs. Stokes explained she has a 92 year old father and “it doesn’t matter where it would be located, it’s still a nursing facility. All of us purchased our homes in an area that was for single dwelling families because we didn’t want to be exposed to this kind of thing; I would never have purchased a home that wasn’t zoned for that. We are the ones that are going to pay the cost of them being in that neighborhood atmosphere; we all will lose ours.”

Rodney Owens

Mr. Owens explained he has no intention of ever going into any community to devalue that community in way, shape or form. “My family has been in this business for thirty-seven years; we have had facilities in Louisiana and Texas, not once have we ever had a resident get out and do harm to anybody in the community. Storm run-off, this would be a perfect opportunity to fix that, if there are so many issues in that area when it rains, because it will all be on my shoulders to address that with Engineering; they will not let me build something there that will exasperate the problem.”

“People keep calling this a business; this is a home that people need a home to go to when they are sick, when they are recovering and when they have had a stroke, a heart attack or surgery. This is a home for people that need that care, who need that love and a place to go so that their loved ones at home can get a break, so that their loved ones at home can be sure they are being cared for.”

“The roof, if people in the neighborhood want it to resemble the homes in the neighborhood; that is not a problem. This is just a site plan, a rendering of the building to get the ball rolling to see if we can even get to that point. I would be happy to sit down with everyone here, the people from the Homeowners Association, just let me know what you want; I’m not saying this building has to look like this on the exterior; I’m flexible. I want this to be something the people in this area are proud of when they look at it. I have pushed the building so far away from the neighborhood as far as I can; I have gotten as far away from those residential homes as I can. If that means fencing in the facility and leaving all the green space, I have no problem with doing that; I’m flexible.”

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

Letters were received from:

Arpad & Pamela Pocz, 2110 Norwood St., Sherman, TX

They wrote: “This is a residential area! We oppose for increased traffic, water runoff, sewer concerns, negative effect on our property values. This project should go in a medical area or near a hospital.”

Bob Tate, PO Box 551, Sherman, TX

“I own a track that’s surrounded by that track and a larger tract that’s adjacent to it on the south. Along with this, I have one existing real house. I’m pleased to have my property that’s

adjacent to it. I have no problem with it being changed to a different zoning. I think it's a pro for the area. I do have property that's zoning heavy commercial virtually touching it. My property is in the city limits and has been for many years. (These are both within it.) Please give attention to this track and possibly change the zoning if the board so desires."

Helen Vargus, 2111 Carriage Estates Road, Sherman, TX

Mrs. Vargus was opposed to the skilled nursing facility at 2410 Shady Oaks Lane. She was concerned with the suitability of the building structure with the existing neighborhoods. "I don't think that a commercial enterprise should be allowed in an area zoned R-1 & R-2 and is surrounded by long established neighborhoods."

There are issues with water, "In 2015, we recorded 76" of rain on our property in Carriage Estates. The property in question slopes to the southwest and all run-off drains directly onto the properties in Carriage Estates and those along Lamberth Road. There are no storm water drains in Carriage Estates and all of this water runs into yards and ditches, over driveways and across streets to get to the creek."

"This plan introduces the potential for noise and air pollution in these existing neighborhoods. The residents of these neighborhoods chose to buy houses here because of the quiet park-like setting enjoyed by the one and two acre lots. To introduce a structure of this size with all the inherent noises from trash bins, air conditioners/heating units and the pollution from all of the vehicles coming in and out of this facility, the quality of life the residents of this area currently enjoy will be diminished."

"I believe it will also diminish the property values of our homes, at a cost of lost tax revenue to the City of Sherman and Grayson County. I also see no provisions of any kind of fencing along this facility to separate it from the neighborhoods nor any green space barrier between the neighborhoods and this facility."

"In short I don't believe that a facility of this type and size belongs in an established residential (R-1) area. I don't believe a Special Use Permit should be granted for this project as it applies to a C-2 zoning."

Joe Parkes, 2106 Norwood St., Sherman, TX

"I strongly oppose this area being rezoned for a skilled nursing facility. I have many concerns including the effect on the value of my home, traffic, trash, water runoff and the general appearance of a Nursing home in a residential area. I assume the owner of this property would rather move into an area zoned residential for cheaper land than buy land already zoned commercial by the P&Z board. If they petition to have single family residential land converted to commercial multi-family, what's to prevent more business owners wishing to do the same."

Pat & Ben Brookman, 1714 Norwood St., Sherman, TX

"My wife and I are extremely opposed to the facility planned for Shady Oaks Lane."

Melissa Strawn, Tony Strawn & Diane Ramey, 1813 Carriage Estates Rd., Sherman, TX

“We are home owners in this area and we are opposed to the development of the Nursing Facility at 2410 Shady Oaks Lane.

My concerns are listed below.

- **Increased traffic.**
- **Higher traffic increases safety concerns.**
- **Damage to roads due to higher traffic/larger trucks/etc.**
- **How will sewer service be handled since the city was not willing to offer that to our community?**
- **Home values especially those in close proximity to the facility.**
- **There are a number of other properties nearby that would be a better location.**
- **The project involves 17.5 acres so the skilled nursing facility could be a very large complex which would look out of place in relation to our one acre single family home residential zoning.**
- **If it begins to become run down or goes out of business it can be an eye sore and how do you sell this large of a property.**
- **We already have enough businesses in the area with the small business office complex and the Wal-Mart just now opening up and that too is a concern but it is at least it is on a major traffic artery of the city.**
- **At least the small business office complex is small.**
- **The area has been a residential area for a long time and we would prefer to keep it that way.**
- **Water runoff. A complex of this size will reduce the area for water absorption into the ground and could redirect the runoff when it rains.**
- **Rezoning could allow for other things to be built “IF” the nursing home does not go through like the building of apartments.**
- **The mental health of the patients staying at the facility and what would happen should they happen to walk out of the front door and into our neighborhood.**
- **Concerns of nurse to patient ratio. Allowing an incident just as that to happen.**
- **Environmental impact due to storm water runoff and possible medical waste contamination.**
- **Traffic increase due to deliveries to the facility could cause a safety hazard for residents walking, we would need road construction more often and sidewalks installed.**
- **Increased noise coming from the facility from the people, large HVAC systems, construction, and heavy traffic expected with 62 parking places available.**
- **It does not appear there will be a large Green Space between the facility and our community.**
- **The site plan does not indicate fencing around the facility or behind the facility separating our residential area and the commercial area.”**

Rhonda Hicks, 1716 Carriage Estates Rd., Sherman, TX

“I wanted to voice my concerns at this evenings meeting but just in case we run short on time due to the number of people who wish to speak, I thought I would send you a quick email to list the issues I would like to address regarding the Green Zone Impact.

- An Environmental Study should be conducted on the water run-off, hazards of Medical Waste Contamination, and Noise Levels due to “No Green Zone Boundary” between the proposed commercial area and the existing residential area that exists today.
- This facility will literally be backed up against one of the homes in our HOA without even a fence separating the commercial and the residential areas.
- The exterior of the building should align with the Architectural Code of our HOA so it blends in with our existing surroundings.
- A tall fence and shrubbery should be installed to block the noise created by the traffic, people inside and outside the building, the multiple HVAC systems that will be required to maintain this large facility.
- A park between the facility and the residential area should be required at the expense of the owner to keep the residential boarder intact.
- And I don’t believe there should be exits/entrances allowed from Norwood. Only from Shady Oaks and Lamberth to keep the traffic concerns away from our residential area.”

Lisa Carrillo, 3501 Montclair Dr., Sherman, TX

“My husband and I are homeowners at 3501 Montclair Drive in Carriage Estates and we would like to voice our opposition to Agenda #9 - 2410 Shady Oaks.”

“We are personally opposed to the rezoning and feel it is not to the best interest of the neighborhood or the city. Carriage Estates is a quiet, peaceful neighborhood and we would like for it to remain that way. We have recently been annexed by the City of Sherman. We were told that allowing the annexation would only bring good changes. We had no idea it would bring commercial buildings and zoning changes. Rezoning the area would bring more traffic and disrupt the neighborhood.”

“We strongly oppose the rezoning and respectfully request that you reconsider the rezoning.”

Keith Housewright, 1612 Norwood St., Sherman, TX

“I am unable to attend tonight's meeting but I would like to let it be known that I am against zoning our neighborhood so that a skilled nursing facility can be built here. It would make our peaceful

neighborhood a high traffic area and would depreciate our homes. I am also concerned about the runoff from all of the land being replaced with concrete. I am at the bottom of Norwood and we already get flooded with all of the uphill runoff. Please accept my vote against this move.”

Chairman Gilbert asked to get some clarification so he announced they would go into Executive Session to consult with the City Attorney.

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

EXECUTIVE SESSION

CHAIRMAN GILBERT ANNOUNCED THAT THE PLANNING AND ZONING COMMISSION WILL HOLD A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNON’S TEXAS CODES ANNOTATED, IN ACCORDIANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

**SECTION 551.071 -- CONSULTATION CONCERNING LEGAL MATTERS ON AGENDA ITEM 9, REGARDING THE REQUEST OF LESTER VANCE W LLC 401K PROFIT SHARING PLAN (OWNER), RODNEY OWENS, PARAMOUNT HEALTHCARE (PROSPECTIVE BUYER), DFD ARCHITECTS, INC. (ARCHITECT) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2410 SHADY OAKS LANE, BEING 3.79 ACRES IN THE ELIJAH HARTZOG SURVEY, ABSTRACT NO. 540 AND 13.72 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 120 FOR A TOTAL OF 17.507 ACRES, 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 SKILLED NURSING FACILITY IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 7:00 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:05 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING

Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.

ACTION TAKEN.

Motion by Commission Member Vanderveer to deny the request to allow a skilled nursing facility in an R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District based on it not being characteristic with the neighborhood. Second by Commission Member Davis.

VOTING AYE: GILBERT, DAVIS, ELLIOTT, VANDERVEER,
MAHONE, VELLOTTI AND ADAMS
VOTING NAY: NONE
MOTION CARRIED

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

TEMPORARY USE PERMIT (RENEWAL)

The request of Seraj Ali (Owner) concerning the property located at 1802 East Houston Street, being Lots 1 & 3, Block 16 of the Christian College Addition, as follows;
Board of Adjustments
Renew Temporary Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (4)(a) to allow a snow cone stand in a C-1 (Retail Business) District.

TUP – SNOW
CONE STAND
1802 E.
HOUSTON
(SERAJ ALI,
OWNER)

Seraj Ali, 1113 Lakota Place, Carrollton, TX

Mr. Ali appeared to represent the request and answer any questions. The property is located at 1802 East Houston Street, the southeast corner of Houston and Carr Streets. The property is zoned a C-1 (Retail Business) District but is being used as residential. The snow cone stand has been at this location since 2008. He had seen the Staff Review Letter and would abide by the Recommendations.

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

ACTION TAKEN.

Motion by Commission Member Elliott to approve the Temporary Use Permit to allow a snow cone stand in a C-1 (Retail Business) District subject to the Staff Review Letter. Second by Commission Member Vanderveer.

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

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

ZONE CHANGE, SITE PLAN, VARIANCE & EXCEPTIONS

THE REQUEST OF MENDI SALIJESKI (OWNERS) AND BRUCE GREEN, BWG ARCHITECTURE (ARCHITECT) CONCERNING THE PROPERTY AT 119 AND 121 NORTH ANDREWS AVENUE, BEING LOTS 1, 3 & 5, BLOCK 14, CHRISTIAN COLLEGE ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL FOR THREE DUPLEXES UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

BOARD OF ADJUSTMENTS

ZONE CHANGE
R-1 TO R-2
VARIANCE –
REAR
SETBACK
EXCEPTION –
EXTERIOR
FAÇADE
EXCEPTION -
SCREENING
119 & 121 N.
ANDREWS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 6' REAR SETBACK FOR A MULTI-FAMILY DWELLING IN LIEU OF THE REQUIRED 25' IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

(MENDI SALIJESKI, OWNER)

BOARD OF ADJUSTMENTS

(DENIED)

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (6) TO ALLOW FIBER CEMENT SIDING FOR THREE MULTI-FAMILY DWELLINGS IN LIEU OF THE REQUIRED MASONRY OR MASONRY VENEER IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO NOT REQUIRE A FENCE SURROUNDING THE MULTI-FAMILY DEVELOPMENT IN LIEU OF THE REQUIRED 6' MASONRY PERIMETER WALL IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

Mendi Salijeski, 220 Archer Dr., Sherman, TX and Bruce Green, PO Box 893, Tom Bean, TX

Mr. Salijeski and Mr. Green appeared to represent the request and answer any questions. The property is located at 119 and 121 North Andrews; the southeast corner of Andrews Avenue and Chaffin Street. Mr. Green explained the property is zoned an R-1 (One Family Residential) District and the owner would like to rezone the property to an R-2 (Multi-Family Residential) District to build three single story duplexes on the lots. The duplexes will be approximately 2,112 square foot with fiber cement siding and brick columns. He had seen the Staff Review Letter and would abide by the Recommendations.

Robert Ortez, 110 N. Andrews, Sherman, TX

Mr. Ortez explained he lives across the street from the proposed duplexes and he felt the buildings should be lined up with the other houses on the street; not grouped together.

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

Chairman Gilbert felt this would be better suited on individual lots instead of three duplexes built close together on one large lot. A few years ago, duplexes were allowed in an R-1 (One Family Residential) District but parking became an issue, so the ordinance was changed to require one parking space per bedroom.

Commission Member Vanderveer asked about the exception for the masonry; does fiber cement siding not meet the masonry requirement.

Mr. Shadden explained in an R-2 (Multi-Family Residential) District the requirement is masonry or masonry veneer.

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL FOR THREE DUPLEXES UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN

R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

ACTION TAKEN.

Motion by Commission Member Vanderveer to deny the zone change based on the compatibility with the neighborhood. Second by Commission Member Davis.

VOTING AYE: GILBERT, ELLIOTT, VANDERVEER, VELLOTTI, DAVIS, MAHONE AND ADAMS.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & SITE PLAN

THE REQUEST OF UTTER PROPERTIES LTD (OWNER), TERRY SKIPWORTH (CONTRACTOR), BWG ARCHITECTURE (ARCHITECT) AND FORD LAND DEALERSHIP FACILITY SERVICES (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 (4B) TO ALLOW EIGHT (8) OVERHEAD DOORS FACING THE HIGHWAY ON THE QUICK LANE TIRE AND AUTO CENTER AND TO ALLOW METAL PANELS AS ACCENT FEATURES 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 TO THE QUICK LANE TIRE AND AUTO CENTER.

EXCEPTION –
OVERHEAD
DOORS

SITE PLAN –
ADDITION TO
QUICK LANE
TIRE & AUTO
CENTER
2525 TEXOMA
PARKWAY
(UTTER
PROPERTIES,
LTD, OWNER)

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

Mr. Skipworth, Mr. Green and Mr. Pryor 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 (General Commercial) District and also located in the O-1 (75 & 82 Overlay) District.

Mr. Skipworth explained “an exception was granted at the August 18, 2015, Planning and Zoning Commission Meeting to allow six (6) overhead doors facing the highway on the Collision Center, but it was never built because Ford Motor Company changed the plan. They would like to construct an addition to the Quick Lane Tire and Auto Center and add eight (8) overhead doors facing U.S. Highway 82; the exterior on addition will be EFIS (Exterior Finish Insulation System) with metal accents to match the existing buildings. He explained this building is at the far east side of the lot along the U.S. Highway 82 access road and will not be seen until you drive down the access road.” 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

EXCEPTIONS UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTIONS (5C) AND (4B) TO ALLOW EIGHT (8) OVERHEAD DOORS FACING THE HIGHWAY ON THE QUICK LANE TIRE AND AUTO CENTER AND TO ALLOW METAL PANELS AS ACCENT FEATURES 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 TO THE QUICK LANE TIRE AND AUTO CENTER.

ACTION TAKEN.

Motion by Commission Member Elliott to approve the exception to allow eight (8) overhead doors facing the highway on the Quick Lane Tire and Auto Center and to allow metal panels as accent features in lieu of the required masonry in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District subject to the Staff Review Letter. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN ADDITION TO THE QUICK LANE TIRE AND AUTO CENTER.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the site plan for an addition to the Quick Lane Tire and Auto Center subject to the Staff Review Letter. Second by Commission Member Elliott.

VOTING AYE: GILBERT, ELLIOTT, VANDERVEER, VELLOTTI, DAVIS, MAHONE AND ADAMS.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF HBR3CPA LLC (OWNER) AND HAROLD ROGERS (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 213 WEST PECAN STREET, BEING LOT 3, BLOCK N, BLACK'S ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1B) TO ALLOW A METAL CARPORT IN LIEU OF THE REQUIRED MASONRY IN A C-1

EXCEPTION –
EXTERIOR
FAÇADE

SITE PLAN –
CARPORT
213 W PECAN
(HBR3CPA LLC,
OWNER)

(RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

Harold Rogers, 217 W. Pecan, Sherman, TX

(DENIED)

Mr. Rogers appeared to represent the request and answer any questions. The property is located at 213 West Pecan Street between Crockett and Elm Streets. The property is zoned a C-1 (Retail Business) District and is located in the Central Business District.

Mr. Rogers explained he recently purchased the parking lot next door to his business and restored to its original asphalt condition for customer parking. "I would like to install a quality metal carport with the colors exactly matching my commercial office building on the back portion of the parking lot. The exception is for the gables, side panels and legs be allowed to use their original construction material; 29 gauge sheet metal instead of having to go the expense of covering them with masonry, brick, stone, EFIS or lap siding. I did not think there would be a problem with the metal carport since there is an unsightly metal storage building installed several months ago on the lot next door. I would only consider installing a first rate carport that would not compromise the existing integrity of my facility."

Mr. Shadden explained the metal storage building next door to this property has been red-tagged and the owner knows it is to be removed.

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

Commission Member Vanderveer felt this did not fit in with the Central Business District and the plans to revitalize the downtown area.

ACTION TAKEN.

Motion by Commission Member Davis to deny the exception to allow a metal carport in lieu of the required masonry in a C-1 (Retail Business) District/Central Business District subject to the Staff Review Letter. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & SITE PLAN

THE REQUEST OF TCV APTS LLC (OWNERS), JOE GILBERT (REPRESENTATIVE) AND NBS DRAFTING AND DESIGN (DRAFTSMAN) CONCERNING THE PROPERTY AT 3114 REX CRUSE DRIVE, BEING LOTS 31 & 32, BLOCK B, TURTLE CREEK NORTH, SECTION 4, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO ALLOW THE EXISTING 6'

EXCEPTION – SCREENING

SITE PLAN – THREE DUPLEXES 3114 REX CRUSE (TCV APTS LLC,

WOOD FENCE BETWEEN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT DEVELOPMENT IN LIEU OF THE REQUIRED 6' MASONRY PERIMETER WALL IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

OWNERS)

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR THREE DUPLEXES FOR TURTLE CREEK APARTMENTS

Chairman Gilbert abstained from this request and joined the audience because of a conflict of interest. Commission Member Vanderveer was appointed his replacement for this request. Vice-Chairman Patterson returned during this request; 7:30 p.m.

Joe Gilbert, 801 E. Taylor, Sherman, TX and Andy Beeghly, 1701 F Street, Bakersfield, CA

Mr. Gilbert and Mr. Beeghly appeared to represent the request and answer any questions. The property is located at 3114 Rex Cruse Drive between Idlewood Drive and Cypress Grove Road; Turtle Creek Apartments is the tenant. The property is zoned an R-2 (Multi-Family Residential) District.

Mr. Gilbert explained one of the apartment buildings was consumed by fire on April 30, 2015 and has been demolished. The owner would like to replace the building with three duplexes to blend in with the residential homes next door. They were also requesting to use the existing wood fence instead of the required masonry wall fence around the apartment complex. They had seen the Staff Review Letter and would abide by the Recommendations.

Rodney Liddicoat, 1305 Idlewood Dr., Sherman, TX

Mr. Liddicoat explained he lives next to the apartment building that was destroyed by fire. He explained he put up the wood privacy fence that is there now between the properties because the apartment complex would not maintain the existing fence; it was falling down.

Mr. Beeghly did not realize the fence was put up by the homeowner; he has only owned the property since 2007.

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

Commission Member Vanderveer explained to Mr. Beeghly if the exception is approved, "you will have to install and maintain a fence around the apartment complex."

Mr. Beeghly understood.

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO ALLOW THE EXISTING 6' WOOD FENCE BETWEEN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT DEVELOPMENT IN LIEU OF THE REQUIRED 6' MASONRY PERIMETER WALL IN AN R-2 (MULTI-FAMILY RESIDENTIAL)

DISTRICT.

ACTION TAKEN.

Motion by Commission Member Vellotti to approve the exception to allow the existing 6’ wood fence between the R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District development in lieu of the required 6’ masonry perimeter wall in an R-2 (Multi-Family Residential) District subject to the Staff Review Letter. Second by Commission Member Elliott.

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

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR THREE DUPLEXES FOR TURTLE CREEK APARTMENTS

ACTION TAKEN.

Motion by Commission Member Davis to approve the site plan for three duplexes for Turtle Creek Apartments subject to the Staff Review Letter. Second by Commission Member Patterson.

VOTING AYE: ELLIOTT, VANDERVEER, PATTERSON, VELLIOTT, DAVIS, MAHONE AND ADAMS.

ABSTAIN: GILBERT

VOTING NAY: NONE

MOTION CARRIED

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

OTHER BUSINESS

Chairman Gilbert asked Scott Shadden to provide an overview of the O-1.1 (F.M. Highway 1417) Overlay District and the General Zoning Ordinances.

Mr. Shadden explained at the June 25, 2015 Budget Work Session Meeting, the City Council directed staff to review the O-1.1 (F.M. Highway 1417) Overlay District. The staff asked Kimley-Horn to review the ordinance and make recommendations. A subcommittee was appointed at the November 17, 2015 regular meeting, Chairman Gilbert appointed Kyle Patterson, Eric Elliott and himself to serve on the subcommittee. The subcommittee met January 6th and 12th, 2016 to review the recommendations and ordinances and suggested changes to the ordinances for commercial and multi-family zoned properties.

**REVIEW DRAFT
ORDIANCES
O-1.1 (F.M.
HIGHWAY 1417)
OVERLAY
DISTRICT &
GENERAL
ZONING
ORDINANCES**

Items in the updates include:

- Increasing the district from 300 to 500 feet from the right of way along FM 1417
- More defined Building Standards, materials, colors, architectural features
- Detention area screening
- Improved sign regulations

- Moving incompatible uses throughout the City to the Specific Use Permit process.

Appearing from the audience for clarification of the changes on the ordinances:

- Jerry Thompson, 204 Ridgeview, Sherman, TX
- Amber Dunn, Colorado, Sherman, TX
- Jackie Babb, 502 N. FM 1417 (Heritage Parkway), Sherman, TX
- Gwen Coleman, 3618 South Dakota, Sherman, TX
- Marty Nichols, 2933 Overland, Sherman, TX
- Charles Hamilton, 707 Snap Rd., Sherman, TX
- Dorothy Rigsby, 413 Arizona, Sherman, TX
- Tommy Bateman, 318 N. FM 1417 (Heritage Parkway), Sherman, TX
- Wanda Lawrence, 214 E. Kiowa Dr., Lake Kiowa, TX

Letters received:

Bill Douglass, Douglass Distributing LTD, 325 Forest Ave., Sherman, TX

Mr. Douglass wrote: “I support the City’s effort to enhance this developing commercial district. We need to provide an attractive environment to existing and future commercial development.”

William Magers, SSCGC Partners, LLC, Sherman, TX

“SSCGC Partners, LLC owns commercial and multi-family frontage along 1417. We believe the proposed changes will protect and enhance property values along this corridor and throughout the city. 1417 is an important part of Sherman, and the county’s transportation network. We applaud the City’s efforts to maximize this asset and improve the quality of development along this vital corridor.”

ACTION TAKEN.

Motion by Commission Member Vanderveer to recommend the draft ordinances be approved and forward to the City Council for approval. Second by Commission Member Davis.

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

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 8:00 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY

