

**PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT APPROVAL OF KROGER SHERMAN
ADDITION.**

**LTD, BARRY L.
& JESSIE
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 16.760 acres. The owners would like to plat the property into five (5) lots for commercial 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.**

EXCEPTIONS & SITE PLAN

**THE REQUEST OF JOSE MENJIVAR (OWNER) CONCERNING THE
PROPERTY AT 3615 NORTH TRAVIS STREET, BEING LOT 2,
BLOCK 1, COVEY ADDITION, AS FOLLOWS;**

**EXCEPTION –
METAL
STORAGE
BLDG.**

BOARD OF ADJUSTMENTS

- **EXCEPTION AND SITE PLAN APPROVAL UNDER
ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B)
TO ALLOW A METAL STORAGE BUILDING IN LIEU OF THE
REQUIRED MASONRY, MASONRY VENEER, OR
CONCRETE SIDING IN A C-2 (GENERAL COMMERCIAL)
DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.**
- **EXCEPTION AND SITE PLAN APPROVAL UNDER
ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (7)(4)
TO ALLOW A CHAIN LINK FENCE WITH VINYL INSERTS
AROUND A STORAGE BUILDING IN LIEU OF THE
REQUIRED WOOD OR MASONRY FENCE MATERIAL IN A
C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82)
OVERLAY DISTRICT.**
- **EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7,
SUBSECTION (10)(H) TO ALLOW THE EXISTING GRAVEL
DRIVEWAY IN LIEU OF THE REQUIRED DURABLE AND
DUSTLESS SURFACE IN A C-2 (GENERAL COMMERCIAL)
DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.**

**EXCEPTION –
CHAIN LINK
FENCE**

**EXCEPTION –
DRIVEWAY**

**SITE PLAN –
METAL
STORAGE
BLDG.
MENJIVAR
LANDSCAPING
3615 N. TRAVIS
(JOSE
MENJIVAR)**

PLANNING AND ZONING COMMISSION

**SITE PLAN APPROVAL FOR A METAL STORAGE BUILDING FOR
MENJIVAR LANDSCAPING.**

James Green, PO Box 12, Denison, TX

Mr. Green appeared to represent the request for Mr. Menjivar and answer any questions. The property is located at 3615 North Travis Street between Lamberth Road and U.S. Highway 82. The property is zoned a C-2 (General Commercial) District and located in the O-1 (75 & 82) Overlay District.

Mr. Green explained the property is hard to see from U.S. Highway 82 or Travis Street; it is behind Mueller and Goins Lumber. “The owner would like to construct a metal storage building and did not want to spend a lot of money on something that he just plans to use as storage for his landscaping business; Menjivar Landscape. The building will not be open to the public.” He is also asking for exceptions to allow a chain link fence with vinyl inserts around the

building and to be allowed to use the existing white rock gravel road to the oil well on the property as access to his building. There is an existing metal building on the lot and it will remain. He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert explained “it seems to me it is just a left-over piece of land stuck behind three buildings that is hardly visible.”

Commission Member Thorpe explained “they have been pretty hard on metal buildings lately and that area is developing; this property might not, but still.”

Commission Member Patterson explained “where this property is located, it probably will not develop; it is pretty well secluded; the only portion that could be seen is on the east side behind Mueller and there are trees that are blocking it; it is pretty well secluded.”

Commission Member Mahone explained “there are two very large buildings already there that are mostly metal and he did not feel this would add to that.”

Commission Member Vanderveer felt if they paved a section off of Travis Street to keep the dust down on Travis; “but I don’t see a point of paving the whole driveway; maybe just a 50’ section with something that is more packed to keep the dust down.”

Chairman Gilbert explained “that thought had crossed my mind too about the entrance off of Travis, but then I thought about how many oil and gas leases there are on Travis Street.”

Commission Member Thorpe stated “you have an opportunity to address it in this situation, that doesn’t exclude those from the conversation; it shouldn’t.”

Mr. Green explained “normally how Mr. Menjivar uses his piece of property is he will go in and get his equipment in the morning and bring it back at night; it’s not like he is going back and forth all day long.”

Chairman Gilbert explained he would be open to put a condition on paving the first 25’ of the driveway on Travis Street.

Scott Shadden, Director of Developmental Services explained the property line probably starts where the gate is located on the property, but he did not know for sure. “You could also put a condition on this exception would be just for this building, if the property is developed further the driveway could be reconsidered.”

Chairman Gilbert asked if there was something stopping him from opening a business.

Mr. Shadden responded “no”.

Commission Member Elliott explained “that is my holdup on the

whole deal, is these request run with the property, there is no time limit so we don't know exactly what this will look like twenty years from now or that being a problem down the road; right now I wouldn't see a problem with it today, it's not going to make any difference, it is already there, the gravel road, the metal building, but in the future and that is what we are here for to look at; will that be an issue then."

Mr. Shadden explained "you have an option on exceptions to put a condition on them, so you could say as long as the use remains as storage to run with this building only. This property is zoned a C-2 (General Commercial) District, so he could put a commercial use in there and he has an exception for a gravel driveway and that runs with the land, unless you put a condition on it. If you were inclined to grant the exception, you could move to grant the exception subject to the use remaining storage and no additional buildings being built on that property; something like that."

Chairman Gilbert felt it would be good to asphalt the first 20 or 25 feet, "this is a left over, no man's land kind of land that is stuck in there in the bottom that has easements going all through it; I don't think it is going to be developed for commercial uses."

Mr. Green thought some of the property is in the floodplain as well.

Commission Member Thorpe stated "you can still build in the floodplain."

Mr. Shadden explained "the C-2 (General Commercial) District use will allow some things that you wouldn't people driving down a gravel driveway to get to it."

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

BOARD OF ADJUSTMENTS

- EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B) TO ALLOW A METAL STORAGE BUILDING IN LIEU OF THE REQUIRED MASONRY, MASONRY VENEER, OR CONCRETE SIDING IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.
- EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (7)(4) TO ALLOW A CHAIN LINK FENCE WITH VINYL INSERTS AROUND A STORAGE BUILDING IN LIEU OF THE REQUIRED WOOD OR MASONRY FENCE MATERIAL IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.
- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (10)(H) TO ALLOW THE EXISTING GRAVEL DRIVEWAY IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the request to allow one proposed metal storage building; to allow a chain link fence with vinyl inserts and to allow the existing gravel driveway except from Travis Street to 25' inside the property line in lieu of the required durable and dustless surface in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District until such time as the use is changed or the property is further developed at 3615 North Travis Street subject to the Staff Review Letter. Second by Commission Member Patterson.

VOTING AYE: GILBERT, ELLIOTT, PATTERSON AND VANDERVEER.

VOTING NAY: THORPE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A METAL STORAGE BUILDING FOR MENJIVAR LANDSCAPING.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the site plan for a metal storage building for Menjivar Landscape subject to the Staff Review Letter at 3615 North Travis Street. Second by Commission Member Elliott.

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

VOTING NAY: THORPE

MOTION CARRIED

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

EXCEPTION & VARIANCE

THE REQUEST OF LARRY AND NANCY JACQUES (OWNERS) AND SARTIN & ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 3002 CANTERBURY CIRCLE, BEING LOT 8 AND THE SOUTH 33.27 FEET OF LOT 7, BLOCK 3, IDLEWOOD ACRES ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) AND SECTION 7, SUBSECTION (1) TO ALLOW A 16' REAR SETBACK IN LIEU OF THE REQUIRED 25' AND A 5' SIDE SETBACK IN LIEU OF THE REQUIRED 9' TO CONNECT THE MAIN DWELLING TO AN ACCESSORY BUILDING WITH A BREEZEWAY IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Jennifer McCarthy, Virginia Cook Realtors, 7358 Dripping Springs Road, Denison, TX

Mrs. McCarthy appeared to represent the request for Larry and Nancy Jacques and answer any questions. The property is located at 3002 Canterbury Circle between Ricketts Street and Dover Drive; it is zoned an R-1 (One Family Residential) District.

**EXCEPTION –
CONNECT MAIN
DWELLING TO
ACCESSORY
BLDG.**

**VARIANCE –
SIDE & REAR
SETBACKS**

**3002
CANTERBURY
CIRCLE
(LARRY &
NANCY
JACQUES)**

Mrs. McCarthy explained the property has a 24' x 36' accessory building, 5' 3" from the side property line and 16' 4" from the rear property line. The owner would like to permanently attach the main dwelling to the accessory building by a breezeway so that the residence can become a four bedroom, three bathroom home. "The shop will be remodeled to make it into living quarters for a special needs adult so that he is living in that part, but is still a part of the main house." They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked if they converted it to an apartment, but not connected it with a breezeway, would it still be under this ordinance.

Mr. Shadden explained "no, the accessory building will need to be attached to be a part of the main building and continue to be in an R-1 (One Family Residential) District; if it became an apartment, it would be considered an R-2 (Multi-Family Residential) District use."

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

A letter was received from:
Margaret Dell, 1017 Windsor, Sherman TX
Mrs. Dell had no objections to the request.

ACTION TAKEN.

Motion by Commission Member Patterson to approve the exception and variance to allow a 16' rear setback in lieu of the required 25' and a 5' side setback in lieu of the required 9' to connect the main dwelling to an accessory building with a breezeway in an R-1 (One Family Residential) District subject to the Staff Review Letter. Second by Commission Member Vanderveer.

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

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 LOS HERMANOS PARTNERSHIP, LLC (OWNER), LONE STAR GARAGE (TENANT) AND JACOB ESHE (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 300 NORTH CROCKETT STREET, BEING LOTS 1 & 2, BLOCK N, BLACK'S 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 AN AUTOMOBILE MAINTENANCE AND REPAIR FACILITY IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

SUP & SITE
PLAN –
AUTOMOBILE
MAINTENANCE
& REPAIR
FACILITY
300 N.
CROCKETT
(LOS
HARMANOS
PARTNERSHIP,
LLC, OWNER)

Tom Shields, 121 N. Willow, Sherman, TX and Jacob Eshe, 1523 Crescent Dr., Sherman, TX

(DENIED)

Mr. Shields and Mr. Eshe appeared to represent the request and answer any questions. The property is located at 300 North Crockett Street; the northwest corner of Crockett and Pecan Streets. The property is zoned a C-1 (Retail Business) District and is located in the Central Business District. Lone Star Garage, LLC is owned and operated by Jacob Eshe. He would like to open an automotive repair and maintenance service business with a specialty in electrical and electronic issues. The existing building is approximately 2,800 square foot masonry building with three service bays.

Mr. Shields explained he is the owner of the property and would like to give a summary of the lease arrangement he has with Jacob and his mother. “I believe 300 North Crockett Street is the former Hooker Automotive building, I didn’t live here back then, but that is what I have been told. The building has been vacant for numerous years. My partner and I, Don Knobbler purchased the property a little over a year ago; that is one of probably over thirty-five buildings we have purchased in Sherman in the last year and a half. We are vested in Sherman, Texas, we believe in it, we want it to happen, but as an owner also of downtown Sherman, I am also concerned about aesthetics, the way things look, how people take care of things, what are we doing with it and everything. We have had numerous calls on this property, I have actually told people no, I didn’t get the right vibe and did not feel good about it, but Jacob and his mom Linda approached us about three months ago. We have renovated the building, installed new heat and air, and a new floor. I know when we think anything with automotive, the first thing I think of is wrecked cars, tires, oil drums, things like that, we’ve seen that on a lot of the places like that and I have explained that to Jacob and his mother; we definitely do not want that. I can understand concerns and would like Jacob to tell you how they are going to conduct business. I have also put him on a twelve month lease and told him we are not going to renew it if we get trashy, it gets dirty or anything out there because I own three buildings right across the street from it. Jacob and his mom are good people and I think they would be an asset to doing good business in Sherman and I know we are pro business here.”

Jacob Eshe explained their intention is to open an automotive service station, specializing in electronics diagnostics and repair and installation of automotive accessories. “We intend for the property to be wholesome, clean, family-friendly with a welcoming environment, some place where a single mother who needs to have their vehicle worked on and a safe place for their children while it is being worked on. The building is currently vacant; we all know vacant buildings insight all kinds of problems. We want to bring business that also carries on into neighboring businesses.”

Chairman Gilbert asked if this building was originally built as a service station.

Mr. Eshe understood it was originally used as an automotive

service shop, a building with three overhead bays and lifts for vehicle service. “There is not a whole lot that the building could be used for retail; it’s not really designed for retail, mostly workshop space.”

Appearing from the audience:

Harold Rogers, 217 W. Pecan, Sherman, TX

Mr. Rogers explained he owns the commercial property next door to this property and “I am here tonight to respectfully request that Specific Use Permit be denied. If you look at what all that surrounds that building, you have an insurance agency, a former CPA, a lawyer’s building, my building and City offices; I don’t think a car lot would be suitable for the Central Business District/C-1 (Retail Business) District. I was before the Commission last February with my request for a metal carport for my parking lot and that was denied. The reason it was denied was because you guys said if you allow me a carport for my employees in the Central Business District, you have to allow any business in the Central Business District to put up a metal carport, so I was denied, I didn’t like the decision, but I respected it. The same concept holds true for downtown Sherman C-1 (Retail Business) District designation, if we grant a Specific Use Permit for a car lot, you could open up a Pandora’s Box if we allow something other than retail. We know Mr. Shields and Mr. Knobler are making great efforts to improve Sherman and downtown Sherman; nonetheless, C-1 (Retail Business) District is what that property needs to be, not a car repair lot.”

Gail Utter, 2610 Shenandoah Circle, Sherman, TX

Mrs. Utter explained she owns property across the street from Harold Rogers’ Office, which is catty-corner from this site. “I agree with everything Harold said, I have read Chip Adami’s letter as well and I thought he stated it very, very well. I think Los Hermanos has done an amazing job and has a strong commitment to the downtown area; I applaud everything they have done and hope they will continue to do that. I have had some preliminary discussions about doing townhomes on the property I own, I think that would be something that would enhance the downtown area. With the vision or thought of having that particular kind of business catty-corner, I think that would not be aesthetically pleasing, I think when it was originally built, it was probably more on the tertiary site, in its relationship to downtown and now it is becoming the heart of downtown in the Central Business District, so in those interim years have really changed the landscape and changed what downtown looks like. I’m very excited about what is happening downtown and Mr. Eshe is a very nice person, I think that business would do very well somewhere; I think this is just not the appropriate place to have that.”

Mr. Eshe wanted to address their concerns and he respected that the neighboring businesses did not want to have the type of automotive shop that they are used to seeing, “however that particular building is an existing automotive repair facility; there is not a whole lot of anything else it could be used for. It is also in very good shape, so there is no need to demolish it to build something different. I think using it for its intended purpose, while

still honoring the local businesses need for a clean, family friendly environment is the best solution for that property; I don't see it used for anything other than what it was built for."

Commission Member Davis thought it was actually built for a car lot that he could service and prepare his cars, but it had cars for sale where you didn't drive up and get your radio fixed; it was a car sales business. He asked Mr. Eshe if he currently had a business or if this would be his first car repair business.

Mr. Eshe explained "I have over 25 years experience in automotive repair and technology and we are trying to open this facility."

Chairman Gilbert asked if he had an existing facility in Texoma.

Mr. Eshe responded "no; not in Texoma."

Commission Member Adams asked if the specialty in electronics includes audio.

Mr. Eshe responded "potentially yes; but primarily my experience is with law enforcement, installing accessories that law enforcement have for emergency services, which includes audio and diagnosing those type of things."

Commission Member Thorpe asked "is this the only location he has considered."

Mr. Eshe explained "we have considered several other locations in the area, but this is the only one available in the area that the building really met our needs."

Commission Member Thorpe asked Mr. Shields if his location on Travis Street next to him was available.

Mr. Shields remarked "you mean at 503 North Travis Street; it really didn't have the office finish out he liked." Mr. Shields wanted to repeat, "as the business owner, it is not going to trashy around there or we will not renew the lease; if that means anything to anyone."

Appearing from the audience:

Linda Eshe, Jacob's Mom, 1523 Crescent, Sherman, TX

Mrs. Eshe explained she and Jacob just moved here from Flower Mound. "I don't know how familiar you are with that area, but from a business standpoint, they maintain and demanded a high level of appearance and we would expect to maintain that similar high level appearance. There are auto detailing businesses sitting next to residential areas, yet they are well kept, clean; there are apartment buildings next to gas stations. This is not going to be a gas station where people come in and out; this would be a situation where people have a vehicle that is in need of repair, would bring it to the facility and have a conversation with our technicians, have them look at the problem, if the problem can be resolved in a few minutes, then they will be gone, but generally they will be there for a little while and will have to come back to

pick up the vehicle; it's not going to be high traffic like you see in a gas station. Any signage will be handled and pleasing aesthetically in a pleasing fashion. We wouldn't have cars sitting out in the lot with the hood up. I don't know how to express to you the vision we have for how we want to maintain the appearance of the place, how we want to maintain the atmosphere, other than to say that's where we came from, that's what we have in our mind, and if you could visualize that in some fashion; that is the level of professional appearance that we hope to maintain, then maybe you all could have a more comfortable feeling about having it there."

Gail Utter asked "if it changed for a Specific Use Permit, how long does that designation stay with the property."

Mr. Shadden responded "as long as they are there; if it ceases for sixty days, then it will go away; it is transferable."

Mrs. Utter stated "so if that business was there for thirty years and renewed its lease; it would always be there; correct. I know Tom is a very reputable person and I know he said he would not renew the lease, but we have no assurance of that, if things are not what they indicated they could be and so that would be a concern; you have that Specific User Permit in place for a long time. We have seen buildings renovated for other things, whether it is a restaurant, an office or what not; so it could be a lot of other things as well, I don't think it has to be automotive repair."

Commission Member Patterson stated "I have been into a lot of garages, automotive accessory stores, I have never been into a speaker store yet that didn't have loud music playing for the simple fact that you install car stereos, you install amplifiers and you install subwoofers; the only way to test them is to crank them up and play them. The only reason you install that equipment is because you want it to be loud, even if you are doing law enforcement vehicles, you are going to have sirens, lights and all kinds of things that could be disturbing to your neighbors. Off this one picture, I can see two government buildings, City Hall and the Municipal Building, I can see three churches and two schools, all within a city block from where this garage is going to be; I don't feel that this location is the best place for a car accessory store."

Chairman Gilbert felt as the downtown area evolves, there is a focus on restaurants, businesses and atmosphere more conforming to that nature than automobile sales and repair, "in my opinion based on what the City of Sherman has been trying to do and where others have been investing money downtown is more along the lines of those type of businesses versus an automobile maintenance repair place."

Commission Member Thorpe explained "we do want your business, we just don't think this is the best location; there are plenty out there."

Mr. Shields asked if 503 North Travis would be an option.

Commission Member Thorpe stated “I would not have a problem, it’s outside of downtown; I think that is a good spot for it, it gets a lot more traffic than this location.”

Mrs. Eshe explained “we spent three or four months hunting here before we found this place, we looked at several places that were not suitable, but we hunted hard to find this place.”

Mr. Eshe explained “we did hunt hard to find this place and having to put a deposit on the lease and make other payments without having a store front to take in revenue; I know very few businesses who can withstand three months worth of expenses with no revenue coming in at all. If this is not approved, certainly this will be the downfall of the business and we would not be able to go through another Specific Use Permit application process; it just takes too long. We cannot financially handle another three to six months of this. Unfortunately, I think if we were unable to whether it is this particular business or something that you would approve, if we cannot come to an agreement on how to develop a business here quickly, unfortunately I think the City of Sherman would lose our business.”

Chairman Gilbert explained “we certainly understand and appreciate that and we want to try and be a business friendly environment, but whenever we have a downtown business district in place, you’re required to get a Specific Use Permit to allow this type of business and the purpose of that is to give neighbors and people that own property adjacent an opportunity to speak and in this situation, we have heard from three or four who oppose it, so we have to take that into consideration.”

Mr. Eshe understood and wanted everyone to understand that “we have no interest having a business that does not meet the requirements of the City; we want to work with the City to develop a business that helps you as much as it helps us.”

Mrs. Eshe stated “I guess the question here is given the need to go through the process again if we have a different location, what other options are there; is there a way that we could slide into a piece of property that already has the appropriate zoning.”

Commission Member Vanderveer explained “that would be a Planning and Zoning Department office question.”

Mr. Shadden explained “we can’t discuss a lot of that tonight, but the short answer would be, you need to be in a manufacturing zoning district or find a business where they is already automotive repair and as soon as they go out, you go in.”

Mrs. Eshe understood. “We tried to get realtors in the area to find a place for us, we looked ourselves, we searched the internet, we have driven around, we have done a number of different approaches to find property; we are not finding something that meets that criteria. I did look at the zoning map to see where those properties are located and tried to find out what was available. If you have some knowledge of that nature, we are certainly open to

it.”

Commission Member Davis explained “we have approved tire shops and service repair facilities; it seems like monthly, so somebody has shops with bays.”

Mrs. Eshe responded “you would think so.”

Commission Member Davis explained “there are, they are out on Texoma Parkway, I think that is part of the issue here, the overall plan for Sherman is totally different for the downtown area.

Mrs. Eshe said she was surprised as “I looked at the map; that piece of property with the exception of the building that your office is in, everything around us was parking lots.”

Commission Member Davis explained “they are sitting on the same block, right here as that facility; pretty nice building.”

Mrs. Eshe explained “right; and that is one of the reasons we wanted it.”

Commission Member Vanderveer asked “this is also the Arts and Cultural District as well; isn’t it?”

Mr. Shadden responded “yes, I believe so.”

Commission Member Patterson explained “that is another concern, you have the Municipal Building right next door; they do their concert series that they do all summer long.”

Mrs. Eshe explained “we had visions of what we were doing could improve the downtown traffic and not create a problem for it. It never occurred to us that noise would be a problem or if we couldn’t keep it neat and clean, it would be a problem.”

Mr. Eshe explained “before we signed the lease on the property, we did do an investigation with the Developmental Services Office to see what would be required to do for our intended business; Scott told us what we would need to get a Specific Use Permit; our understanding was that would not be an issue.”

Mr. Shadden responded “I don’t believe that is really true.”

Mrs. Eshe did not think this would be a problem, “if we had some of this feedback earlier on, we would have been able to do something different.”

Chairman Gilbert explained “as notices are given to the community and others, they are given the opportunity to voice their concerns.”

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

A letter was received from:

Crockett Street Properties, LLC, 123 N. Crockett, Suite 100, Sherman, TX

"I write today in opposition to the proposed specific use permit to allow for an automobile maintenance and repair facility in a C-1 Retail Business District for the property at 300 N Crockett. The City has enjoyed a renaissance of the downtown area the past few years, and the significant investment Los Hermanos Partnership LLC has made in downtown is certainly one of the reasons why. Having said that, I do not believe allowing a specific use permit for an automobile garage is in keeping with the City's strategic master plan for the downtown area, nor is it the best use for this property.

Automobile garages have significant noise issues, and can cause environmental issues for surrounding properties. A requirement for many loans today is a Phase 1 environmental study. An automobile garage at a higher elevation than surrounding properties can cause difficulties for the sale of those properties in the future based on environmental issues. Additionally, noise issues relating to the equipment used, and the appearance of a garage can make surrounding properties unattractive to potential investors. The City's code of ordinance states the following:

"A specific use permit shall not be granted when the requested use is not compatible with the character of the neighborhood."

I don't believe an automobile garage next to City Hall projects the image the City seeks in attracting and retaining businesses in the downtown area. I greatly appreciate your service to the community, and respectfully request that the specific use permit be denied."

ACTION TAKEN.

Motion by Commission Member Elliott to deny the request. Second by Commission Member Davis.

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

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 EDDIE YOUNG (OWNER), TODD YOUNG (REPRESENTATIVE) AND THE BULLPEN, CHRIS STEPHENS (TENANT), CONCERNING THE PROPERTY AT 1612 BAKER DRIVE, BEING LOTS 4 THRU 9, BLOCK 1, JOE GALBRETH SUBDIVISION, 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 COMMERCIAL AMUSEMENT CENTER (BASEBALL TRAINING

SUP & SITE PLAN – COMMERCIAL AMUSEMENT CENTER (BASEBALL TRAINING FACILITY W/BATTING CAGES)

FACILITY WITH BATTING CAGES) IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

1612 BAKER DR.
(EDDIE YOUNG, OWNER)

Todd Young, 640 Denton Dr., Sherman, TX and Chris Stephens, 2000 Monte Cristo Drive, Sherman, TX

Mr. Young and Mr. Stephens appeared to represent the request and answer any questions. The property is located at 1612 Baker Drive between Texoma Parkway and Frisco Road; it is zoned a C-2 (General Commercial) District.

Mr. Young explained they have owned this property for a number of years and the space they are proposing for Chris has been used for storage for the last twenty years; Fastenal was a former tenant and they moved to another space. Mr. Stephens has a baseball training facility now and he wants to expand; it is a perfect spot for him as far as size. The lease space is approximately 5,200 square feet and will be located between Hitek Audio and European Motor Cars

Chris Stephens explained he would like to open "The Bullpen", a baseball training facility consisting of batting cages and nets. "My vision is to have three to four batting cages to rent out with one being for private lesions. I was born and raised in Sherman and there is really no where for anyone to go to practice their baseball teams or softball teams. There are even some high school teams around, the smaller communities, they don't have indoor facilities that are looking for somewhere to go; they don't have enough money to build a facility. I have a pretty decent background in baseball, I was fortunate to play four years in college, I'm involved with our Sherman Youth Sports here in town, just looking to have a place to continue on what I was allowed to have; that was great coaches, mentors and to pass my knowledge on to the youth of the community." They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked if this was all inside; "no big lights on at night."

Mr. Stephens responded "it is all inside, yes sir."

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the Specific Use Permit and site plan to allow a commercial amusement center (Baseball Training Facility with Batting Cages) in a C-2 (General Commercial) District subject to the Staff Review Letter. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE

PLANNING & ZONING COMMISSION MINUTES – MARCH 22, 2016

INTENT OF THE ORDINANCE.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:51 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY