

STATE OF TEXAS

§

February 21, 2017

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 21, 2017.

MEMBERS PRESENT: CHAIRMAN GILBERT
COMMISSION MEMBERS: DAVIS, MAHONE, THORPE AND ADAMS.

MEMBERS ABSENT: VICE-CHAIRMAN PATTERSON,
COMMISSION MEMBERS:
VANDERVEER, ELLIOTT AND VELLOTTI

CALL TO ORDER

Chairman Gilbert called the meeting to order at 5:01 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the January 17, 2017 regular meeting. Motion by Commission Member Thorpe to approve the Minutes as written. Second by Commission Member Mahone. All present voted AYE.

MOTION CARRIED.

APPROVE MINUTES

APPOINT BOARD OF ADJUSTMENTS

Chairman Gilbert appointed the members of the Board of Adjustments: GILBERT, THORPE, DAVIS, MAHONE AND ADAMS.

BOARD OF ADJUSTMENTS

CONSENT AGENDA (ITEMS 8, 9, 12, 13, 14, 16, 22 & 23)

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

CONSENT AGENDA

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

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

Chairman Gilbert announced Items 6, 7 and 15 had been moved to the March 21, 2017 Planning and Zoning Commission Meeting and would not be open for discussion:

ITEMS 6, 7 & 15
MOVED TO NEXT
P&Z

6. 6120 N. U.S. HIGHWAY 75

The request of Stanley Blythe (Owner), QuikTrip (Tenant), John Pimentel (Representative) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 6120 North U.S. Highway 75, being 45.449

acres in the W.S. Thurman Survey, Abstract No. 1265, and the A.C. Smith Survey, Abstract No. 1561, 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 and SF-1 (Single Family Residential) District to a C-1 (Retail Business) District.
- Site plan approval for a QuikTrip Convenience Store with Gasoline Sales

7. 6120 N. U.S. HIGHWAY 75

The request of Stanley Blythe (Owner), QuikTrip (Tenant), John Pimentel (Representative) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 6120 North U.S. Highway 75, being 45.449 acres in the W.S. Thurman Survey, Abstract No. 1265, and the A.C. Smith Survey, Abstract No. 1561 as follows:

Board of Adjustments

- Exception and Variance under Ordinance No. 2280, Section 6.8, Subsection (5) (a) and Section 7, Subsection (14)(i) to allow a 439 square foot, 75' tall freestanding sign, 20' from the property line along U.S. Highway 75 in lieu of the required 100' setback and the allowed 300 square foot, 50' tall freestanding sign in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District/O-1.3 (F.M. Highway 691) Overlay District.
- Exception and Variance under Ordinance No. 2280, Section 7, Subsection (14) (i)(1) and Section 6.8.5, Subsection (11) to allow an additional 154 square foot, 10' 10" tall, monument sign on the property line along FM 691 in lieu of one freestanding sign per development lot and the allowed 65 square foot, 12' tall, 25' from the property line along FM 691 in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District/O-1.3 (F.M. Highway 691) Overlay District.

15. 3800-4000 BLOCKS QUAIL RUN ROAD & 1100-1300 BLOCKS S. FM 1417 (HERITAGE PARKWAY)

The request of Graham Mortgage Corporation (Owners), Michael R. Coker Company (Representative) and Archon Corporation (Architect) concerning the property located in the 3800 Blocks of Quail Run Road and the 1100-1300 Blocks South FM 1417 (Heritage Parkway), being Lot 2, Block A, Country Ridge Estates No. 10, containing 26.078 acres, as follows:

Planning and Zoning Commission

Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-2 (Multi-family Residential) District.

REVISED FINAL PLAT – CONSENT AGENDA ITEM

**THE REQUEST OF LAMBERTH CROSSING JOINT VENTURE (OWNERS), CROSS ENGINEERING CONSULTANTS, INC. (CIVIL ENGINEER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY IN THE 2100-2400 BLOCKS SHADY OAKS LANE, 2300 BLOCK NORWOOD STREET AND THE 2600-2800 BLOCKS WEST LAMBERTH ROAD, BEING 7.529 ACRES IN THE ELIJAH HARTZOG SURVEY, ABSTRACT NO. 540 AND THE FIELDING BACON SURVEY, ABSTRACT NO. 120, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
REVISED FINAL PLAT APPROVAL OF THE GARDENS AT O'HANLON RANCH.**

REVISED FINAL PLAT – THE GARDENS AT O'HANLON RANCH 2100-2400 BLKS. SHADY OAKS LANE, 2300 BLK. NORWOOD ST. & 2600-2800 BLKS. W. LAMBERTH (LAMBERTH CROSSING JOINT VENTURE)

The property is located in the 2100-2400 Blocks Shady Oaks Lane, 2300 Block Norwood Street and the 2600-2800 Blocks West Lamberth Road between Norwood Street and Shady Oaks Lane. The property is zoned a C-O (Office) District. A Specific Use Permit to allow patio homes in a C-O (Office) District was approved at the September 6, 2016, City Council Meeting for this property. This a revised final plat that was approved for 17 residential lots and 2 commercial office lots at the November 22, 2016, Planning and Zoning Commission Meeting and the December 19, 2016, City Council Meeting. The owner revised the plat enlarging the residential lots for a total of 16 lots for residential patio homes and 2 lots for commercial office 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.

REPLAT – CONSENT AGENDA ITEM

**THE REQUEST OF THOMAS & JEAN FLICK AND MCDONALD & KAITLIN ARNOT (OWNERS) AND UNDERWOOD DRAFTING & SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 1407 AND 1411 WESTERN HILLS DRIVE, BEING A PART OF THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 AND BEING ALL OF LOTS 3 & 4, BLOCK 5, WESTERN HILLS ADDITION, SECTION 2, CONTAINING 1.56 ACRES, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF LOTS 3 & 4, BLOCK 5, WESTERN HILLS ADDITION, SECTION 2.**

REPLAT LOTS 3 & 4, BLK. 5, WESTERN HILLS ADDITION, SECTION 2 1407 & 1411 WESTERN HILLS DR. (THOMAS & JEAN FLICK & MCDONALD & KAITLIN ARNOT)

The property is located at 1407 and 1411 Western Hills Drive Road between Lotus Circle and Live Oak Circle. The property is zoned an R-1 (One Family Residential) District. The owners would like to replat the property and part of an undeveloped piece of property into two lots, enlarging the lots. 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.

AMENDING FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF YOUSEF B. AL-BALLAM, ZAKIAH US, LLC (OWNER), GREG EDWARDS ENGINEERING SERVICES (ENGINEER) AND COX LAND SURVEYING COMPANY (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2200-2300 BLOCKS PEGGEY’S COVE AND SOUTHRIDGE LANE AND THE 3400-3500 BLOCKS DARTMOUTH LANE, BEING 8.653 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:

PLANNING & ZONING COMMISSION

AMENDING FINAL PLAT APPROVAL OF PEBBLEBROOK SOUTH, PHASE II

AMENDING FINAL PLAT - PEBBLEBROOK SOUTH, PHASE II 2200-2300 BLKS. PEGGEY’S COVE & SOUTHRIDGE LANE & 3400-3500 BLKS. DARTMOUTH LN. (YOUSEF B AL-BALLAM, ZAKIAH US, LLC)

The property is located in the 2200-2300 Blocks of Peggey’s Cove and Southridge Lane and the 3400-3500 Blocks of Dartmouth Lane in the Pebblebrook subdivision off South FM 1417 (Heritage Parkway). This is an amendment to the Final Plat of Pebblebrook South, Phase II, filed December 8, 2016 in Volume 24, Page 24 of the Grayson County Plat Records to correct errors. 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.

AMENDING FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF YOUSEF B. AL-BALLAM, ZAKIAH US, LLC (OWNERS), GEES, INC. (ENGINEER) AND COX LAND SURVEYING COMPANY (SURVEYOR) CONCERNING THE PROPERTY IN THE 2300 BLOCKS OF PEGGEY’S COVE AND SOUTHRIDGE LANE AND THE 3400-3500 BLOCKS OF HANAN STREET, BEING 8.99 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

AMENDING FINAL PLAT APPROVAL OF PEBBLEBROOK SOUTH, PHASE III

AMENDING FINAL PLAT - PEBBLEBROOK SOUTH, PHASE II 2300 BLKS. PEGGEY’S COVE & SOUTHRIDGE LANE & 3400-3500 BLKS. HANAN ST. (YOUSEF B AL-BALLAM, ZAKIAH US, LLC)

The property is located in the 2300 Blocks of Peggey’s Cove and Southridge Lane and the 3400-3500 Blocks of Hanan Street in the Pebblebrook subdivision off South FM 1417 (Heritage Parkway). This is an amendment to the Final Plat of Pebblebrook South, Phase III, filed December 14, 2016 in Volume 24, Page 28 of the Grayson County Plat Records to correct errors. 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.

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF DEANE MUNAL (OWNER), KRG CIVIL ENGINEERS, INC. (ENGINEER) AND DAVID FITE SURVEYING (SURVEYOR) CONCERNING THE PROPERTY IN THE 3000-3100 BLOCKS EAST LAMAR STREET AND THE 200-500 BLOCKS BETHANY ROAD, BEING 41.807 ACRES IN THE

PRELIMINARY PLAT – BETHANY ROAD ESTATES, II 3000-3100 BLKS. E. LAMAR & 200-500 BLKS. BETHANY RD.

AARON BURLESON SURVEY, ABSTRACT NO. 61, AS FOLLOWS;

(ETJ)
(DEANE MUNAL)

PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT APPROVAL OF BETHANY ROAD ESTATES II IN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION (ETJ)

The property is located in the 3000-3100 Blocks of East Lamar Street and the 200-500 Blocks of Bethany Road in east Sherman, just outside the City Limits in the City of Sherman's extra territorial jurisdiction (ETJ). The owner would like to plat this property into eleven (11) lots. 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN STORAGE I, LLC AND STEVE PALMER (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 2105, 2107 AND 2115 SOUTH FM 1417 (HERITAGE PARKWAY), BEING LOT 3, BLOCK 1, COMMUNITY USA ADDITION, CONTAINING 7.024 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS;

REPLAT – LOT 3 OF
COMMUNITY USA
ADDITION
2105, 2107 & 2115 S.
FM 1417 (HERITAGE
PARKWAY)
(SHERMAN
STORAGE I, LLC &
STEVE PALMER)

PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF LOT 3 OF COMMUNITY USA ADDITION

The property is located at 2105, 2107 and 2115 South FM 1417 (Heritage Parkway) between Park Avenue and OB Groner Road. The owner would like to replat the property into two 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.

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF 1417 LAND HOLDINGS LLC (OWNERS), DIETZ ENGINEERING (ENGINEER) AND F.E. BEMENDERFER, JR., ROOME LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY IN THE 4100-4300 BLOCKS OF BREEZY MEADOWS LANE AND THE 200-600 BLOCKS SWAN RIDGE DRIVE, BEING 32.629 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS;

PRELIMINARY PLAT
– KENNEDY
ESTATES
4100-4300 BLKS.
BREEZY MEADOWS
& 200-600 BLKS.
SWAN RIDGE (1417
LAND HOLDINGS,
LLC)

PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT APPROVAL OF KENNEDY ESTATES

The property is located in the 4100-4300 blocks of Breezy Meadows Lane and the 200-600 blocks of Swan Ridge Drive, off West Houston Street. It is located east of the Seasons West subdivision and west of Texoma Christian School. The property is zoned an R-1 (One Family Residential) District.

The owners would like to plat the property into eighty-nine (89) lots for residential 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF ALCOHOLIC SERVICES OF TEXOMA, INC. AND LAMANCE PROPERTIES, LP (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 2411 TEXOMA PARKWAY, BEING 4.328 ACRES IN THE RUEBEN HENDRIX SURVEY, ABSTRACT NO. 504, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF THE ALCOHOLIC SERVICES ADDITION, A REPLAT OF LOT 1, BLOCK 1, HELEN PERKINS ADDITION AND LOT 6R, BLOCK 1, REPLAT OF LOTS 1R AND 3R, BLOCK 1 OF THE REPLAT OF LOT 2, BLOCK 1, HELEN PERKINS ADDITION.

REPLAT – ALCOHOLIC SERVICES ADDITION, A REPLAT OF LOT 1, BLOCK 1, HELEN PERKINS ADDITION AND LOT 6R, BLOCK 1, REPLAT OF LOTS 1R AND 3R, BLOCK 1 OF THE REPLAT OF LOT 2, BLOCK 1, HELEN PERKINS ADDITION.

The property is located at 2411 Texoma Parkway; the northeast corner of Texoma Parkway and Baker Drive. The owners would like to replat the property into two 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.

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF DELMAR HILL (OWNER), CHINIQUA HILL (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING, INC. (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/ PRESCHOOL/ EDUCATIONAL DEVELOPMENT CENTER 1211 BLANTON DR. (DELMAR HILL)

(DENIED)

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

Mr. and Mrs. Hill appeared to represent the request and answer any questions. The property is located at 1211 Blanton Drive between Hunt and Belden Streets. The owner purchased the property 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.

At the February 16, 2016, Planning and Zoning Commission Meeting, Mr. and Mrs. Delmar Hill represented the request. After hearing the opposition in regard to the incompatibility of the proposed use from the neighborhood, the Planning and Zoning Commission voted 8/0 to deny the Specific Use

Permit to allow a Daycare/Preschool/Educational Development Center in an R-1 (One Family Residential) District at 1211 Blanton Drive.

On February 23, 2016, Mr. Hill filed his appeal of the Planning and Zoning Commission's denial of the proposed Specific Use Permit as allowed by City Code. The City Council heard the appeal at the March 21, 2016 meeting and adopted Ordinance No. 5943 to allow a daycare/preschool/educational development center effective for one year, subject to reapplication in one year and the Staff Review Letter.

Chairman Gilbert explained he understood they were here for an annual renewal of a Specific Use Permit.

Mr. Hill explained the name of our school is "Preschool for Little Zebras". Little Zebra's goal is for each child to feel good about themselves, to feel safe and loved and to have tons of fun learning. Little Zebra's Child Development Center provides a safe learning experience for our children and a Christian atmosphere to prepare them to enter kindergarten. The age range for Little Zebra's is 0-5 years of age. The maximum number of students is fifteen (15). Little Zebra's Child Development Center is properly staffed. The hours of operation are Monday thru Friday 6 a.m. to 6 p.m. Little Zebra's teachers have many qualities, but the best gift is that they love each and every child as their own. The staff has an average of twenty years plus of experience at the head start and preschool level. Each teacher is certified in CPR and first aid and receives continuing education annually. Little Zebra's Child Development Center is a registered child home licensed by the Texas Department of Family Protective Services.

"We are here to request an ongoing permit for our business. We believe we have been a blessing to the community. We have not had any complaints as far as we know. We don't have any traffic concerns in our area; no signs have been put up. The place, itself has been well kept, the yard has been well manicured; it is just a great place, nice and quiet, if you didn't tell somebody it was a preschool, you wouldn't know that it was there." They had seen the Staff Review Letter and would abide by the Recommendations.

Appearing from the audience:

Mark Johnson, 800 S. FM 1417 (Heritage Parkway), Apt 327, Sherman, TX

Mr. Johnson explained "Preschool for Little Zebras is one of the most amazing daycares I have ever been to, she is supportive, kind, any time we are ever in there, and she has always greeted us with a smile. My daughter can count to twenty and she is only two years old. She is so much better for going there. All the kids that go there are always happy, well mannered, since my daughter has gone there, I have

seen an amazing improvement as far as academically and manners; she says “Oh my goodness” to everything now. She is an amazing daycare and I would never want her to go anywhere else. I really do appreciate what she does for this community, if it wasn’t for her, my wife and I wouldn’t be able to be full time students and both work full time. She is honestly a blessing to us all.”

Jessica Benivamonde, 1403 Swan Ridge Dr., Sherman, TX

“Mrs. Chiniqua Hill has been a blessing to us, my son is mildly autistic and the Montessori here locally suggested taking him out of school, we were desperate and I was in tears and did not know what to do with my son, I was actually going to stop working, I work for one of the financial institutions here locally. I got referenced Mrs. Hill’s name, she called me and knew exactly what I was dealing with, dealing with her prior experience, my son was actually her first student and he has done amazing, he can now talk again, he has his manners, he loves Mrs. Hill, he calls her “Maw Maw”, kisses her, calls Mr. Hill “Dad”. It is amazing, we do not want her to go anywhere, and we love them as family, because they are a blessing.”

Kelly Bickerstaff, 1208 Dundale Circle, Sherman, TX

Mr. Bickerstaff explained he lives immediately behind this property. “I do not question Mrs. Hill’s ability to care for these kids, nor her intentions, but nothing anyone has said so far has anything to do with what this Commission is charged with. Having served on this board for six years myself, I understand what zoning is about. This is an R-1 (One Family Residential) District area and there is now an ongoing business in my backyard.”

“The parking and the traffic, I disagree with Mr. Hill about, it is an issue, there is parking permitted legally on both sides of Blanton Drive. I have experience with that street; traffic has increased to some extent. I don’t know all of you, but I have raised two kids, most of you have kids, and if you ever have a bunch of kids in your backyard for a birthday party or whatever, we now have that in my backyard everyday weather permitted. I don’t mind that so much except that it is zoned R-1 (One Family Residential) District for a reason and it is an established neighborhood that has been there a long time and the purpose of our zoning ordinance is to segregate the activities that occur on particular pieces of property and the operation of this business is inappropriate in this area.”

“When we were here the last time, the Commission denied this request unanimously, it was overturned by the City Council unanimously, what happened between here and there, I can’t say, but something did and I would like to request the Commission remember it’s charge and deny this request as would be appropriate, because a business in that neighborhood is not appropriate.”

Al Hambrick, 1920 Timberline Ln., Sherman, TX

“I am here in support of the Hill’s and their daycare. In listening to zoning, I have a little experience in that working with the school. I think as has been mentioned, you have several areas of the City that are zoned for residential and you have certain areas that are zoned for commercial, there are times that are as I have noticed that are mixed and there are some daycares that are in R-1 (One Family Residential) District areas. I say that because if you were to research, you would notice that there are number of other daycares in the City of Sherman that also have houses, residences on both sides of the daycare, on Belden Street and other areas too. I would ask the Commission to consider how consistent you could be across the City and so if you are allowing that, you allow this one also as others are allowed in the City already. I’m not seeing where there is a consistent R-1 (One Family Residential) District for certain areas where daycares where there are houses already. I think to deny this one would be in my opinion, not consistent across the City. I ask for your consideration on those thoughts.”

Chairman Gilbert asked if any request have come before the board in the past few years for a daycare in a residential area. “I have been on the board for five years and I can’t remember another situation I have been involved in.”

Mr. Hambrick explained he meant “you have other daycares in residential neighborhoods that already exist, so if there are and they are allowed and this one is denied, then would that be consistent across the City. There is one on Belden Street, the Montessori School; that is a daycare, if you look on both sides there are houses, so that is one and all you need is one to be consistent.”

Commission Member Davis explained that is my neighborhood, “I know it very well and I know the headache that goes with that.”

Steve Stell, Pastor Greater New Hope Church, 722 E. Pecan, Sherman, TX

Pastor Stell explained he served on the Planning Board in Flemington, New Jersey, “so I’m well aware of these issues and the fact that you are empowered to give variances means that you just don’t look at what the zoning is and go with the R-1 (One Family Residential) District zoning, if you did that, there wouldn’t be any need for variances or special permissions. I was here for the last hearing for this request and knew this was coming up, so I made it a point as I am driving around town to drive past the Hill’s house and have never encountered any issues, travel wise. I would agree with Mr. Davis driving down Belden Street many times, that is a much larger school, I presume it has a much larger enrollment; so I have a little bit of issues there but, I make it a point when I’m in that part of town to drive past and have not had any issues whatsoever.”

Vicki Moore, 1520 N. Wharton, Sherman, TX

Ms. Moore explained her grandson is a Little Zebra. “I don’t know a lot about the Planning and Zoning, but I drop him off and pick him up daily and there is never traffic. I’m the one that drops him off; I’m the only car that parks in the driveway. I can’t tell you the tremendous change in my grandson; he is three and counts to almost thirty. They are such a blessing and I hope you can realize that and approve their request.”

Mr. Hill explained “she is open from 6 a.m. to 6 p.m. for one reason for that, she is trying to accommodate the people that are working that have to be at work at 7 a.m., so there is no stack up of cars, if she had to open up at 8 a.m. There has never been two cars parked in front of our house dropping off or picking up the children since she has opened; there is no traffic period on that street. We are not trying to be Belden Montessori; she is just concentrating on quality teaching these little children getting them ready for kindergarten. So we never even thought about being Belden Montessori, we have always concentrated on being small. We are not trying to disrupt anybody and as far as traffic is concerned, we do not have any traffic on our street whatsoever. As far as noise, not throwing back at him but he has an old dog that barks all night long and makes noise, we don’t ever complain about that.”

Mrs. Hill explained “we have little bitty children, I guess his complaint could be laughing and playing outside, or if a little kid fell down, they may cry; that’s part of the neighborhood, that doesn’t have anything to do with a business being on that street. We were also here before and we had pictures we had for you about traffic, about the street in general; it’s a very wide street and we want to make it very clear that since we have been open in this one year timeframe, if we weren’t on the agenda I don’t think that you would have any complaints that would come to you that would say “you know I just can’t get by on that street, because that’s not the case. In that year that we have been there, also in the timeframe of us being there, you may have gotten letters that say we don’t want the business on our street, we would totally understand that, but you wouldn’t even know that business was there unless somebody told you, because there is not a lot of traffic, the families that do come are staggered, they don’t all come at the same time. The one time that they may have, they were parked in the driveway or on the side of the street was because we had Valentine’s Day, that’s it, little bitty kids putting cards in boxes for fifteen minutes. So in saying that, we have complied above and beyond of what we wanted to make sure that our neighborhood is still neighborhood friendly and that I don’t have a lot of kids, we don’t have a lot of kids.”

Chairman Gilbert stated “the reason we are here and the reason we are considering this, under normal circumstances we wouldn’t necessarily consider a business in a residential neighborhood, there may be a situation where you have a

thoroughfare like Ricketts and where something was done in the past where the population was less, I guess what I am getting around to saying is, we are considering this and you guys have been doing well because of your support system and kid's lives who you are impacting and just lots of support. My question is, Scott if we grant this as their having a clean track record for the last year and they have their support here, what happens if hypothetically if something was to happen to them, could they sell the business or if someone takes over the business."

Mrs. Hill explained we know that, because we read it as well with it being a Specific Use, it would go back to a residential use and it would not be a business."

Mr. Shadden explained "the Specific Use Permit is contingent on ownership and the residence of the property at 1215 Blanton Drive."

Mr. and Mrs. Hill agreed to all that.

Commission Member Davis asked "how many students are currently enrolled."

Mrs. Hill responded "eleven, my max is only fifteen and I wouldn't get to fifteen because right now I have four, three and two year olds, so my max will never be fifteen because that is considered plenty of kids and then I have to go up in age; the State requires that."

Commission Member Adams asked "how many adults are working there at that facility."

Mrs. Hill explained "just me as working staff and I have a foster grandma that I am truly blessed and able to have someone there, that's Miss Martha, she is a volunteer for my school as well and that is every day."

Commission Member Adams asked if there was any designated parking for those adults that would be there working, if you need a substitute or something.

Mr. Hill explained they have parking in their driveway.

Commission Member Thorpe asked if there had been any complaints with traffic thru there.

Mr. Shadden stated "I haven't had any complaints, I'm not aware of any."

Chairman Gilbert asked Mr. and Mrs. Hill, "being a Real Estate Professional, if I'm driving down the street, it would be ethical for me to disclose that this is a daycare facility that is operated here and from my experience I gather from most people, maybe not if they had a small child, maybe if it were an older couple, they would steer away from wanting to

live across the street from a daycare facility. As a Real Estate Professional, I understand that affects the value of the neighborhood in general. Do you have any comments or response to that?”

Mrs. Hill responded “no.”

Mr. Hill explained “the people they have talked to on either side of us or across the street, they are happy that we are there, they would rather us be there than someone else being there, such as a renter or someone else.”

Chairman Gilbert stated “there is no one on the current street or beside you that spoke negatively or anyone that has opposed it, besides one person that backs up directly behind you.”

Commission Member Adams stated “they received two letters. He asked Mr. Bickerstaff, he had seen some issues with traffic and parking, have you brought that to anyone’s attention as far as the City is involved.”

Mr. Bickerstaff explained “I sat on this board for six years and I am not going to call and whine about cars parked on both sides of Blanton, I came here to voice what I see on a daily basis because I drive up and down that street every day; I have not sent in a complaint. As far as my dog is concerned, he is old and blind and comes into the house at night.”

Jessica Benivamonde, 1403 Swan Ridge Dr., Sherman, TX

Mrs. Benivarmonde explained “I live at Country Ridge Estates and everyone parks in the street, they have driveway and garages, but everyone parks in the street; I live there and it is not an issue for me.”

I have gone to Mrs. Hill’s since October of last year, I have never once encountered an issue with leaving, with parking or anything, you can park four cars in the driveway, one vehicle is her’s and the rest remain empty. When we pull up there is only me and the first gentleman that spoke earlier, we only meet when he comes out and as I go in, that’s it and then the next gentleman is after me, I leave. We understand that it is a house and the parking can get tight, so I see him pulling in, so it is time to go, we tell Mrs. Hill and the kid’s good bye and see you tomorrow. I have not had any issues and as far as noise, I’m sure there is in the backyard, but if I lived there, since I have four children of my own, and they are playing in the back all day, they would be loud; would that be a situation, you couldn’t do that because I own the home, so that is no different, they are playing in the backyard in the evening, they go out, play and come inside.”
“You drive by that house, you do not know that it is a school; I didn’t know it was a school when I was looking for it. There are no children running in the front, no children run out, Mrs. Hill makes sure they are grabbing their parents hand when

they walk out that door. I don't see an issue with it. I understand this is zoning but if you want to get specific about schools in the neighborhood, there is the one on Belden Street, there is Jack and Jill across from the cemetery, there is also a dance studio that causes traffic issues, so if you want to get technical on zoning, you should start looking in the neighborhood.”

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

Letters received:

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

They wrote “This is a nice residential area, well-kept and clean, we would like to keep it that way. Please take this into consideration.”

Kaitlyn Graves, 1701 W. Belden, Sherman, TX

“I would like to start off by saying that I fully support the Hill's continuing to run a Daycare/Preschool outside of their property at 1211 Blanton Drive, so long as they continue to operate under their current parameters. I have attached a document from the Planning and Zoning Commission Minutes dated February 16, 2016. If this meeting on February 21, 2017 serves the purpose of simply renewing their permit with the same allowances stated and highlighted on the attached page, then I back the Hill's completely and support them continuing to serve the community. If I have misunderstood the purpose of this meeting and the possible changes, then please disregard what follows. Otherwise, I hope that my voice is heard and the concerns I have expressed are taken seriously.”

“However, I am writing to object to the proposed re-zoning of lots 3 & 4, Block 5, Western Hills Addition, Section 2. We live in a residential area and I would like for it to remain that way. I purchased my home in April of 2016 and I chose not to buy a house near a school. Had there been a school or educational facility at 1211 Blanton Drive currently, it would have affected my decision to move here. I have lived close to a school before and that was one of the things that I was trying to avoid in buying my first home. I would be very disappointed if the size and shape of the lots were changed in any way and would like for it to still reflect a residence and not a business. I wish I was given more information on the specific plans for this location, but I can only assume based on the letter I received that it would involve a change to the lot to make it appear to be more of a business facility, rather than a home. There are commercial lots available that I feel would be a better fit for this type of facility if they wish to expand.”

“Some of my concerns are:

- With the location being in the middle of a

residential area I worry that when/if we decided to sell that it would affect our property value. It is a very strange location, in my opinion, to want to build a facility that could not be resold as a residential property and I worry that it would deter potential buyers.

- In my experience, living close to a school creates traffic and congestion. I worry about where parents would park to drop off and pick up their children. I am not aware of the exact plans, but I assume a parking lot or pick up lane would be part of the restructuring. This would alleviate some of the parking issues and street traffic, but then we would have an eyesore in the middle of our neighborhood. Also, I worry about overflow and parents wanting to park in front of adjacent homes. (This has not been a noticeable problem with the limit of 15 children, but with expansion this would be a concern)
- Blanton Drive is a rather busy street and in the short amount of time I have lived there (10 months) there have already been multiple accidents. My other concern is that of the safety of the children. People tend to speed on Blanton Drive and with this particular property being at the top of a hill, I worry that a child may end up being harmed by individuals who are not paying attention or obeying traffic laws.
- Once again, I am unaware of the complete plans, but I also worry that there may eventually be a school zone in this area, and I specifically purchased a home outside of a school zone.
- If the plan is to continue to grow and expand, I worry that the noise level could potentially pose a problem.
- Also, with it being in a residential area, whatever construction is needed would create excess noise and negatively affect people within the neighborhood.

Overall, I feel the approval of any changes to the lot size or shape is not in the best interest of the citizens within 200 feet of the property as well as the City of Sherman, and I strongly urge you to consider this prior to making your decision.”

Commission Member Davis explained “everyone is bringing up schools that are trouble, you are not there yet, who knows what you are going to be, I don’t, no doubt you are great people, great childcare providers. We are here for zoning, the two people that have a vested interest, one wrote a letter and one showed up. No one that spoke at the meeting tonight in support lives close to the daycare. We are not deciding if you are running a good daycare or not; we have two people that say we don’t want it, and you want it; I have nobody else from the neighborhood.”

Mr. Hill explained I just brought two letters:

Charles & Maxine Carey, 1700 W. Belden, Sherman, TX

“We have lived across the street from Delmar and Chiniqua Hill almost 20 years and find they are very nice people. We

think what they are doing is a good thing. They have completely remodeled the home to help a lot of children see what a nice environment they will be in and guided by a good woman that can help them with her experience and knowledge she has had for the past 22 years. We agree with what they are doing for the community.”

Bill Sneed & Magalene Kirvin, 1205 Blanton Dr., Sherman, TX

“We feel that traffic and parking on this street would not be an issue during the day because Blanton Drive is a fairly wide street, and the property itself has enough parking spaces for four vehicles in their driveway. We don’t feel that dropping off or picking up kids during the day would disrupt the normal activities that already exist within the neighborhood. Thank you for reading this letter that we are submitting in support of our neighbors, Delmar and Chiniqua Hill.”

Mrs. Hill explained “you haven’t had any complaints, that’s why we are here, it is ongoing because y’all wanted to make sure we were doing the things that we were supposed to be doing and in saying that, we have done that, we have done that above and beyond, because I am making sure. I also stated that I’m only going to have fifteen children, the other people that we were talking about is a minimum of one hundred thirty-five kids, but that’s not what we are asking for, that’s not what our Specific Use is there for and we have done everything that has been asked of us to do in that year and we have done an amazing job with no complaints.”

Chairman Gilbert explained “we had the same topics that were discussed last year, we voted unanimously in opposition to it, the City Council overruled us and they upheld the appeal, so my prospective is the City Council saw something that we didn’t and thought it was a good idea or acceptable considering these conditions; we can pass the torch again.”

Commission Member Adams explained “not only do we look at zoning, but we also have to plan and thinking about the dance studio and the daycares that are issues, we are not doing our job of planning, if we are not looking ahead to see what issues may come on down the road. I also live in the neighborhood, not close enough that I got a letter, but close enough that I use Blanton Drive, McGee and Washington on a very regular basis; I do think we need to plan ahead here.”

Doris Hayes, 1411 W. McGee, Sherman, TX

“I know nothing in that area that I can complain about; there is so much traffic on McGee Street to begin with. There is a daycare on Crestview and they are very noisy, but they are children and they have a right. They should be allowed to have the daycare.”

Commission Member Thorpe explained “this is one of the toughest request we have had, the City Council opened the

door, we tried to do our job the first time, the City Council opened the door and now we have a body of evidence that supports that, they are doing what the City Council asked them to do, we have good rules we can hold them to, I would like to maybe renew it every two years or some process like that and just keep the door open.”

Commission Member Mahone explained he tends to agree with Mr. Thorpe so far and “I would be in favor of something longer, maybe five years.”

ACTION TAKEN.

Motion by Commission Member Mahone to approve the Specific Use Permit and site plan to allow a Daycare/Preschool/Educational Development Center in an R-1 (One Family Residential) District at 1211 Blanton Drive subject to the Staff Review Letter and the stipulation to renew the Specific Use Permit in five years. Second by Commission Member Thorpe.

VOTING AYE: GILBERT, THORPE, AND MAHONE.

VOTING NAY: DAVIS AND ADAMS

THE REQUEST WAS DENIED.

THE COMMISSION DID NOT FIND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

After the vote, the following people addressed the board:

Mr. Hill explained they will appeal to the City Council. “We went and talked to our neighbors and I’m sorry we didn’t go talk to Mr. Bickerstaff, we didn’t realize he was behind us, but we talked to our neighbors and everybody was fine up and down our street that this would go in. Even Jeff Wilson lives behind me now and he came up to me and apologized for what he came up here and did the last time. Sean that is sitting on the board last time, he came up and apologized and said we should have never turned this down in the first place, because there are other businesses that have a business like this. One of the things we promised our neighbors is that we would not be a Belden Street Montessori, which is why we specifically asked for a smaller size, we want to be good neighbors; that is one of the things that we set out to do.” Mr. Hill asked if they would have to come back to the Planning and Zoning Board.

Brandon Shelby, City Attorney explained “the City Council last time put a one year limit on it, if they put a five year limit on it, you will have to come back before the Planning and Zoning Board, if they overturn it and do not put a time limit on it, you do not have to come back.”

City Councilman Charles H. Brown, Sr.

City Councilman Brown explained “I understand that we do have rules and I am pleased with the way that you all operate, but I feel today that since Mr. and Mrs. Hill have run this as a

good organization for a year, I don't think that we need to put a moratorium on it for five years. Let me tell you why, if you do that to them, then we have to do it to everybody else that's got one out there. If they decide not to keep their property and their stuff up, then we can come back and pull, you can always take it away from them, but the point I am saying is this couple has come up and proved to y'all that they have done the right thing for one year, above and beyond. I've been by there, I've seen it, above and beyond and to put a five year on them and not to put a five year on the other people in the City, I don't think that is fair."

Chairman Gilbert explained "there are not any other situations that are identical to this; this is a unique situation and we are up here doing the best job we can. I didn't have anything to do with the Belden Street Montessori on Belden and Ricketts; that is on a thoroughfare and has been there for many years, it is not before us right now."

Councilman Brown explained "what my point is, in the City, we have some establishments that they have named that are businesses in the neighborhood like theirs and so if we are going to deny them of theirs, then I think we should deny everybody and those that are actually need to pull it back and say y'all are going to have to come back before the Planning and Zoning Board."

Chairman Gilbert explained "we take the information that we have; we do the best job we can. Could he have spoken during the request before we voted?"

Councilman Brown asked if he was out of order.

Mr. Shadden explained "they have taken a vote and it has been denied."

Mr. Shelby explained "I'm pretty sure you will be able to talk about it because they are going to appeal to the City Council."

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF JIREH PROPERTIES COMPANY AND SHERMAN H & P CORPORATION (OWNERS), CURRY VOGELSANG (REPRESENTATIVE) FRANK MCCOLLOCH, BMW RESOURCES, LLC (REPRESENTATIVE), ROFF OPERATING COMPANY, LLC (DRILLING COMPANY) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1220 EAST PEYTON STREET, BEING 6.817 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW THE DRILLING OF AN OIL/GAS WELL IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

Frank McColloch, BMW Resources, LLC, 4925 Greenville,

SUP & SITE PLAN –
OIL/GAS WELL
1220 E. PEYTON
(JIREH PROPERTIES
C-O (Office) District.
& SHERMAN H&P
CORP.)

Avenue, Suite 841, Dallas, TX

Mr. McColloch appeared to represent the request and answer any questions. The property is located at 1220 East Peyton Street between Loy Lake Road and Texoma Parkway. The property is zoned a C-2 (General Commercial) District.

Roff Operating Company LLC would like to drill an oil and gas well on land it owns within the Sherman City Limits. They propose to drill the City of Sherman No. 1 Well to test the southern extension of the Sherman Field, including all potentially productive zones. To accomplish this, Roff will drill a conventional vertical well to a depth sufficient to test the Ellenburger formation. If the test is successful, Roff will complete and produce the well in a manner similar to the other wells in the Sherman Field. Upon acquiring all the necessary City and State permits it is anticipated that drilling operations will commence sometime in the second quarter, 2017.

Mr. McColloch explained “the property is off of Peyton Street, it will not be very visible from Texoma Parkway; it will be behind Pizza Hut. The big machinery will be up approximately a month and then it will come down.” They had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Shelby explained on the Staff Review Letter, “Item #25 talks about the distance from structures, our ordinance says 250’ from any structure and I was contacted by Mr. Avery, they bought the land with the 250’ distance requirement in mind and they may not be able to comply with some of the distance requirements in Item #25, but having in mind that our ordinance actually says 250’ and they were not aware of these additional requirements when they purchased the land, it is my recommendation to adjust that here. In your motion adjust the minimum distance requirement in Item #25.”

Jim Roberts, Napa Dealership, 2520 Texoma Parkway, Sherman, TX

“I received a letter a few days ago; it says they will drill a line across my property, what impact will that have on my property in the future.”

Mr. McColloch explained “it will be a directional drilled well, surface location of the well will be up on our property and we are drilling in a northerly direction about 1,700 feet. As we go under Texoma Parkway, we will be over 3,000 feet deep, no one is going to know there is a well down there, there will be no disturbance whatsoever on the surface. Surface wells have been around for a number of years, where we would like the bottom hole location to be, we cannot actually drill there, so we have to direct the drill.”

Commission Member Thorpe asked if any fracking would be going on there.

Mr. McColloch explained “not in the sense from what you have heard, this is not a shell well, where they have to do the massive fracks, this well will be treated just like all the other wells are treated in the City, same sort of completion techniques will be used that were used on those.”

Mr. Shadden explained “this is the third location that they have looked at that I am aware of, it is not close to any houses, it is behind the businesses; this is as far as they can go on this lease.”

Commission Member Thorpe asked if they are regulated by the Railroad Commission also.

Mr. McColloch responded “yes, absolutely.”

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the Specific Use Permit to allow the drilling of an oil/gas well in a C-2 (General Commercial) District at 1220 East Peyton Street subject to Staff Review Letter amended Item #25 as discussed. Second by Commission Member Thorpe.

VOTING AYE: GILBERT, THORPE, 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 STONEHOLLOW HOMES, LLC (OWNERS) AND JENNIFER CHANDLER (APPLICANT) CONCERNING THE PROPERTY LOCATED AT 4602 AMESBURY LANE, BEING LOT 10, BLOCK N, AUSTIN LANDING, PHASE 2A, AS FOLLOWS:

BOARD OF ADJUSTMENTS

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

Jennifer Chandler, 1818 Oak Creek Dr., Sherman, TX

Ms. Chandler appeared to represent the request and answer any questions. The property is located at 4602 Amesbury Lane in the Austin Landing subdivision off North Travis Street. Ms. Chandler explained they are purchasing the single family residential home that is currently under construction and would like to erect a 6' privacy fence on the property line along Arbor Lane. “It becomes a safety and

EXCEPTION - FENCE
4602 AMESBURY
(STONEHOLLOW
HOMES, LLC)

privacy issue for a 4' fence, we have a dog; she can jump that fence. Kids playing in the neighborhood could come over, put their hand across the fence, she could bite them. We have grandchildren, that's an active neighborhood, somebody walks over to the fence, they could easily snatch up a grandchild at 4' high. There will be no privacy with a 4' fence; I like to sit on my back patio in the morning and drink coffee in my pajamas; I cannot do that. We would like to get a hot tub next year and have privacy. The fence will sit approximately 56' from the corner of the lot, so there should not be any traffic visibility issues." She received the Staff Review Letter and would abide by the Recommendations.

Ronald Rules, 506 Arbor Lane, Sherman, TX

Mr. Rules explained he owns the house on the side of this house, "her bedroom window will be right in front of my office and I don't think I want to see inside the window; so I do not have a problem with the 6' fence."

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

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the exception to allow a 6' privacy fence on the property line on a corner lot at 4602 Amesbury Lane subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: GILBERT, THORPE, DAVIS, MAHONE AND ADAMS.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & VARIANCE

THE REQUEST OF SHERMAN COMMONS LP (OWNERS), CBRE/URC (APPLICANT) AND DAVID VILBIG, VILBIG AND ASSOCIATES (ENGINEER) CONCERNING THE PROPERTY LOCATED AT 4105 NORTH U.S. HIGHWAY 75, BEING LOT 3, SHERMAN COMMON ADDITION, REPLAT BLOCKS A, B & D, BLOCK A, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(l)(1) AND SECTION 6.8, SUBSECTION (5)(A)(1) TO ALLOW AN ADDITIONAL DUAL-FACED, 60 SQUARE FOOT "V SHAPED" MULTI-TENANT MONUMENT SIGN ON THE PROPERTY LINE IN LIEU OF ONE FREESTANDING SIGN PER DEVELOPMENT LOT, 40' FROM THE FRONT PROPERTY LINE IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82 OVERLAY) DISTRICT.

**EXCEPTION –
MONUMENT SIGN
4105 N. U.S.
HIGHWAY 75
(SHERMAN
COMMONS, LP)**

David Vilbig, Vilbig & Associates, 517 W. Woodard, Denison, TX

Mr. Vilbig appeared to represent the request and answer any questions. The property is located at 4105 North U.S. Highway

75 in the Sherman Commons Shopping Center. Mr. Vilbig explained “they are requesting an exception and variance to allow an additional sign on Lot 3 which is the new entrance to the Sherman Commons Shopping Center; there is an existing multi-tenant pole sign on the same lot next to the retail center to the south of the entrance. They are proposing a 60 square foot dual-faced “v shaped” 5’ tall multi-tenant monument sign on the property line.” He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked if the sign would be an LED type sign.

Mr. Vilbig did not know if the sign would be an LED sign.

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the exception and variance to allow an additional dual-faced, 60 square foot “v shaped” multi-tenant monument sign on the property line for the property located at 4105 North Highway 75 subject to the Staff Review Letter with the stipulation that there will not be any LED or flashing lights.

Second by Commission Member Thorpe.

VOTING AYE: GILBERT, THORPE, 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 RESTORE EMERGENCY SERVICES & CONSTRUCTION REPAIR LLC (OWNERS), RICK OWENS (REPRESENTATIVE), TATCHIO & ASSOCIATES (ARCHITECT) AND HELVEY-WAGNER SURVEYING, INC., (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 111-121 EAST PECAN STREET, BEING LOTS 7, 8 AND 9, BLOCK A, T.J. SHANNON’S SUPPLEMENTAL PLAT, AS FOLLOWS:

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW FIVE (5) RESIDENTIAL APARTMENTS IN THE FIRST HALF OF THE FIRST FLOOR OF THE BUILDING FACING A FRONT STREET IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT.

Rick Owens, 6903 Farmington Road, Sherman, TX

Mr. Owens appeared to represent the request and answer any questions. The property is located at 111-121 East Pecan Street; the northwest corner of Pecan and Walnut Streets. The property is zoned a C-2 (General Commercial) District and is also located in the Central Business District.

**SUP & SITE PLAN –
5 RESIDENTIAL
APARTMENTS IN
CENTRAL
BUSINESS
DISTRICT
111-121 E. PECAN
(RESTORE
EMERGENCY
SERVICES &
CONSTRUCTION
REPAIR, LLC)**

Mr. Owens explained he would like to renovate the building to include five residential apartments in the first half of the first floor of the building facing Pecan and Walnut Streets. “These apartments will be right across the street from the Loft Apartments and it has been my investigation that is what people want. Parking will be provided across the street on Walnut Street to the east of the building; I own that lot as well. There will be three, two bedroom apartments and two, one bedroom apartments.” He had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Shadden explained he will need to provide two parking spaces in the downtown area.

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

ACTION TAKEN.

Motion by Commission Member Adams to approve the Specific Use Permit and site plan to allow five (5) residential apartments in the first half of the first floor of the building facing a front street in a C-2 (General Commercial) District/Central Business District for the property located at 111-121 East Pecan Street. Second by Commission Member Mahone.

VOTING AYE: GILBERT, THORPE, DAVIS, MAHONE AND ADAMS.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF JOHN MABARY (OWNER) AND DAVID BACA STUDIO, LLC (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 701 EAST LAMBERTH ROAD, BEING LOT 1R, BLOCK 2, REPLAT OF DR. J.H. CARRAWAY’S SUBDIVISION, BLOCK 2, LOT 1R, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.4, SUBSECTION (1)(A) AND SECTION 6.8, SUBSECTION (5)(B) TO ALLOW A 10’ SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE IN LIEU OF REQUIRED 15’ IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82 OVERLAY) DISTRICT.

David Baca, 100 N. Travis, Sherman, TX

Mr. Baca appeared to represent the request and answer any questions. The property is located at 701 East Lamberth Road, the northeast corner of Lamberth Road and Masters Street. The property was recently rezoned to a C-1 (Retail Business) District and is partially located in the O-1 (75 & 82) Overlay District. Site plan approval for an Edward Jones Financial Office and a variance to allow a covered parking structure on the rear property line in lieu of the required 5’

VARIANCE – SIDE
SETBACK
701 E. LAMBERTH
(JOHN MABARY)

and to allow a 4' setback from the main structure in lieu of the required 6' in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District was approved at the December 20, 2016, Planning and Zoning Commission Meeting.

Mr. Baca explained “the site plan had been approved previously and at that time there was a parking lot in the back of the lot, that has changed and the building had to be pushed to the back of the lot with the parking in the front, the building had to be rotated to make it fit on the side. The owner would like to construct a 2,072 square foot, one story office, 10' from the east property line for an Edward Jones Financial Office for John Mabary. The lot to the east is zoned an R-1 (One Family Residential) District requiring a 15' setback from the property line. We expect the properties will be zoned a C-1 (Retail Business) District in the future.” 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 variance.

ACTION TAKEN.

Motion by Commission Member Davis to approve the variance to allow a 10' side yard setback along the east property line in lieu of required 15' in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District for the property located at 701 East Lamberth. Second by Commission Member Mahone.

VOTING AYE: GILBERT, THORPE, 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 COOL WATER DEVELOPMENT, LLP (OWNERS) AND DAVID BACA STUDIO, LLC (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 230 EAST SYCAMORE STREET, BEING LOT 1, ELLISON ADDITION, AS FOLLOWS:

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A SELF-STORAGE FACILITY (COOL WATER STORAGE) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT.

David Baca, 100 N. Travis, Sherman, TX

Mr. Baca appeared to represent the request and answer any questions. The property is located at 230 East Sycamore Street between the U.S. Highway 75 access road and Branch Street; formerly the American Legion. The property is zoned a C-2 (General Commercial) District and also located in the O-

**SUP & SITE PLAN –
SELF-STORAGE
FACILITY
230 E. SYCAMORE
(COOL WATER
DEVELOPMENT)**

1.2 (Sam Rayburn Freeway Overlay) District.

Mr. Baca explained “Cool Water Development recently purchased the property and would like to renovate the existing 8,800 square foot building for climate controlled storage within the building and add additions for non-climate controlled storage and do the typical parameter buildings along the property lines. The total building area will be approximately 25,000 square foot; it will be full masonry to help not see inside the development. There will also be an outside storage area for RV and boat parking; 8 slips along the west side because there is an overhead power line and you cannot build anything under that.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Thorpe asked “what type of screening will be provided on the west side; there will be outside storage and that is going to be a problem, I would like something so that you cannot see those.”

Mr. Baca explained “the screening hasn’t been determined yet, but I would imagine it will be a solid screen.”

Mr. Shadden asked if he had an idea of the type of screening they plan on providing. “Would you be acceptable to doing an 8’ fence?”

Mr. Baca explained they have done different types; we have done wrought iron, wood and masonry screening.

Mr. Shadden asked if they would be open to doing a wrought iron fence with a living screen.

Mr. Baca felt the owner would be open to that.

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

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the Specific Use Permit and site plan to allow a self-storage facility for the property located at 230 East Sycamore Street subject to the Staff Review Letter and providing an 8’ wood or wrought iron fence with a living screen along the west side. Second by Commission Member Davis.

VOTING AYE: GILBERT, THORPE, DAVIS, MAHONE AND ADAMS.

VOTING NAY: NONE

MOTION CARRIED

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

**EXCEPTION, SPECIFIC USE PERMIT & SITE PLAN
THE REQUEST OF CRETA LYNN CARTER, II AND JEFFREY**

**EXCEPTION –
EXTERIOR FAÇADE**

RAY BROWN (OWNERS), KACY EPPERSON (APPLICANT/TENANT/PROSPECTIVE BUYER) AND TATCHIO & ASSOCIATES (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 230 WEST HOUSTON STREET, BEING LOT 8, BLOCK X, S.B. ALLEN ADDITION, AS FOLLOWS:

SUP & SITE PLAN –
TATTOO SHOP
230 W. HOUSTON
(CRETA LYNN
CARTER, II)

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1B) TO ALLOW THE EXISTING WOOD SIDING FACADE IN LIEU OF THE REQUIRED MASONRY IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A TATTOO SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

Joe Smith, 1316 N. Hopson, Sherman, TX

Mr. Smith appeared to represent the request and answer any questions. The property is located at 230 West Houston Street, the southeast corner of Houston Street and Elm Street. The property is zoned a C-1 (Retail Business) District and is also located in the Central Business District.

Mr. Smith explained “Ms. Epperson would like to move her business, the Brass Rabbit Tattoo to this location. The building has siding of different materials but mostly cedar planking, filling the openings that were once glass windows and doors; the front of the building is part masonry; she would like to leave it that way. In the event the exception is not granted, what we would like to do is to allow Ms. Epperson to open her business and give Mr. Brown sixty days to come into compliance with the ordinance.” They had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Shadden asked if they plan to put a new coating on the cedar to make it look fresh.

Mr. Smith responded “yes, we would happy to do that.”

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

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1B) TO ALLOW THE EXISTING WOOD SIDING FACADE IN LIEU OF THE REQUIRED MASONRY IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

ACTION TAKEN.

Motion by Commission Member Mahone to approve the exception to allow the existing wood siding facade in lieu of the required masonry in a C-1 (Retail Business) District/Central Business District for the property located

at 230 West Houston Street subject to the Staff Review Letter and allowing 60 days to refinish the cedar trim and keep it maintained. Second by Commission Member Davis.

VOTING AYE: GILBERT, THORPE, DAVIS, MAHONE AND ADAMS.

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A TATTOO SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the Specific Use Permit and site plan to allow a tattoo shop for the property located at 230 West Houston Street subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: GILBERT, THORPE, DAVIS, MAHONE AND ADAMS.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION, SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF JADE LAMANCE (OWNER) AND NATHAN GRAY, NBS DRAFTING & DESIGN (DRAFTSMAN) CONCERNING THE PROPERTY LOCATED AT 2411 TEXOMA PARKWAY, BEING LOT 1, BLOCK 1, HELEN PERKINS ADDITION AND PART OF LOT 6R, BLOCK 1 OF THE REPLAT OF LOTS 1R AND 3R, BLOCK 1, HELEN PERKINS ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1B) TO ALLOW A METAL SIDING FACADE ON THE SIDES AND CEDAR WOOD AS AN ACCENT FEATURE ON THE FRONT IN LIEU OF THE REQUIRED MASONRY IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

PLANNING AND ZONING BOARD

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

EXCEPTION – EXTERIOR FAÇADE

SUP & SITE PLAN – AUTOMOBILE SALES, SERVICE & REPAIR
2411 TEXOMA PARKWAY
(JADE LAMANCE)

Jade Lamance, 8173 Dripping Springs Road, Sherman, TX

Mr. Lamance appeared to represent the request and answer any questions. The property is located at 2411 Texoma Parkway, between Baker Drive and U.S. Highway 82; Five and Dime Auto Sales is the tenant.

Mr. Lamance explained he recently purchased additional property and is in the process of replatting the property to

create a larger lot. “I would like to expand his automobile sales, service and repair business by constructing a 3,200 square foot shop for service, detail and storage.” He is also requesting an exception for the exterior facade to allow metal with stone and brick wainscot on the sides; the front will be stone/brick with cedar accents to match the existing building on the lot. “The building will be set back pretty far so the sides will not very visible at all. The office I currently have looks like an old general store and I would like this one to look like an old gas station. I will be selling mowers, so I will have service for mowers there also. There will be no outside storage; I do not want anything visible, but I will be putting in a wash bay.” He had seen the Staff Review Letter and would abide by the Recommendations.

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

A letter was received from:

Bailey Family Partners I LTD, 2500 Nail Rd., Krum, TX

They wrote “Cedar burns real good, easy destroyed, causes problems for those near and far from cedar wood. Metal siding if attached good is usually good and normally better than brick.”

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1B) TO ALLOW A METAL SIDING FACADE ON THE SIDES AND CEDAR WOOD AS AN ACCENT FEATURE ON THE FRONT IN LIEU OF THE REQUIRED MASONRY IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

ACTION TAKEN.

Motion by Commission Member Davis to approve the exception to allow a metal siding facade on the sides and cedar wood as an accent feature on the front for the property located at 2411 Texoma Parkway subject to the Staff Review Letter and no outside storage allowed.

Second by Commission Member Adams.

VOTING AYE: GILBERT, THORPE, DAVIS, MAHONE AND ADAMS.

VOTING NAY: NONE

MOTION CARRIED

McKinley Keller, 923 Cormorant Dr., Sherman, TX

Mr. Keller explained “I have been listening to all the agendas, I seen all of them pass through, on the deal with the Hill Family, that kids don’t go tic for tac with people. That gentleman right there hasn’t lived in that neighborhood for fifteen years, the one with the blind dog; he hasn’t lived there for fifteen years, that’s why they didn’t address him. I wish that you would reconsider, if I could ask that favor.”

Chairman Gilbert appreciated his comments and explained “they will have an opportunity with the City Council if they

appeal it.”

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

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the Specific Use Permit and site plan to allow automobile sales, service and repair in a C-2 (General Commercial) District for the property located at 2411 Texoma Parkway subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: GILBERT, THORPE, 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 6:41 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY