



DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY IN THE 4100-4200 BLOCKS WEST LAMBERTH ROAD, BEING 24.611 ACRES IN THE JAMES B. VADEN SURVEY, ABSTRACT NO. 122 AND ALSO BEING ALL OF TRACT 3, WEST CANYON CREEK ESTATES, SECTION 3, AS FOLLOWS;  
*PLANNING AND ZONING COMMISSION*  
REPLAT TRACT 3, WEST CANYON CREEK ESTATES, SECTION 3

SECTION 3  
4100-4200 BLKS. W.  
LAMBERTH RD.  
(WEST CANYON  
CREEK ESTATES,  
LTD & LYNN  
VESSELS)

The property is located in the 4100-4200 Blocks of West Lamberth Road, a part of the former County Farm property. The property is zoned an R-1 (One Family Residential) District. The owner would like to replat the property into three 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.

ZONE CHANGE & CONCEPTUAL SITE PLAN  
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.

ZONE CHANGE - C-1  
TO R-2  
CONCEPTUAL SITE  
PLAN –  
APARTMENTS  
3800-4000 BLKS.  
QUAIL RUN RD. &  
1100-1300 BLKS. S.  
FM 1417 (Heritage  
Parkway)  
(GRAHAM  
MORTGAGE CORP.)  
  
(DENIED)

Michael R. Coker, 3111 Canton Street, Ste. 140, Dallas, TX  
Mr. Coker appeared to represent the request and answer any questions. The property is located in the 3800 Blocks of Quail Run Road and the 1100-1300 Blocks South FM 1417 (Heritage Parkway), the southwest corner of Quail Run Road and South FM 1417. The owner would like to change the zoning on the property to an R-2 (Multi-Family Residential) District.

Mr. Coker explained they are requesting a zone change from the current zoning, C-1 (Retail Business) District to the zoning that would allow them to develop a multi-family residential project. “There is a portion of the property that already has R-2 (Multi-family Residential) District zoning adjacent to our property to the west, the rest of the C-1 (Retail Business) District is what we are asking to change for multi-family. The conceptual site plan consists for the development of ten, three-story buildings, each with 30 dwelling units for a total of 300 apartment units with a mix of one and two-family apartments. They received the Staff Review Letter and would abide by the Recommendations.

**Appearing from the audience:**

**John Payne, 802 Swan Ridge Drive, Sherman, TX**

Mr. Payne explained he is the President of the Preserve Homeowners Association. “We have some issues with the apartments itself, not knowing the original plans, this is a concept, we have talked to them and they can’t tell us exactly how it is going to stay. Wherever we have 600 cars on FM 1417 (Heritage Parkway) trying to exit or get on the highway or the road, 100 yards from where Quail Run Road is where our neighborhood and Country Ridge are trying to get out; FM 1417 (Heritage Parkway) cannot handle that traffic very well at all. People already try to pass in the middle lane, if you try to turn left, they are head on at you, there is no right turn lane. I am all for the development of FM 1417 (Heritage Parkway), but until we do some infrastructure to get the road out there much better to handle that traffic, I just don’t see putting 600 cars that close to our life.”

Chairman Gilbert asked Clint Philpott, Director of Engineering “with the concerns of traffic, is there any research that the City has made with that area.”

Mr. Philpott explained “we haven’t done anything right now, typically on a gas station or a large development like this, TXDOT would be a part of a traffic impact analysis and basically a study to determine what or if any additional infrastructure would be needed. Wal-Mart when it went in, they added a right turn lane as part of that study requirement. So TXDOT is working on improving that area of FM 1417 (Heritage Parkway), but that would be a part of this development that would be required to do a traffic impact analysis.”

Mr. Payne explained “that is part of our concern, just the safety, without a right turn lane there is no light, there is one street light there, it is very dark, people walk, there is no shoulder, when you go to turn, you have to stop right there, people come right up behind you. We were told there would be no entrance or exit off of Quail Run, if there is, we have a whole another issue. The added traffic on FM 1417 (Heritage Parkway), we already have a hard time coming off of Quail Run Road; in the mornings you can sit there 15 or 20 minutes trying to take a left hand turn right there, so now if we add 600 cars or even 450, that is huge amount of traffic in that space. That is our concerns, without FM 1417 (Heritage Parkway) being improved, we are not fond of anything going in right there.”

**Lisa Collins, 4505 Blue Jay Lane, Sherman, TX**

“I agree with some of the statements that John made. I think that it is premature at this point to allow this change, I am also for improvement to FM 1417 (Heritage Parkway) and to Sherman, I recognize the need for housing and the shortages of affordable houses, apartments and that type of thing. Things have to happen on that development and that street

before we allow businesses to come in or an apartment complex.”

“The traffic is one thing, you bring in all the extra construction on FM 1417 (Heritage Parkway) to widen it or anything like that, Country Ridge Estates and The Preserve folks are left with exiting out Friendship Road, that has not been extended, which is a mess, potholes that you could sink a car in, or you could drive by Seasons West, which the Council has had issues with before without the Seasons West exit. I think there are a couple of things that should be thought about, put into place or even considered before a change is made. Just this morning at 6:45 a.m., it took me ten minutes to exit left off of Quail Run onto FM 1417 (Heritage Parkway), there are no lights. Just two weeks ago, I was turning right onto Quail Run and a person came around me on the left hand and was immediately pulled over by a State Trooper because it is illegal, but that was right there at the entrance, there could have been a head-on collision. Until those situations are addressed, corrected or at least put plans in place, I think changing the zoning or even allowing anything to go in there right now is in the future.”

Chairman Gilbert asked if the primary argument is because of the traffic flow.

Ms. Collins responded “yes, at this point, I think it is premature even if you were to put a gas station right there, or anything right there, because traffic is going to be impacted and we don’t have lights.”

Chairman Gilbert explained “we are here to talk about the changing of the zone, C-1 (Retail Business) District to R-2 (Multi-family Residential) District, if a commercial or retail strip center or large office center goes in, do you still have those same traffic concerns.”

Ms. Collins responded “I still have those same traffic concerns. Country Ridge Homeowners pay for the maintenance of Quail Run Road and right now we have The Preserve there, we have folks out by Friendship and now we have this apartment complex, I think until we preserve that issue as well. I am a homeowner, I am going to be paying for all that up and down that road, access and all the traffic and lose my quality of life, not being able to get to work, I work seven minutes from where I live and I can tell you right now that is going to change.”

John Gasper, 916 Swan Ridge Drive, Sherman, TX

I am part of The Preserve; I am the very first person to purchase a home in that part of the neighborhood. As soon as I told my wife about this, she said we are looking for land outside of the City, this is going to be an eyesore; it is going to drop property values by having multi-family there. She got online and started looking for land; we have spent three days looking for land outside of Sherman, because we plan

on selling our house for less than property value to get out of there before this happens. I also have concerns with traffic as well, getting out in the morning is difficult, getting in at night on that turn lane, can be fatal. I was almost killed, we had a car passing in the center turn lane and got pulled over, I have never seen an officer do that before in five years of living in that neighborhood, so I'm glad it finally happened because my family of six was almost hit by a car going at least 60 mph, who decided to use that turn lane as a passing lane instead; someone is going to get killed or seriously injured there if this road is not widened to accommodate the extra traffic that anything that might be put in there, residential or commercial, so that needs to be addressed first."

Robert Breashears, 1431 Mallard Drive, Sherman, TX

"My property backs up almost to the area of the area they are talking about. Two things, the population increase of 600 cars in the area, we are going to have to find ways to get out of the Country Ridge Development, just because right now it is too bad and it will be even worst trying to get on that road; that's my biggest issue."

Paul Reyna, 711 Swan Ridge Drive, Sherman, TX

"Just like everybody else up here, traffic is a big issue. I think if you build this apartment complex or the housing that you are talking about, it doesn't just affect the traffic, the families that are going to be moving in there, the kids that are going to be coming in, the schools. I know for a fact Sory Elementary School has hit the limit of kids; that's the main elementary school in that area, not only that, but possibly a high school right down the road; that is going to be more traffic if it gets approved to put the high school down the road."

"I think before we jump into building something, let's take care of the issues that are right in front of us. The traffic has probably been an issue that has been in front of this board before; that is what we need to get fixed first and then move onto something else. I'm all about making Sherman big and bringing in the families, but we need to work on the problems that we have right in front of us right now and that is the traffic issue that is there now."

"It will affect the schools and not only that, we had an incident in our area to where somebody was speeding and one of our neighbors yelled and told them to slow down, the gentleman got out with a pistol and 911 was called, Sherman Police Department said we don't have anybody available right now, it will probably be about an hour to get out there; our Police Department is under staffed as well, finally by the time they showed up out there, we already had taken care of the situation, so that is another issue, are we going to have enough security to cover that area, because they already said they were shorthanded. I think there is more to it than giving the approval to go and build; let's make Sherman

bigger and wider, the schools are going to be affected, the security, let's take care of the problems we have before us before we go ahead approve it and get something else built here."

Jacquelyn Joe, 4314 Hawk Lane, Sherman, TX

"I am well aware of how much Sherman is growing; I am a school teacher so I see that every day. I have lived most of my adult life in apartments and when I bought my home in Country Ridge that was me getting away from apartments. I wanted a house, I wanted to be a home owner, I know that homeowners tend to take care of their houses better, having lived in apartments for 20 years; there is a kind of pride in having a home, so when you tell me that you are going to put a unit with almost 300 units right in front of my house or my neighborhood, that concerns me a great deal. In the summer time and in the spring, I regularly walk outside to do my exercise, I never feel unsafe, I know there are incidences everywhere but I never felt unsafe in my neighborhood and I'm not sure that is going to happen when you add 300 more units."

Mike Peckham, 803 Swan Ridge Drive, Sherman, TX

"I have three main concerns: traffic which has already been addressed, it is a huge issue, we have had numerous close calls on FM 1417 (Heritage Parkway); property values are a huge concern of mine, we just moved to Sherman thinking we got a good piece of property that we could invest in and be proud of and be sure down the road that we could make good on our purchase, historically when a multi-family unit comes in next to neighborhoods, it kind of decreases values; the beautification of the area, what's a three-story unit going to look like in front of our neighborhood, quite honestly it is pretty nice out there."

Rajendra Wagle, 910 S. Cormorant Dr., Sherman, TX

"A while back, almost a year at the City Council Meeting, the Seasons West Development raised a safety issue, that's why they put all the speed bumps in the road going from the Preserve through the Seasons West development going to West Houston Street. At that time, there was the safety issue of controlling the traffic. Now they need to install traffic lights at Quail Run Road and FM 1417 (Heritage Parkway) before developing the property in this area. We already have to spend 5-15 minutes getting onto FM 1417 (Heritage Parkway); so that is a big concern."

Michael Coker

"Our original concept plan is for 300 units, but we do have two parking spaces per unit. The design standard that we are using is one and two bedroom units, rather than three or four; we are not going to have any three or four bedroom units. The likelihood of this having a significant impact on the school district is very low, given the fact that it is one and two family dwellings."

"We understand that FM 1417 (Heritage Parkway) has been

approved by the City and TXDOT for widening the highway to four lanes, we will have to be working with TXDOT and your Engineering Department to design the entry off FM 1417 (Heritage Parkway) and we would absolutely anticipate that we would have a dedicated turn lane, decel lane that would take us from southbound FM 1417 (Heritage Parkway) onto the property. One of the things the City Staff told us is that we would need an access point off of Quail Run Road, that said, remember that this is a concept plan and we are willing to work with the City and your Staff and the neighbors to resolve any issues that we can resolve relating to traffic.”

“We are thinking about a phased development, not all three hundred units are happening on day one. If you are familiar with that property, the western end of our property sloping down to the east of FM 1417 (Heritage Parkway), it drops 22’ from the high point, down to the low point where our entrance will be on FM 1417 (Heritage Parkway); there is a significant drop of that area.”

“We would be more than happy to work with our neighbors to minimize the height of the units that are closest to the single family homes. That’s one of the things, if you don’t get the zoning, then the rest of the things become mute. Our final plan, not the concept plan following discussions with TXDOT, doing the traffic impact study to determine what needs to be done on the ground is going to take the next year or so and with any luck at all, traffic improvements as a result of widening FM 1417 (Heritage Parkway) will answer some of the questions. All the civil engineering will need to be done for drainage, streets, detention facilities and the structural to comply with the zoning for multi-family, including the FM 1417 (Heritage Parkway) requirements; retaining walls will need to be done. Before we build a single unit, we will have to put in all our infrastructure; it will need to be designed, approved by the City and installed and inspected by the City. So, we think this is not premature to get this going should it be consistent with the City’s objectives today because we think it is going to be a minimum of a year’s worth of design, engineering, coordination with City Staff and TXDOT to get to the point where we put that first spade in the ground and then it is going to be another year to get the infrastructure in place to support that first 150 units that we are planning on Phase One.”

“We hope that we have answered some of the questions that the neighbors have had and we look forward to working with the City to make a positive contribution to the economics of the housing industry.”

Paul Reyna, 711 Swan Ridge Drive, Sherman, TX

“I know for a fact down FM 1417 (Heritage Parkway) where the factories are at, there is more land down there that could be bought, why this 26 acres, next to the housing development; why don’t you move it down where the other

apartment complexes are down there, that would help traffic flow there. Why this specific area; there is so much land down FM 1417 (Heritage Parkway) that you could build and have less people that are not approving of this facility.”

Michael Coker

“This property became available and the bank is trying to move it along; its current zoning is for retail. If we put in 20 acres of commercial/retail on this property, our traffic would pale by comparison because those retail units generate ten times the trip generations that we would generate on our 26 acres of multi-family. The bank was excited to sell the property.”

Mr. Reyna

“You probably got a pretty good rate on the property, but that’s just my point. Like the lady said, we moved to kind of get away from the City, we just bought the house out there a year ago, trying to get away from the apartments and things of nature. I know the City is growing out, why we can’t keep our subdivisions and if you want to build apartments, keep the apartments together. I think putting a multi-family facility right there on 26 acres is going to be really bad because once we decide to sell our house it is going hurt our market values, not only that, it may take a year or two before they start building out there, the same token, we have been talking about that road from our house to Highway 56 and they said within eighteen months it was going to be built and I don’t think they have even started on it.”

“As far as widening FM 1417 (Heritage Parkway), that may take several years. Let’s go ahead and take care of the issue we have at hand, widen FM 1417 (Heritage Parkway) and then this is something we can bring up to take care of. We have our own problems in the City that we need to take care of before we start adding more to it, once you start building, what are you going to have? When we were building our houses, a lot of those cement trucks were taking up the road coming in and out all the time; that is going to create problems, if the road is not widened before they start that, it will be an even more issue. The cement trucks coming in, all the contractor’s coming in, and that happened in the time that we were living in our area when they were finishing our subdivision.”

John Payne, 802 Swan Ridge Drive, Sherman, TX

“It is not because it is multi-family in an HOA standpoint, right now if it was single family, I would still be standing here until FM 1417 (Heritage Parkway) gets some type of improvements and I call and email TXDOT monthly and they are telling me there are no plans at all, so when he was telling me that, I would love to see those plans; I get emails that respond no, no, not right now, so I’m hoping you know something that I don’t know.”

Mr. Philpott

“All I know is TXDOT has a safety project and it goes along FM 1417 (Heritage Parkway) from Highway 11 to FM 691 and that safety project currently includes one lane in either direction, the left turn lane and a full 9’ shoulder on each side of the road; that is what is currently proposed and actually funded. If you notice, they have started moving traffic lights further north, that’s for this project.”

Mr. Payne

“That would be a great start; we have 400 homes that are using Quail Run Road, we try not to use Seasons West, because we have had issues there and Friendship Road’s ditches are like 4 ½ foot deep; that’s not a feasible route right now.”

Mr. Philpott

“Swan Ridge is ninety percent engineered and designed, we are courting the developer right now and within the next four or five months, that developer should have all his stuff together to put stuff there and so that will get started.”

Mr. Payne

“We still have a traffic issue because we still have 300 homes trying to get to Swan Ridge as well.”

Chairman Gilbert explained to boil it down, what we are here again, as a result of that, there are traffic concerns that exist but what we are here for is the zone change from C-1 (Retail Business) District to R-2 (Multi-family Residential) District. For the Commission to make a motion to approve something like that, it has to have support and not overwhelming opposition.”

Mr. Payne

“I have spoken to 45-50 of his neighbors and maybe five said yes to the multi-family units and the rest said no. A lot of them had the same concerns, when you turn into Country Ridge Estates, Quail Run has a great entrance there, they have the trees and stuff, it is a great way to come home, it brings people into the neighborhood, it is going to be totally different when turning in there and you are looking at a three story apartment, lights shining down and it will just be an eyesore when you turn on to that section to go to your house.”

Commission Member Davis explained “a commercial development could go in there because the zoning is already in place.”

Mr. Payne

“We understand that and a lot of their concerns are property values, their biggest concern is traffic, but they have property value concerns as well.”

Commission Member Vanderveer asked Scott Shadden, Director of Developmental Services if we allow this zone

change, but for whatever reason they back out of this project and that property is still available, there is nothing that fits in the R-2 (Multi-family Residential) District from coming in there; right, once it is changed to an R-2 (Multi-family Residential) District?”

Mr. Shadden

“As long as it complies with the R-2 (Multi-family Residential) District; yes.”

Lisa Collins, 4505 Blue Jay Lane, Sherman, TX

“I just want to make sure I was clear earlier; I am against the zone change at this time.”

John Gasper, 916 Swan Ridge Drive, Sherman, TX

“According to the zone change; I’m against it. I don’t mind if the individual wants to build something there, but honestly I’d rather have some type of retail business and the people that it would bring in versus a multi-family home that would probably go Section 8 right in front of our house, I don’t think he would want a three story, ten unit apartment complex built, 400’ from his house. That’s going to be a safety concern for me and my family, I’m not going to let my wife walk down the street if that happens and I don’t think you want people thinking that about Sherman and the nicer neighborhoods we already have in the community.”

Commission Member Patterson explained “it’s commercial now, if a shopping center or a supermarket would go in there your traffic would be increased immensely. I hear the concerns but the way it is set up now, you are only going to have increased traffic at certain intervals during the day, you wouldn’t have the come and go traffic like you would have in a retail situation.”

Commission Member Vanderveer stated “I hear what you are saying, but that’s not why we are here.”

Chairman Gilbert explained “in order to make a zone change where it abuts to a residential neighborhood, that is there existing prior to the proposition, needs to have a lot of support and there have been some concerns with regards to the neighborhood.”

Commission Member Patterson asked the lady that mentioned the Homeowner’s Association about paying for the maintenance of Quail Run Road in Country Ridge.

Lisa Collins

“That is true, we pay the Homeowner’s Association for the maintenance for Quail Run to the best of my knowledge.”

Commission Member Vanderveer asked if that was streets, lights or landscaping.

Ms. Collins

“Landscaping, mowing and the maintenance.”

Mr. Payne

“The median has a lot of landscaping, it has the trees going down the entryway; it is very nice.”

Commission Member Elliott explained “it seems to be consistence with what is on FM 1417 (Heritage Parkway), if you look right down from that, there are several apartments.”

An unidentified person from the audience stated he lives at 1913 Southridge Lane in the Pebblebrooke subdivision down the street. “I am also opposed to this because FM 1417 (Heritage Parkway) is way over crowded, I think in the last four years, we have had three or four people killed there and the way I look at it, this is a three lane road. Commercial is only open from 9 – 5, so that’s a span when you are going to have traffic, not all day and all night. Also the property values will go down, we have some other apartments in the back.”

Commission Member Vanderveer asked Chairman Gilbert “do typical zone changes need to have overwhelming support for the zone change, is that correct?”

Chairman Gilbert explained “I think it just an objective, it’s a lot more than forty-five persons in the neighborhood that has had some communication with the Homeowner’s Association, but when you talk about adjoining a residential neighborhood, it needs some support.”

Mr. Payne

“That is only one HOA; that is not counting Country Ridge, which is significantly larger than The Preserve.”

Commission Member Adams explained “one consideration we need to make is, the growth is going to come to this area, there is land out there that is available and for sale, while this is zoned commercial right now, I think that R-2 (Multi-family Residential) District is definitely a consideration for most of the property in that part of town anyways, thinking ahead, that needs to be something we consider.”

Commission Member Patterson explained “my comments earlier were not an indication of whether or not I was for or against, I was simply bringing the point of what if, what could happen.”

Chairman Gilbert asked Brandon Shelby what it would take to recess for an executive session.

Mr. Shelby, City Attorney explained “you could take it into executive session to consult with me with possible ramifications of a decision.”

Chairman Gilbert asked to get some clarification, so he

announced they would go into Executive Session to consult with the City Attorney.

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

EXECUTIVE SESSION

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

SECTION 551.071 -- CONSULTATION CONCERNING LEGAL MATTERS ON AGENDA ITEM 5, REGARDING 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.

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:45 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:55 p.m. and reconvened in Open Meeting.

**OPEN MEETING**

OPEN MEETING

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

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

One letter was received from:

Wanda Breashears, 1431 Mallard Drive, Sherman, TX

“We, Robert and Wanda Breashears, formally oppose the proposed zoning change for 3800-4000 Blocks Quail Run & 1100-1300 Blocks S. FM 1417 (Heritage Parkway).”

**ACTION TAKEN.**

Motion by Commission Member Vanderveer to deny the zone change and conceptual site plan in the 3800 Blocks of Quail Run Road and the 1100-1300 Blocks South FM 1417 (Heritage

Parkway) based on some of the concerns tonight based on safety and property values, but also that it is not compliant with the Master Plan. Second by Commission Member Patterson.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF SPAVINAW DEVELOPMENT (OWNERS), AYUSH CORP DBA THUMBS UP LIQUOR & TOBACCO (TENANT) AND VIPAN SONI (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1711 NORTH FM 1417 (HERITAGE PARKWAY), SUITE 700, BEING PART OF BLOCK 1, WESTERN HILLS ADDITION, SECTION 5, 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 LIQUOR STORE IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT.

SUP & SITE PLAN –  
LIQUOR STORE  
1711 N. FM 1417  
(HERITAGE  
PARKWAY), SUITE  
700  
(SPAVINAW  
DEVELOPMENT)

Vipan Soni, 2211 San Miguel St., Sherman, TX

Mr. Soni appeared to represent the request and answer any questions. The property is located at 1711 North FM 1417 (Heritage Parkway), Suite 700, the southeast corner of Taylor Street and FM 1417 (Heritage Parkway). The property is zoned an M-1 (Light Manufacturing) District and is also located in the O-1.1 (FM 1417 Overlay) District. The owner would like to open a liquor store at this location. They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert asked Mr. Shadden if there was anything in the ordinances regarding lite window signs; neon signs.

Mr. Shadden explained “that is a type of condition that you can put on this, if you wanted to limit that.”

Commission Member Vanderveer explained “I would also like to see the neon strip lights that pop up that are extremely bright at night; I would like to not see those as well. The neon strip lights that they are putting on the outline of the window; some of that is creeping in.”

Mr. Soni explained “the neon signs have to be ten feet away from the window according to State requirements.”

Commission Member Davis felt “the owner would not allow them to put strobe lights on their building.”

Chairman Gilbert explained “evidently not, but we could

condition them against neon lights in the window.”

Mr. Shadden explained “you can put conditions on a Specific Use Permit.”

Commission Member Davis asked “are we going to restrict every liquor store that comes before the Planning and Zoning Board.”

Mr. Shadden explained “you need to consider that as well.”

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

**ACTION TAKEN.**

Motion by Commission Member Davis to approve the Specific Use Permit to allow a liquor store at 1711 North FM 1417 (Heritage Parkway), Suite 700 subject to the Staff Review Letter. Second by Commission Member Patterson.

VOTING AYE: GILBERT, ELLIOTT, PATTERSON, VANDERVEER, DAVIS 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 SHERMAN STORAGE 1, LLC (OWNER) AND ROD TATCHIO, TATCHIO & ASSOCIATES (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 2105 SOUTH FM 1417 (HERITAGE PARKWAY), BEING LOT 3, BLOCK 1, COMMUNITY USA ADDITION, ALSO BEING THE PROPOSED LOT 3-B OF THE REPLAT OF LOT 3 OF THE COMMUNITY USA ADDITION, AS FOLLOWS:

***BOARD OF ADJUSTMENTS***

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8.1, SUBSECTION (4) AND SECTION 7, SUBSECTION (1B) TO ALLOW THE ADDITION OF A SELF-STORAGE FACILITY TO HAVE AN EXTERIOR METAL FACADE IN LIEU OF THE REQUIRED MASONRY IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT.

***PLANNING AND ZONING BOARD***

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW THE ADDITION OF A SELF-STORAGE FACILITY IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT.

An email was received from Rod Tatchio, Tatchio & Associates, 3512 Frisco Road, Sherman, Texas requesting to table the request.

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

EXCEPTION –  
EXTERIOR FAÇADE  
SUP & SITE PLAN –  
ADDITION OF SELF-  
STORAGE FACILITY  
2105 S. FM 1417  
(HERITAGE  
PARKWAY)  
(SHERMAN  
STORAGE 1, LLC)

(TABLED)

A letter was received from:

6401 Skillman 1 LTD, 10216 Garland Rd., Ste. B, Dallas, TX

They wrote: "I do not like exterior metal façade. Therefore, I do not approve it."

**ACTION TAKEN.**

Motion by Commission Member Patterson to table the request at 2105 South FM 1417 (Heritage Parkway).

Second by Commission Member Vanderveer.

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

**VOTING NAY: NONE**

**MOTION CARRIED**

**THE REQUEST WAS TABLED.**

**SPECIFIC USE PERMIT & SITE PLAN**

**THE REQUEST OF TAVA PROPERTY, LLC (OWNERS), NANDI BHATTARAI (APPLICANT) AND REGGIS LIQUOR #75 (TENANT) CONCERNING THE PROPERTY LOCATED AT 2916 NORTH U.S. HIGHWAY 75, SUITE 100, BEING LOT 4, SHAFER PLAZA, AS FOLLOWS:**

*PLANNING AND ZONING BOARD*

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

**SUP & SITE PLAN –  
LIQUOR STORE  
2916 N. U.S.  
HIGHWAY 75, STE.  
100  
(TAVA PROPERTY,  
LLC)**

**Nandi Bhattarai, 5661 Crimson Oaks Dr., Frisco, TX**

Mr. Bhattarai appeared to represent the request and answer any questions. The property is located at 2916 North U.S. Highway 75, Suite 100 in the Shafer Plaza Shopping Center, between U.S. Highway 82 and Cornerstone Drive. The property is zoned a C-1 (Retail Business) District and also located in the O-1 (75 & 82) Overlay District. Mr. Bhattarai would like to open Reggis Liquor Store at this location. He received the Staff Review Letter and would abide by the Recommendations.

Commission Member Vanderveer asked if this is the location of the Jalapeno Tree restaurant.

Mr. Bhattarai responded "yes, they are closing."

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 Vanderveer to approve the Specific Use Permit and site plan to allow a liquor store at 2916 North U.S. Highway 75, Suite 100 subject to the Staff Review Letter and restrictive lighting in or around the windows because it is closer to a major highway and traffic. Second by Commission Member Adams.

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

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

(RENEWAL) TEMPORARY USE PERMIT

THE REQUEST OF CHARLES E. ANDERSON (OWNER) AND  
TRAVIS BACA (APPLICANT) CONCERNING THE PROPERTY  
LOCATED AT 1330 WEST TAYLOR STREET, BEING 3.43  
ACRES IN THE J. B. MCANAI SURVEY, ABSTRACT NO. 763,  
AS FOLLOWS;

TUP (RENEWAL) –  
SNOW CONE  
STAND  
1330 W. TAYLOR  
(CHARLES E.  
ANDERSON)

*BOARD OF ADJUSTMENTS*

(RENEW) TEMPORARY USE PERMIT UNDER ORDINANCE  
NO. 2280, SECTION 8, SUBSECTION (4) (A), TO ALLOW THE  
OPERATION OF A SNOW CONE STAND MAY THROUGH  
SEPTEMBER IN A C-1 (RETAIL BUSINESS) DISTRICT.

Travis Baca, 802 W. Bells Blvd., Bells, TX

Mr. Baca appeared to represent the request and answer any  
questions. The property is located at 1330 West Taylor Street  
across from Fairview Park. In December 2010, the property  
was rezoned to a C-1 (Retail Business) District, but is still  
being used as residential, which requires approval for a  
Temporary Use Permit. Travis Baca began leasing the snow  
cone stand in 2014 and would like to continue the operation  
of the stand that has been at this location since 1999. He had  
seen the Staff Review Letter and would abide by the  
Recommendations.

Chairman Gilbert asked if there had been any complaints.

Mr. Shadden responded “no complaints.”

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

**ACTION TAKEN.**

Motion by Commission Member Elliott to approve the  
Temporary Use Permit to allow the operation of a snow  
cone stand May through September at 1330 West Taylor  
Street subject to the Staff Review Letter. Second by  
Commission Member Davis.

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

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

VARIANCE

VARIANCE –

THE REQUEST OF JIM FALLON (OWNER) CONCERNING THE PROPERTY AT 1204 SOUTH CROCKETT STREET, BEING THE EAST PART OF LOT 1, BLOCK 4, B.H. MOORE HEIRS ADDITION, AS FOLLOWS;

SETBACK FROM  
MAIN STRUCTURE  
1204 S. CROCKETT  
(JIM FALLON)

**BOARD OF ADJUSTMENTS**

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C)(1) TO ALLOW A DETACHED GARAGE TO BE 3' FROM THE MAIN STRUCTURE IN LIEU OF THE REQUIRED 6' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/HERITAGE ROW HISTORICAL DISTRICT.

Jim Fallon, 1204 S. Crockett, Sherman, TX

Judge Fallon appeared to represent the request and answer any questions. The property is located at 1204 South Crockett Street, the southwest corner of Crockett and Rainey Streets. The property is zoned an R-1 (One Family Residential) District and is also located in the Heritage Row Historical District. The owner would like to replace an existing detached carport with a 22' x 30' detached garage which would be located 3' from the main structure. He had seen the Staff Review Letter and would abide by the Recommendations.

Judge Fallon explained "I have an existing carport that is about a car and a half wide and we need to replace it, if we are going to replace it, we wanted to put something that was big enough for two cars. The space between the house and property line is twenty-two feet and it will not fit, it would move it over to the right which is allowed for the 5' from the property line, but it would only be 3' from the house on the other side; so that is what the variance is for. The garage will match the existing house with a shingle roof. I have spoken to my neighbors and they do not have a problem with it. I received approval from the Historical Commission earlier today."

Commission Member Patterson asked when the house was built.

Judge Fallon explained "1904, that's what a plaque on the front says and researching it, that appears to be about right."

"We would really like to attach the garage so I wouldn't have to go outside, but the floor inside house is about four feet off the ground, when you go in the back door, you go up steps, so we couldn't figure out a way to make it work."

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

A letter was received from:

Ivert Mayhugh, 1119 S. Crockett, Sherman, TX

"I have lived at 1119 South Crockett Street since July, 2000. The Jim Fallon property is located diagonally across Crockett Street from my home. I am a member of the Historical Preservation Board of the City of Sherman and have voted on several property additions and changes along Crockett Street

during the past several years. I know Judge Fallon to be very respectful of maintaining the historic image of our neighborhood and see no reason to object to this 3 foot variance.”

**ACTION TAKEN.**

Motion by Commission Member Patterson to approve the variance to allow a detached garage to be 3’ from the main structure in an R-1 (One Family Residential) District/Heritage Row Historical District at 1204 South Crockett Street subject to the Staff Review Letter. Second by Commission Member Elliott.

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

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**SPECIFIC USE PERMIT**

**THE REQUEST OF GARLAND SUNSET, LLC (OWNERS) AND MIRZA BAIG (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 1509 WEST HOUSTON STREET, BEING 1.04 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 AND BEING A PART OF BLOCK 1 OF THE REPLAT OF WESTWOOD VILLAGE SUBDIVISION, AS FOLLOWS:**

***PLANNING AND ZONING BOARD***

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

**Mirza Baig, 206 Windy Hill Road, Sherman, TX**

Mr. Baig appeared to represent the request and answer any questions. The property is located at 1509 West Houston Street between Tolbert Street and Sunset Boulevard; formerly PAC Furniture. The property is zoned a C-1 (Retail Business) District. The owner would like to open a liquor store at this location. He had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Baig explained “I own the convenience store (Sunset Food Mart) on Sunset Boulevard, which would be behind this store.”

Commission Member Vanderveer explained “the concrete on the east side of the building looks like grass has grown on the drive approach to get to the concrete.”

Mr. Baig explained “the entrance to the parking will be from Houston Street.”

Chairman Gilbert explained “this structure is pretty old and does not comply with the commercial standards, so it’s a little

**SUP & SITE PLAN –  
LIQUOR STORE  
1509 W. HOUSTON  
(GARLAND  
SUNSET, LLC)**

**(WITHDRAWN)**

bit different than being in a newer building or a retail strip. What type of things do you plan to do to improve this property?”

Mr. Baig explained “I plan to install hardy board siding on the east and west sides of the building, the front will be stone to make it nicer, the rear of the building will remain metal.”

Chairman Gilbert asked if he had any elevations or pictures of what he was proposing.

Mr. Baig responded “no, but it will be done by the City codes.”

Commission Member Vanderveer explained “on the parking, the front eight spaces on the Houston Street side seem to be outside the property line, so I’m not seeing enough room for the parking spaces; parking needs to be on your property and a parking space needs to be 9’X20’.”

Chairman Gilbert asked “how many parking spaces are needed to comply.”

Mr. Baig responded “fourteen parking spaces.”

Mr. Shadden explained “twenty-six.”

Mr. Baig explained I will only be using 2,400 square feet of the building for the liquor store; the other half will be used for warehouse.”

Commission Member Davis asked “a warehouse for what, liquor?”

Mr. Baig explained “it will be storage for items for the Sunset Food Mart store.”

Chairman Gilbert was concerned because “we don’t have quite the full picture, I have concerns with the parking right there on Houston Street, it seems like if there is enough room to park there, then you are backing right onto Houston Street and that is pretty dangerous. Also, we would like to see some elevations of the improvements that are going to be made.”

Mr. Baig explained “it is a big area, if I cannot have the parking in the front, I can move it to the side of the building; it is an acre lot.”

Mr. Shadden explained “the parking spaces will need to be 9’X20’ and on private property, not on the highway right-of-way.”

Commission Member Vanderveer explained “the property line is next to the building and I don’t think you have enough space in front for parking to be on your property.”

Chairman Gilbert explained “we need to get an updated

elevation showing the improvements to the property and a site plan that works for the square footage. There is not enough information here to make a good decision.”

Mr. Shadden explained “he can withdraw until a such time he has enough information to come back, or you can make a motion to vote on it tonight or if everyone is in agreement you can table it.”

Mr. Baig request to withdraw the request.

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

A letter was received from:

Marylyn Branson, 203 N. Tolbert, Sherman, TX

“I am opposed to this request. The family oriented neighborhoods on Laurel, Tolbert and Sunset Boulevard do not need additional traffic or an enhanced possibility of undesirable “shoppers”. This neighborhood also includes Wakefield Elementary School, and Westwood Church of Christ. Bringing a liquor store into an established family oriented neighborhood complete with elementary school and church is not a good combination. Please consider the children in this area and deny this request.”

THE REQUEST WAS WITHDRAWN.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:20 p.m.

ADJOURNMENT

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CHAIRMAN

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SECRETARY