

STATE OF TEXAS §

February 19, 2019

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 19, 2019.

MEMBERS PRESENT: CHAIRMAN MAHONE, VICE-CHAIRMAN ELLIOTT
COMMISSION MEMBERS: DAVIS, DOWNTAIN, WOOD,
SIMS AND MANLEY.

MEMBERS ABSENT: NONE

CALL TO ORDER

Chairman Mahone called the meeting to order at 5:02 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the January 22, 2019 regular meeting. Motion by Commission Member Downtain to approve the Minutes as written. Second by Commission Member Wood. All present voted AYE.

MOTION CARRIED.

APPROVE MINUTES

APPOINT BOARD OF ADJUSTMENTS

Chairman Mahone appointed the members of the Board of Adjustments: MAHONE, ELLIOTT, DOWNTAIN, DAVIS AND WOOD.

**BOARD OF
ADJUSTMENTS**

CONSENT AGENDA (ITEMS 6, 9, 10, 12, 15 & 18)

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

CONSENT AGENDA

Billy Hartsfield, City of Sherman Fire Marshal requested Item #18 "Preliminary Plat approval of Washington Oaks Subdivision" be removed from the consent agenda.

The Commission reviewed the Consent Agenda. Commission Member Davis moved to approve the Consent Agenda Items 6, 9, 10, 12 and 15 subject to the Staff Review Letters. Second by Vice-Chairman Elliott. All present voted AYE. All present voted AYE.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF ROBERT LADD HOLTON (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1744 LADD ROAD IN THE CITY OF SHERMAN EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 1.289 ACRES IN THE WINIFRED BAILEY SURVEY, ABSTRACT NO. 66, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF HOLTON ADDITION IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION.

FINAL PLAT –
HOLTON ADDITION
(ETJ)
1744 LADD RD.
(ROBERT LADD
HOLTON)

The property is located at 1744 Ladd Road in the City of Sherman's extra territorial jurisdiction, the southwest corner of Ladd Road and Hog Skin Road in east Sherman. The owners would like to replat the property into one (1) lot 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.

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN CROSSROADS, LTD (OWNERS), JOHN PIMENTEL, QUIKTRIP CORPORATION (APPLICANT) CONCERNING THE PROPERTY LOCATED AT 3624 SOUTH U.S. HIGHWAY 75, BEING 2.027 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, ALSO BEING A PART OF LOT 1, BLOCK 2, SHERMAN CROSSROADS, PHASE II, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A QUIKTRIP CONVENIENCE STORE AND FUELING STATION

SITE PLAN –
QUIKTRIP
3624 SOUTH U.S.
HIGHWAY 75
(QUIKTRIP
CORPORATION)

The property is located at 3624 South U.S. Highway 75, the northwest corner of South Highway 75 and West FM 1417 (Heritage Parkway) and is located in the Blalock Industrial Park. QuikTrip currently has the property under contract and is proposing to construct a 5,000 square foot QuikTrip convenience store with 20 fueling stations for retail motor fuel sales. The exterior finish will be brick with stone trim. Forty-seven parking spaces will be provided. It will operate 24 hours a day, seven days a week. 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

THE REQUEST OF JAMES AND TINA HARMON AND JERRY O & SHERYL L. VAUGHAN REVOCABLE LIVING TRUST (OWNERS) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTIES LOCATED AT 3014, 3018 AND 3022 PRESTON CLUB DRIVE, BEING 0.764 ACRES IN THE DANIEL BICKENBACH SURVEY,

REPLAT – PRESTON
CLUB, THE
CLASSICS
SUBDIVISION,
BLOCK 1, LOTS 7R &
9R

ABSTRACT NO. 128 AND ALL BLOCK 1, LOTS 7, 8 & 9, PRESTON CLUB, THE CLASSICS SUBDIVISION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
REPLAT PRESTON CLUB, THE CLASSICS SUBDIVISION, BLOCK 1, LOTS 7R & 9R

3014, 3018, & 3022
PRESTON CLUB
DRIVE
(JAMES/TINA
HARMON &
JERRY/SHERYL
VAUGHAN TRUST)

The properties are located at 3014, 3018 and 3022 Preston Club Drive and is zoned an R-1 (One Family Residential) District. The owners would like to replat three lots into two 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

THE REQUEST OF ANGEL RIDGE PROPERTIES, LLC (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 8001 SOUTH U.S. HIGHWAY 75, BEING 10.254 ACRES IN THE BENJAMIN LINDSAY SURVEY, ABSTRACT NO. 733, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF LOTS 1 AND 2, DAVIDSON ADDITION.

REPLAT – LOTS 1 &
2, DAVIDSON
ADDITION
8001 SOUTH U.S.
HIGHWAY 75
(ANGEL RIDGE
PROPERTIES, LLC)

The property is located at 8001 South U.S. Highway 75 between Shepherd Drive and FM 902. The property is zoned a C-1 (Retail Business) District and also located in the O-1 (75 & 82) Overlay District. 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF SWBE LLC AND YOUNG ENTERPRISES, LP (OWNERS), JONES CARTER ENGINEERING (CIVIL ENGINEER/SURVEYOR) AND WES JOHNSTON (DEVELOPER) CONCERNING THE PROPERTY LOCATED AT 1611 NORTH U.S. HIGHWAY 75, BEING 1.690 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 AND LOT 4B, OF THE REPLAT OF LOT 4, BLOCK 1, CRESCENT OAKS PLAZA AND, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF LOT 4B, BLOCK 1, CRESCENT OAKS PLAZA.

REPLAT – LOT 4B,
BLOCK 1, CRECENT
OAKS PLAZA
1611 N. U.S. HWY. 75
(SWBE LLC &
YOUNG
ENTERPRISES, LP)

The property is located at 1611 North U.S. Highway 75 between Taylor Street and Texoma Parkway. The property is zoned a C-2 (General Commercial) District and M-1 (Light Manufactured) District and also located in the O-1 (75 & 82 Overlay) District. The owners would like to replat the

property into one lot 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.

TEMPORARY USE PERMIT

THE REQUEST OF SERAJ ALI (OWNER) CONCERNING THE PROPERTY LOCATED AT 1802 EAST HOUSTON STREET, BEING LOT 1R, BLOCK 16 OF THE REPLAT OF LOTS 1, 3, 5 & 7, BLOCK 16, CHRISTIAN COLLEGE ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

RENEW TEMPORARY USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4)(A) TO ALLOW A SNOW CONE STAND IN A C-1 (RETAIL BUSINESS) DISTRICT.

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

Seraj Ali, 1809 E. Lamar, Sherman, TX

Mr. Ali appeared to represent the request and answer any questions. The property is located at 1802 East Houston Street, the southeast corner of Houston and Carr Streets. The property was zoned a C-1 (Retail Business) District in 1970. The snow cone stand has been at this location since 2008.

Chairman Mahone asked Scott Shadden, Director of Developmental Services if there had been any complaints at this location.

Mr. Shadden responded, “no complaints have been received for this address.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the Temporary Use Permit to allow a snow cone stand in a C-1 (Retail Business) District at 1802 East Houston Street subject to the Staff Review Letter. Second by Commission Member Downtain.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS, AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCES

THE REQUEST OF KELVIN HOANG (OWNER), GREG EDWARDS, ENGINEERING SERVICES, INC. (CIVIL ENGINEERS) AND PRESTON TRAIL LAND SURVEYING

VARIANCES- LOT WIDTHS

(SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 4500-4600 BLOCKS OF QUAIL RUN ROAD, BEING, AS FOLLOWS:

4500-4600 BLKS.
QUAIL RUN RD.
(KELVIN HOANG)

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW THE FOLLOWING LOTS OF THE PROPOSED QUAIL RUN ADDITION, PHASE ONE:
LOT 11, BLOCK A – 32.42’ LOT WIDTH
LOT 13, BLOCK A – 51.42’ LOT WIDTH
LOT 22, BLOCK B – 51.17’ LOT WIDTH
LOT 23, BLOCK B – 40.01’ LOT WIDTH
LOT 24, BLOCK B – 51.54’ LOT WIDTH
LOT 33, BLOCK B – 54.08’ LOT WIDTH
LOT 34, BLOCK B – 40.01’ LOT WIDTH
LOT 35, BLOCK B – 57.25’ LOT WIDTH
LOT 35, BLOCK D – 51.97’ LOT WIDTH
IN LIEU OF THE REQUIRED SIXTY (60) FOOT LOT WIDTH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Chris Noah, Preston Trail Land Surveying, 83493 N. S.H. 289, Ste. 5, Pottsboro, TX

Mr. Noah appeared to represent the request and answer any questions. The properties are located in the 4500-4600 blocks of Quail Run Road between Cormorant Drive and Tejas Drive. The property is zoned an R-1 (One Family Residential) District.

Mr. Noah explained, “this is an existing plat that was previously approved over a year ago. The variance request is for cul-de-sac lots for nine lots in the proposed Quail Run Addition, Phase One. They are requesting a narrower front on the cul-de-sac bubble, they all have the width at the building setback.”

Wilton Hebert, 902 S. Cormorant Drive, Sherman, TX

Mr. Hebert explained he lives behind this project and was concerned with the noise in developing this subdivision. “They work fourteen hours a day; they are not very good neighbors. They could have designed this subdivision without cul-de-sacs; they are just trying to cram more houses in there. They are supposed to have a ten-foot easement in between each house for insurance purposes; how are they going to have that ten-foot between each house. This will devalue my property.”

Chairman Mahone asked Mr. Hebert to take that up with City Hall.

Mr. Shadden explained the setback is ten percent on the side setbacks.

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

Board of Adjustments
ACTION TAKEN.

Motion by Commission Member Davis to approve the variances for the lot widths on Lots, 11 and 13, Block A, Lots 22, 23, 24, 33, 34 and 35, Block B and Lot 35, Block D of the proposed Quail Run Addition, Phase One subject to the Staff Review Letter for the property in the 4500-4600 Blocks of Quail Run Road. Second by Commission Member Wood.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS, AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF EVERGREEN EQUITY CORPORATION (OWNERS) AND KEITH ZETZER, (APPLICANT) CONCERNING THE PROPERTY LOCATED AT 1800 TEAGUE DRIVE, BEING LOTS 1, 2, 3 AND PART OF 4, BLOCK 2, TEAGUE INDUSTRIAL PARK, UNIT 2 AND 1.18 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(I)(1) TO ALLOW AN 8’ SETBACK ALONG THE TEAGUE DRIVE PROPERTY LINE IN LIEU OF THE REQUIRED 15’ AND AN 8’ SETBACK FROM THE GRAND AVENUE PROPERTY LINE IN LIEU OF THE REQUIRED 10’ FOR A 50 SQUARE FOOT, 5’ TALL DIGITAL MONUMENT SIGN IN AN M-1 (LIGHT MANUFACTURING) DISTRICT.

VARIANCE – SIGN SETBACK
1800 TEAGUE DR.
(EVERGREEN EQUITY CORPORATION)

(DENIED)

Keith Zetzer, 3403 Meadow Creek Ln., Sachse, TX

Mr. Zetzer appeared to represent the request and answer any questions. The property is located at 1800 Teague Drive, the northeast corner of Grand Avenue and Teague Drive. The property is zoned an M-1 (Light Manufacturing) District. An exception to allow an additional freestanding monument sign for Merrill Lynch Wealth Management was approved by the Planning and Zoning Commission February 19, 2008; that sign still remains.

Mr. Zetzer explained, “the owners have just finished a building remodel at 1800 Teague Drive and this is an addition to that. There was an existing monument sign at the corner of Grand Avenue and Teague Drive; it was removed and they would like to replace it with a fifty square foot, five-foot tall digital monument sign. The sign was in a similar spot; in 1984, it was previously approved for a variance and this one is going in a very similar location, the direction is changing to allow them to have a front and rear side digital.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked, “why they are requesting a variance; it looks like you have room to move it back.”

Mr. Zetzer explained, “we did a survey and the sign would end up in the parking lot to meet code; there is not a spot on the premises that we could actually meet code. The way the parking lot is laid out there is no way the sign will meet the setback requirements.

Chairman Mahone explained, “it looks like you are requesting an eight-foot setback from each property line; how far back from the curb do you think that would be.

Mr. Zetzer explained, “it’s about eighteen foot in each direction. The new sign will be roughly a foot in front of the old sign.”

Chairman Mahone explained, one of the things we think about is driving and if the driver can see clearly at the intersection; that is one of the reasons for the setback, if this was moved back a little, the sign would not be obstructing the view at the corner.”

Mr. Zetzer explained, “the problem with that is, the LED on the back of the sign; you would not be able to see the LED on the back of the sign. I spoke with the Developmental Services Department yesterday and they said it usually requires fifteen foot from the property line.”

Mr. Shadden explained, “fifteen-foot down the property line each way and make a triangle and that creates a triangular line of site for intersections to try to keep it clear.”

Commission Member Davis felt there is room to move the sign back out of the line of traffic view.

Mr. Zetzer explained, he felt “there was a concern with the visibility of the back of the sign, if we set it back further, you will not be able to see the back of the sign if they set it too far back.”

Commission Member Wood explained, “looking at the site plan there is plenty of room to move the sign back.”

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

ACTION TAKEN.

Motion by Commission Member Davis to deny the request for a variance to allow an 8’ setback along the Teague Drive property line in lieu of the required 15’ and an 8’ setback from the Grand Avenue property line in lieu of the required 10’ for a 50 square foot, 5’ tall digital monument sign in an M-1 (Light Manufacturing) District located at 1800 Teague Drive subject to the Staff Review Letter. Second by Commission Member Downtain.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS, AND WOOD.

VOTING NAY: NONE
MOTION CARRIED

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

VARIANCE & FINAL PLAT

THE REQUEST OF MJLM HOLDINGS, LLC (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1300 NORTH BROUGHTON STREET, BEING 0.341 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:
BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1), BEING 0.155 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, ALSO BEING LOT 1 OF THE PROPOSED MAVERICK ADDITION, PHASE TWO, TO ALLOW A 51.87 LOT WIDTH IN LIEU OF THE REQUIRED SIXTY (60) FOOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF MAVERICK ADDITION, PHASE TWO

VARIANCE – LOT WIDTH

FINAL PLAT – MAVERICK ADDITION, PHASE 2 1300 N. BROUGHTON ST. (MJLM HOLDINGS, LLC)

(TABLED)

No one was present to represent the request.

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

Planning & Zoning Commission

ACTION TAKEN.

Motion by Commission Member Downtain to table the variance and Final Plat of Maverick Addition, Phase located at 1300 North Broughton Street. Second by Vice-Chairman Elliott.

VOTING AYE: MAHONE, ELLIOTT, SIMS, DOWNTAIN, DAVIS, WOOD AND MANLEY.

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS TABLED.

VARIANCE

THE REQUEST OF CALADIUM INVESTMENTS, LLC (OWNERS) AND JOE GILBERT (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 103 AND 105 WEST MCGEE STREET, BEING THE SOUTH 82' OF LOT 16 AND THE SOUTH 82' OF THE EAST 25' OF LOT 15, BLOCK 1 OF W.M. SHANNON'S SUPPLEMENT, AS FOLLOWS:
BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 10' REAR SETBACK (WEST PROPERTY LINE) IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – REAR SETBACK 103/105 W. MCGEE ST. (CALADIUM INVESTMENTS, LLC)

Joe Gilbert, 801 E. Taylor Street, Sherman, TX

Mr. Gilbert appeared to represent the request and answer any questions. The property is located at 103-105 West McGee Street; the northwest corner of Travis and McGee Streets. The property is zoned an R-1 (One Family Residential) District and was approved for a Specific Use Permit to allow a duplex in an R-1 (One Family Residential) District. A variance was approved to allow a 20' rear setback at the September 18, 2018, Planning and Zoning Commission Meeting.

Mr. Gilbert explained, “we came before the board a couple of months ago for site plan approval for a duplex and thought we had covered all the bases we needed to start this project, however there was some confusion on the corner lot. Even though we are going to face the duplex on McGee Street, the front and rear setbacks are considered off of Travis Street. We got our foundation ready and failed the stringline inspection, so we are back before the board to ask for a variance to allow a 10' rear setback (west property line) for the duplex; which will be the side of the duplex. I would like to clarify the setbacks for the duplex to make sure we have everything covered.” He had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Shadden explained according to the site plan, the setbacks are: twenty-foot off McGee Street, thirty-two foot off Travis Street, ten foot off the north and twenty foot off the west property lines. The only variance you need is off the west side for 10 foot; which is the request tonight.”

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the variance to allow a 10' rear setback (west property line) for the property located at 103/105 West McGee Street subject to the Staff Review Letter. Second by Commission Member Vice-Chairman Elliott.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS, AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF PAUL LANE (OWNERS) AND BRIAN RODER (APPLICANT) CONCERNING THE PROPERTY LOCATED AT 5110 MARSHALL STREET, BEING 3.39 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

**SUP – BOTTLING
WORKS FOR B4C
DISTILLERY
5110 MARSHALL ST.
(PAUL LANE)**

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW BOTTLING WORKS FOR B4C DISTILLERY IN AN M-1 (LIGHT MANUFACTURING) DISTRICT.

Brian Roder, 976 CR 1200, Savoy, TX

Mr. Roder appeared to represent the request and answer any questions. The property is located at 5110 Marshall Street between Hilltop Drive and Fallon Drive. The property is zoned an M-1 (Light Manufacturing) District. An exception to allow freight truck driveway parking as a rock area instead of asphalt or concrete was approved November 9, 1982 by the Planning and Zoning Commission.

Mr. Roder explained he is requesting a Specific Use Permit to allow bottling works for B4C Distillery, a family owned and operated business. The distillery was established in Savoy, Texas in 1990. “The alcohol/spirits will be distilled in Savoy and transported to 5110 Marshall Street for bottling and distribution. The building has eight loading docks, four on the north and four on the west side.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if he would be distilling on the property or just bottling.

Mr. Roder explained, “the product would be distilled in Savoy, transported to Sherman, we might need to adjust the proof of the alcohol; then it is bottled and distributed out of this location. We would also be bringing in from St. Louis who sell wholesale. The property is fenced, gated and has yard lights.”

Mr. Roder had a concern with the requirement for the parking lot being concrete or asphalt. “Yellow Freight has been in there for the last year and a half and that was not a requirement then.”

Mr. Shadden explained, “the Specific Use Permit is what triggers the requirement to be in compliant with current ordinances.”

Mr. Roder explained, “asphalt or concrete is astronomical as far as costs.”

Mr. Shadden explained, “you would have to come back for a variance or we could meet with you tomorrow to talk about the parking lot.”

David Lane, 5110 Marshall St., Sherman, TX

Mr. Lane explained, “it is asphalt; it may just have a few holes in the parking lot.”

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

ACTION TAKEN.

Motion by Commission Member Sims to approve the Specific Use Permit to allow bottling works for B4C Distillery in an M-1 (Light Manufacturing) District at 5110 Marshall Street subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: MAHONE, DOWNTAIN, ELLIOTT, SIMS, DAVIS, WOOD AND MANLEY.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCES & REPLAT

THE REQUEST OF SAM LORIA (OWNER) AND STEVE HERLINGER, TILLMAN INFRASTRUCTURE (APPLICANT/REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 605 EAST PECAN STREET, BEING 0.574 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- **VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (15)(C)(1)(C) TO ALLOW A 124' TALL WIRELESS MONOPOLE CELL TOWER IN LIEU OF THE ALLOWED 100' IN AN M-2 (HEAVY MANUFACTURING) DISTRICT.**
- **EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (15)(C)(1)(C)(IV) TO ALLOW A WIRELESS MONOPOLE CELL TOWER TO BE 40' FROM NORTH PROPERTY LINE, 10' FROM THE EAST PROPERTY LINE, AND 48' FROM THE WEST PROPERTY LINE IN LIEU OF THE REQUIRED 124' FROM ANY PROPERTY LINE IN AN M-2 (HEAVY MANUFACTURING) DISTRICT.**

VARIANCE – HEIGHT OF CELL TOWER

EXCEPTION – SETBACKS FROM PROPERTY LINES

605 E. PECAN ST. (SAM LORIA)

(TABLED)

Steve Herlinger, 3420 Country Club Rd., Carrollton, TX

Mr. Herlinger appeared to represent the request and answer any questions. He requested this item be tabled until the next meeting to allow time to address some of the concerns on the Staff Review Letter.

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

ACTION TAKEN.

Motion by Commission Member Davis to table the request for the variance to allow a 124' tall wireless monopole cell tower and exception to allow the cell tower to be 40' from eh north property line, 10' from the east property line and 48' from the west property line in lieu of the required 12' in an M-2 (Heavy Manufacturing) District at 605 East Pecan Street. Second by Commission Member Downtain.

VOTING AYE: MAHONE, DOWNTAIN, ELLIOTT, DAVIS, SIMS, MANLEY AND WOOD.

VOTING NAY: NONE
MOTION CARRIED

THE REQUEST WAS TABLED.

REPLAT & VARIANCES

THE REQUEST OF JOHN & ZAIDA BURDETT AND TAMMY REEDER SALAS AKA TAMMY RAY (OWNERS) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1318 NORTH LUCKETT STREET AND 1322 EAST TUCK STREET, BEING PART OF LOT 1 AND ALL OF LOT 2, BLOCK 5, MILDRED HEIGHTS ADDITION, CONTAINING 0.334 ACRES IN THE C. CARTE SURVEY, ABSTRACT NO. 229, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1), BEING 0.177 ACRES IN THE C. CARTER SURVEY, ABSTRACT NO. 229, ALSO BEING LOT 2R OF THE PROPOSED REPLAT OF MILDRED HEIGHTS ADDITION, BLOCK 5, LOTS 1R & 2R, TO ALLOW A 50' LOT WIDTH IN LIEU OF THE REQUIRED SIXTY (60) FOOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1), BEING 0.157 ACRES IN THE C. CARTER SURVEY, ABSTRACT NO. 229, ALSO BEING LOT 1R OF THE PROPOSED REPLAT OF MILDRED HEIGHTS ADDITION, BLOCK 5, LOTS 1R & 2R, TO ALLOW A 11' FRONT YARD SETBACK IN LIEU OF THE REQUIRED 25', A 5' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 6.8' FOR AN EXISTING DWELLING IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C)(1) AND (1)(C)(2), BEING 0.157 ACRES IN THE C. CARTER SURVEY, ABSTRACT NO. 229, ALSO BEING LOT 1R OF THE PROPOSED REPLAT OF MILDRED HEIGHTS ADDITION, BLOCK 5, LOTS 1R & 2R, TO ALLOW A 0.3' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 5' AND A 3.6' SETBACK FROM THE MAIN STRUCTURE FOR AN EXISTING STORAGE BUILDING IN LIEU OF THE REQUIRED 6' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF MILDRED HEIGHTS ADDITION, BLOCK 5, LOTS 1R AND 2R.

Chris Noah, Preston Trail Land Surveying, 83493 N. S.H. 289, Ste. 5, Pottsboro, TX

Mr. Noah appeared to represent the request and answer any questions. The property is located at 1318 North Lockett Street and 1322 East Tuck Street, the southwest corner of Lockett and Tuck Streets. The property is zoned an R-1 (One Family Residential) District and also located in the College Park Overlay District.

VARIANCE – LOT WIDTH
(1318 N. LUCKETT ST.)

VARIANCE – FRONT & SIDE YARD SETBACKS FOR MAIN STRUCTURE
(1322 E. TUCK ST.)

VARIANCE – SETBACKS FOR ACCESSORY BLDG.
(1322 E. TUCK ST.)

REPLAT – MILDRED HEIGHTS ADDITION, BLOCK 5, LOTS 1R & 2R

1318 N. LUCKETT & 1322 E. TUCK
(JOHN/ZAIDA BURDETT & TAMMY RAY)

Mr. Noah explained, “there are two existing properties, the Burdett’s purchased Lot 2 at 1318 North Lockett Street, when we did the survey for that lot, we discovered the rear portion of the lot had been occupied by the owner at 1322 East Tuck Street, which is the part of Lot 1. The owner of that lot, Tammy Ray explained she had received verbal permission from the previous landowner, she was told to go ahead and take it and she did. She installed a metal storage building on a concrete slab, it is right up against the fence line.”

“The Burdett’s would like to clean this situation up, they would like to give Ms. Ray the rear fifty-feet of their lot, so that she can keep using that area and they would be able to resell the lot as investment property; to do that, a replat is required. All the variances cover the existing structures. The house at 1322 East Tuck Street was built in 1960, the west 70 or 80 feet was severed out about the same time, one lot was split by metes and bounds. The rear portion of the lot was absorbed into her lot in 2000, by looking at aerial photos. The variance for the Lot 2 is for the lot width, it is an old subdivision which allowed fifty-foot lot widths and current zoning requires sixty-foot. 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 variances or Replat.

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the variances to allow a 50’ lot width on the proposed Lot 2R of the Replat of Mildred Heights Addition, Block 5, Lots 1R and 2R at 1318 North Lockett Street and to allow a 11’ front yard setback, a 5’ side yard setback for the existing dwelling and a 0.3’ side yard setback and a 3.6’ setback from the main structure on the proposed Lot 1R at 1322 Tuck Street subject to the Staff Review Letter. Second by Commission Member Wood.

VOTING AYE: MAHONE, DOWNTAIN, ELLIOTT, DAVIS, AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Downtain to approve the Replat of Mildred Heights Addition, Block 5, Lots 1R and 2R at 1318 North Lockett and 1322 Tuck Street subject to the Staff Review Letter. Second by Vice-Chairman Elliott.

VOTING AYE: MAHONE, DOWNTAIN, ELLIOTT, DAVIS, SIMS, MANLEY AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

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

PRELIMINARY PLAT

THE REQUEST OF WASHINGTON BEND, LLC (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 3000 BLOCK OF WEST WASHINGTON STREET, BEING 22.553 ACRES IN THE WILLIAM THOMPSON SURVEY, ABSTRACT NO. 1210, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY PLAT APPROVAL OF WASHINGTON OAKS SUBDIVISION.

PRELIMINARY PLAT – WASHINGTON OAKS SUBDIVISION 3000 BLOCK W. WASHINGTON (WASHINGTON BEND, LLC)

Gary Corley, 108 N. Travis, Sherman, TX

Mr. Corley appeared to represent the request and answer any questions. The property is located in the 3000 block of West Washington Street between Timber Creek Road and Cinrose Lane. The property is zoned an R-1 (One Family Residential) District.

Mr. Corley explained he has new drawings for the Preliminary Plat. The Fire Marshal requires two exit points in the subdivision, so the new drawing reflects that. They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone explained the plat that was submitted does not match what you are giving us tonight. Are we able to make a recommendation on this plat since it was not advertised?

Clint Philpott, Director of Engineering explained, “this is a Preliminary Plat; they will come back with a Final Plat to submit to the Planning and Zoning Commission and City Council. Preliminary Plats are not filed at the County Courthouse.”

ACTION TAKEN.

Motion by Vice-Chairman Elliott to approve the Preliminary Plat of Washington Oaks Subdivision in the 3000 Block of West Washington Street subject to the Staff Review Letter. Second by Commission Member Downtain.

VOTING AYE: MAHONE, DOWNTAIN, ELLIOTT, DAVIS, SIMS, MANLEY AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

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

OTHER BUSINESS

DRAFT ORDINANCE FOR A PLANNED DEVELOPMENT ORDINANCE

OTHER BUSINESS – DRAFT ORDINANCE FOR A PLANNED DEVELOPMENT

At the November 20, 2018, Planning and Zoning Commission Meeting, a subcommittee was appointed to meet and hear a presentation and create a draft ordinance to present to the Planning and Zoning Commission and make recommendations to the City Council to adopt a planned development ordinance which would be for large mixed use developments. Chairman Mahone appointed: Clay Mahone, Eric Elliott and Shawn Davis.

Mr. Shadden explained, “this ordinance is intended to facilitate the planning, design and development on large tracts that cannot be adequately accommodated in other zoning districts. Greater flexibility and creativity to encourage design plans unique to individual projects. These type of developments have been done in Plano, Frisco and McKinney. Some of the highlights of the ordinance are:

Minimum Qualifications:

- Minimum Size - 200 acres
- Mix of Land Uses – 2 housing types (single-family, attached housing/townhouse or multi-family)
- Retail, office, business/employment
- Public Destination – large park, public plaza, town center, school/library or similar community gathering place.

Development Criteria:

- Consistent with the Comprehensive Plan
- Enhanced Project Design – Exceed minimum regulatory standards, Compatible with surrounding neighborhoods relative to architectural design, scale, building height, historical character and orientation of buildings.
- Land uses, buildings, streets, open space, pedestrian circulation and landscape should be arranged to produce an orderly and creative layout.
- Streets shall be designed with enhancements to the pedestrian realm including sidewalks and shared-use paths separated from vehicular movement with a vegetated parkway buffer and street trees.
- Residential and non-residential building design should have architectural elements such as masonry and finishes.
- Open spaces for use as community gathering places and recreational resources.
- Amenities such as trails, seating, shade and lighting.

It is a mixed-use development and allows the developer to market their property for flexibility of how it is developed. The developer would put their plan together for review and it would be sent to a third party for review prior to the Planning and Zoning Board, they would see that it complies with the ordinance. The development will then be heard by

the Planning and Zoning Commission and they will make a recommendation to the City Council.”

Commission Member Downtain asked, “was there an existing document from one of those other municipalities that was mentioned that was used as a model to construct this.”

Mr. Philpott explained, “we started with several examples from other cities and talked through what we wanted at staff level and blended those together to fit Sherman.”

Mr. Shadden explained, “the company that helped develop this ordinance looked at our overlay districts, our zoning ordinances and our procedures how we come to the Planning and Zoning Commission. There is a substantial fee associated with this type of development, so they have to be serious about it when they submit.”

No other citizens appeared before the Planning and Zoning Commission to discuss the Planned Unit Development.

ACTION TAKEN.

Motion by Commission Member Downtain to approve the Draft Ordinance for a Planned Unit Development and forward it to the City Council. Second by Commission Member Davis.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS, SIMS MANLEY AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

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

OTHER BUSINESS

REVIEW AMENDED ORDINANCES:

REVIEW AMENDED ORDINANCES

- COLLEGE PARK OVERLAY DISTRICT UPDATE
- SPECIFIC USE PERMITS UPDATE
- PERMIT, DEVELOPMENT AND REGISTRATION FEES UPDATE
- SCREENING DEVICE (FENCE) UPDATE
- PRELIMINARY PLAT, FINAL PLAT AND REPLATTING UPDATE
- SCHEDULE OF FEES, CHARGES AND EXPENSES UPDATE
- SUBDIVISION REGULATIONS, MODIFICATION OF DESIGN REQUIREMENTS UPDATE
- MINIMUM IMPROVEMENTS AND SUBDIVISION REGULATION UPDATE
- C-2 (GENERAL COMMERCIAL) DISTRICT UPDATE

Mr. Shadden explained, “the committee met January 22, 2019 to review and amend ordinances for zoning and subdivision regulations.”

College Park Overlay District

Removes “*front entry garages are prohibited on residential structures.*”

Specific Use Permits

Removes liquor stores and pawnshops from requiring a Specific Use Permit per State Regulations.

Permit, Development and Registration Fees

Creates the Planned Development Fees – Base fee: \$10,000 plus \$20 per acre.

Screening Device (Fence)

Allows a fence or enclosure wall extending closer than twenty-five (25) feet to a front line street “*on the same side of street*” shall not exceed a height of four (4) feet.

Preliminary Plat, Final Plat, and Replatting

Removes fees and references to the approved fee schedule.

Schedule of Fees, Charges and Expenses

Removes zoning request fees from this section and provides link to the fee schedule

Subdivision Regulations, Modification of Design Requirements, Minimum Improvements and Subdivision Regulations

Update the Subdivision Ordinance for planned development.

C-2 (General Commercial) District

Adds pawns shops as a permitted use.

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the amended Ordinances and forward them to the City Council. Second by Commission Member Downtain.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS, SIMS MANLEY AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

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

PLANNING & ZONING COMMISSION MINUTES – FEBRUARY 19, 2019

ADJOURNMENT

**On Motion duly made and carried, the meeting adjourned at
6:08 p.m.**

ADJOURNMENT

CHAIRMAN

SECRETARY