

STATE OF TEXAS §

May 21, 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 May 21, 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 5:00 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the April 16, 2019 regular meeting. Motion by Vice-Chairman Elliott to approve the Minutes as written. Second by Commission Member Davis. 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 8, 10, 13 & 14)

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

CONSENT AGENDA

The Commission reviewed the Consent Agenda. Commission Member Downtain moved to approve the Consent Agenda as presented 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF AUSTIN COLLEGE (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 700 BLOCK OF NORTH GRAND AVENUE, BEING LOTS 7-10, BLOCK 10, COLLEGE PARK ADDITION, CONTAINING 1.143 ACRES, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF LOTS 7-10, BLOCK 10, COLLEGE PARK ADDITION.

REPLAT – LOTS 7-10,
BLOCK 10, COLLEGE
PARK ADDITION
700 BLK. N. GRAND
AVE.
(AUSTIN COLLEGE)

The property is located in the 700 block of North Grand Avenue, the northeast corner of Brockett Street and Grand Avenue. The property is zoned an R-1 (One Family Residential) District and located in the College Park Overlay District. The owner would like to plat the property into one lot for development of student housing. 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 AUSTIN COLLEGE (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 1200 BLOCK OF NORTH HURT AND NORTH BLEDSOE STREETS, BEING ALL OF BLOCK 9, MILDRED HEIGHT ADDITION, CONTAINING 2.853 ACRES, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF LOTS 1-16, BLOCK 9, MILDRED HEIGHTS REPLAT.

REPLAT LOTS 1-16,
BLOCK 9, MILDRED
HEIGHTS REPLAT
1200 BLK. N. HURT &
N. BLEDSOE
(AUSTIN COLLEGE)

The property is located in the 1200 block of North Hurt and North Bledsoe Streets between Dugan and Dorchester Streets. The property is zoned an R-1 (One Family Residential) District and located in the College Park Overlay District. Austin College would like to Replat the property into one lot for development of student housing. 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.

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF BRYAN AND MARGARET GRAHAM (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2300-2400 BLOCKS OF NORTH HICKORY STREET AND 229 WEST PELTON STREET, BEING 2.788 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF GRAHAM ADDITION.

FINAL PLAT –
GRAHAM ADDITION
2300-2400 BLKS. N.
HICKORY & 229 W.
PELTON
(BRYAN &
MARGARET
GRAHAM)

The property is located in the 2300-2400 blocks of North Hickory Street and 229 West Pelton Street; the northeast corner of Hickory and Pelton Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into three 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.

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN COMMONS LP (OWNERS), SHERMAN SPECKLES, LLC (DEVELOPER), SPEC’S WINE AND SPIRITS (TENANT), MCCLURE PARTNERS, (DEVELOPER), ROGUE ARCHITECTS (ARCHITECT) AND VASQUEZ ENGINEERING, INC. (CIVIL ENGINEER) CONCERNING THE PROPERTY LOCATED AT 3606 LOY LAKE ROAD, BEING LOT 6, BLOCK C, REPLAT SHERMAN COMMONS ADDITION, BLOCK C, AS FOLLOWS:
PLANNING AND ZONING BOARD
SITE PLAN APPROVAL FOR SPEC’S WINE AND SPIRITS RETAIL STORE.

SITE PLAN – SPEC’S
WINE & SPIRITS
RETAIL STORE
3606 LOY LAKE RD.
(SHERMAN
COMMONS LP)

The property is located at 3606 Loy Lake Road between East Pecan Grove Road and Sara Swamy Drive; the lot behind Whataburger. The property is zoned a C-1 (Retail Business) District and located in the O-1 (75 & 82) Overlay District. Sherman Speckles, LLC is looking to develop an approximate 10,000 square foot Spec’s Wine and Spirits Retail Store. The exterior facade will be stone veneer and EFIS. Fifty-one parking spaces will be provided. 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 WUI DEVELOPMENT, LLC, CHRISTOPHER REHMET & CLAIRE TATE AND ROBERT TATE (OWNERS) CLAY BARNETT, P.E. (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2000-2900 BLOCKS NORTH STATE HIGHWAY 289, BEING 111.721 ACRES IN THE J.K. MILLER SURVEY, ABSTRACT NO. 819, J.M. THOMAS SURVEY, ABSTRACT NO. 1234, THE DANIEL BICKENBACH SURVEY, ABSTRACT NO. 128 AND BLOCK 1, PRESTON CLUB, THE CLASSICS, PHASE THREE, BLOCKS 2, 3 & 4, PRESTON CLUB, THE CLASSICS, PHASE FOUR AND ALL OF BLOCKS 1 AND 5, PRESTON CLUB, THE CLASSICS, PHASE FOUR, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-A (SINGLE FAMILY AGRICULTURAL) DISTRICT AND R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.

ZONE CHANGE – R-A
& R-1 TO C-1

CONCEPTUAL SITE
PLAN – RETAIL
2000-2900 BLKS. N.
S.H. 289
(WUI
DEVELOPMENT,
LLC)

Clay Barnett, 3101 Redbud Trail, Sherman, TX

Mr. Barnett appeared to represent the request and answer any questions. The property is located in the 2000-2900 blocks of North State Highway 289 between West Washington Street and U.S. Highway 82. The property is zoned an R-A (Single Family Agricultural) District and an R-1 (One Family Residential) District and located in the O-1.4 (State Highway 289) Overlay District.

Mr. Barnett explained, “this property is located approximately a quarter of a mile from the intersection of State Highway 289 and U.S. Highway 82. The property is located along State Highway 289 and we are requesting commercial zoning, consistent with the property located on a State Highway and in proximity of a U.S. Highway. The site plan is conceptual and will require additional approval before construction begins.

Appearing from the audience:

Janet Smith, 225 Roberts Run, Sherman, TX

Ms. Smith explained she lives right across the street from the back part of this property. “I am wondering what type of barrier would be between the residential properties and the commercial development.”

Don McMahill, 577 Roberts, Run, Sherman, TX

Mr. McMahill explained, “when we bought our property, they told us it was a residential area and they did not give us any insight to what is happening here now. What are the details of this retail property? Does the retail development back up to our current lots or go through them? Why do we need to extend it to the retail?”

Inma Lyons, 508 Roberts Run, Sherman, TX

Mrs. Lyons was concerned with the retail development because there is nothing concrete; “we do not know what to expect. It will totally change the look and feel of our neighborhood.”

Daniel Worrell, 2509 Remuda Dr., Sherman, TX

Mr. Worrell explained he was representing Eddie and Brenda Young; they live directly across the street from the proposed zoning change. “They are concerned with the traffic issue that it could present; they already have issues entering and exiting their property, which does not have an access road. Their concern without those access roads, adding the traffic from a retail development would be more of a safety issue. There have been quite a few accidents there already.”

Mr. Barnett explained, “we have seen the Staff Review Letter and would abide by the Recommendations. We do not have any issues addressing the screening requirements; we do not take any exceptions with those. It also addressed access to State Highway 289; we do not have any issues complying with those requirements. We expect the development to be similar to the Sherman Town Center. We do not see this developing happening tomorrow; there has to be a nexus.”

Commission Member Manley asked “what the reason for requesting the zoning change now as opposed to later when you have a more concrete plan for the development.”

Mr. Barnett explained, “the property owners would like to secure the zoning and would like the zoning to be consistent; it is the highest and best use, this is the hard corner of a State Highway and they are looking to have it zoned with accordance to its location.”

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

Letters received from:

Carter & Helen Helm, 3213 Preston Club Drive, Sherman, TX
“Vote against retail at Preston Club. The reason we settled and bought out here is because it is country.”

Philip & Inma Lyons, 508 Roberts Run, Sherman, TX

“We would like the City Council to note our objection to the zoning change on Phase III - Roberts Run for the following reasons:

1. Uncertainty regarding the future value of our properties.
2. We also like the quiet, country-like feel of the zone, and this zoning change will most certainly disrupt that.
3. One of the maps attached, which is labeled "Conceptual Site Map," shows Lamberth Road to divide the zone. Lamberth Rd. does not come to SH 289.
4. On the Staff Review Letter there are items of concern:
Item 19 states that sewer is not available at this time, no development permitted until future lift station is constructed. Where would the lift station for the sewer be placed? Will the taxpayers pay for the cost?

Item 2 states that a minimum 4' screening device shall be provided abutting residential. A 4' screen is absolutely not sufficient; it would not block the noise nor the view. A minimum 8' brick wall would be necessary.

For the above stated reason, we object to the proposed zoning change.”

Eddie & Brenda Young, 2703 SH 289, Sherman, TX

“After reviewing the above subject property for re-zoning, I have the following questions and comments:

First, all residents along Hwy-289 have experienced the construction of the new highway from an original Farm to Market Road, i.e., Hudgins Road to a very busy State Highway. Most residents objected to the new highway due to traffic concerns, but it passed anyway. This new traffic, which is increasing annually has and continues to be a safety issue.

Second, there are four residential entrances directly across Highway 289 on the east side, with separate entrances and drives. With the traffic that exist currently and a new retail development with a new entrance or entrances on the west

side, this will cause additional safety issues in and out of the development.

Third and final comment in regards to State Highway 289, with private entrances does not allow for easy and safe access. It is my opinion that a new retail development will only create more situations for accidents and therefore, any approval for new zoning to retail or commercial should be denied.”

ACTION TAKEN.

Motion by Commission Member Manley to approve the zone change from an R-A (Single Family Agricultural) District and R-1 (One Family Residential) District to a C-1 (Retail Business) District and conceptual site plan for the property located in the 2000-2900 blocks North S.H. 289 subject to the Staff Review Letter. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF JOHN AND SHAREN ARRIAZOLA (OWNERS), ELECTRIC AGE TATTOO CO. (PROPOSED TENANT) AND JOHN C. STONE (APPLICANT) CONCERNING THE PROPERTY LOCATED AT 119 EAST WALL STREET, BEING PART OF LOTS 7, 8 & 9, BLOCK D, T.J. SHANNON SUPPLEMENT, 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 TATTOO AND ART STUDIO IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT.

Caleb Stone and Jayce Cogburn, 119 E. Wall, Sherman, TX

Mr. Stone and Mr. Cogburn appeared to represent the request and answer any questions. The property is located at 119 East Wall Street between Travis and Walnut Streets. The property is zoned a C-2 (General Commercial) District and located in the Central Business District.

Mr. Stone explained, “he and his partner, Jayce Cogburn have both tattooed here for ten years; we learned tattoo here and our entire career has been based here. We would like to open our own studio, “Electric Age Tattoo Studio” a more exclusive and comfortable place for our clients to come in. We have a pretty extensive client base between the two of us; we mostly do appointment only; so we want to create a more comfortable environment for them.” They had seen the

**SUP – TATTOO &
ART STUDIO
119 E. WALL ST.
(JOHN & SHAREN
ARRIAZOLA)**

Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked if they were only doing tattoos or would they be selling any products such as smoke products or vapors.

Mr. Stone responded, “just tattoos and we paint, so we might sell artwork such as paintings.”

Dub Nix, 125 N. Travis, Sherman, TX.

“I was here at the last meeting and my tenant was turned down last month for a tattoo shop in my building. I am trying to be a good neighbor down there; I let John Arriazola put a sign on my building for his restaurant for five years with no charge. I have fixed a drainage problem and picked up trash on Vanderveer’s property south of me. Personally, I do not like tattoos; I do not have one on me. I have given it a lot of thought before I came back down here tonight over last month; I apologize for even letting my tenant submit for a tattoo permit for that building, and by the way, there were no sex toys or anything like that in that building like it was stated at that meeting that night. I agree with Planning and Zoning on what your decision was and your views on tattoo shops. I also agree with Mr. Arriazola, we have two Federal Courthouses and our County Courthouse within a block or within three hundred feet and apartments. It seems strange to me that Mr. Arriazola now wants a tattoo shop in his building, just thirty feet from my building. Any form of tattoo shop has a form of putting tattoos on exposed areas, what if a kid was to walk in on that. I do not agree with a tattoo shop in our neighborhood because of the courthouses and children in the neighborhood.”

Shawn Vanderveer, 113 N. Travis, Sherman, TX

“I stated before, I’m not opposed to tattoo shops, there were other things I am opposed to. I would ask the Commission to limiting it to the Applicant in case they move out, so it doesn’t leave it wide open to others.”

Mr. Stone explained “as far as children being exposed to open areas, we rarely do any kind of that work, if we do it is very detailed process how we contain that, we don’t want our clients to be exposed either because they would be very uncomfortable. We have ways with partition walls and things like that to make sure that nobody can see or try to see anything. We try to keep it in more close quarters so that they are more comfortable with those things. We will be by appointment only to be prepared for that; but it is few and far between.”

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 tattoo and art studio in a C-2 (General Commercial) District/Central Business District at 119 East Wall Street subject to the Staff Review Letter and limiting it to John C. Stone (Electric Age Tattoo Co.). Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF M&G HOME BUILDERS (OWNERS), MARTIN COVARRUBIAS (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 1104 NORTH BRANCH STREET, BEING A PART OF LOTS 15 & 18, BLOCK 1, J.Q.A. CARTER'S ADDITION, CONTAINING 0.1287 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 4' SIDE YARD SETBACK ON THE NORTH PROPERTY LINE IN LIEU OF THE REQUIRED 6' FOR A SINGLE FAMILY DWELLING IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**VARIANCE – SIDE SETBACK
1104 N. BRANCH
(M&G HOME BUILDERS)**

Martin Covarrubias, 1218 N. Brents, Sherman, TX

Mr. Covarrubias appeared to represent the request and answer any questions. The property is located at 1104 North Branch Street between College and Vernon Holland Memorial Drive. The property is zoned an R-1 (One Family Residential) District.

Mr. Covarrubias explained, “when we first bought the property, according to the records we had, it was a forty-two foot wide lot, but when we ordered the survey, it came to our attention that the lot was only forty foot wide; that is when we stopped construction of the residential home. We are requesting a variance to allow a 4' setback from the north property line.” He had seen the Staff Review Letter and would abide by the Recommendations.

Julia Taylor, 1108 N. Branch, Sherman, TX

Ms. Taylor explained, “I do not have any problems with the 4' setback variance, however, my major concern is they have torn down my fence and they have a lot of debris on my property and I would like all of that restored.”

Mr. Covarrubias explained, “it was brought to my attention there was some debris left on the back of the property and

that has been taken care of, it was cleaned up. Regarding the fence, it was on the property line, it was taken down to run the stringline; a new fence will eventually go up; a privacy wood fence.”

Ms. Taylor explained, “there is still debris that needs to be removed.”

Mr. Covarrubias stated, “I will take care of it.”

Larry Goodman, 211 Seasons West, Sherman, TX

Mr. Goodman explained he mows the lawn for Ms. Taylor and stated “the fence went all the way to the back of the property; it was more than 15’ of fence.”

Chairman Mahone asked Mr. Covarrubias if he planned to replace the whole fence to the back property line.

Mr. Covarrubias explained, “we were going to do the back yard.”

Scott Shadden, Director of Development Services explained the board could make the fence a condition in the motion.

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 4-foot side yard setback from the north property line for a single-family dwelling in an R-1 (One Family Residential) District located at 1104 North Branch Street subject to the Staff Review Letter. Second by 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.

VARIANCE & SITE PLAN

THE REQUEST OF AUSTIN COLLEGE (OWNERS), HEIDI ELLIS (REPRESENTATIVE), UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR), ARCHITECTURE DEMAREST (ARCHITECT) AND SPIARS ENGINEERING, INC. (CIVIL ENGINEER) CONCERNING THE PROPERTY LOCATED IN THE 700 BLOCK OF NORTH GRAND AVENUE, BEING LOTS 7-10, BLOCK 10, COLLEGE PARK ADDITION, CONTAINING 1.143 ACRES, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 15’ REAR SETBACK IN LIEU OF THE REQUIRED 25’ FOR STUDENT HOUSING FOR

VARIANCE – REAR SETBACK

SITE PLAN – STUDENT HOUSING 700 BLK. N. GRAND AVE. (AUSTIN COLLEGE)

(TABLED)

**AUSTIN COLLEGE IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR STUDENT HOUSING FOR AUSTIN COLLEGE.**

A letter was received May 9, 2019, from Joe Engelhardt, Architecture Demarest requesting to move this item to the June 18, 2019 Planning and Zoning Commission Meeting.

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

ACTION TAKEN.

Motion by Vice-Chairman Elliott to table the request.
Second by Commission Member Davis.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS, MANLEY, SIMS AND WOOD.
VOTING NAY: NONE
MOTION CARRIED

THE REQUEST WAS TABLED.

VARIANCE & SITE PLAN

THE REQUEST OF AUSTIN COLLEGE (OWNERS), HEIDI ELLIS (REPRESENTATIVE), UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR), ARCHITECTURE DEMAREST (ARCHITECT) AND SPIARS ENGINEERING, INC. (CIVIL ENGINEER) CONCERNING THE PROPERTY LOCATED IN THE 1200 BLOCK OF NORTH HURT AND NORTH BLEDSOE STREETS, BEING ALL OF BLOCK 9, MILDRED HEIGHT ADDITION, CONTAINING 2.853 ACRES, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (5) TO ALLOW A 57' TALL BUILDING FOR STUDENT HOUSING FOR AUSTIN COLLEGE IN LIEU OF THE PERMITTED 35' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR STUDENT HOUSING FOR AUSTIN COLLEGE.

Scott Roberson, Architecture Demarest, 2320 Valdina Street, Ste. B, Dallas, TX

Mr. Roberson appeared to represent the request and answer any questions. The property is located in the 1200 block of North Bledsoe and North Hurt Streets between Dugan and Dorchester Streets. The property is zoned an R-1 (One Family Residential) District and located in the College Park Overlay District.

Mr. Roberson explained, "Austin College would like to plat the property into one lot for development of student housing for Austin College. The project consists of one, 17,528 square foot, three-story building with one, two and four

**VARIANCE –
BUILDING HEIGHT**

**SITE PLAN –
STUDENT HOUSING
1200 BLK. N. HURT &
N. BLEDSOE
STREETS
(AUSTIN COLLEGE)**

bedroom units, for a total of one-hundred thirty-three (133) bedrooms. The site also offers an outdoor amenity space on the south end of the building for studying and social gatherings. Parking will be provided for one hundred thirty-nine (139) spaces. The project will be similar to the student housing located on North Grand Avenue. There will not be a fence around the property; it is part of the larger campus.” He had seen the Staff Review Letter and would abide by the Recommendations.

John Fullylove, 1214 N. Bledsoe, Sherman, TX

Mr. Fullylove explained, “the letter I received on May 3rd letting us know that the meeting is on May 21st, to me that is not enough time for anybody that lives in that area to make up their mind whether they want to continue living in the area considering what they are talking about doing. I have been in that area for over thirty years. Periodically, when Austin College has done this, you have pretty well already made up your mind what you are going to do. Me coming here now, I already know what the intentions are for the property. But, as far as having time to decide what you are going to do since this is going to be a permanent thing; I don’t think that is enough time to let anybody know as far as what they are going to do in the future.

The fact that they are going to put three stories, it will put the property high up enough to whoever is living on the third story will be able to look down into our property; that’s not right. As far as not putting a fence around it or anything like that, it is going to cause confusion, there are no students that actually live on Bledsoe, but it is going to cause a ruckus that is already there in the first place. Why are we just now being able to hear about this from Austin College?

Since they are going to do this, what are we going to get out of it, because there is going to be mud, nails, everything that goes around Sherman when they are building things? I believe everyone that has one of these letters should also have an apology letter sent to them for the fact that they waited so long to let us know about this in the first place. In addition, there should be some kind of compensation for what is going to happen, there is going to be flat tires, dirty cars, mud and all kinds of things on Bledsoe when this happens.”

Chairman Mahone explained, “the public notice of events like these are State issued, the State has requirements, the City and the applicants are required to abide by those timelines.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Wood to approve the variance to allow a 57’ tall building for student housing for Austin College located in the 1200 Block of North Hurt and North Bledsoe Streets. Second by Commission Member Davis.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS AND WOOD. VOTING NAY: NONE
MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Sims to approve the site plan for student housing for Austin College located in the 1200 Block of North Hurt and North Bledsoe Streets. Second by Commission Member Wood.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN, DAVIS, MANLEY, SIMS AND WOOD.
VOTING NAY: NONE
MOTION CARRIED

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

VARIANCE

THE REQUEST OF GARNER SIMPKINS (OWNER), ANDREW CASSADY (CONTRACTOR) AND NBS DRAFTING AND DESIGN (DRAFTSMAN) CONCERNING THE PROPERTY LOCATED AT 2509 HIDDEN VALLEY TRAIL, BEING LOT 2, BLOCK 2, LAUREL CREEK ADDITION, SECTION 3, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 10’ REAR SETBACK FOR AN ADDITION TO A SINGLE FAMILY DWELLING IN LIEU OF THE REQUIRED 25’ IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – REAR
SETBACK
2509 HIDDEN
VALLEY TRAIL.
(GARNER SIMPKINS)

Andrew Cassady, 450 Oasis Dr., Denison, TX

Mr. Cassady appeared to represent the request and answer any questions. The property is located at 2509 Hidden Valley Trail between Laurel Creek Drive and Chisholm Trail. The property is zoned an R-1 (One Family Residential) District.

Mr. Cassady explained, “I am the contractor working with the homeowner. The owner would like to construct a five hundred square foot bedroom/bathroom addition to the existing dwelling, ten foot from the rear property line.” 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.

A letter was received from:

Ralph & Tami Odom, 2511 Hidden Valley Trail, Sherman, TX

“They are our next door neighbors. We agree wholeheartedly with their plan. Build away!”

ACTION TAKEN.

Motion by Commission Member Davis to approve the variance to allow a 10’ rear setback for an addition to a single family dwelling in an R-1 (One Family Residential) District at 2509 Hidden Valley Trail 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.

VARIANCE & SITE PLAN

THE REQUEST OF NASER YACOB (OWNERS), DAVID BACA STUDIO (ARCHITECT) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2205 TEXOMA PARKWAY, BEING LOTS 4 & 5, BLOCK 9, HIGHLAND PARK FIRST ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (1)(B) TO ALLOW A 10’ REAR SETBACK IN LIEU OF THE REQUIRED 15’ ABUTTING RESIDENTIAL FOR TEXOMA CENTER, A RETAIL STRIP CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR TEXOMA CENTER, A RETAIL STRIP CENTER.

VARIANCE – REAR SETBACK

SITE PLAN – TEXOMA CENTER

2205 TEXOMA PARKWAY (NASER YACOB)

David Baca, 100 N. Travis, Ste. 500A, Sherman, TX

Mr. Baca appeared to represent the request and answer any questions. The property is located at 2205 Texoma Parkway between Peyton and Nall Streets. The property is zoned a C-2 (General Commercial) District.

Mr. Baca explained, “the owner would like to demolish all but one of the existing buildings on the site and build a new, modern retail strip center attaching it to that existing building. The new one-story retail center will be 8,374 square foot. The exterior facade will be stained fiber cement board, brick and stone veneer on the front and sides, the back will be ribbed metal panels. Thirty-four parking spaces will be provided.” They had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Baca wanted to discuss item #15 on the Staff Review Letter “Only one (1) drive approach off Texoma Parkway will be permitted. Coordinate with City of Sherman Engineering Department”. “I spoke to Clint Philpott about this, currently there are three drive approaches coming into the site and we are going to reduce that to two.”

Clint Philpott, Director of Engineering explained “when they first reviewed it, they had just put in a new driveway and I assumed they were going to want two more in addition to that one, but they are using that existing one. I am in agreement to changing it to two drive approaches.”

Mr. Baca explained, “there is an existing building that sits nine foot from the property line that we are tying onto and we want to extend that. The owner also owns the property behind the existing building.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the variance to allow a 9’ rear setback abutting residential for Texoma Center, a Retail Strip Center located at 2205 Texoma Parkway. Second by Commission Member Wood.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Davis to approve the site plan for Texoma Center, a Retail Strip Center located at 2205 Texoma Parkway subject to the Staff Review Letter. Second by Vice-Chairman Elliott.

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

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 SAMMY DOLEZALEK (OWNER), BROWN LEWISVILLE RAILROAD FAMILY TRUST, LP (PROSPECTIVE BUYER), TREY BROWN AND DRUE BYNUM (REPRESENTATIVES), BIG CITY CRUSHED CONCRETE (TENANT), DAVID FITE SURVEYING (SURVEYOR) AND GSO ARCHITECTS (ARCHITECT) CONCERNING THE PROPERTY

**SUP – CONCRETE
RECYCLING
1022 NE FM 1417
(SAMMY
DOLEZALEK)**

LOCATED AT 1022 NORTHEAST FM 1417, BEING 19.980 ACRES IN THE AARON BURLESON SURVEY, ABSTRACT NO. 61, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW CONCRETE RECYCLING IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT.

Drue Bynum, Big City Crushed Concrete, PO Box 29615, Dallas, TX

Mr. Bynum appeared to represent the request and answer any questions. The property is located at 1022 Northeast FM 1417 between U.S. Highway 82 and the railroad tracks. The property is zoned an M-1 (Light Manufacturing) District and located in the O-1.1 (FM 1417) Overlay District. The owners would like to open Big City Crushed Concrete, a concrete recycling facility.

“Big City Crushed Concrete has been recycling for over thirty years in Texas and recycling for the City of Sherman for over six years. The facility would receive loads of concrete free of charge from contractors, cities, and the public. The materials would be reprocessed, reinforcing steel removed and stockpiled for sale to projects within the region. The recycling operation is governed by the Texas Commission on Environmental Quality and that agency ensures compliance of all process operations.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone stated, “this operation creates some type of dust, could you address that.”

Mr. Bynum explained, “there are requirements that TCEQ sets forward and required to follow. In a typical crushed concrete operation, we go above and beyond that, we are required to sweep the streets; we have a street sweeper that sucks up the dust off the roadways that are paved. If you are dealing with dust, the best control is water; the recycled sites are always watered down to adhere to all the TCEQ standards. We have a sprinkler system that is constantly on.”

Appearing from the audience:

Jack Pierce, 2001 Skaggs Road, Sherman, TX

Mr. Pierce explained, “this property backs up to my house. Who wants to have a concrete plant like that, that creates dust to fall on our land. We have thirty acres; we are on the corner. I object to this company being put there, it is in the city limits, it backs up to our property and who wants a concrete company that recycles concrete, creates dust, noise and traffic.”

Steve Keller, 1901 Skaggs Road, Sherman, TX

Mr. Keller agreed with what Mr. Pierce said; “we do not want anything in our neighborhood that creates dust, noise and heavy traffic. We live right behind this property and with the southeast wind; we get enough when they plow fields around there. I object to this request.”

Jeff Spencer, 2107 Joni Circle, Sherman, TX

Mr. Spencer represented Clay Precisions and RJ Spencer Investments. “We have one hundred thirty-six acres that surrounds this property. The major issues I have are: there are two schools within a half mile of this property; we are talking about a lot of dust, which is not something that the kids need to be breathing in. I have the land that is mostly used for crops, I do not think we need that much dust on that; it would not be good for me to be leasing out. Noise; there is a lot of noise involved in crushing concrete. We have one road, FM 1417 Northeast, if we start putting a bunch of big trucks on it, that road is going to be tore up; there is no good way to go around that side of town going to Sherman High School, going to Grayson Bible, etc. They can put all the water out there that they have to get from Pink Hill but it is not going to take care of the dust problem. If they put a railroad spur in there, which I think they were intending, then you have the road being blocked while kids are trying to get to school. I object.”

Pastor Roy Webster, Grayson Bible Baptist Church, 4400 E. Highway, Sherman, TX

Pastor Webster explained, “Grayson Bible Baptist Church and Grayson Christian School is at the corner of FM 1417 Northeast and U.S. Highway 82, which is very close to this property. We appreciate the recycling attitude of this company and refurbishing and doing things that way. The problem that we have is we have between 170-190 students in our school that are between the ages of 3 to 12th grade, which becomes a danger. We also have in the back the runoff that will come from this property, eventually goes to our property and children getting involved in that kind of stuff. Anything that would be left over or left out on the street from the trucks as things sometimes happen to fall out, the noise and dust and those things which has already been said. We have school all year round, we have summer school, after school care, the students are out there Monday through Friday from 7 a.m. to 6:30 p.m., then plus all the members of our church have expressed their concern. We are not familiar with all the procedures that he would go through and what the State requires. It is really concerning to us being that close to the church.”

Keith McLaughlin, 2101 Skaggs Road, Sherman, TX

“I object to this. I worry about the water run-off, there is no sewer. Water from Pink Hill, I do not think it is adequate for what they want to do. I do not think they have enough property for what they want to do, honestly. As far as the dust, it is not just dust, its silica, which leads to lung

problems, just think about all the issues after 911 and the Firefighters going into that crushed concrete. I do not want to live next to that. What is it going to do to my property values, what is it going to do to the water, we have a nice pond back there, what it is going to do to that, the run off. The non-point source pollution that will come from this, the State cannot mandate all that, they cannot catch all that. I just do not think it is an adequate place, there are other places.”

Pat Pierce, 2001 Skaggs Road, Sherman, TX

“Our granddaughter lives in a direct line of where this is going to be located; she has a two-month old baby and a seven-year-old child, we are concerned for their welfare, as well as everyone that lives on the road. This is in the city limits, I do not understand why a plant like this wouldn’t function better farther out where it is less congested and less traveled area.”

Mr. Bynum explained, “we have contacted Pink Hill Water Supply, there is a water line there on the property, and there should be ample volumes for us to litigate dust. There will be a paved road coming off FM 1417, one of the reasons we will go to the extra expense of doing that is to keep anything from the trucks getting on the highway as good as we can. The process will go above and beyond TCEQ requirements, we will actually sweep and suck the dust on the roads, so hopefully that will alleviate some of the concerns that have been mentioned here today. This is not a concrete plant, we are not making concrete, we are going to take the concrete from the City of Sherman instead of putting it in a landfill, which obviously is not good for the environment, we are going to take this and remove the steel and then we are going to turn this into aggregate that places like the City of Sherman will use. We have been doing this for the City of Sherman for six years and you probably did not even know that. It is not as noisy as we have been led to believe, the dust is not an issue as you have been led to believe. We have been working with staff for quite a while and we wanted to find a place that would be out of the way. We will adhere to all landscaping requirements; we will go above and beyond those requirements. We understand the concerns because they have not been communicated well because of lack of knowledge. State Laws state you cannot put a concrete plant within a quarter of a mile of a house or a church and we certainly meet those standards. We have been in operation for six years; it is off Ida Road near the Animal Shelter.”

Vice-Chairman Elliott asked if they had any complaints where they are located now.

Mr. Bynum responded, “no, we really do want to be good neighbors. We really expect to come in and not even know that we are there.”

Vice-Chairman Elliott asked about dust.

Mr. Bynum explained, “when the farmers plow their land; you will have seventy-five or eighty percent less dust than that. How does dust come in, the trucks dump concrete chunks, you will have some dust, but very minimal, it goes through the crusher, it is wet down, goes through the crushing process, it actually doesn’t create a lot of dust, it goes through the rebar, it is taken out, it goes into a rubble pile, an aggregate pile that is constantly being watered. The reality of it is from FM 1417 to the driveway, you are not seeing any dust.

On the site plan the crusher is outside, you can see a scale house when we actually have a need we will build a scale house; it will be a permanent crusher. The two ponds on the site plan are for run-off, so they are detention ponds.”

Commission Member Manley asked if tar would be used in the concrete crushing process.

Mr. Bynum explained, “when you recycling asphalt the end of life you are not going to get the odor that you do when you are pouring the asphalt; I do not think odor is going to be an issue at all. We will not add tar to the aggregate; we are selling the product for roads and if they add it that is their choice.”

Commission Member Wood asked if any chemicals, flammables or combustibles would be added to the concrete.

Mr. Bynum explained “hydraulic oil, if it is helping the crusher operate; no chemicals added to that.”

Chairman Mahone asked the hours of operation.

Mr. Bynum explained, “as the volume builds in the area, we anticipate ramping up and meeting that volume. Currently with the City of Sherman, Big City comes up twice a year, in the first couple of years the volume will not be much different than it is today. We anticipate over time that will increase, we will never have more than three to five people working there. The current facility is not staffed 24/7. We send guys up here periodically to operate, they come in dump their material; it is a worked out agreement to work when it is needed; it will not operate at night; no plans in the near future to operate at night.”

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

A call was received 5/8/2019 at 9:15 a.m. from:
Clay Precision, LTD, 1102 NE. FM 1417, Sherman, TX

They were opposed to the Specific Use Permit because of effects of the concrete dust.

Letters were received from:

Grayson Bible Baptist Church, 4400 E. Highway 82, Sherman, TX

“I have been informed that there is a pending request for zoning by Big City Crushed Concrete, and would like to offer formal notice that we, at Grayson Bible Baptist Church, are opposed to having this company in our area. Our primary concern is how the air quality would be affected for our students. Grayson Christian School, which is located on our property at 4400 US Hwy 82 E, has been a vital part of our ministry for forty-five years. GCS enrollment is at approximately 175, from K3 through 12th Grade. We also host many varied weekly activities for our church members. Another concern would be regarding increased traffic delays due to trains passing by while hauling materials, etc.”

“Since building on this property site in 2002, we have dealt with a lot of expense and difficulty as a result of being placed in an overlay district. So, we would not want to see this type of business come into the overlay. We feel that it would further disturb and possibly even damage the effectiveness of our ministry. Frankly, it does not seem appropriate to allow this type of business to operate near any school or church.”

“While we wish no ill will towards the company owners/partners, it is our request that this petition for zoning be denied for all of the previously stated reasons. I plan to attend the public hearing on May 21, and would appreciate an opportunity to voice our concerns. Thank you for your time.”

RJ Spencer Investments LLC, 2107 Joni Circle, Sherman, TX

“We have many concerns regarding this request, and will be in attendance at the public hearing.”

ACTION TAKEN.

Motion by Commission Member Sims to approve the Specific Use Permit to allow concrete recycling in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District at 1022 Northeast FM 1417 subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: MAHONE, ELLIOTT, DAVIS AND SIMS.

VOTING NAY: DOWNTAIN, MANLEY AND WOOD

MOTION CARRIED

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

SPECIFIC 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. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS;

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.

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

Ted Baca, 1804 Redbud Trail, Sherman, 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.

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the Temporary Use Permit to allow a snow cone stand May through September in a C-1 (Retail Business) District at 1330 West Taylor Street subject to the Staff Review Letter. Second by 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.

VARIANCE

THE REQUEST OF JOE SMITH (OWNER) AND TEXOMA COUNTRY POOLS AND SPAS (CONTRACTOR) CONCERNING THE PROPERTY LOCATED AT 1316 NORTH HOPSON STREET, BEING ALL OF LOT 5 AND THE NORTH 35' OF LOT 6 OF RANDOLPH-FAIRVIEW ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C)(3) TO ALLOW A 14' SIDE STREET SETBACK ALONG BELDEN STREET FOR AN IN-GROUND SWIMMING POOL IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – SIDE STREET SETBACK
1316 N. HOPSON
(JOE SMITH)

Joe Smith, 1316 N. Hopson, Sherman, TX

Mr. Smith appeared to represent the request and answer any questions. The property is located at 1316 North Hopson Street, the southwest corner of Hopson and Belden Street. The property is zoned an R-1 (One Family Residential) District.

Mr. Smith explained, “I would like to build a construct an in-ground sport pool or a lap pool, 14 foot from the Belden Street property line. The pool is 18’ 9” wide and 42’ 6” long. It will not be seen from the street. There is an existing six foot fence and it will not obstruct the traffic view at the corner.”

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

A letter was received from:

Lawrence & Phyllis Davis, 325 W. Belden, Sherman, TX

“We approve of the variance.”

ACTION TAKEN.

Motion by Commission Member Wood to approve the variance to allow a 14’ side street setback along Belden Street for an in-ground swimming pool in an R-1 (One Family Residential) District at 1316 North Hopson 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.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:14 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY