

BOARD OF ADJUSTMENTS

SITE PLAN APPROVAL FOR A STORAGE BUILDING FOR RIDGEVIEW APARTMENTS.

The property is located at 1800 West Washington Street between Sunset Boulevard and Grant Street; Ridgeview Apartments is the tenant. The property is zoned an R-2 (Multi-Family Residential) District. The owner of Ridgeview Apartments would like to erect a prefabricated 22' x 22' metal storage building/maintenance shop at the back of the property to store tools, equipment, extra appliances and other items to maintain the property. 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 OUR LEASING COMPANY LLC (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2201 AND 2205 NORWOOD STREET, BEING 4.695 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 120 AND BEING ALL OF LOTS 8 AND 9 OF THE OAKS OF NORWOOD ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF UNDERWOOD ADDITION, A REPLAT OF LOTS 8 & 9 OF THE OAKS OF NORWOOD ADDITION

The property is located at 2201 and 2205 Norwood Street in the Carriage Estates subdivision. The property is zoned an R-1 (One Family Residential Business) District. The owner would like to Replat 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.

VARIANCE & EXCEPTION

THE REQUEST OF JULIO CESAR & LETICIA TOBAR (OWNERS), UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) AND D2L DESIGNS (DESIGNER) CONCERNING THE PROPERTY LOCATED AT 714 SOUTH CROCKETT STREET, BEING LOT 1, THE TOBAR ADDITION, A REPLAT OF THE SOUTH 48' OF LOT 30 AND THE NORTH 8' OF THE ALLEY, BLOCK 10, HARE & RANDOLPH ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- **VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1) (C) & (D) TO ALLOW A DETACHED CARPORT 2' FROM THE REAR PROPERTY LINE IN LIEU OF THE REQUIRED 5' AND 4' FROM THE MAIN STRUCTURE IN LIEU OF THE REQUIRED 6' IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.**

**REPLAT
UNDERWOOD
ADDITION, A
REPLAT OF LOTS 8
& 9 OF THE OAKS OF
NORWOOD
2201 & 2205
NORWOOD STREET
(OUR LEASING
COMPANY, LLC)**

**VARIANCE –
SETBACK FOR
CARPORT

EXCEPTION - FENCE
714 S. CROCKETT
(JULIO CESAR &
LETICIA TOBAR)

(DENIED)**

- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H)(1) TO ALLOW AN 8' PRIVACY FENCE IN THE SIDE YARD IN LIEU OF THE PERMITTED 6' IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

Cesar Tobar, 714 S. Crockett St., Sherman, TX and Abraham Tobar, 714 S. Crockett St., Sherman, TX

Mr. Cesar Tobar and Mr. Abraham Tobar appeared to represent the request and answer any questions. The property is located at 714 South Crockett Street between John Blaine and West Tennessee Streets. The property is zoned an R-2 (Multi-Family Residential) District and located in the Heritage Row Historical District. A Certificate of Appropriateness was granted for a detached carport, repaint the existing structure (green with white trim), replace windows, replace deteriorated siding, and erect a cedar and wrought iron fence in the Heritage Row Historical District, June 20, 2018. The property was replatted into two lots February 14, 2019 (The Tobar Addition, a Replat of the south 48' of Lot 30 and the north 8' of the alley, Block 10 of the Hare and Randolph Addition).

Mr. Cesar Tobar explained, “the house has been vacant for ten years or more, I purchased the house in 2018 and am in the process of remodeling the house. I started putting up a 24' x 18' detached carport behind the existing house and I did not get a permit, the steel post are up and the beams, all that is left is the roof, composition shingles. The Inspector stopped me because he said I was 2' from the rear property line and I needed to be 5' and 6' from the main structure.”

Abraham Tobar explained, “everything was approved by the Historical Committee before we started the project.”

Vice-Chairman Elliott asked if they pulled a permit before they started the job.

Scott Shadden, Director of Developmental Services explained “the permit was not issued before they started the work.”

Cesar Tobar stated, “we do not have a permit for the carport.”

Chairman Mahone stated, “I've seen the work that you have done on the house, it looks like you have done a lot of improvements on the property.”

Cesar Tobar explained, “it will look a lot better when it is finished; it will look nice. The post on the carport will be covered in wood when it is finished.”

Commission Member Manley asked if there was a fence or some kind of screening in the rear of the property between the carport and the lot behind it.

Cesar Tobar explained, “there will be an 8’ board on board fence with a wrought iron metal gate for privacy and security. If you look at the house on the north side, I would like to have an 8’ fence, the house is a pier and beam house and it sits up higher. The main concern is the carport; it won’t look good without a carport.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone stated, “it looks like you do not have much room to move it if you are going to have a carport.”

Commission Member Davis asked, “how many cars would the carport hold.”

Cesar Tobar explained, “it would be for two cars; there is a long, skinny driveway.”

Chairman Mahone stated, “from the pictures, it looks like the driveway is gravel.”

Cesar Tobar explained, “it is concrete runners for the tires.”

Chairman Mahone asked if this was his residence.

Cesar Tobar responded “no.”

Commission Member Davis asked, “how far to the front of the lot would the fence be located.”

Cesar Tobar explained, “I would like to put an 8’ fence to the front of the house; it will not go past the front of the house.”

Mr. Shadden explained, “you are allowed a 6’ fence on the side of the house; he wants to go 8’ because the house sits up a lot higher. The fence can start at the front of the house; no closer than the front of the house.”

Chairman Mahone asked, “what type of material the fence would be.”

Cesar Tobar responded “cedar.”

Rick Wright, 712 S. Crockett, Sherman, TX

“I have a lot of work to do on the white house next door on the north side of this property. I would like to know what’s up with the house in the back that was going to be a small house, a lot line that you approved to divide the two lots last time, what is the line we are dealing with and why that makes that carport closer to the existing house. Why will the fence line change from 6’ to 8’ between our houses; there was no fence between our houses before.”

Chairman Mahone explained, “the ordinance allows him to put a 6’ fence, he is just asking for an 8’.”

Mr. Wright explained, “that will cut down the circulation and the lighting and that is the only place I have to grow anything.”

Chairman Mahone explained, “at previous meetings, I really could not comment on that; that is a done deal.”

Mr. Wright explained, “you approved a line with no plan for a carport, if that line had been three or four feet more, the carport could have been lined up perfectly; what’s some prior planning.”

Chairman Mahone asked if he knew what is on the lot to the west; “is there another house there.”

Mr. Wright stated, “not yet, but I can show you some pictures of the slab that is about to be poured there.”

Chairman Mahone asked if his objection is to an 8’ fence on the side yard.

Mr. Wright explained, “I do not want a fence between the lots at all.”

Cesar Tobar explained, “I own the property behind this house and plan to build a house on that lot. I would like to put an 8’ fence on the sides and the rear.”

Mr. Shadden explained, “the fence can be 6’ tall beside his house from the back of his house to the back property line can be 8’.”

Cesar Tobar explained, “I’m asking for an 8’ fence, but if it is not approved we will put a 6’.”

Commission Member Davis asked if he plans to sell the house or rent it.

Mr. Tobar explained they might sell it, “if it does not sell, we may rent it.”

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

ACTION TAKEN.

Motion by Commission Member Wood to approve the variance to allow a detached carport 2’ from the rear property line and 4’ from the main structure and an exception to allow an 8’ privacy fence in the side yard in an R-2 (Multi-family Residential) District at 714 South Crockett Street subject to the Staff Review Letter. Second by Vice-Chairman Elliott.

VOTING AYE: MAHONE, ELLIOTT AND WOOD.

VOTING NAY: DAVIS AND DOWNTAIN

MOTION FAILED

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

EXCEPTION

THE REQUEST OF MARIA DE LA PAZ PEREZ (OWNER), GISELLE LUPERCIO (REPRESENTATIVE) AND MARSHALL SARTIN (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 916 SOUTH LEE AVENUE, BEING LOT 22, BLOCK A, INDUSTRIAL FOUNDATION SUBDIVISION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 5 AND SECTION 6.2, SUBSECTION (1) TO ALLOW A 287 SQUARE FOOT ADDITION TO AN EXISTING NONCONFORMING STRUCTURE LOCATED 4' FROM THE SIDE PROPERTY LINE IN LIEU OF THE REQUIRED 6' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Giselle Lupercio, 916 S. Lee, Sherman, TX

Ms. Lupercio appeared to represent the request for her mother and answer any questions. The property is located at 916 South Lee Avenue between Thomas Street and Hub Street. The property is zoned an R-1 (One Family Residential Business) District.

Ms. Lupercio explained, “my mother would like to construct a 287 square foot kitchen addition to the existing structure, which is located 4' from the side property line.” We have seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked when the house was built.

Ms. Lupercio thought it was built in the '60's.

Mr. Shadden thought it was way before that.

Chairman Mahone stated, “on the survey it does not show the footprint of the house that is shown on the site plan; it looks like there is already an addition there.”

Ms. Lupercio explained, “that is the original survey, we had an addition built eight or nine years ago where we added a room in the back, which is where we are trying to build on the side of the addition.”

Chairman Mahone asked if the addition was permitted eight or nine years ago.

Ms. Lupercio responded “yes.”

Chairman Mahone asked if there was an exception granted at that time.

EXCEPTION –
ADDITION TO
EXISTING
NONCONFORMING
STRUCTURE
916 S. LEE
(MARIA DE LA PAZ
PEREZ)

Patsy Reeves, Developmental Services Coordinator stated, “there were no exceptions granted in the past for the addition.”

Chairman Mahone asked Scott Shadden if they wanted to square off the house with the addition would they need another exception.

Mr. Shadden responded, “if you grant this exception, it will cover both additions.”

Ms. Lupercio explained, “the addition would be on the other side of the house; we will not be any closer to the property line.”

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

ACTION TAKEN.

Motion by Vice-Chairman Elliott to approve the exception to allow a 287 square foot addition to an existing nonconforming structure located 4’ from the side property line in an R-1 (One Family Residential) District located at 916 South Lee Avenue subject to the Staff Review Letter. Second by Commission Member Davis.

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 SANDRA HARRIS (OWNER), JEFF FOSTER (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 607 SOUTH GORDON STREET, BEING LOT 1, BLOCK 2, HAYES MITCHELL CONTEMPORARY ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 12’ X 45’ ATTACHED CARPORT ON THE SIDE PROPERTY LINE IN LIEU OF THE REQUIRED 6’ IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – SIDE
SETBACK FOR
CARPORT
607 S. GORDON
(SANDRA HARRIS)

Jeff Foster, 595 Pleasant Home Road, Sherman, TX

Mr. Foster appeared to represent the request and answer any questions. The property is located at 607 South Gordon Street between South Woods and South Ricketts Streets. The property is zoned an R-1 (One Family Residential) District.

Mr. Foster explained, “the owner would like to construct a 12’ x 45’ attached carport on the side property line. The carport will match the roofline of the house. If we had to setback 6’ there is not enough room to build the carport; there is 14’ from the house to the property line and we need 12’. We do not know the exact location of the property line; we are just going off the fence that is there now.” They had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Shadden explained, “you would need a survey before we issue a permit.”

Mr. Foster explained, “there is existing concrete for the driveway and carport.”

Chairman Mahone asked about the pictures of the existing carports; “how close to this house are the existing carports.”

Mr. Foster responded, “on the same street, one is across the street and one is two or three doors down.”

Commission Member Davis asked if those carports complied or did they receive variances.

Mr. Shadden stated, “they received variances.”

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

A letter was received from:
Anita James, 605 S. Gordon, Sherman, TX
“I have no objection to this.”

ACTION TAKEN.

Motion by Commission Member Downtain to approve the variance to allow a 12’ x 45’ attached carport on the side property line in an R-1 (One Family Residential) District at 607 South Gordon Street subject to the Staff Review Letter. 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.

EXCEPTION & VARIANCE

THE REQUEST OF JASON & SARAH WRIGHT (OWNERS) AND RALPH RENSHAW III (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 1211 SOUTH

VARIANCE – SIDE STREET SETBACK FOR STORAGE BLDG.

CROCKETT STREET, BEING LOT 56, MB MOORE ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

- **VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C)(3) TO ALLOW A 18' SIDE STREET SETBACK FOR A DETACHED ACCESSORY BUILDING IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/HERITAGE ROW HISTORICAL DISTRICT.**
- **EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (4) TO ALLOW A DETACHED GARAGE WITH LIVING QUARTERS IN LIEU OF THE PERMITTED ONE-FAMILY DWELLING PER LOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/HERITAGE ROW HISTORICAL DISTRICT.**

(APPROVED)

**EXCEPTION –
ADDITIONAL LIVING
QUARTERS
(DENIED)**

**1211 S. CROCKETT
(JASON & SARAH
WRIGHT)**

Ralph Renshaw, 1205 S. Crockett, Sherman, TX, Jason & Sarah Wright, 1211 S. Crockett, Sherman, TX

Mr. Renshaw and Mr. and Mrs. Wright appeared to represent the request and answer any questions. The property is located at 1211 South Crockett Street; the northeast corner of Crockett Street and Robin Lane. It is zoned an R-1 (One Family Residential) District and located in the Heritage Row Historical District.

Mr. Renshaw explained, “the owners would like to construct a 10' x 20' storage building, 18' from the adjacent side street property line (Robin Lane). The three other corners have structures right on the property line.”

Chairman Mahone asked, “why they couldn’t move it back 25’; it looks like there is plenty of room”.

Mr. Renshaw explained, “there is an existing concrete pad with an opening for a gate.”

Chairman Mahone asked about the garage apartment.

Mr. Renshaw explained, “they would like to construct a 35' x 54' detached three-car garage with living quarters above in the rear of the lot. There is a carport on the alley side also; there is a driveway, carport and then a garage. The exterior of the buildings will match the existing house.” He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked if there was alley access.

Mr. Renshaw responded, “yes.”

Chairman Mahone asked if they lived in the existing house; “would the garage apartment be for you or for rent.”

Mr. Wright explained, “it would be for our son. I think we have some neighbors here that are concerned about it, I want to make it clear, we are not trying to go multi-family.

Our son is in high school and my wife works at Austin College and we are hoping when he graduates he can live in that space, afterwards we don't know, but our parents are getting older, so they might live there; we are not trying to go multi-family."

Chairman Mahone asked if they would have a separate electric meter.

Mr. Renshaw did not think it would unless the electric provider requires it.

Chairman Mahone asked, "how many bedrooms the apartment would have."

Mr. Renshaw responded, "two bedrooms, kitchen, bathroom and laundry room; 860 square foot, 35' x 24'."

Mr. Shadden explained, "they would be required to have two additional parking spaces or one per bedroom."

Mr. Wright explained, "they park on the side of the house, on a circle drive. We have four bedrooms in the main house. The house was built in the 1900's, 1903 or 1904."

Mr. Shadden explained, "if their request is approved tonight they will be required to also go before the Historical Board for approval."

Mr. Wright explained, "we are trying to figure out a good solution for our son going to college where he stays but not be at home. We have a 1957 Shasta Camper that we would like to cover; it has some damage from the rain and hail through the years; that my wife's uncle restored."

Commission Member Wood asked the materials the building would have on the exterior.

Mr. Wright explained, "we love the historical look, so we are going to match the house with the shiplap and same color. We lived in Grapevine for seventeen years; this is our second house; we do not plan on moving."

Mr. Renshaw explained, "the accessory building would also match the house."

Commission Member Downtain asked to elaborate more, "you talked about it not wanting to be multi-family, but it is two bedroom, bath, kitchen, laundry room; it seems like an additional dwelling."

Chairman Mahone asked if they knew if there were any other houses with additional dwellings on the lot.

Mr. Renshaw provided pictures of detached buildings on Travis and Crockett Streets within two blocks from this house.

Mr. Shadden explained, “Travis Street is not on Historical Row.”

Commission Member Downtain asked Mr. Shadden if he knew how many exceptions had been granted for additional living quarters in last few years.

Mr. Shadden responded, I do not know of any that had been granted in this area.”

Commission Member Davis explained, “the pictures look like tall carriage houses, do you know how many are for living quarters.”

Mr. Wright did not know if they are being used for living quarters.

Appearing from the audience:
Jim Fallon, 1204 S. Crockett, Sherman, TX

“I live across the street from this house. I apologize to the Wright’s for getting up here; I feel like a crummy neighbor, but this is an important issue to me. I am not objecting to the setback part of the storage building; that is fine, they have a big lot back there and where they park right now is fine with me. It is the separate living quarters that is my concern. Most of those houses on South Crockett have a carriage house or detached garage, many of which have a second floor on them; I don’t know of any that have someone living in them or ever have, I have been down there for eighteen or nineteen years. A lot of those are run down and need replaced.”

“I do not blame them for wanting a garage back there, I just built a garage myself about a year or two ago. My concern is the living quarters and what that does as a precedent for all the others, just as you had asked if there had been other variances, if this is granted, my next door neighbor has one that is a garage with a second story on top that they use for storage; that is right on top of my backyard and if they decided to do this, I have a second story building with someone living in it on my back yard. The house to their south has the same situation. Larry Phillips lives next door to me across Rainey Street, his detached garage has a second floor on it that is just storage, but if they ever sold their house and someone wanted to do that, I would have a renter on the other side of my driveway. I do not think the others are zoned at this point for living quarters. In my line of work, I am very concerned about precedents and slippery slope and I think this is what this does.”

“This neighborhood was really run down twenty-five, thirty years ago and it is on the upswing right now, a lot of people

redoing houses, there are three houses on South Crockett right now that are having pretty substantial renovation work to them and my fear is that someone is buying them as an investment and renting out the house and back building as an income producing property; it makes it multi-family. If there was a way to limit it to just their son or their parents, I really would not have any problem with it, but my understanding is that it runs with the land and you cannot restrict it that way.”

“Since I have lived there, the Wright’s are the fourth family that have lived in that house and I believe them when they say they plan on staying, but things happen and if they sold it and someone else bought it, they are free to move someone else into that building and rent it out to them and so is everyone else that wanted to do this. People buy in there expecting that these are single-family lots, they do not expect to have a back rent house on the lot, and there is a lot of them down there that could do that. I do not blame them for what they want to do by having their son living there, I wanted my son farther away than that, but my understanding is it cannot be limited just to their family members. This greatly concerns me that this will inhibit the renovation on Crockett Street, people are not going to put a bunch of money in these houses if there are a bunch of rent houses in the area.”

Larry Phillips, 1126 S. Crockett, Sherman, TX

Mr. Phillips also apologized to the Wrights for having to say no. “We lived on Brockett Street before moving to Crockett Street. The families came to the neighbors and said we are just going to have a little daycare and that daycare stayed there forever. There were lines of people parking there and the neighbors for years regretted it. When they sold the daycare, it went away; it was such a relief to the neighborhood. You never show up the hours parents are picking up their children.”

“What does that do to this, I appreciate the Wrights, they are doing a great job renovating their house and I am glad they are here, their neighbor is going to build it, and we are all friends. This just starts that precedent and there is too much of that in the neighborhood. You heard the one earlier, he has fixed that house up, it is green and it looks good. I have a detached garage, I called to make sure what it is zoned; its R-1 (One Family Residential) District, it’s plumbed, it has electricity, it’s ready to go. I could frame it, do everything in there, put in a residence and rent it tomorrow and probably do pretty well, they would have to share parking with Judge Fallon. That is not what we want there, I have no objection to variance number one for the storage building or building a garage/carport, if they want to build it and use it for storage that is fine, I do not have a problem with it if it is used for their family only, but I understand you can’t do that. I do not want it to be that they were nice to the neighborhood and it came back and bit them years later, because those

people sold it as an ongoing business; out of that experience, we have to object to it.”

Mr. Wright explained he appreciated the neighbors coming to talk to him about their concerns. “I wish there was some sort of middle ground, some option where it could just apply to us or some way to make everyone happy. We like our neighbors and do not want any problems.”

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

Letters received from”

Jim & Sheri Fallon, 1204 S. Crockett, Sherman, TX

“We would like to object to the requested zoning change at 1211 S. Crockett. We have no objection to the proposed structure or the requested set back itself. Our objection goes to the request for the exception for living quarters in lieu of the permitted one-family dwelling per lot. We have no doubt that the Wright's have good intentions in asking for the exception but the exception would run with the land and could potentially be a rental property. Many of the houses in our area have carriage houses or detached garages. This would set a precedence for others who have these structures to also request exceptions to basically subdivide their lots and make separate living quarters that could be rental properties or Airbnb type properties.”

“The homeowners in the area bought into the neighborhood expecting single-family lots and the exception would drastically change this.”

“The historical area on South Crockett has overcome a lot of problems from many years past which had resulted in its decay. It is now on the upswing as people are buying and restoring houses in the area. There is currently renovation work occurring on at least three houses on South Crockett. To allow two living quarters per lot would be a detriment to the neighborhood.”

Brad and Ashley Sidle, 1129 S. Crockett, Sherman, TX

“As long-term residents of South Crockett Street, we would like to respectfully object to the requested zoning change located at 1211 South Crockett Street. We do not object to the proposed structure or the set back; we only object to the exception for living quarters in lieu of the permitted one-family dwelling per lot. There is no doubt that the Wright's are doing this with good intentions, but unfortunately, this exception would run with the property and land, and not just the current owners. We have many houses on our street with detached garages and/or carriage houses. This would allow other homeowners to make similar requests such as this. We do not want to change our beautiful Historic street into a multi-family dwelling. We bought into this area because of our amazing Historic neighborhood; and unfortunately, if this request is granted...all that changes drastically.”

“We have been told that our area of South Crockett has overcome a lot of problems over the years, which has resulted in the decay of this beautiful area of Sherman. It seems to be on the up rise again with people buying and restoring these beautiful, older houses. To allow a multi-family dwelling on one lot would truly be a disservice to the people who bought homes and live on this street.”

“Thank you for your consideration, and we trust this honorable panel to do the right thing.”

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for the variance to allow an 18’ side street setback for a detached accessory building in an R-1 (One Family Residential) District at 1211 South Crockett Street. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

ACTION TAKEN.

Motion by Commission Member Davis to deny the request for an exception to allow a detached garage with living quarters in an R-1 (One Family Residential) District at 1211 South Crockett Street. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF RP SHERMAN PROPERTIES II, LLC (OWNER), TIM PIKE (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 729 BLANTON DRIVE, BEING LOT 1, BLOCK 1, SUNSET CROSSING, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) AND SECTION 7, SUBSECTION (5)(A & D) TO ALLOW A 10’ SIDE STREET SETBACK IN LIEU OF THE REQUIRED 25’ AND A 5’ SIDE YARD SETBACK IN LIEU OF THE REQUIRED 6’6” FOR A RESIDENTIAL DWELLING AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**VARIANCE – SIDE SETBACK
729 BLANTON DR.
(RP SHERMAN PROPERTIES II, LLC)**

Commission Member Downtain abstained from this request because of a conflict of interest. Chairman Mahone appointed Commission Member Sims as an alternate on the Board of Adjustments.

Tim Pike, 735 Mulberry Ct., Celina, TX

Mr. Pike appeared to represent the request and answer any questions. The property is located at 729 Blanton Drive, the southeast corner of Washington Street and Blanton Drive. The property is zoned an R-1 (One Family Residential Business) District.

Mr. Pike explained, “I would like to construct a single-family dwelling 18’ from the Washington Street property line and 6’ 6” from the south side property line. I was not aware of the 25’ setback required off the Washington Street property line. We own eight of the lots in the subdivision. If you look at the aerial view, it looks like the older homes are not set back 25’ from the Washington Street property line. The house that is proposed on this lot is approximately 1,611 square feet.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked about fencing on the street side.

Mr. Pike explained, “it would probably come to the back of the house and connect to the existing fence that is behind the house now.”

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

A letter was received from:

Edward Flowers, 811 Blanton Dr., Sherman, TX

“I oppose granting this variance because I feel that a structure five feet from Washington Street would not provide adequate clearance to be safe. A driver northbound on Blanton Drive wouldn’t be able to observe vehicles approaching on Washington Street until their vehicle had actually protruded into the intersection.”

ACTION TAKEN.

Motion by Vice-Chairman Elliott to approve the variance to allow an 18’ side street setback and a 6’ 6” side yard setback for a residential dwelling in an R-1 (One Family Residential) District at 729 Blanton Drive subject to the Staff Review Letter. Second by Commission Member Downtain.

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

VOTING NAY: NONE

ABSTAIN: DOWNTAIN

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF WYLDEWOOD HOMES, LLC (OWNERS), TIM PIKE (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 3800-4000 BLOCKS OF QUAIL RUN ROAD, BEING LOTS 1-4, BLOCK 1, LOTS 1-4, BLOCK 2, LOTS 1-25, BLOCK 3 AND LOTS 12-26, BLOCK 5 OF THE PROPOSED HERITAGE FARMS ESTATES, A REPLAT OF LOT 2, BLOCK A, COUNTRY RIDGE ESTATES, NO 10, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

SUP – PATIO HOMES
3800-4000 BLKS.
QUAIL RUN RD.
(WYLDEWOOD
HOMES)

Tim Pike, 735 Mulberry Ct., Celina, TX

Mr. Pike appeared to represent the request and answer any questions. The property is located in the 3800-4000 blocks of Quail Run Road; the southwest corner of FM 1417 (Heritage Parkway) and Quail Run Road. The property is zoned an R-1 (One Family Residential Business) District.

Mr. Pike explained, “we are requesting a Specific Use Permit to allow patio homes on forty-seven lots in the proposed Heritage Farms Estates subdivision. We did the Pebblebrook subdivision the same way, we did all patio homes there and we found out people really like a bigger house with a smaller yard. We plan to mix this up a little bit, do some smaller homes with some larger homes. We did 60’ wide lots, it gives us more on the side, and we are asking for less on the front and back on these specific lots.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if they had any plans to request variances on the other lots.

Mr. Pike responded “no.”

David Vilbig, 517 N. Woodard, Denison, TX

Mr. Vilbig explained, “we did the layout of this project and at the time, the units that we thought would fit on those and we found out after we got the plans done that a number of their units are much longer and narrower. They are building a house that is a little different from what we were used to building. We usually do 120’ lots, so the front and rear setbacks are giving them problems on those lots. That is what their market is and they are selling them like crazy.”

Keith Blankenship, 1208 Mallard Dr., Sherman, TX

“Why would they want to change everything, they have already have the streets roughed in and utilities already run.

Why change in the middle of a construction project. What is the City's definition of a patio home? There are different definitions anywhere from a one story that is like a duplex with a wall attached together to a two-story."

Chairman Mahone explained, "the details of a patio home are in the City Ordinance, but it reduces the front yard setback."

Mr. Blankenship explained, "a little over a year ago they wanted to build three-story apartments."

Mr. Shadden explained, "they did away with the multi-family zoning; it is now zoned for single-family homes. On the patio home part, the home can be twenty foot from the front property line instead of twenty-five. The homes will be one-story homes as submitted with their elevation plans."

Rene Birchall, 1433 S. Raven, Sherman, TX

"It is nice to know that they are not doing three-story, multi-family homes. We have some concerns about the entrance into Quail Run, right now as it stands since the Preserves have come in, it is hard getting in and out of FM 1417 (Heritage Parkway), it is a dangerous intersection, it is a matter of time before there is a really bad wreck. Originally, the landowner that owned the subdivision told us that the HOA would not come in on Country Ridge, they would come in at FM 1417 (Heritage Parkway), so a lot of the neighbors are upset that they did not do that, they came in at Country Ridge, cut into our curbs, we knew nothing about until after the fact."

"We are also concerned with the maintenance of the median, we pay \$1,200 a month to cover the lawn care, the shrubs, the trees and this is year round. We would like the Preserve to chip in and help pay for some of that. Now, there is going to be three more subdivisions out there, we are excited for the growth. Country Ridge has been there for eighteen years, why do we have to continue to pay for that maintenance. We would ask for these new subdivisions to chip in and pay for some of that. Our sprinkler system has been broken for the past year, our bill has always been \$73.02, since Wyldewood has come in our last two months, we have a water bills for \$204.16 and \$200.00. We have some concerns of where this water is going and why are we paying for it. Please get us some help with this matter."

Kristy Douglas, 1411 Mallard Dr., Sherman, TX

"My understanding that this was going to be a request for multi-family units. I share the same concern as the first gentleman in that this project keeps coming before this board regularly and it keeps having changes to it. We went from a three-story apartment complex to getting one-family residence homes built. Now the lot sizes are not going to be the same, they are going to be smaller, ok fine. Then we get this next notice in the mail that says ok now patio homes. I

think we are all somewhat confused about why things keep changing. I am concerned about the traffic issue, roads; water pressure has not been the same since all the development, our property values and the noise. How did we get to the last approval to where we are now and why are we changing it.”

James Penton, 1423 Mallard Dr., Sherman, TX

“My property borders this project. We have a water pressure issue out at Country Ridge, how is adding more homes going to affect that. You really need to study the traffic problem. I do not see how they are going to enter into their subdivision because that is a one-way street going east. I think there are many questions and this needs to be studied with a little more detail.

Mr. Vilbig explained, “the request we are making is absolutely about setbacks, the lots are going to stay the same, it is the 25’ front and back setbacks, that is the only difference. As far as the water pressure, I do not see how they are having low water pressure out there. The water system should be in great shape. Traffic wise, we are putting a left turn lane in the median to enter the second drive, the one to the west.”

Clint Philpott, Director of Engineering explained, “we will check on the water pressure, I will get with Distribution tomorrow to see what is going on there, the system has the right size for water distribution. The traffic issue, TXDOT is aware of that issue, they have had many meetings of how to improve that intersection, they continue to monitor it, and unfortunately, they will not put any signals in until it meets State standards.”

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District in the 3800-4000 blocks of Quail Run Road, being Lots 1-4, Block 1, Lots 1-4, Block 2, Lots 1-25, Block 3 and Lots 12-26, Block 5 of the proposed Heritage Farms Estates, a Replat of Lot 2, Block A, Country Ridge Estates, No 10 subject to the Staff Review Letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE

THE REQUEST OF KOHL HITT (OWNER), YOUNG ENTERPRISES (PROSPECTIVE BUYER), DANIEL WORRELL (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY IN THE 4700-4900 BLOCKS OF NORTH TRAVIS STREET, BEING 3.081 ACRES IN THE ALEXANDER & RICHARDS SURVEY, ABSTRACT NO. 42, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.

ZONE CHANGE –
SF-1 TO C-1
4700-4900 BLKS. N.
TRAVIS ST.
(KOHL HITT)

Daniel Worrell, 2509 Remuda Dr., Sherman, TX

Mr. Worrell appeared to represent the request for Young Enterprises and answer any questions. The property is located in the 4700-4900 blocks of North Travis Street, the northeast corner of Travis Street and Northcreek Drive and is currently zoned an SF-1 (Single Family Residential) District.

Mr. Worrell explained, “Young Enterprises would like to change the zoning on the property to a C-1 (Retail Business) District. They own all the surrounding properties to the north, east and south. It is their intention to create a master-planned campus including the existing Ace Affordable Storage, a proposed apartment complex (YE Urban Lofts AKA Cypress Lofts) on the adjacent property, in addition to retail, office and public park space.” 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 zone change.

ACTION TAKEN.

Motion by Commission Member Wood to approve the zone change from an SF-1 (Single Family Residential) District to a C-1 (Retail Business) District in the 4700-4900 blocks of North Travis Street subject to the Staff Review Letter. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF ZACHARY DIVINE (OWNER), AUSTIN HOOVER (PROSPECTIVE BUYER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 709 NORTH MONTGOMERY

SUP - DUPLEX
709 N.
MONTGOMERY ST.
(ZACHARY DIVINE)

STREET, BEING PART OF LOT 2, BLOCK 3, BOND'S 2ND ADDITION, CONTAINING 0.172 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, 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 DUPLEX IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT.

Austin Hoover, 1513 N. Wharton, Sherman, TX

Mr. Hoover appeared to represent the request and answer any questions. The property is located at 709 North Montgomery Street between Brockett and College Streets. It is currently zoned an R-1 (One Family Residential) District and located in the College Park Overlay District. An exception to allow an attached carport in an R-1 (One Family Residential) District was approved at the March 19, 2019, Planning and Zoning Commission Meeting.

Mr. Hoover explained, "I would like to construct a two-story, six-bedroom duplex (three-bedrooms per unit) with a one-car garage on each side. Parking will be available for six cars. The exterior will be brick, lap siding and masonry panels." He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if there were existing duplexes in the neighborhood.

Mr. Hoover explained, "there was one recently constructed and finished last month on the corner of Brockett and Montgomery Streets; we are directly north of that, adjacent to it. It is a four bedroom, four bathroom, two-story unit."

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

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Elliott to approve the Specific Use Permit to allow a duplex in an R-1 (One Family Residential) District at 709 North Montgomery Street subject to the Staff Review Letter. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

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)(V) TO ALLOW A WIRELESS MONOPOLE CELL TOWER TO HAVE A 467.26 FOOT SEPARATION FROM ANY OTHER MONOPOLE OR ANTENNA TOWER IN LIEU OF THE REQUIRED 1,000 FEET IN AN M-2 (HEAVY MANUFACTURING) DISTRICT.

Steve Herlinger, 7910 Ambassador Row, Dallas, TX

Mr. Herlinger appeared to represent the request and answer any questions. The property is located at 605 East Pecan Street between Broughton and Throckmorton Street; Commissary Express is next door. The property is zoned an M-2 (Heavy Manufacturing) District. The following items have been approved:

- To allow a 124' tall wireless monopole cell tower in lieu of the allowed 100' in an M-2 (Heavy Manufacturing) District. - 4/16/2019
- To allow a wireless monopole cell tower to be 40' from the north property line, 25' 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. - 4/16/2019

Mr. Herlinger explained, "I took it through zoning and got that approved but the thing that was not done at that time was to get the variance for the radius, so we are just trying to make sure we comply with the ordinance. Tillman Infrastructure is requesting a 467.26-foot separation between an existing cell tower and the proposed cell tower." He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked, "if we had granted any of these variances."

Mr. Shadden responded "not for cell towers."

Chairman Mahone asked why they need two cell towers so close.

Mr. Herlinger explained, "typically, what is going to happen with this tower, it was designed for some point down the road for that tower that is within that range will probably be decommissioned; I can't speak for the time frame, I just know that my client Multi-Carrier has instructed us what their plans and intentions are."

VARIANCE –
DISTANCE
BETWEEN CELL
TOWERS
605 E. PECAN ST.
(SAM LORIA)

(DENIED)

Commission Member Davis stated, “this was just approved, right.”

Mr. Shadden explained, “last time the variances were for the side setbacks and the height.

Mr. Herlinger explained, “typically nationally, we do this in thousands of cities, we try to get as close as we can because if that tower comes out of service at some point we can cover that radius to service what they were actually filling.”

Chairman Mahone asked, “why didn’t you request the variance for the separation.”

Mr. Herlinger stated, “it was just negligence on my part.”

Appearing from the audience:

Bebb Francis, 112 E. Pecan, Ste. 500, San Antonio, TX

Mr. Francis explained he is the attorney for American Tower Assets, which is the owner of the tower that was just referenced. “I would like to explain why this is a project that should not be approved. American Tower Assets has owned that tower that is only 455 feet away from the proposed site that Tillman is asking you to approve. AT&T has been servicing your community since 2001 on that tower and at this moment is providing service from our tower. There are no plans to decommission, in fact Tillman should be aware that within the last month, my client American Tower Corporation and AT&T entered into a long term agreement which includes a simplified leasing process for AT&T to collocate on American Tower sites and streamlines AT&T’s wireless network deployment on American Tower’s sites enhancing AT&T deployment of 5G and other network generation technology.”

“Just this last Friday, we were shocked in light of this long term agreement that this item would still be on the agenda and on Friday the American Tower Corporation Regional Sales Rep called AT&T and said you know Tillman is proceeding onward with this even though we have this now National agreement. The response from AT&T is they are not going to terminate on ATC towers; they are not decommissioning. AT&T is going to continue to provide excellent service as it has since 2001 on my client’s tower and they specifically said they would not move forward with Tillman’s project, which is the project being before you.”

“A couple of quick points that were earlier mentioned, yes this is the Tillman module, to build towers in target communities, such as yours, build towers as close as physically possible to existing towers, he admitted that solely for the purpose of relocating antennas off the existing tower onto the new Tillman tower. I included in your package an article on the direct impact this program is having throughout the Country. There is an exact argument presented by neighbors who woke up one morning and

looked across the street and Tillman was building a tower. It lays out exactly the points we are making that there is a needless purpose for a business plan, not for improving service in your community but solely a Tillman Business Plan.”

“I am insulted by the idea that he assumes that my client is going to be decommissioning a tower that is under an agreement to be hosting AT&T into the future. I have shown in the handout the exact impact this program is having on communities such as yours. Tom Green County, TX, Tillman built a tower for AT&T 0.02 miles (105 feet away) from an existing ATC tower; this is what their program is producing, like he said, building towers as close as possible. Wood County, TX Tillman built a tower 0.06 miles from existing ATC Tower; Atascosa County, TX Tillman built a tower 0.09 miles from existing ATC Tower, again solely to move antennas off the existing tower onto the new tower. It even carries across the Country, Lenori Country, NC, and Decatur County, IA. An example of one I had to deal with, Deer Park, TX, Tillman and AT&T came into Deer Park, proposed to build a tower like this, 200 feet away from the existing SBA Tower, and a quarter mile away from an ATC Tower to relocate the antennas, this is how we came up with the name shadow towers. If you look at the Google Earth, they are proposing to build a tower virtually of the shadows of an existing tower.”

“Their proposed tower, which AT&T is not going to go on, I feel silly pointing this out to you, but they are proposing a 120’ tower with a beacon. If you look at our existing tower, we have provided to you a structural analysis report that shows with AT&T currently on it, it is only 54% maximum usage. We have also provided radio frequency maps that show the AT&T coverage that they are experiencing and providing to your community on slide 1 is excellent, on slide 2, only moving it 455’ there is no improving on coverage. Even if American Tower Corporation increase the height of their tower to 115’, it still has excellent coverage.”

“One thing that is important that on the face of your code, the Board of Adjustment, there has to be certain requirements that they have to provide you, where is the unnecessary hardship, AT&T is not going to go on their tower; where is the special consideration, they have not explained any special consideration to you that would result in your ability to make findings in this variances program.” Commission Member Davis asked Mr. Herlinger “how do you get AT&T on your structure.”

Mr. Herlinger explained, “right now they are contracted with Tillman; they have an agreement in place nationally.”

Vice-Chairman Elliott asked about collocation.

Mr. Herlinger explained, “they are doing this nationally, AT&T is locating off towers, I am not going to speak for AT&T but I have been instructed by my client to move forward on this, to finish up as they already have the zoning and procure the variance for the radius. I am not going to speak to where or if decommission is going to have down the road; I do not know that. That is what they have been instructed to do and we have been contracted to do and they contracted me to finalize the site; we acted in the terms in what we were asked to do. The decision is between AT&T and Tillman.”

Vice-Chairman Elliott asked, “how long Tillman has been in business.”

Mr. Herlinger responded, “four years nationally; it was actually two companies until then. About five years ago, AT&T went around and tried to work with all these different tower companies and they could not come to terms with an agreement so they renegotiated leases. I worked personally with Verizon on about 740 sites in the Pacific northwest region, I renegotiated leases that they had to go back; they are doing the same thing, this is not one area doing this, it is across the board.”

Vice-Chairman Elliott stated, “more or less you build a tower, offer cheaper rent to get them to move.”

Mr. Herlinger stated, “that is correct, like any other company they try to make sure, they are watching their P’s and Q’s.”

Vice-Chairman Elliott stated, “the plan for this is one will be within 400’ to get a close radius to offer better rent.”

Mr. Herlinger explained, “it is a financial decision.”

Vice-Chairman Elliott stated, “it is not necessarily offering better support for Sherman.”

Mr. Herlinger explained, “it would be brand new equipment.”

Commission Member Davis asked Mr. Shadden the reason the separation requirement is 1,000 foot.

Mr. Shadden explained, “when they put that ordinance together they allowed any antennas on top of any structures in the City not to exceed 10’ higher than what the structure is today, it’s not a problem with distance, its height. They can go in M-Districts up to 100’ tall, 1,000’ spacing so that when you step outside you do not see the lights filling up the airways.”

Vice-Chairman Elliott asked, “what type of area that tower services as far as square miles”.

Mr. Herlinger responded, “that depends on the weather and how many people are using it; typically within a mile.”

Vice-Chairman Elliott stated, “one tower would cover a mile radius around it.”

Mr. Herlinger explained, “it depends on the height, trees, buildings, what the capacity is, if there are a lot of homes or a lot of usage during the day. I’m just giving you a rough number, I am not an Engineer.”

Chairman Mahone asked if there was anything that would force that second tower to be brought down or dismantled.

Mr. Herlinger stated, “I am not involved in the decommissioning process. There are many towers coming down, I just do not know what the process pertains.”

Mr. Francis wanted to clarify that “AT&T is not relocating off the ATC Tower. There is no AT&T representative here, there is no Tillman representative here today, and you have a contractor of Tillman saying we do this on a national basis. My client’s tower is not being decommissioned, it is national news, and you can see the articles on the national agreement at AT&T and ATC, so to imply that this tower will be decommissioned. What is going to happen if this tower is approved, you are going to have a bare tower because he will not have a tenant to move on there. If you look at the plans as he said AT&T, the whole premise of what they came to you was, AT&T needs 109’, they are not moving. Second, he has not met the legal requirements for showing hardship.”

Mr. Herlinger stated, “I am a representative of Tillman. I cannot say what AT&T and Tillman have agreed to; I cannot speak on their behalf, but I am telling you what I have been instructed to do and that is why I am here today.”

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

Commission Member Davis stated, “the requirement is 1,000’ in an M-District, what it would be in a more densely populated area.”

Mr. Shadden responded, “it is 1,000’ anywhere.”

ACTION TAKEN.

Motion by Vice-Chairman Elliott to deny the variance to allow a wireless monopole cell tower to have a 467.26-foot separation from any other monopole or antenna tower in an M-2 (Heavy Manufacturing) District at 605 East Pecan Street based on what was

presented tonight. Second by Commission Member Downtain.

VOTING AYE: MAHONE, ELLIOTT, DOWNTAIN.
VOTING NAY: NONE

Commission Member Davis asked if the board could go into executive session to consult with the City Attorney.

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

Chairman Mahone 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 MAHONE ANNOUNCED THAT THE PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENTS 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 15, REGARDING 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)(V) TO ALLOW A WIRELESS MONOPOLE CELL TOWER TO HAVE A 467.26 FOOT SEPARATION FROM ANY OTHER MONOPOLE OR ANTENNA TOWER IN LIEU OF THE REQUIRED 1,000 FEET IN AN M-2 (HEAVY MANUFACTURING) DISTRICT.**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:52 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:57 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. The motion was still on the table.

ACTION TAKEN.

Motion by Vice-Chairman Elliott to deny the variance to allow a wireless monopole cell tower to have a 467.26-foot separation from any other monopole or antenna tower in an M-2 (Heavy Manufacturing) District at 605 East Pecan Street based on what was presented tonight. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

PLANNED DEVELOPMENT

THE REQUEST OF THE MUNSON REALTY CO. (OWNERS), HOEFER WYSOCKI (ARCHITECT), JOHN RUGGIERI (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2800-3200 BLOCKS SOUTH FM 1417 (HERITAGE PARKWAY), BEING 624. 473 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PLANNED DEVELOPMENT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.11, FOR VILLAGE PLANNED DEVELOPMENT

PLANNED DEVELOPMENT – VILLAGE PLANNED DEVELOPMENT 2800-3200 BLKS. S. FM 1417 (HERITAGE PARKWAY) (THE MUNSON REALTY CO)

John Ruggieri, Hoefer Wysocki, 2001 Ross Ave., Ste. 510, Dallas, TX

Mr. Ruggieri appeared to represent the request and answer any questions. The property is located in the 2800-3200 blocks of South FM 1417 (Heritage Parkway) between Moore Street, West Travis Street and West O.B. Groner Road (Dewey Avenue). It is currently zoned an M-1 (Light Manufacturing) District and located in the O-1.1 (FM 1417) Overlay District.

Mr. Shadden gave the board history on the project. “We have worked with the Munson Group and Half Associates for over a year putting this together; we have had many meetings, many drafts and reviews, it is ready to bring it to the Planning and Zoning Board. This is over a 600 acre planned development, Half Associates has reviewed it and it does comply with the City’s Planned Development Ordinance and they have recommended approval.”

The Planned Development Ordinance (No. 6186) was approved March 18, 2019; Half Associates, Inc., a Professional Engineering Service, was consulted to design the ordinance. The planned development district is intended to facilitate the planning, design, and development of integrated land uses on large tracts of land that cannot be adequately accommodated in other zoning districts. A PD

shall further the goals of the comprehensive plan, demonstrate enhanced and contextual design standards, present a well-organized and cohesive land plan, and contain clear and concise development regulations. The Village Planned Development is a mixed-use community of commercial and residential opportunities complimented by almost twenty percent of the land area set aside as parks, open space or other village amenities. The use and development regulations set forth in the Development Plan provide for and encourage development that contains a compatible mix of employment, residential, commercial, recreational uses in proximity to one another.

Mr. Ruggieri explained, “the Planned Development Ordinance gives more flexibility and the ability to respond and create better communities. The plan breaks it down into a multiple area, four areas going east to west. There is an employment zone going up against Progress Park, a green belt area, approximately 50 acres, 130 acres for a Village site area, west of FM 1417 (Heritage Parkway) there is a future serve area that is designated as residential.”

“The core concept is to create a Village Site Community that is walkable and supported by a variety of different housing types that can be accessed by current and future residents of the City; a mixed use commercial area that will support the growth of the area that we are beginning to see with the development of the new High School.”

“We are very considerate on how we approach this; we wanted to create a community that could have a fullness to it, employment, recreation, a complete lifestyle. This creates a framework for a future developer or developers to come in and use this as a framework to create a community that has a structure that we all want to see.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone stated if I understand you correctly, “you plan to procure the planned development use and then sell the property to someone else that might develop it.”

Mr. Ruggieri responded, “at this point, what we are doing is preparing a plan we believe will eventually soon or the distance future market it to a community developer.”

Chairman Mahone asked Mr. Shadden “if this is approved; they have how many years to start the project, is it two years.”

Mr. Ruggieri understood it was two years.

Mr. Shadden explained, “if it is ever abandoned it would revert to the base zoning that is in place before the Planned Development is approved. This is an organized master planned community with commercial, residential, industrial, all types of uses to flow together at West Travis Street near

the high school and FM 1417 (Heritage Parkway). It is a good thing for the City.”

Commission Member Davis explained, “my understanding is to pull it together and sell it to someone that is better equipped to pull it together.”

Mr. Ruggieri explained, “that is a question for the landowners, it is not my property. What we are trying to do is to create a plan that we believe can be implemented by one or more developers.”

Commission Member Davis stated, “this goes to the land not the owner.”

Mr. Shadden stated, “this goes to the land, if we were in a different community, it would take much longer to go through this process. People are drawn to Sherman because of the streamline process, tax advantages and those types of things.”

Halff Associates, Inc. has reviewed the Village Planned Development and recommends approval.

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Downtain to approve the Planned Development for Village Planned Development in the 2800-3200 blocks of South FM 1417 (Heritage Parkway) subject to the Staff Review Letter. Second by Vice-Chairman Elliott.

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

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 7:07 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY

