

STATE OF TEXAS §

February 18, 2020

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission and Board of Adjustments of the City of Sherman, was begun and held on February 18, 2020.

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

MEMBERS ABSENT: NONE

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the January 14, 2020 regular meeting. Motion by Commission Member Davis to approve the Minutes as written. Second by Vice-Chairman Elliott. All present voted AYE.

MOTION CARRIED.

APPROVE MINUTES

APPOINT BOARD OF ADJUSTMENTS

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

BOARD OF
ADJUSTMENTS

CONSENT AGENDA (ITEMS 5, 7, 8, 9, 10, 11 & 18 10)

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

CONSENT AGENDA

A member of the audience, Linn Cates, 1102 N. Cleveland Avenue requested Item #10 "Replat approval of College Park Addition, Block 1, Lot 7R & 8R" be removed from the consent agenda.

The Commission reviewed the Consent Agenda. Commission Member Davis moved to approve the Consent Agenda Items 5, 7, 8, 9, 11, 18, 20 and 22 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.

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF MAYFIELD MCCRAW (OWNER), SAM HOSCH, ZACHRY CORPORATION (APPLICANT) CONCERNING THE PROPERTY LOCATED AT 5901 SOUTH U.S. HIGHWAY 75, BEING 35 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248, AS FOLLOWS;
PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A CONSTRUCTION OFFICE & YARD, HEAVY EQUIPMENT, STORAGE & REPAIR FOR THE U.S. HIGHWAY 75 RECONSTRUCTION PROJECT.

The property is located at 5901 South U.S. Highway 75 between FM 1417 and Akers Road, across from Texas Instruments; Texoma Home Health was the former tenant. The property is zoned an M-1.5 (Medium Manufacturing) District.

SITE PLAN –
CONSTRUCTION
OFFICE & YARD,
HEAVY EQUIPMENT,
STORAGE & REPAIR
FOR HIGHWAY 75
RECONSTRUCTION
PROJECT
5901 SOUTH U.S.
HIGHWAY 75
(MAYFIELD
MCCRAW)

Improvements to U.S. Highway 75 will bring the highway up to current standards making the highway eligible for Interstate highway standards. They will begin construction soon and the Texas Department of Transportation estimate that it could take three years to complete the improvements. The project will see the roadway widened to six lanes for a four-mile stretch of highway from FM 1417 to State Highway 91. The project will also include the reconstruction of bridges throughout the route and the intersection with U.S. Highway 82. Ramps and approaches along the route will also be rebuilt to account for modern traffic.

The contract for the project was awarded to San Antonio-based Zachry Construction. The contractor wants to start on the project as soon as possible and they would like to locate their construction office and yard for heavy equipment, storage, earth moving and repair at this location for the duration of the project. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN CROSSROADS LTD (OWNERS) AND A&W SURVEYORS, INC. (SURVEYOR) CONCERNING THE PROPERTY IN THE 3100-3600 BLOCKS SOUTH U.S. HIGHWAY 75, BEING PART OF THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, CONTAINING 9.950 ACRES, ALSO BEING A PART OF LOT 1R, BLOCK 2, SHERMAN CROSSROADS, PHASE II, AS FOLLOWS:
PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF SHERMAN CROSSROADS, PHASE II, LOTS 1R-1 AND 6, BLOCK 2, BEING A REPLAT OF LOT 1R, BLOCK 2, SHERMAN CROSSROADS, PHASE II.

REPLAT – SHERMAN
CORSSROADS,
PHASE II, LOTS 1R-1
& 6, BLK. 2
3100-3600 BLKS.
SOUTH U.S.
HIGHWAY 75
(SHERMAN
CROSSROADS, LTD)

The property is located in the 3100-3600 blocks of South U.S. Highway 75; the northwest corner of FM 1417 and U.S. Highway 75. The property is located in the Blalock Industrial Park and Blalock Commercial Overlay District.

The owner would like to Replat the property into two lots for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF OUR LEASING COMPANY (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2201 & 2203 NORWOOD STREET, BEING LOTS 1 AND 2, UNDERWOOD ADDITION, ALSO BEING A PART OF THE FIELDING BACON SURVEY, ABSTRACT NO. 120, CONTAINING 3.157 ACRES, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF LOTS 1 AND 2, UNDERWOOD ADDITION.

REPLAT – LOTS 1 & 2, UNDERWOOD ADDITION 2201 & 2203 NORWOOD STREET (OUR LEASING COMPANY)

The property is located at 2201 and 2203 Norwood Street in the Carriage Estates Subdivision off West Lamberth Road. The property is zoned an R-1 (One Family Residential) District. The owners would like to replat two lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF JOSE & MARIA LARA (OWNERS) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 802 EAST HOUSTON STREET, BEING LOTS 23 & 24, BLOCK 11, CHAFFIN'S FIRST ADDITION, ALSO BEING A PART OF THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, CONTAINING 0.164 ACRES, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF CHAFFIN'S FIRST ADDITION, BLOCK 11, LOT 23R.

REPLAT – CHAFFIN'S FIRST ADDITION, BLOCK 11, LOT 23R 802 EAST HOUSTON STREET (JOSE & MARIA LARA)

The property is located at 802 east Houston Street; the southeast corner of Houston and Maxey Streets. The property is zoned an R-1 (One Family Residential) District. The owners would like to replat two lots into one lot for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF FRANK AVANTINO (OWNER) AND VILBIG & ASSOCIATES, INC. (CIVIL ENGINEER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR)

PRELIMINARY PLAT – MUSTANG 53 ADDITION

CONCERNING THE PROPERTY IN THE 2200 BLOCK OF BAKER DRIVE, BEING 7.063 ACRES IN THE G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 827, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT APPROVAL OF MUSTANG 53 ADDITION.

2200 BLK. BAKER DR.
(FRANK AVANTINO)

The property is located in the 2200 block of Baker Drive between Duke Drive and U.S. Highway 82. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into sixteen lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM
THE REQUEST OF NORTH PARK BAPTIST CHURCH (OWNERS) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2605 REX CRUSE DRIVE, BEING ALL OF LOTS 1-6, AND ALL OF THE PLATTED J. FIELDING CIRCLE OF THE JOE E. PRICE SUBDIVISION, ALSO BEING 4.198 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF NORTH PARK BAPTIST CHURCH, A REPLAT OF LOTS 1, 2 3, 4, 5 & 6 OF THE JOE E. PRICE SUBDIVISION.

REPLAT – NORTH PARK BAPTIST CHURCH, A REPLAT OF LOTS 1-6, JOE E. PRICE SUBDIVISION 2605 REX CRUSE DR. (NORTH PARK BAPTIST CHURCH)

The property is located at 2605 Rex Cruse Drive, the northeast corner of Rex Cruse Drive and West Lamberth Road; North Park Baptist Church is the tenant. The property is zoned an R-1 (One Family Residential) District with a Specific Use Permit to allow a church in an R-1 (One Family Residential) District. North Park Baptist Church would like to replat six lots into one lot and an abandoned right-of-way of the J. Fielding Circle for an addition to the church. 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 STANLEY BLYTHE (OWNER) AND BRYAN WEISGERBER, CROSS ENGINEERING CONSULTANTS, INC. (REPRESENTATIVE/CIVIL ENGINEER) AND UNDERWOOD DRAFTING & SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 5900 NORTH U.S. HIGHWAY 75, BEING 1.18 ACRES IN THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
FINAL PLAT APPROVAL OF SHERMAN LANDING, PHASE II

FINAL PLAT – SHERMAN LANDING, PHASE II 5900 NORTH U.S. HWY. 75 (STANLEY BLYTHE)

The property is located at 5900 North U.S. Highway 75; the southwest corner of U.S. Highway 75 and FM Highway 691, the vacant lot south of the existing QuikTrip. The property is zoned an SF-1 (Single Family Residential) District and also located in the O-1 (75 & 82) Overlay District and O-1.3 (FM Highway 691) Overlay District.

The owners would like to plat the property into one lot for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF WILLIAM & JUDY SMITH (OWNERS) AND COX LAND SURVEYING COMPANY (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 600 BLOCK OF BROWN ROAD AND THE 100 BLOCK OF BARBARA LANE, BEING 2.109 ACRES IN THE JOHN MCCLENIHAN SURVEY, ABSTRACT NO. 789, AS FOLLOWS; *PLANNING AND ZONING COMMISSION* FINAL PLAT APPROVAL OF PECAN ACRES IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ).

**FINAL PLAT –
PECAN ACRES
600 BLK. BROWN
RD. & 100 BLK.
BARBARA LN. (ETJ)
(WILLIAM & JUDY
SMITH)**

The property is located in the 600 block of Brown Road and the 100 block of Barbara Lane in northeast Sherman in the City of Sherman extra territorial jurisdiction (ETJ). The owner would like to plat the property into one lot for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF MIGUEL A. AVALOS (OWNER), MIGUEL AVALOS (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 207 AND 209 SOUTH DEWEY AVENUE, BEING 1.091 ACRES IN THE G. B. PILANT SURVEY, ABSTRACT NO. 963 DESCRIBED AS LOTS 3, 4 & PART OF 5 INCLUDING THE ALLEY LYING BETWEEN LOTS 3 & 4, BLOCK 3, J. P. LOVING'S 2ND ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW NEW AND USED TIRE SALES AND REPAIR, GENERAL MAINTENANCE WITH ALIGNMENTS AND OIL CHANGES IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

**SUP – TIRE SALES &
REPAIR, GENERAL
MAINTENANCE
207 & 209 S. DEWEY
AVE.
(MIGUEL A. AVALOS)**

Miguel A. Avalos, 207 S. Dewey, Sherman, TX

Mr. Avalos appeared to represent the request and answer any questions. The property is located at 207 and 209 South

Dewey Avenue between Lamar and Cherry Streets, formerly Tom's Auto Body Center. The property is zoned a C-2 (General Commercial) District.

Mr. Avalos explained he recently purchased the property and would like to open a business providing new and used tires sales, service and repair, as well as general maintenance with alignments and oil changes. He had seen the Staff Review Letter and would abide by the Recommendations.

Darrell Cheek, 1905 Jones Circle, Sherman, TX

Mr. Cheek explained he lives behind the proposed tire shop. Mr. Cheek provided some pictures and a letter from Linda Robertson, 311 S. Dewey Avenue. "We have three tire and repair shops within a block to two blocks; we don't really need another one right there at that intersection. If you turn onto Dewey Avenue from Lamar Street; it is one of the busiest intersections on that side of town. One of the first things you will see is the tire shop with old cars sitting around. At the moment, I believe we have plenty of tire and repair shops right there at that corner. What we need is a grocery store on that side of town. We just don't need another tire and repair shop. When Tom's Paint and Repair Shop was there and it rained, all the debris would go down to Mrs. Robertson's yard. That is our main concerns, we have plenty tire and repair shops already located there; we just don't need another one."

Mary Nelson, 1920 Jones Circle, Sherman, TX

Ms. Nelson appeared and requested an official traffic study. "Traffic is already a problem and you want to add something else. In the evening there is a taco bus there and the traffic at night is bad. They are allowing their children to go up and down the sidewalk, which is crazy with all that traffic. We don't need another tire place, we have one around the corner and we were promised back then that they would keep it up and it would look nice; it has turned into a dump."

Chairman Mahone asked if she had reported any of the violations to the City on the other shops.

Ms. Nelson responded, "yes sir, I have and I have gotten nowhere with it. I reported it to Code Enforcement several times. Today and every day; it happens usually at 2-3 p.m., I can see the bay doors open and I hear subwoofers, where the noise is just roaring where the windows in the house are shaking. This is what's coming! If you allow them to do this, make them put a barrier around the fence, so you don't see anything."

Janice Hawkins, 909 Patricia, Sherman, TX

Ms. Hawkins explained she provided a letter and pictures of some of the tire shops in the area already. "There are four tire stores in that same area, one block from this location. Those are areas that are supposed to be where the City

welcomes people into the area. I would hate to think of what people think when they come into town on those particular streets to see that. I love that the people are starting a new business; that is wonderful, but there are certain things that are health issues because of all the tires around there, the water standing every time it rains, the mosquitos have a happy place there. It's not that I don't want someone to have a business, but that's not the right location. "

Chairman Mahone asked Scott Shadden if he had any information of the Code Enforcement Office and what they have been made aware of.

Scott Shadden, Director of Developmental Services explained, "Code Enforcement has a copy of the pictures and letter from Ms. Hawkins."

Commission Member Manley asked Mr. Shadden if Item #8 "All requirements of the Floodplain Ordinance shall be followed" on the Staff Review Letter addresses the runoff issues.

Mr. Shadden responded, "yes, it would."

Mr. Avalos explained, "We want to be different from everyone else, we don't ever plan to have vehicles stay out, as well as all of our inventory will be inside the bays, nothing outside for mosquitos. We will not have tires or wheels stacked outside, all the used tires will be inside, we don't water to get in them causing mosquitos. The noise will not be an issue; we can put a stop to that. We were just playing music while we cleaned up, we have a lot of cleanup to do. All the issues mentioned will be taken care of."

Vice-Chairman Elliott asked, "what do you plan to do with the used tires."

Mr. Avalos explained, "they will be stored in a bay area until they are taken to be properly disposed of. We don't plan on having the place dirty at all. We will properly dispose of all tires and oils."

Commission Member Davis explained, "usually you have a barrel labeled for used oil to be stored in until it is properly disposed of."

Commission Member Davis asked if all the cars were gone.

Mr. Avalos responded, "yes, we are trying to clean it up; it is a lot of clean up. The previous owner had a towing business and the cars were left there. We have removed all the cars and are in the process of cleaning everything up."

Commission Member Manley asked if they would be selling wheels, "if so would you be displaying them on a rack outside the building."

Mr. Avalos responded, “not at the moment, just new and used tires. If we decided to sell wheels, we would have them inside the bay area.”

Commission Member Manley asked about screening.

Mr. Shadden explained, “they will need to screen between the residential areas; at least a six-foot privacy fence or green screen.”

Chairman Mahone explained to Mr. Avalos that the Staff Review Letter states “Violations of the conditions of the SUP will terminate the Specific Use Permit”. “I know you are saying here you have certain intentions and if those intentions were not followed out and someone complained about that, it has the potential that the Specific Use Permit could go away and you would not be able to continue business; do you understand.”

Mr. Avalos responded, “yes.”

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

A letter was received from:

Janice Hawkins, 909 Patricia, Sherman, TX

“A scheduled meeting, February 18, 2020, will have one item on the agenda requesting a permit for the above mentioned property. I, along with some neighbors, would appreciate you taking some of our concerns into consideration before you make a decision regarding this request. Mr. Avalos would like to open a new and used tire shop, repairs, oil changes and maintenance. Four such businesses are located in a 4 block radius of the business he would like to open. On the corner of Lamar and Harrison, one block west of the Dewey location, there is a tire store with new and used tires. Used tires are stacked in the back as tall as the fence and cars are parked around the location. Three blocks east of Dewey, on Lamar, are 3 more businesses. Tires sold, garage repairs and junk cars are around these locations to the Dairy Queen. One garage is well taken care of. Three more garage and tire shops are located on east Lamar closer to downtown. I can see a health issue with water standing in the old tires which would make a breeding ground for mosquitoes. Why not use a different location such as west or south of town?”

“It is my understanding that Lamar and Dewey Avenues are considered as a gateway into Sherman from the east and south. People driving in from neighboring cities get their first impression of our town. The airport has been in the process of making more room for planes and possibly homes. New homes are being considered east of Leslie that would be a nice addition to this area.”

Linda Robertson, 311 S. Dewey, Sherman, TX

“My house is downhill from this area. What I am worried about is when it rains, what’s is keeping the oil, gasoline and the effects from old tires form coming to my home. When the wrecking services was there I was finding items from there in my yard from the flowing of rain. We already have tire repairs in the surrounding area. Why do we need another one? What we need is a grocery store.”

ACTION TAKEN.

Motion by Commission Member Davis to approve the Specific Use Permit to allow new and used tire sales and repair, general maintenance with alignments and oil changes in a C-2 (General Commercial) District located at 207 and 209 South Dewey Avenue subject to the Staff Review Letter and limited to Mr. Avalos. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED

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

REPLAT

THE REQUEST OF MUNAZZA JABEEN AND ANJUM KARIM (OWNERS) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1024 NORTH CLEVELAND AVENUE, BEING A PART OF THE C. CARTER SURVEY, ABSTRACT NO. 229, CONTAINING 0.389 ACRES, ALSO BEING ALL OF LOTS 7 AND 8, BLOCK 1, COLLEGE PARK ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF COLLEGE PARK ADDITION, BLOCK 1, LOTS 7R & 8R

REPLAT – COLLEGE PARK ADDITION, BLOCK 1, LOTS 7R & 8R
1024 NORTH CLEVELAND AVE.
(JOSE & MARIA LARA)

Chris Noah, Preston Trail Land Surveying, 83439 SH 289, Ste. 5, Pottsboro, TX

Mr. Noah appeared to represent the request and answer any questions. The property is located at 1024 North Cleveland Avenue; the southwest corner of Cleveland Avenue and Richards Street. The property is zoned an R-1 (One Family Residential) District and located in the College Park Overlay District.

Mr. Noah explained, “this is a replat of two existing lots that face on Cleveland Avenue, they are approximately 50x170. The replat will divide the lots so they face on Richards Street; they will be wider and more accommodating for construction.” They had seen the Staff Review Letter and would abide by the Recommendations.

Linn Cates, 1102 N. Cleveland, Sherman, TX

Mrs. Cates explained, “I appeared before the board in January when the property owner had asked for a zone change to put in two duplexes on the property. The request was denied and the neighbors were glad. This property is in the College Park Overlay District that governs how things develop. We love the ordinance, it says that property owners, the City, the College can all work together to have a nice neighborhood. The district respects socioeconomic diversity by encouraging a variety of home styles and sizes that are sympathetic to the neighborhood's historical diversity of design and fosters a cooperative atmosphere in the college park neighborhood between the City of Sherman, Austin College and private landowners to jointly realize the potential of the district. When we moved here in 1979, the College was encouraging faculty to live in the neighborhood, not many people are doing that anymore. This zoning ordinance that created the College Park Overlay District was just passed in March 2019. I am concerned with the two lots that are going to be owned by absentee home owners. On those lots are a storm cellar, there is a foundation that they were unable to get off that exist there. There is a driveway already that comes out onto Richards Street and sidewalks along Richards Street that are interrupted by that driveway; those are things that they might not show you when they come to approve the site plan.”

Javier Gonzales and Marcos Cordova, 1528 E. Pecan, Sherman, TX

Mr. Gonzales explained he would be translating for Mr. Cordova. “When they went to do the survey, he bought the house with the original property, when they did the survey, they took more than a foot of his property. He was told he has to move his fence.”

Brandon Shelby, City Attorney explained, “the Surveyor is a professional licensed by the State. If you think they made an error in the survey, that is not something this board can address, but you should contact your own surveyor or an attorney to resolve the dispute between land owners.”

ACTION TAKEN.

Motion by Commission Member Davis to approve the Replat of College Park Addition, Block 1, Lots 7R & 8R located at 1024 North Cleveland Avenue subject to the Staff Review Letter. Second by Vice-Chairman Elliott.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE & FINAL PLAT

THE REQUEST OF ROBERTO MERAZ (OWNER), LISSETH LARA (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 519 SOUTH MONTGOMERY STREET, BEING 0.547 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW THE FOLLOWING LOTS OF THE PROPOSED MERAZ ADDITION:

LOT 1 – 53.25’ LOT WIDTH

LOT 2 – 53.24’ LOT WIDTH

LOT 3 – 53.24’ LOT WIDTH

IN LIEU OF THE REQUIRED SIXTY (60) FOOT LOT WIDTH IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF MERAZ ADDITION.

VARIANCE – LOT WIDTHS
FINAL PLAT – MERAZ ADDITION
519 S. MONTGOMERY (ROBERTO MERAZ)

Lisseth Lara, 3264 Dripping Springs Rd., Sherman, TX

Ms. Lara appeared to represent this request and answer any questions. The property is located at 519 South Montgomery Street between Magnolia and King Streets. The property is zoned an R-2 (Multi-Family Residential) District.

Ms. Lara explained, “we would like to plat the property into three lots for residential development. We are also requesting variances to allow smaller lot widths than the required 60’ to put more houses in the neighborhood. We have plans for three homes to fit on each of the lots. A lot of the lots in the neighborhood are 50’ wide.” They had seen the Staff Review Letter and would abide by the Recommendations.

Carl Tolar, 529 S. Montgomery, Sherman, TX

Mr. Tolar explained he just recently purchased the property next door to this property. “I’m not sure three lots could fit on this property; it is not a very big space. The property is also located in the floodplain and how that might impact future buildings.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for a variance to allow the following lots of the proposed Meraz Addition: Lot 1 – 53.25’ lot width, Lot 2 – 53.24’ lot width and Lot 3 – 53.24’ lot width in lieu of the required sixty (60) foot lot width in an R-2 (Multi-Family Residential) District at 519 South Montgomery Street. Second by Vice-Chairman Elliott.

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

Planning and Zoning Commission
ACTION TAKEN.

Motion by Commission Member Davis to approve the Final Plat of Meraz Addition at 519 South Montgomery Street. Second by Commission Member Manley.

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

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

ZONE CHANGE & CONCEPTUAL SITE PLAN

THE REQUEST OF CHRISTOPHER BANCROFT AND LLOYD PLYLER CONSTRUCTION, LLP (OWNERS) AND JAMES BERTAKIS, BERTAKIS DEVELOPMENT, INC. (PROSPECTIVE BUYER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2400-2800 BLOCKS EAST U.S. HIGHWAY 82 AND THE 2800-3500 BLOCKS OF NORTH FRISCO ROAD, BEING TRACT 1: 74.412 ACRE TRACT IN THE SAMUEL M. MCGLOTHLIN SURVEY, ABSTRACT NO. 811 AND THE R. HENDRIX SURVEY, ABSTRACT NO. 504 AND TRACT 2: 19.949 ACRE TRACT IN THE SAMUEL M. MCGLOTHLIN SURVEY, ABSTRACT NO. 811, AS FOLLOWS;
PLANNING AND ZONING COMMISSION

ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL FOR THE EASTWOOD RESIDENTIAL COMMUNITY UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT, R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, C-2 (GENERAL COMMERCIAL) DISTRICT AND AN M-1 (LIGHT MANUFACTURING) DISTRICT TO AN M-H (MANUFACTURED HOUSING) DISTRICT.

James Bertakis, 5750 Claude Dr., Ste. 2101, Plano, TX

Mr. Bertakis appeared to represent the request and answer any questions. The property is located in the 2400-2800 blocks of East U.S. Highway 82 between Frisco Road and Baker Road. The property is zoned an R-1 (One Family Residential) District, R-2 (Multi-Family Residential) District, C-2 (General Commercial) District and M-1 (Light Manufacturing) District. The owners would like to change the zoning on the property to an M-H (Manufactured Housing) District.

Mr. Bertakis explained, "Bertakis Development, Inc. is a family operation, we have been five decades in development

ZONE CHANGE – R-1
(ONE FAMILY RESIDENTIAL) DISTRICT, R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, C-2 (GENERAL COMMERCIAL) DISTRICT, & M-1 (LIGHT MANUFACTURING) DISTRICT TO M-H (MANUFACTURED HOUSING) DISTRICT 2400-2800 BLKS. E. U.S. HWY 82 & 2800-3500 BLKS. N. FRISCO RD. (CHRISTOPHER BANCROFT & LLOYD PLYLER CONST.)

(DENIED)

of affordable housing. We have been a proven industry leader nationally in design, management and customer service. We would like to develop the property for the Eastwood Residential Community, an affordable, single-family, modern manufactured home, land-leased community. It will provide affordability for home ownership which will fill a much needed niche that is not being serviced in Sherman, that seems to be an epidemic nationally where people are trying to hit a price range of homes to be affordable that are being priced right out of the market. It will keep the traffic and keep Sherman residents in Sherman for many years to come.”

“A lot of people are here tonight because they oppose a trailer park, we stand with them in that, we are not proposing a trailer park, we are not proposing a mobile home park, we are not proposing a manufactured home park. What we are proposing is a modern manufactured home development for affordable housing. The residents in this community will be home owners, but they will be leasing a lot, that is a very important distinction as opposed to apartment level and grind when they lease the lot, we own the entire community with a very strict set of standards for management plus the housing laws of Texas. We submitted the rules and regulations to you so you could see the level of control we have; that is how we maintain and operate our communities and how we have for forty years. People will not have to finance another forty to fifty thousand dollars with their home because we are leasing the lot and that is what keeps it affordable. We set a price range from seventy to one-hundred, tack another fifty grand on it that will be in the marketplace. We submitted how affordable it is with the local rates along this line.”

“We submitted a preliminary site plan with our professional management and operational structure and stressed the importance of it. The development will include: extra-large lots (60' x 100'), a clubhouse with swimming pool and sundeck, community office, resident's great room and exercise room, recreational open areas, featuring children's playscapes, picnic tables, benches, walking and exercise paths. All Eastwood Homes will be modern, new manufactured homes. Dedicated 2-3 car parking per home-site, optional driveways, carports and 1-2 car garages. As a model of affordability, Eastwood will not be selling, but leasing the lots to residents who will own their own home. Eastwood will retain ownership of the entire development. Why rent when you can own your own home; it makes a ton of sense. We have carefully studied the Staff Review Letter and we are here to say we agree one hundred percent.”

“We met with fifteen of the neighbors of the development that borders this property. I think we addressed a lot of the concerns.”

Chairman Mahone asked, “what happens when you are leasing the lot and someone else puts a house on it and they don’t pay their lease.”

Mr. Bertakis explained, “we have the same rights as a landlord. They are leasing the lot from us, so they can be evicted. They can sell their home in place to a new resident that gets approved, we do credit and criminal checks on every resident; we can legally do that because this is our project, or their home could be relocated, which could be expensive. We have a three strike rule; if they are not cutting their lawn, three notices within twelve months for the same thing, you could be asked to leave. If you are standing outside your home, if we hear your music, that’s a noise violation, too loud. If you have items stored outside, violation, every home has a storage unit on it, 10x10 and they can have carports and garages. Because we are leasing, we have a huge element of control.”

Chairman Mahone asked if they had any control on the design of the home.

Mr. Bertakis responded, “absolutely, we have specs for the siding, the roofing, windows, how many windows on the street side, where the doors can go, on certain lots we determine where the drives can go and a certain size. The pictures I showed in the package are twenty-five years old and that is how it looks now.”

Commission Member Wood asked the process for approving a home before it comes, “do you have someone that goes to look at it.”

Mr. Bertakis explained, “they are all new homes and we have already talked to local dealers and they are very excited about this, they have nowhere to put homes but private lots and a lot of them are out of Sherman. We spec the homes for the particular lot, they have the look that we want and people see the home before they order it and the manufacturer will bring it in and set it.”

Chairman Mahone asked about traffic, “do you have any concerns about entrances or egress from Frisco Road and Highway 82.”

Mr. Bertakis explained, “it is a challenge, we have looked at coming off of the service road on Highway 82 and that is where we are planning to start our development and moving north and we also want to access off of Graystone Road. This is one of the residences biggest concerns. We are having issues with even trying to get this road even fixed. We stand by the residences because if we can’t have good roads, that’s not good for us, if people can’t get to the site, we can’t sell homes for a traffic issue, they will go somewhere else. We have met with Kevin Winkler, Public Works Manager, he has shown us that Graystone Road,

Baker Road are all on the 2020-2025 City Road Improvement Plan for repaving, not just resurfacing. They plan to do ten miles of road each year, five years, they don't have a particular schedule which roads are first, but they are going to go where it is needed."

Chairman Mahone asked Christopher Armstrong, Assistant City Engineer if he had any information on any updates on a schedule.

Mr. Armstrong explained, "we did notice the road past Baker in our review and it is something we have done before in the past for other developments to have a traffic analysis done to make sure it can handle all the traffic they are talking about and look what needs to be done on our end or the developers end. That would be one of the next steps that happens after approval."

Mr. Bertakis explained, "we want to have good roads for us and everyone in the area; we are on the same page with that. There is a huge tree line behind the homes in the Cedar Park Village that abuts this property, it is almost a solid wall, we want to keep that with the permission of the City; that is the best screening you could ask for and we will also voluntarily put a 60-70-foot buffer on our side of those trees. So I showed them from the back of their homes to the back of the proposed homes will be and the adjacent lot is nearly a football field, almost 280 feet; so imagine looking from the back of their homes through trees if you could even see plus an 80' buffer; you won't even see it, it will also control noise and everything else, you won't even know we are there."

Chairman Mahone stated, "I know this is a conceptual site plan, but if most of these lots on the straight-a-way are sixty-foot-wide, then on some of the corners you are going to have some lots that are not sixty foot on the road side and may require a variance for the lot width."

Mr. Bertakis explained, "we will work with the site plan to accommodate the lot width if need be."

Mr. Shadden explained, "he is also proposing private streets; not city streets."

Mr. Bertakis explained, "this is preliminary site plan approval; we will have to go for final site plan approval before development begins. We took some time to prepare the preliminary site plan, we didn't do it on the back of a napkin, we have several sites and streets instead of just blocking it in; our density is reduced twenty percent because we have never built sixty foot lots, the most we have done is fifty or fifty-three foot lots. We are paying for the installation of the roads, curbs and gutter, utility lines, street lights, water and sewer lines, we install that and maintain all that; we don't lean on the City for any of that."

Commission Member Manley asked, “how many different communities do you currently own and operate.”

Mr. Bertakis responded, “we have seven communities that we have built and operated and we have a relationship with another company that has forty-two communities, they are financial partners on some of ours, right now it is seven communities. We are fifty years in the business and we have never sold a community.”

Chairman Mahone asked Mr. Shadden, “they are asking for this to be labeled a manufacturing housing district, so they can maintain ownership of it and lease the lots, if they did not want it to be that way and they wanted to just sell the lots traditionally; could people put these same manufactured homes on these same lots.”

Mr. Shadden responded, “in a city subdivision, yes they could.”

Mr. Bertakis added, “we can’t change midstream and sell the lots because that would require platting the lots, we are not doing a subdivision plat, just a parcel plat.”

Appearing from the audience:

Janet Karam, 316 W. McGee, Sherman, TX

Ms. Karam explained “I am very passionate for the need of affordable housing in our community; this has been a conversation and on the radar in our community for a long time; thus far there has been no significant progress in a long time. I am very grateful for Bertakis Development that they are coming with a project that developers in our area cannot build houses between \$65,000-\$130,000 in this volume. As a Realtor, I have people calling at the time that are prequalified for loans, they have letters that we cannot find them homes. This is our working class, our work force, it supports our employers, supports our viability as a community to have our residents close to the employers that supports in a symbiotic way. If you look in the MLS right now, we have nine homes that are priced between \$65,000-\$130,000; they are not one’s that I would recommend for families to move into. This is a solution that I am grateful to have on the table, I hope we can look at this as a humanitarian prospective rather than a self-interest prospective. I know we will hear a lot of comments this evening, this is something our community desperately needs.”

Thad Thompson, 3706 Heatherwood, Sherman, TX

“We met with Mr. Bertakis a week ago last Saturday, I told him I don’t disagree with his concept, but he picked the wrong piece of property to put this project on. My presentation is on the entrance and exits to this property, applications to the road, the number of people in a confined area, the number of cars in a confined area, the number of school children having to walk to the pick-up area, I could

go on and on. The proposal says we have approximately four-hundred sites, he told us four-hundred and eighty-six. The road in front of the development, the access road is in poor condition, Graystone is in bad condition; it is down to one lane, the stations across the railroad track on the east side have fallen into the ditch, the road has given away. The road on the south side has them coming out onto Graystone from the entrance across the railroad track heading to Frisco Road, that will create a bottleneck of people going to work at 7 and 8 o'clock in the morning. There will probably be a 100-200 cars trying to get out that way. If you take the south entrance and go all the way down to FM 1417, you get onto Highway 82 coming back west. If you take Graystone, you go 100 yards off Graystone onto Frisco and then onto a rough road. I would ask the board which entrance would you take, it won't be Highway 82, so there is going to be a great number of cars going back through there. Graystone you can't drive more than 5 miles per hour. Even if you pave Graystone, it is still going to be a traffic problem."

Debbie Osborne, 2716 Cedar Park Dr., Sherman, TX

"It was a very good story about the housing community, I do believe we need it, but as a community, should we be selective how we do that. What I have found out, if low income people don't own their property, their odds of being able to sustain their home, being the ultimate home owner in the end is very slim; it statistically does not happen. He mentioned \$8,000-\$10,000 to move the trailer out when you can't afford to pay your light bill. That is how they make their money, they're in business to make a profit. They are exploiting low income and there are a lot of States and Cities putting ordinances in so that they make them own their property and not lease them for this reason. Why would you want to put them by the tracks; do you know how loud those train tracks are. I would think you would want to do a health and welfare study on the noise just by children being right there and if they don't bolt them down, they will vibrate them right off their stands."

Buddy Cvitanovich, 3709 Crimsonwood, Sherman, TX

"Just last week the City Council granted \$150,000 for a company to do a study on the impact fees affecting the City. When you have new development, it cost the City money from water, sewer, drainage and so forth. This study should be done in August. One of the recommendations I have is to delay the decision on this zoning until that time so the City can construct their impact fees when the company starts to put in their development, Sherman can be reimbursed for the costs of some of the things we have paid for. The traffic concerns I have is on the development, you wanted two exits to come out of each one of those developments; on their conceptual plan, I only see one. They are going to develop the south part which I think is 88 acres and then there is 19 acres, I have a recommendation that if this is approved, if they start on the 88 acres, you don't give them the approval on the zoning for the other one until they show

you that it is successful; that way we won't have that building going on."

Larry Solma, 3710 Heatherwood, Sherman, TX

"I'm against the request, I don't really want manufactured homes next to me. We have a nice community. I talked to two people and told them Plyler was involved in this, they told me if he is involved in this, you are going to have problems beating it. We are concerned, they said I'm sure it is going to go through. If it does, it will lower my property values, the traffic is going to be unbelievable, cars, trucks going in and out. I know all these people are against it. We got ninety-six names on a petition and they are all concerned about their homes. We all own property and we have a lot invested in our homes. We all get along really well and everybody works hard to look nice out there. If this comes in, I'm worried about the traffic and crime. I do not want to see it go in."

Chris Millhollon, 2622 Village Dr., Sherman, TX

"No matter how this request is worded, it is going to be mobile homes, that they can be trailered in, set up on blocks and trailered out; they are mobile homes. They are not going to be comparable to our neighborhood, which are all one acre lots, houses that are \$200,000 and up. We are immediately going to see a decrease in property values, an increase in crime. We have a train that comes by multiple times a day, maybe ten times a day and at times it parks for twenty minutes, blocking every entrance and exit to this neighborhood. So what is going to happen when you have four-hundred additional homes. It is impossible to fathom what is going to happen with the traffic trying to get in and out because of the train. Part of our neighborhood is already low lying, when it rains, the water goes over the street, so it is a partial flood area. If you take these fields out and add concrete and houses, there is going to be more water going down to this area. Increase in crime, people will let their dogs run around the neighborhood. I have been a taxpayer for years, devoting your life savings trying to increase the property value and know that it could drop overnight 25-50% because of someone else trying to make an investment trying to make themselves rich."

Tiffany Langton, 2602 Village Dr., Sherman, TX

"We built our house and have lived there for almost fourteen years. With the railroad track and switching station to the south, so they switch lanes, going back and forth. The biggest concern I have is the location. The zoning change is to put four-hundred houses right there; I don't think it is a wise use for the space. The access, coming in on Graystone with the railroad crossing is basically the only road that makes sense to access that area because of the limited access on Highway 82. I am a teacher at Niblett Elementary; this makes me think of the impact on the community; just to the south is Sherman Housing Authority. This would add another four-hundred houses and then there are several

other lower income housing options around that area and it would have a very big impact to have so many lower income housing so close together.”

Shane Vaughn, 2601 Juniper, Sherman, TX

“I have been working since I was 14. I have a house that they are valuing at \$300,000 and being taxed \$6,000 a year; that’s my dues, I understand that. The houses in the neighborhood are worth \$230,000 to \$325,000. The City of Sherman is going to lose \$62,500 a year just as soon as three houses sell. If you have ever ridden in a car with a realtor, going to see your house, it is bad enough if you cross a railroad track, if you go through a trailer park right before you get there, you are not going to look at the house anymore, you will move on to the next one. Low income housing is needed, I understand that, but with the value of the houses, \$150,000 house I sold last year and they only put four percent down, it definitely was not ten percent; that \$1,223 a month, mortgage insurance, everything. This will tax the schools, police and fire, no one has even talked about water supply, streets are cheap, compared to putting in water lines. We are talking about criminal backgrounds, I have seen the rules of what we are going to accept and not accept.”

Alec Anderson, 2512 Village Dr., Sherman, TX

“I am the first house that comes into the subdivision on the corner; we have a beautiful piece of property. Why here, why Sherman, how did you find us, how did you show up here. He showed us three properties, the one’s in Michigan do look nice, but over a period of about three to four years is when you start having issues where people are going to get evicted, it takes a while for anybody to get evicted, sometimes nearly a year. Crime starts developing, they start lowering their standards with the criminal background check. People who have the trailer houses cannot exactly sell them, they really can’t really get rid of them, if they do sell them it is at a really cheaper rate which means you attract a different prospective of people there. The one in Manville, Texas has only been there a short period of time, they have already started in three years having criminal problems down there. He depends on his property managers, the property managers are just somebody as an apartment complex manager, they will do a limited amount, it is an inconvenience for them, they have too many complaints, they have too many things to address and all those things go by the wayside. I have a friend that lives down there and he visited the project he was talking about to just drive right in haphazardly, talked to people that was in the neighborhood, you are going to have some positive events and some negative events. They are already getting criminal activity, drug dealerships, your nice little 13-year-old daughter can’t go down the street because she is being harassed on the street by these type of people.”

Tracie Coffel, 3707 Heatherwood, Sherman, TX

“Mr. Bertakis did an excellent job with his presentation. If you haven’t seen our neighborhood, I encourage you to visit. I would ask are there manufactured homes in Plano, are they behind his neighborhood, would you want them behind yours. I moved into this community two years ago, I didn’t even know it was back there, I drove across the railroad tracks, wow there is this awesome neighborhood and bought a house. We love it, we haven’t had any crime, we haven’t had any problems with the neighbors and they have welcomed us in; it has been fantastic. The railroad tracks and the traffic is huge, but the values of our houses is going to go down tremendously. If you had a trailer park right behind your house, it is going to drop whether the trees are up and the big privacy fence, but the facts are the facts. I have worked very hard.”

Ken Chestnut, 2605 Sherwood Dr., Sherman, TX

“I am concerned about the procedure, we recently had a large subdivision occur in the southwest side of the community in response to the construction of the new high school and as a result of that, we have been blindsided as a City by some unexpected expenses relating to roads and school needs and it has raised a red flag and I think that is why the Council decided we need to look at impact fees for housing development in the City and that should be a consistent policy. Right now, we have a consulting firm that has been retained to look into this and come up with some appropriate fees and look at the responsibilities the City has but it should not be those of us that are already here taking the hickies to advance development; that’s not the purpose of the City of Sherman. The City of Sherman has the duty to provide for residents that are already here that have already made the investment. The red flag to me and should be to you is the history according to the paper I read was that this operation that has been presented to you was presented once in Phoenix, once in the Houston area and once in Michigan but it was never repeated in any of those areas. That tells me that there was something that was not quite right or they would have continued with that real estate development of the same nature. You need to look at it in terms of nature of a cluster of manufactured housing of a smaller number is more appropriate.”

Mary Anderson, 2512 Village Dr., Sherman, TX

“One of my main concerns is the City fixing things that are broken already before we bring more problems in because I have come here to the City Hall and complained about that culvert breaking off where we have seen cars almost roll I, so can we please be proactive; can we fix this before someone gets hurt, no one has returned my three phone calls and I thought when I saw a cable across the street, oh great they are finally going to come and fix the street, now it is apparently because of this rezoning. We also need to think about the wildlife, we have coyotes, rabbits, bobcats right in our front yard. We are going to be affected by two

sides, we are the very first lot when you come into the subdivision, we will have the south and west side facing this property. I read about a fence around the property and I know we addressed tree lines and we do want to keep them. What is to keep people from walking right through their back yard to our neighbors that are right there also or right into our yard. When we first moved to Sherman we had to put a “no trespassing” sign in our yard because people feel that they can just pass right through yards; don’t have to walk to the corner. We have no signs in our subdivision, no yield, no stop signs, our streets are not curbed, they are not wide, we like to walk so we feel we are in the country, that is why we moved here. It is still a country life, but still in the City and it is beautiful, but you want to bring this in and when people can’t go down Graystone to get out, they are going to come through our neighborhood, how are we going to walk, how are our children going to be safe having all this traffic.”

Jane Clinton, 2816 Cedar Park Dr., Sherman, TX

“My husband and I built a house in that area three years ago. I am opposed to having this development because of all the reasons mentioned before. I would like to ask Mr. Bertakis what the average rent that the homeowner would be paying and will he be receiving government money.”

Sherry Sipe, 2516 Village Dr., Sherman, TX

“I held the meeting in my home and invited people that received a letter to come to find out, everyone in the community was interested in this. We have ninety-six signatures on our petition, all of those opposed to this and actually we had twenty more, a couple of ladies brought them to me yesterday. I want you to be aware, this is not just a few people opposed, it is all of Cedar Park Village and what I heard from the people that took the petitions around, only two people refused to sign. All the other issues I am concerned about have already been spoken to.”

Sam Hogue, 3700 Heatherwood, Sherman, TX

“In 2000, I bought this lot, the City would not let me build a house because there was no road; I started building in 2006, we built this nice neighborhood that everybody else moved in and we are a good neighbor, we always look out for each other. Mr. Bertakis mentioned there is going to be a football field space in between his homes and our homes, actually from the porch to our porch. I have an acre and one-half, my fence is the tree line and I am the first house when you go into the subdivision on the left hand side. My property line is about 353 feet long. My concern is if he says football field, he is actually measuring it from the trees to the back of his house is probably 25-30 feet, so he is actually counting my porch and my land as a distance between the developments. He said he is not going to put a fence in between. He mentioned something about 24/7 security, what happens after 4 p.m. when we have a noise violation, who do we call, we always call the police, but if we have to call on eighty

houses behind my house, three hundred or four hundred. If I want anyone after 5 p.m., there is not going to be anyone there. We will be calling the police every other day, especially on the weekends. We don't want it."

John Simmons, 1511 St. James Way, Frisco, TX

"My company I represent, Chris Bancroft the property owner. It is no secret from everything we have heard, this property has a lot of issues, access issues. I know he has owned it for over thirty years and has actively tried to sell it for years. He contacted us a year ago to work on this for him. My main concern is this is going to be a hickey for a very long time, these issues. You have a developer that has taken a hands on approach from Day 1. There has been no question what he has been working on from the beginning. I would strongly urge the committee to take into consideration the affordable housing issue. Discussion about lower income, crime rates, that issue; I don't think we base the morality of someone on their income."

Mike Clement, 97 Mountain View, Sherman, TX

"I work for Clayton Homes. Fifteen to twenty times a month people come in and because either of the price of the home or where they want to be in their budget, the increased cost of buying land; it either prices them out or they don't want to spend an extra \$50,000-\$60,000 for a lot. These are folks that want to live in Sherman whether for the school district or they are already in and renting. Whether it is Clayton Homes or Freedom Homes, I would invite the commission or anyone to come and look at these houses; they are not what they were thirty years ago."

Winston McCollum, 2708 Cedar Park Dr., Sherman, TX

"I just bought my house three months ago and I'm in the process of moving in. It is a beautiful neighborhood now. I don't have opposition to having this in Sherman; I think it is a horrible place to put it. I have waited on the train to clear the tracks at Dripping Springs and Graystone for sometimes 20 minutes. You cannot cross on Frisco, you put that many people out there on that tract; it is going to be pure chaos. Just say no; that's all you have to do."

Bill Smith, 111 Barbara Lane, Sherman, TX

"I wondering how the tax base, if they are not going to own the property. Are they going to be subject to the same property taxes that all the rest of us are; I don't think so."

Chairman Mahone explained, "that is not part of the zoning request today."

Mr. Bertakis

Mr. Bertakis showed a zoning map of what is currently on this property; C-2 (General Commercial) District, R-2 (Multi-Family Residential) District and M-1 (Light Manufacturing) District. "All these uses are much more intense, much more dense; on this particular property you could do 8-10 units

per acre. On this piece you could have as many residents as you could on this whole piece. These are apartments, they aren't homeowners. So if you are talking about traffic and property values. Apartments alone would be two and one-half times the density. The types of uses that could be on that property right now as it exists; no rezoning, no public meeting: muffler shops, bowling alleys, construction material storage yards, institutional correctional, penal or insane. I understand about seven years ago there was a jail proposed on the C-2 (General Commercial) District property for seventeen hundred beds. A lot of people want vacant land, a lot of people signed the petition because they just don't want development at all. Not that we submit to you that we are the best of two evils but we are the lowest density, the lowest density, the lowest possible use that has come around in a long time and we willing to take control of the challenges of the traffic."

"Another question that came up was property values and we get this all the time. There is a community called Knollwood, it is in the Sherman area. Knollwood Village, it was built in the '70's, so it's forty or fifty years old and that was there for a long time. What happened is a subdivision built right up against it, they knew Knollwood was there; sold out all the homes, it was about 25-30 homes and they are \$150,000-\$200,000 homes. You had Austin Landing come in, they are building 600 homes, \$250,000-\$450,000, still building, still developing. Keep in mind Knollwood was here first, building right across the street, so why the concern about property values; it's not supported."

"I want to stress these are affordable homes, not low income homes. These are not government subsidized homes. These are loans from local lenders, you can go to any bank you want, if you have a job that supports the loan, you will qualify for it."

"There was talk about impact fees; it's a year away at least, they have just hired a consultant. We are willing to abide by everything that was in that review letter, one hundred percent."

"A second exit was mentioned; we could put a second exit on the final site plan. Can we do this in phases, interesting idea, but the problem is to do a critical mass of four hundred sites is how we can offer this amenity package as we have, we can't offer that for two hundred sites. The amenities will be built first, but what if we don't get the rest of the phases; you can't be top-heavy, you have to know what you got going in or it doesn't become feasible."

"The drainage will be addressed with the detention area. We are going to provide drainage for our own site, we are not going to add to anyone's, we may be helping them with drainage depending how we configure. Those items will be reviewed at final site plan approval."

“Criminal activity is totally unfounded. You can go on the internet and see our customer reviews. It is a gated community, so it is not open 24/7; we do have the gate open during the day.”

“People can list and sell their homes as people do with any regular home; right in place and we have experienced the values of homes are going up, not down. It all depends on location, if you are in a neighborhood where people are taking care of things, it’s going to happen.”

“There was talk about development done here and never in the same spot. We had our award winning community, Hidden River, Adrian, Michigan that we started in 1993 finished in 1997, based on our performance there, the neighboring township two miles away gave us approval hands down for the job that we did. Talk about repeat performance right smack in the neighboring community we did it in River South.”

“They talked about fencing. Mrs. Anderson talked about this big tree line. We are going to examine all that; our goal is to keep it. We are willing to work with the neighbors so that it is basically an award. We are going to put a buffer in between the neighboring lots; at least one hundred feet.”

“The rental amounts; we expect the rent to be between \$450 and \$550, we have not determined that yet. The rental amounts and the home payments will have a starting budget of \$1,000 - \$1,200 a month, all in. Two bedroom apartments average, I might add they are 96% rented in the Sherman area. If you take the apartments from 2008 to 2019, the new ones, the average two-bedroom rent is \$1,320, the average three-bedroom rent is \$1,650 a month. If you can get a bigger home, three-bedroom for less than you are going to pay for an apartment; why would you want to rent an apartment. Would you want more apartments with more density, more traffic?”

“We have onsite management; it is not absentee management. It is 24/7 management; you are not going to find any residential development with 24/7 onsite management. If there is a problem, you can call our hotline and management will address the problem.”

“We will be paying taxes; we are taxed on all of our improvements, the roads, the street lights, that’s all improvements. The homeowner does pay personal property tax on their home every year. This is not where someone is not paying their fair share of taxes.”

“We have looked at the water and sewer lines; we have access to them for our site. We know we have eight-inch water lines, which is more than sufficient.”

Mr. Armstrong explained, “that would be something the Engineering Department would look at in the next phase and in the development.”

Mr. Bertakis explained, “we have sewer running through our site; we did not want to do septic for a development like this.”

“We are here standing saying this is what we want to do, it is a quality development, we have a track record; we are going to be a good use for a lot of years.”

Commission Member Wood asked about the background checks; “are you doing them on just the homeowner or all of the residents of the home.”

Mr. Bertakis responded, “everybody in the home. We take pictures of the vehicles and pets. We want to be a good neighbor, safe for everyone that lives there.”

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

A petition was received with 95 signatures opposing the request.

ACTION TAKEN.

Motion by Commission Member Davis to deny the request for a zone change from an R-1 (One Family Residential) District, R-2 (Multi-Family Residential) District, C-2 (General Commercial) District, and M-1 (Light Manufacturing) District to an M-H (Manufactured Housing) District and conceptual site plan in the 2400-2800 blocks East U.S. Highway 82 and the 2800-3500 blocks North Frisco Road based on the outpour of the community and the concerns with traffic. Second by Commission Member Wood.

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

VOTING NAY: MAHONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF ROGER MUDGETT (OWNER) CONCERNING THE PROPERTY AT 219 NORTH WILLOW STREET, BEING LOT 23R, BLOCK 18 OF THE REPLAT OF LOTS 13, 14, 15 AND PART OF LOT 16, BLOCK 13 AND LOTS 22, 23 & 24, BLOCK 18, CHAFFIN’S FIRST ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 20’ REAR SETBACK FOR A

**VARIANCE – REAR SETBACK
219 N. WILLOW
(ROGER MUDGETT)**

RESIDENTIAL DWELLING IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Ron Barton, 715 S. Sam Rayburn Freeway, Sherman, TX

Mr. Barton appeared to represent the request and answer any questions. The property is located at 219 North Willow Street between Pecan and Chaffin Streets. The property is zoned an R-1 (One Family Residential) District.

Mr. Barton explained, “the owner is requesting a variance to allow a 20' rear setback to allow a small cottage home to fit on the small lot.” They had seen the Staff Review Letter and would abide by the Recommendations.

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the request for a variance to allow a 20' rear setback for a residential dwelling in lieu of the required 25' in an R-1 (One Family Residential) District at 219 North Willow Street subject to the Staff Review Letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION, VARIANCE & SITE PLAN

THE REQUEST OF SHERMAN CROSSROADS, LTD (OWNERS), PANDA EXPRESS RESTAURANT (TENANT), JOHN HENDERSON, BANNISTER ENGINEERING, (REPRESENTATIVE/CIVIL ENGINEER) JIMMY HUNKAPPERPR, IDGROUP (ARCHITECT) AND A&W SURVEYORS, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3150 SOUTH U.S. HIGHWAY 75, BEING 1.012 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, ALSO BEING A PORTION OF LOT 1, BLOCK 2, SHERMAN CROSSROADS, PHASE II, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- EXCEPTION APPROVAL UNDER ORDINANCE NO. 2280 SECTION 6.8.4, SUBSECTION (11) TO ALLOW FIBERON COMPOSITE DECKING IN LIEU OF THE REQUIRED MASONRY FOR A PANDA EXPRESS RESTAURANT WITH DRIVE THRU IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT.
- VARIANCE APPROVAL UNDER ORDINANCE NO. 2280 SECTION 6.8.4, SUBSECTION (7) TO ALLOW A 20' SETBACK ON THE SOUTH PROPERTY LINE IN

**EXCEPTION –
FACADE**

**VARIANCE –
SETBACK SOUTH
PROPERTY LINE**

**SITE PLAN – PANDA
EXPRESS
RESTAURANT
3150 SOUTH U.S.
HWY. 75
(SHERMAN
CROSSROADS, LTD)**

LIEU OF THE REQUIRED 55.7' FOR A PANDA EXPRESS RESTAURANT WITH DRIVE THRU IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT.

- SITE PLAN APPROVAL UNDER ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2) (J) AND (2)(G)(2) FOR A PANDA EXPRESS RESTAURANT WITH DRIVE THRU IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT.

Tom Rudd, IdGroup, 2641 Irving Blvd., Dallas, TX

Mr. Rudd appeared to represent the request and answer any questions. The property is located at 3150 South U.S. Highway 75; the northwest corner of FM 1417 and Highway 75. The property is located in the Blalock Industrial Park.

Mr. Rudd explained, “the developer would like to construct a 2,300 square foot, single-story Panda Express Restaurant with Drive Thru on the proposed Lot 1R-1, Block 2 of the Sherman Crossroads, Phase II Subdivision. Parking will be provided for 44 spaces. They are requesting a variance to allow a 20' setback from the south property line in lieu of the required 55.7'. They are also requesting an exception to allow Fiberon Composite Decking in lieu of the required masonry. Fiberon composite decking is made up of wood and plastic.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Manley asked if they plan to participate in signage, multi-tenant signage that is being proposed on a different item.

Mr. Rudd did not have an answer for that question. “There is a proposed 8' tall monument sign on the site plan.”

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the exception to allow Fiberon Concrete Decking, a variance to allow a 20' setback on the south property line and site plan for Panda Express Restaurant located at 3150 South U.S. Highway 75 subject to the Staff Review Letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & VARIANCE

THE REQUEST OF SHERMAN CROSSROADS, LTD AND QUIKTRIP CORPORATION (OWNERS), SHERMAN CROSSROADS, LTD (APPLICANT) AND JOSEPH S. FAUST, QUIKTRIP (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 3624 SOUTH U.S. HIGHWAY 75, BEING LOT 4, BLOCK 2, SHERMAN CROSSROADS, PHASE II, LOTS 1R, 4 & 5, A REPLAT OF AMENDING PLAT LOT 1, BLOCK 2, SHERMAN CROSSROADS, PHASE II, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.8.4, SUBSECTION (8) AND ORDINANCE NO. 2252, SECTION 410 (2)(N) TO ALLOW AN 860 SQUARE FOOT, 50' TALL MULTI-TENANT FREESTANDING SIGN, 32' FROM THE SOUTH HIGHWAY 75 PROPERTY LINE FOR THE SHERMAN CROSSROADS DEVELOPMENT AND A 100 SQUARE FOOT, 8.6' TALL MONUMENT SIGN, 20' FROM THE FM 1417 (HERITAGE PARKWAY) PROPERTY LINE FOR QUIKTRIP IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT.

EXCEPTION &
VARIANCE - SIGNS
3624 S. U.S. HWY. 75
(SHERMAN
CROSSROADS &
QUIKTRIP)

(MULTI-TENANT
SIGN TABLED)

(MONUMENT SIGN
DENIED)

Jeff Harkinson, 4560 Beltline Road, Ste. 400, Addison, TX

Mr. Harkinson appeared to represent the request and answer any questions. The property is located at 3624 South U.S. Highway 75, the northwest corner of U.S. Highway 75 and FM 1417 (Heritage Parkway), QuikTrip is the proposed tenant. The property is in the Blalock Industrial Park and the Blalock Commercial Overlay District.

Mr. Harkinson explained, "after discussion with QuikTrip, we would like to table the request for the multi-tenant sign."

"The owners are requesting a 100 square foot, 8.6' tall monument sign, 20' from the FM 1417 (Heritage Parkway) property line for QuikTrip. In our covenants and conditions for the Sherman Crossroads Development, we limit each user to an 8' tall, ground monument sign; we don't want any pole signs that have to connect to the ground; the City allows 12'. We would prefer to lower that requirement to 8'. I am not going to measure each sign to the precise inch, so the 8.6' sign is fine with us. The City has a requirement of 65 square feet monument sign. If you take the length of theirs which is appropriately 11' 5 1/2" it is going to create a larger sign than the 65 square feet. From the Developer's standpoint, we can live with that, this is a prototypical sign QuikTrip uses throughout Texas. We would support the request for QuikTrip for the sign and hope that the Commission will also for this variance for this specific use. The other request is to modify the setback to 20'; the reason QuikTrip indicated that desire is because there is a tree there near the pond and we have installations by Lone Star Gas and they feel from the eastbound traffic on FM 1417 (Heritage Parkway) the setback as it is required would limit visibility to the sign." They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked Mr. Shadden the requirements for signs in the Blalock Commercial Overlay District.

Mr. Shadden explained, “they are allowed a 65 square foot monument sign, 12’ tall, 25’ from the property line.”

Commission Member Davis asked, “what was hindering your signs.”

Mr. Harkinson explained, “you come eastbound on FM 1417 (Heritage Parkway) and you have all the pipes and installation of gas lines on the west side of Crossroads Boulevard plus there is landscaping and a big tree there and it inhibits the view for the customers coming from the west to the east to see the sign if it is setback that far.”

Jack Sears, Douglass Distributing, 325 Forest Avenue, Sherman, TX

Mr. Sears explained, “we recently completed construction of a new Valero and Lone Star Food Convenience Store on the southeast corner of Highway 75 and FM 1417 last year. It is in the Blalock Industrial Park and directly across the intersection from the QuikTrip location. The intent of the Blalock ordinance is to ensure the quality and visual appeal of the development. We designed and constructed our facility to be one-hundred percent to be fully compliant with all of the restrictions. We have not requested or received any exceptions for our project. We strongly object to granting any exceptions to QuikTrip to install this sign or to the setback. Our company has a thirty-nine-year history of a partnership with the City of Sherman, we have always played by the rules and we simply ask that you require QuikTrip to play by the same rules.”

Chairman Mahone asked Mr. Sears about the sign on the south end of the development.

Mr. Sears explained, “we have no signage on our property. Schulman’s has a multi-tenant sign on the south end of their property.”

Andy Olmstead, 102 W. FM 1417 (Heritage Parkway), Sherman, TX

Mr. Olmstead explained, “we own the Shell Station across the street from the QuikTrip. We built by the same ordinances. You have McDonald’s coming behind you, Braum’s, Panda Express; you have the ordinances in place, respect the ordinances.”

Mr. Harkinson wanted to address the issue quality was used; “we have gone to extreme expense and lengths to ensure the quality of Sherman Crossroads. For example; all of our utilities are going to be underground, no overhead wires, we had to come overhead one time for FM 1417 (Heritage Parkway) to get service. The entire 130 acres is going to be underground utilities. We require all concrete parking, no

asphalt, we require sixty-five percent masonry, we have standards much higher than the City ordinances require. I really don't want anybody suggesting the quality of our development is going to be substandard."

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

A letter was received from:

Bill Douglass, 325 W. Forest, Sherman, TX

"I object to the granting of this request for an exception to permit by Quick Trip to erect a 50 foot sign on their property. We are also in the Blalock subdivision and understand the restrictions. We designed our store across the freeway in accordance with the sign restrictions, and not have asked for nor received any exceptions to the restrictions."

"After we purchased and built our convenience store, Quick Trip comes in and wants to break the code and erect a 50-foot sign. We would have built a high rise on our site if the Blalock sign restrictions were not in place. They are now trying to gain an unfair advantage over a local firm who, plays by the rules."

ACTION TAKEN.

Motion by Commission Member Manley to table the request for the exception and variance to allow an 860 square foot, 50' tall multi-tenant freestanding sign, 32' from the South Highway 75 property line for the Sherman Crossroads Development at 3624 South U.S. Highway 75 subject to the Staff Review Letter. Second by Commission Member Downtain.

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

VOTING NAY: DAVIS

MOTION CARRIED

THE REQUEST WAS TABLED.

ACTION TAKEN.

Motion by Commission Member Wood to deny the request for a 100 square foot, 8.6' tall monument sign, 20' from the FM 1417 (Heritage Parkway) property line for QuikTrip in the Blalock Industrial Park/Blalock Commercial Overlay District at 3624 South U.S. Highway 75 subject to the Staff Review Letter. Second by Commission Member Davis.

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

VOTING NAY: ELLIOTT

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST DID CONFORM TO THE INTENT OF THE ORDINANCE.

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF MACK BROILES (OWNER), MICAELA HOOPS (APPLICANT) AND EC STANTON COMMUNITY SCHOOL (PROPOSED TENANT) CONCERNING THE PROPERTY LOCATED AT 214 WEST BROCKETT STREET, BEING LOT 4, BLOCK 2, BROILES ADDITION, A REPLAT OF PART OF LOT 1, BLOCK 1 OF THE REPLAT OF LOTS 19-21, L.C. CHAPMAN'S ADDITION, AND ALL OF LOT 9 AND PART OF LOT 12, TOGETHER WITH AN ALLEY RUNNING SOUTHERLY FROM BROCKETT STREET AND LYING WEST OF AND ADJACENT TO THE WEST LINE OF LOTS 9-11, L.C. CHAPMAN'S ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

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

**SUP & SITE PLAN –
PRIVATE SCHOOL
214 W. BROCKETT
(MACK BROILES)**

Micaela Hoops, 402 N. Grand Ave., Sherman, TX and Brian Prichard, 975 Desvoignes Rd, Denison, TX

Ms. Hoops and Mr. Prichard appeared to represent the request and answer any questions. The property is located at 214 West Brockett Street between Elm and Crockett Streets. The property is zoned a C-1 (Retail Business) District.

Ms. Hoops explained, "EC Stanton Texoma Community School is requesting a Specific Use Permit to allow a private school at 214 W Brockett Street. We have 17-19 students Kindergarten through 12th grade and six staff members. Students are required to attend a minimum of 20 hours per week and 3 days a week, but can attend up to 40 hours and 5 days a week. They hold classes both on campus and in the community. Their hours of operation are 8 a.m. - 4 p.m., Monday through Friday. They have a sister school in Fort Worth and are part of the North Texas Progressive Schools Organization." They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if they are currently at another location.

Ms. Hoops explained, "we are currently using all the public resources right now."

Mr. Prichard stated, "we were previously graced the privileged to use Leap of Faith Church as a building and we have the intention of renting this property and moving into that building but we were hit with a surprise; we didn't realize we needed a Specific Use Permit, so we were left with this process and students that were already enrolled in our school."

Chairman Mahone stated, “I assume you are holding class in a temporary location.”

Ms. Hoops responded, “yeah, we are operating like a co-op, we go to the library, we plan activities every week, we keep our community engaged, we hold classes at our houses, we go to museums and such.”

Chairman Mahone asked, “how long they have been in operation”.

Mr. Prichard explained, “this chapter of EC Stanton is the second branch, the original is in Fort Worth.”

Ms. Hoops thought it has been going for three years now, “2020 will be the fourth year; the Fort Worth location. We began the operations for planning the Sherman location last year in the spring and we opened up in the fall.”

Commission Member Davis asked, “how many students they had enrolled.”

Ms. Hoops explained, “17, possibly 19 depending on if we manage to house ourselves.”

Chairman Mahone asked if they had any State organization that oversees how many kids or how many students you have.

Mr. Prichard explained, “we are going to be limited to the building size, fire codes and such things as that in this particular area.”

Chairman Mahone stated, “I assume you have to have a certain number of staff per number of children.”

Ms. Hoops explained, “our school philosophy, we attempt to have a high staff ratio; for example, 17 students and 6 staff, that would make us 2.5 students per staff member.”

“We have five parking spaces drawn out on our site plan and we will not be able to exceed that in this location because of the parking requirement for 1 space for every 1.5 staff members.”

“We have contacted the Fire Marshal and looked into a fire alarm system for the building.”

Commission Member Davis asked if a private school requires the 20 mph school zone signs and all that too.

Mr. Shadden explained, “a private school which when we first visited they weren’t sure if it was a school or not because they asked for a school and then said what if we don’t call it a school; I don’t know where we’re going.”

Commission Member Sims asked about the street, “the pictures look less than fantastic; what is the completion date, do we know.”

Ms. Hoops explained, “there is some construction; it is still possible to access the building, it just a little bit of a headache. You have to be aware of the area and how to access the lot.”

Commission Member Davis asked if this was a Monday thru Friday, 8 a.m. – 3:30 p.m. school.

Ms. Hoops explained, “our hours are Monday thru Friday, 8 a.m. – 4 p.m.”

Mr. Prichard explained, “their drop off and pick up varies, so our students can be dropped off anywhere between 8 a.m. and 10 a.m. and picked up any time before 4 p.m. We just ask that the parents commit to twenty hours a week.”

Ms. Hoops stated, “basically what he is saying the drop off pick up rate is never high traffic; it is usually one car at a time with some buffer time between.”

Vice-Chairman Elliott stated, “so there is not a scheduled start, it is kind of fluid.”

Ms. Hoops responded, “we feel it is very fluid because we have a school meeting every day at 10 a.m. and we require students if they are going to attend that day to be there by 10 a.m. Yes, there is a little bit more flexibility, they don’t have to be there at 8 a.m. or 7:30 a.m.”

Chairman Mahone asked Brandon Shelby, City Attorney if there is a State Organization that oversees opening a small school like this that they would have to comply with.

Mr. Shelby responded, “that is not my level of expertise, so no I don’t know. I did see in their packet that they are a member of the Texas Progressive Schools Organization.”

Ms. Hoops explained, “North Texas Progressive Schools Organization is an organization started in the decade to support and organize all the progressive schools in the area. You would consider our school a progressive school, it is based on the separary school model, where a separary school model is a self-directed education style. We as staff members, we have skills, we all are degreed, but we act more as mentors and guides to the students in helping them achieve their educational goals. Also, it is a democratic school, so every student and staff member has a vote in how this school governs itself. Because we are progressive, this idea is taking place in a number of places throughout the United States, even in North Texas especially, there have been some learning centers that have opened up and of course the Fort Worth School, the sister school that we

mentioned earlier; they are all a part of the organization. We network and provide experiences for our students, we organize a trade for furniture for example we were offered some furniture from a school that is moving out. We make ourselves a stronger community.”

Commission Member Davis asked, “who accredits you or governs you or comes in to say you are doing right by the kids; who oversees your school.”

Ms. Hoops responded, “the community, the parents that are involved are the overseer.”

Commission Member Davis stated, “so you are not accredited.”

Ms. Hoops responded, “no, we are not accredited and we are not required to be accredited by law.”

Chairman Mahone asked, “would most of these students be home-schooled otherwise if they weren’t coming together at this location and learning together.”

Ms. Hoops explained, “we do tend to attract a lot of home-schooled families, especially families that would home-school if they could as well; some families are not able to home-school.”

Chairman Mahone asked, “by being a co-op, does everyone pitch in to keep the school and the classes going or do people pay a tuition to go to this school.”

Ms. Hoops explained, “people pay tuition, we charge about \$250 for the initial student and if there is a sibling they get a discounted rate. We try to keep our tuitions low so we fundraise and are a nonprofit. Right now the staff are all volunteer.”

Chairman Mahone asked if they had a 501c3 status.

Ms. Hoops responded, “yes, we do.”

Commission Member Manley asked, if the school typically involves outside activities or would it at this location.

Ms. Hoops stated, “we love to be outside.”

Chairman Mahone asked if their school was year round.

Ms. Hoops responded, “yes, we try to operate like a traditional school.”

Mr. Prichard stated, “we do take a summer break, winter and spring break. When the rest of the kids are out of school, we try to be out of school at the same time.”

Chairman Mahone asked, “how long is your summer break for instance.”

Ms. Hoops explained, “we are going to start summer break in June and return in September.”

Chairman Mahone stated, “you won’t be operating the business at least with students for the most part during that time.”

Ms. Hoops stated, “we have discussed having a summer school.”

Commission Member Davis asked Mr. Shadden, “would they would be issuing the Specific Use Permit to Ms. Hoops or the actual school out of Fort Worth.”

Chairman Mahone stated, “if they are a 501c3, then that is the operator of the school, the organization.”

Ms. Hoops explained, “they have a board of directors; I guess it would be our organization. I am the applicant and staff member; a very committed and involved staff member and I don’t mind being given the responsibility, but I think probably it should go to EC Stanton Community School; the organization, itself.”

Mr. Mahone explained, “we very often have people ask for Specific Use Permits and sometimes we would like to tie the Specific Use Permit to a specific person who has presented information to us, that way if that person tries to leave, it leaves a different set of people running or operating the location and they would have to come back and ask for their own Specific Use Permit.”

Ms. Hoops stated, “sure, I don’t mind taking on that responsibility; I don’t plan on leaving.”

Mr. Shadden explained, “it could be tied to the applicant or organization.”

Mr. Mahon asked, “if the 501c3 status was named as EC Stanton Community School.”

Ms. Hoops stated, “it is actually named something else, but I can’t quit remember what it is right now.”

Chairman Mahone stated, “that might be helpful to know; do you think you could call somebody.”

Ms. Hoops stated, “I could bring you the address and contact information to the office. You can’t find it if you are looking at 501c3.”

Chairman Mahone stated, “so it is not granted status as a 501c3 by the IRS.”

Ms. Hoops responded, “it is, but it is not by the name EC Stanton Community School.”

Chairman Mahone asked if they could find out by what name it is tied to.

Ms. Hoops responded, “yes because I had to write a donation letter this December and I had to get the actual name and address and I did that through a search. The person that we worked with, she started EC Stanton Community School in Fort Worth, we are connected to her but she is working mostly in Fort Worth. We started our own branch, so the legal part that we are connected to are under the organization, it’s just that all the information is not on our fingertips; she is the one that filed it.”

Chairman Mahone called an 8 minute recess at 7:52 p.m. The meeting was reconvened at 8:00 p.m.

Chairman Mahone asked if they found out the official name of the 501c3 organization that would be running the school.

Ms. Hoops responded, “it is EC Stanton Community School Texas 4H. We have a letter from the Internal Revenue Service confirming our status as a 501c3, it has our employee information number and our address. To answer your question earlier about who governs us; we follow all the laws. We know that we are a new idea, so we tend to expect a little bit of resistance.”

Chairman Mahone explained, “the reason I asked the question is because I am a layman, I am not in the education world, so I don’t know who governs what; I was just wanting a little bit of education for us on that. We are trying to look at the total picture.”

Ms. Hoops explained, “Texas is very friendly to many types of schools.”

Appearing from the audience:

Jerry Collins, 321 W. McGee, Sherman, TX

Mr. Collins wanted to know what grade levels they support, “will it be K thru 12 and if they do, then will a curriculum be in position for the kids to go on to college or what kind of issues that would create.”

Ms. Hoops responded, “we teach K through 12 grade, a high percentage of students that are involved in separary schools go on to college education, we are already supporting a few of our teenagers to go on to colleges. We have already met with Grayson College, the students and even Austin College; we are exploring all kinds of college possibilities. I don’t know if this necessarily has to do with Planning and Zoning of how you will make your decision, but to give you a little information. A lot of students who take different tracks of education that are not necessarily public

education find ways to go to college, the reason why we have such a high percentage rate in the sepyary school model of students going on to college is because we respect the student and we enable them to pursue their own educational goals and a lot of them do decide to pursue higher education because they are simply curious and in love with learning; that is part of the philosophy of our schools. If there is a curriculum involved, it is by the student's choice. We are there to enable them; they make the decisions to learn the things that are important to society that the research shows a high percentage of the students go on to be entrepreneurs, problem solvers and creative people in the community and pursue higher education and trade school.

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

ACTION TAKEN.

Motion by Commission Member Manley to approve the request for a Specific Use Permit and site plan approval to allow a private school in a C-1 (Retail Business) District at 214 West Brockett Street subject to the Staff Review Letter and tied to EC Stanton Community School Texas 4H with a 2-year time limit. Second by Vice-Chairman Elliott.

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

VOTING NAY: DAVIS

MOTION CARRIED

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

ZONE CHANGE & SITE PLAN

THE REQUEST OF NORTH PARK BAPTIST CHURCH (OWNERS), KENT SALISBURY, DAVID BACA STUDIOS (ARCHITECT) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2605 REX CRUSE DRIVE, BEING LOTS 1-6, BLOCK 1, JOE E. PRICE SUBDIVISION, ALSO BEING 4.198 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.
- SITE PLAN APPROVAL FOR AN ADDITION TO NORTH PARK BAPTIST CHURCH

ZONE CHANGE – R-1
(One Family Residential) District
TO C-1 (Retail Business) District

SITE PLAN –
ADDITION TO NORTH
PARK BAPTIST
CHURCH
2605 REX CRUSE DR.
(NORTH PARK
BAPTIST CHURCH)

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

Mr. Salisbury appeared to represent the request and answer any questions. The property is located at 2605 Rex Cruse Drive, the northeast corner of Rex Cruse Drive and West Lamberth Road; North Park Baptist Church is the

tenant. The property is zoned an R-1 (One Family Residential) District. A Specific Use Permit was approved in 1973 to allow a church in an R-1 (One Family Residential) District. An amendment to the Specific Use Permit was approved in 2011 to allow the addition of three portable classroom buildings with the time limit of five years, providing an 8' privacy fence, 80' along the north property line where the portable buildings will be placed and providing shrubs/hedges in front of the portable buildings on the west side of the property.

Mr. Salisbury explained “North Park Baptist Church is requesting a zone change to a C-1 (Retail Business) District to align how the property has been used in the past 40-50 years. The site plan is for a 14,10 square foot sanctuary building addition with 479 seating capacity at the south end of the existing facility. The exterior will be brick, siding, windows and composite roofing to match the existing church. One hundred parking spaces will be added to an asphalt parking lot. The parking to the east is all of their existing lot and will be restriped. The other buildings that are there will be repurposed; the project is to connect all of the components of this property together. Security is an issue we always work with churches to try to work out how to unify an entrance.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Downtain asked, “why not a Specific Use Permit like it has been done in the past.”

Mr. Salisbury explained, “in the past, it has just been an extra step, they have had to go through every time they wanted to do anything and I think this cleans up the process for them, makes it a little bit easier to do expansions or anything else; it’s one less step for them to go through each time they try to do something.”

Appearing from the audience:

Kim Harmon, 2602 Dover, Sherman, TX

Ms. Harmon explained, “we live directly behind this property and love having the church as our neighbors. Our only concern is changing of the zoning because it is a commercial property; how will that affect us in the future if they decide to do something else in the future. We kind of like that we only have to come for one issue and we have come in the pass for one issue. If it does change the zoning they have free reign to do whatever in the future without residential input. How does this effect our property in the future, what kind of issues are we going to deal with; we haven’t seen a site plan, that is what I was most curious about and what is it going to look like. (Mrs. Harmon was given a copy of the site plan and elevations of the addition.) We were thinking about things like noise, lights, how big is this going to get. We have been there 31-years and we have never had any issues, we have loved having the church as our neighbors. We were just curious of what this means for

us in the future. We know the church has been there for a long time, ever since we have lived there; if that were to happen there are no guarantees for us that the church is always going to be there.”

Chairman Mahone stated, “if this was rezoned, potentially the church could sell that property to another commercial business as long as they conform to the ordinance.”

Mr. Shadden explained, “anything that complied with the C-1 (Retail Business) District.”

Chairman Mahone stated, “this is currently zoned R-1 (One Family Residential) District with a Specific Use Permit for a church.”

Mr. Shadden explained, “churches usually are granted a Specific Use Permit in an R-1 (One Family Residential) District, if they want to go in a shopping center they are permitted in a C-1 (Retail Business) District.”

Mr. Shelby explained, “if a piece of property is zoned a C-1 (Retail Business) District, the church wouldn’t ask to change it.”

Mr. Shadden explained, “the motion could be to allow a church in an R-1 (One Family Residential) District if you were so inclined.”

Chairman Mahone stated, “we could change it to allow a Specific Use Permit for a church in an R-1 (One Family Residential) District.”

Mr. Shelby responded, “yes.”

Mr. Shadden explained, “and granting a Specific Use Permit down on the corner where the parking lot will be; it would cover the whole property.”

Chairman Mahone asked if the church had any plans for fencing.

Mr. Salisbury explained, “they do not currently show a fence on the site plan, but I did see that on the Staff Review Comments if it were granted a C-1 (Retail Business) District. This plan is tied to a masterplan, it’s not on the documents we have, but it includes an addition for a future classroom. I only say that to provide a little insight to the church’s intentions for the site, I know that does not influence anyone, but that is their intentions for growth. There is a C-1 (Retail Business) District zoned property in this area across Lamberth Road, so it wouldn’t be the only C-1 (Retail Business) District in that neighborhood.”

Commission Member Downtain stated, “you have had to come twice in fifty years or something for a Specific Use Permit.”

Mr. Salisbury responded, “I don’t know all the history but I guess that is correct.”

Commission Member Sims explained, “the background shows the Specific Use Permit was granted in 1973 and there was an amendment in 2011.”

Vice-Chairman Elliott stated, “it’s not necessarily a hardship.”

Mr. Salisbury responded, “it is true too that a C-1 (Retail Business) District does allow a usage to continue and typically we try to align the usage and site with what is allowed by right, if possible.”

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

ACTION TAKEN.

Motion by Commission Member Davis to approve a Specific Use Permit to allow a church in an R-1 (One Family Residential) District, extending it to the rest of the property and site plan approval for an addition to North Park Baptist Church at 2605 Rex Cruse Drive subject to the Staff Review Letter. Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE & SITE PLAN

THE REQUEST OF STANLEY BLYTHE (OWNER) AND BRYAN WEISGERBER, CROSS ENGINEERING CONSULTANTS, INC. (REPRESENTATIVE/CIVIL ENGINEER), LAY DESIGN/BUILD (ARCHITECT) AND UNDERWOOD DRAFTING & SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 5900 NORTH U.S. HIGHWAY 75, BEING 1.18 ACRES IN THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265, AS FOLLOWS;
PLANNING AND ZONING COMMISSION

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

ZONE CHANGE – SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-1 (RETAIL BUSINESS) DISTRICT

**SITE PLAN – DAIRY QUEEN RESTAURANT
5900 N. U.S. HWY. 75
(STANLEY BLYTHE)**

Stanley Blythe, 1105 Emerald Court, Colleyville, TX and Bryan Weisgerber, Cross Engineering Consultants, 1720 W. Virginia, McKinney, TX

Mr. Blythe and Mr. Weisgerber appeared to represent the request and answer any questions. The property is located at 5900 North U.S. Highway 75; the southwest corner of U.S. Highway 75 and FM Highway 691, the vacant lot south of the existing QuikTrip. The property is zoned an SF-1 (Single Family Residential) District and also located in the O-1 (75 & 82) Overlay District and O-1.3 (FM Highway 691) Overlay District.

Mr. Blythe explained, “we are requesting a zone change to a C-1 (Retail Business) District to construct a Dairy Queen Restaurant on the site. The restaurant will be approximately 3,321 square foot and will seat approximately 99 people. Parking will be provided for 53 spaces.” They had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Weisgerber explained, “I am the Civil Engineer on the project.” He wanted clarification on the Staff Review Comment #9 “The trash dumpster will need to be located inside the main building area and screened.” “We were mirroring the same concept at QuikTrip who is our neighbor to the north of us, if you see their southwest property corner, they have their dumpster located adjacent to the right-of-way. We have it right now at our southwest corner, just trying to keep it away from the main building because a lot of garbage goes in there, the last thing they need is flies and odors when people walk the dumpster.”

Chairman Mahone asked if the front of this building would be facing Blythe Road.

Mr. Weisgerber explained, “the front will actually face the mutual access easement in between QuikTrip and Dairy Queen which is just to the north.”

Mr. Shadden explained, “15’ would be the setback from the rear property line and 5’ on the side.”

Mr. Weisgerber wanted to point out one other thing, “we will be following up with a sign variance, on the right hand corner we have a monument sign, so we are actually going to propose one sign.”

Mr. Shadden explained, “that could not be considered at this meeting.”

Chairman Mahone asked, “what is considered the main building area.”

Mr. Shadden explained, “it is called out in the ordinance; the setbacks from the property lines.”

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for a zone change from an SF-1 (Single Family Residential) District to a C-1 (Retail Business) District and site plan approval for a Dairy Queen Restaurant at 5900 North U.S. Highway 75 subject to the Staff Review Letter. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION, VARIANCE & SITE PLAN

THE REQUEST OF JASON OGLETREE (OWNER) AND ARTHUR LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 315 NORTH CARR AVENUE, BEING LOT 7, BLOCK 3, CHRISTIAN COLLEGE ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION, VARIANCE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 5 AND SECTION 6.2, SUBSECTION (1) TO ALLOW A 324 SQUARE FOOT ADDITION TO AN EXISTING NONCONFORMING STRUCTURE LOCATED 3.5' FROM THE SIDE PROPERTY LINE IN LIEU OF THE REQUIRED 6' AND 24' FROM THE FRONT PROPERTY LINE IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

EXCEPTION/VARIANCE – ADDITION TO NONCONFORMING STRUCTURE
315 N. CARR
(JASON OGLETREE)

Jason Ogletree, 861 Robinson Creek Drive, Prosper, TX

Mr. Ogletree appeared to represent the request and answer any questions. The property is located at 315 North Carr Avenue between Mulberry and Pecan Streets. The property is zoned an R-1 (One Family Residential) District.

Mr. Ogletree explained, “the house is a two-bedroom, one bath house and I would like to rebuild a 324 square foot bedroom addition to the existing house; I am only adding 4.5' to the existing house. The house is considered to be an existing nonconforming structure because it is located 3.5' from the side property line and 24' from the front property line.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if he knew when this house was built.

Mr. Ogletree responded, “1940.”

Chairman Mahone stated, “we did not have those requirements for setbacks at that time.”

Mr. Ogletree explained, “the garage will be demolished and I plan to rebuild it to meet the setback requirements. I want to rebuild the garage, it is 32’ deep, so I can have as much room as I want; I’m not going to rebuild it 32’ deep.”

Mr. Shadden explained, “the garage will need to be 6’ away from the house.”

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

ACTION TAKEN.

Motion by Commission Member Wood to approve the request for an exception, variance and site plan approval to allow a 324 square foot addition to an existing nonconforming structure located 3.5’ from the side property line in lieu of the required 6’ and 24’ from the front property line in lieu of the required 25’ in an R-1 (One Family Residential) District at 315 North Carr Avenue subject to the Staff Review Letter. Second by Commission Member Davis.

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

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 8:31 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY