

STATE OF TEXAS §

July 21, 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 July 21, 2020.

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

ALTERNATE: SEAN VANDERVEER

MEMBERS ABSENT: NONE

CALL TO ORDER

Chairman Mahone called the meeting to order at 5:05 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the June 16, 2020 regular meeting. Motion by Commission Member Downtain to approve the Minutes as written. Second by Commission Member Vanderveer. All present voted AYE.

MOTION CARRIED.

APPROVE MINUTES

ELECTION OF VICE-CHAIRMAN

Chairman Mahone asked for nominations for Vice-Chairman of the Planning and Zoning Commission.

Commission Member Wood nominated Commission Member David Downtain as Vice-Chairman of the Planning and Zoning Commission. Second by Commission Member Davis. All present voted AYE.

MOTION CARRIED.

ELECTION OF VICE-CHAIRMAN

APPOINT BOARD OF ADJUSTMENTS

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

BOARD OF ADJUSTMENTS

CONSENT AGENDA (ITEMS 9, 10, 14 & 15)

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

CONSENT AGENDA

The Commission reviewed the Consent Agenda. Commission Member Vanderveer moved to approve the Consent Agenda Items as presented subject to the Staff Review Letters. Second by Commission Member Manley. All present voted AYE. All present voted AYE.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF PHYLLIS A BARROW LIVING TRUST (OWNER) AND PRESTON TRAIL LAND SURVEYING, LLC (SURVEYOR) CONCERNING THE PROPERTIES LOCATED AT 100 AND 122 TRAILS END CIRCLE, BEING 2.297 ACRES IN THE J.W. BRADLEY SURVEY, ABSTRACT NO.124, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF FROG KNOT POND ADDITION IN THE CITY OF SHERMAN’S EXTRA TERRITORIAL JURISDICTION (ETJ)

FINAL PLAT – FROG KNOT POND ADDN 100 & 122 TRAILS END CIRCLE (ETJ) (PHYLLIS A BARROW LIVING TRUST)

The property is located at 100 and 122 Trails End Circle in west Sherman, off O.B. Groner Road in the City of Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into two lots to sell the properties. 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 RODOLFO V. REYNOSO (OWNER) AND PRESTON TRAIL LAND SURVEYING, LLC (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2420 BETHANY ROAD, BEING 11.978 ACRES IN THE AARON BURLESON SURVEY, ABSTRACT NO.161 AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF REYNOSO BETHANY ROAD ADDITION IN THE CITY OF SHERMAN’S EXTRA TERRITORIAL JURISDICTION (ETJ)

FINAL PLAT – REYNOSO BETHANY ROAD ADDN 2420 BETHANY ROAD (ETJ) (RODOLFO V. REYNOSO)

The property is located at 2420 Bethany Road in east Sherman in the City of Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into two lots. They had seen the Staff Review Letter and would abide by the Recommendations.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF JEREMY SCHMITZ (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 5311 FARMINGTON ROAD, BEING 27.418 ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF SCHMITZ ADDITION.

FINAL PLAT – SCHMITZ ADDN. 5311 FARMINGTON ROAD (JEREMY SCHMITZ)

The property is located at 5311 Farmington Road between South FM 1417 (Heritage Parkway) and Shepherd Drive just south of the railroad tracks. The owner would like to plat the property into three lots for residential development. They

had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF MPT OF SHERMAN ALECTO LLC (OWNERS), COVENANT DEVELOPMENT, LLC (DEVELOPER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1111 GALLAGHER DRIVE, BEING 14.189 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, ALSO BEING ALL OF LOT 7, BLOCK 1, GLECKLER PLAZA ADDITION AND ALL OF LOTS 5 & 6, BLOCK 1 OF THE PARTIAL REPLAT OF GLECKLER PLAZA ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF JACKSON WALKER ADDITION, A REPLAT OF ALL OF LOT 7, BLOCK 1, GLECKLER PLAZA ADDITION AND ALL OF LOTS 5 & 6, BLOCK 1 OF THE PARTIAL REPLAT OF GLECKER PLAZA ADDITION.

The property is located at 1111 Gallagher Drive, the northeast corner of Gallagher Drive and Calais Drive, the former Community Hospital. The property is zoned a C-1 (Retail Business) District. The owners would like to Replat the property into two lots for commercial and 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 & CONCEPTUAL SITE PLAN

THE REQUEST OF LLOYD PLYLER CONSTRUCTION, LLP (OWNERS), JAMES BERTAKIS, BERTAKIS DEVELOPMENT, INC. (PROSPECTIVE BUYER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2300-2600 BLOCKS GRAYSTONE ROAD AND THE 3200-3500 BLOCKS OF NORTH FRISCO ROAD, BEING A 19.949 ACRE TRACT IN THE SAMUEL M. MCGLOTHLIN SURVEY, ABSTRACT NO. 811, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A LAND LEASED MANUFACTURED HOME COMMUNITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

James Bertakis, Vice President, Bertakis Development, 5750 Claude Dr., Ste. 2101, Plano, TX

Mr. Bertakis appeared to represent the request and answer any questions. The property is located in the 2300-2600 blocks of Graystone Road and the 3200-3500 blocks of North Frisco Road/ the northeast corner of Frisco Road and

REPLAT – JACKSON WALKER ADDITION, A REPLAT OF GLECKLER PLAZA ADDN. 1111 GALLAGHER DR. (MPT OF SHERMAN ALECTO LLC)

SUP & CONCEPTUAL SITE PLAN – LAND LEASED MANUFACTURED HOME COMMUNITY 2300-2600 BLKS. GRAYSTONE RD. & 3200-3500 BLKS. N. FRISCO RD. (LLOYD PLYLER CONSTRUCTION, LLP)

(DENIED)

Graystone Road. The property is zoned a C-2 (General Commercial) District.

Mr. Bertakis explained Bertakis Development, Inc. is a family owned and operated business that has been in business for fifty years; we specialize in manufactured home developments and affordable housing. We have won national awards for our community designs and our management.

“We are excited to be in Sherman to help attract the residents of Sherman and fill a niche for affordable housing that is not served in Sherman and the DFW area in general. We are here seeking approval of a Specific Use Permit to allow a land leased manufactured home community on existing C-2 (General Commercial) District. This is an allowed use in a C-2 (General Commercial) District and not a rezoning as we were seeking last time. It’s the only residential use allowed in a C-2 (General Commercial) District and it’s the only C-2 (General Commercial) District use that is conducive to be right next to residential. Typically, with planning, it will buffer some other type of intermediate use before you go from commercial to residential; this is commercial right next to residential.”

“Our development proposal will be two important goals for the City of Sherman; one to provide affordability. Currently, Sherman is experiencing as many communities are experiencing starter homes that are starting at \$200,000 plus. We propose homes in the \$80’s to \$160,000 range. We keep those affordable; the payments will be \$1,000-\$1,600 on average including the lot lease. In a recent survey, we have seen apartments from \$1,400 to over \$2,000 for two and three bedrooms in Sherman and it is climbing quickly. They are 97% occupied. A need for affordable housing could not be louder. The average listed price in Sherman right now is \$233,000; they are climbing quickly and I think everyone knows that.”

“Our second goal is to keep people in Sherman and not move to neighboring cities. Mr. Bertakis provided slides for his conceptual site plan. Last time we were here, we were proposing four hundred home sites. This has been pared-down to only eighty-six sites. It will be a quality community, a land leased community, we are leasing the lots and not selling them and we will maintain the management. We will have a second entrance, an emergency entrance besides the front entrance. We will maintain the tall tree line which is about 40-50 feet tall; a wall of trees from the other residents. There are only five homes that actually border us on the east side of the development. We are also keeping a buffer strip from the back of the trees and the residential lots as well as a buffer strip from the railroad tracks, which will be over 100 feet. The development will include extra-large lots (60’ x 100’), recreational open areas, extra wide streets, sidewalks

on both sides, off-street parking with ample guest parking; we do not allow parking on the streets.”

“Hidden River is in Adrian, Michigan; it was built seventeen years ago. It doesn’t look like a mobile home park, it looks like a subdivision and that is what we plan to do with extra wide streets, sidewalks on both sides of the street, twenty-five foot setbacks, fire hydrants and fire suppression, trees were six foot tall when we put those in and now they are twenty feet tall; we build for the future. If you look at Google Earth right now, it will look just like this.”

“A typical home site will be 60’x100’ lots, which is the largest lot we have ever built and what is being built in subdivisions in Sherman right now. This will be 67% larger than what is required; 3,600 square feet is minimum; this is 6,000 square foot lots. There will be a twenty-five foot setback in the front yard and the back yard. We are committed to doing one parking space on site per bedroom, so it gives us space to do two to four parking spaces, most homes will be two and three bedrooms. It also gives us room to do side drives, carports and garages; it is a home site. Typical old mobile home parks were half this width and probably twenty feet less, these lots are much bigger than what has been a typical community.”

Mr. Bertakis talked about the management rules they have. “Since we own the whole community, we do not sell the lots; we have a very tight management policy. We submitted a copy of our rules and regulations, it gives us control of how the community looks, how it is maintained and we have the full right if someone violates to issue a violation and if they do it three times in twelve months, we have the right to ask them to leave and issue an eviction. It was brought up last time that we use eviction as a means to generate income; nothing could be further than the truth. We spend a lot of money trying to attract people, we do not want to chase them away, but if someone is a bad apple, we have the leverage to get them out and that is more leverage than people have in their Home Owner Association (HOA) communities and regular subdivisions.”

“We have studied carefully a two-page Staff Letter and we agree one hundred percent with its terms with no modifications or deletions.”

“In February, we had a bigger project with four-hundred homes and we submitted an appeal and many people were surprised when we rescinded our appeal. The reason we did was, we never want to be controversial or combative; we want to be cooperative. Based on the comments we heard, we addressed those comments and are providing something that we hope will be more acceptable. We present the 80% reduction in homes; we listened and this is what we came up with. We had a 96-acre site before, we have cut 76 acres out of this proposal and now are only dealing with the

subject site that is zoned a C-2 (General Commercial) District. We have gone from 400 sites to 86 sites and a lot of the traffic is going to be reduced.”

“I have read the minutes from the last meeting and have read the letters for this meeting. What we see is a lot of people’s fears. We should not fear, if something is going next to me, I want to know what is going on. We are here to talk about fear versus facts. The four biggest fears that we heard were; this is going to kill my property values; there is going to be excessive traffic; we do not want trailers or trailer parks; and we do not want low-income or government subsidized housing right next to us. We are going to dispel all those fears with the facts, with proof.”

Mr. Bertakis explained the property is zoned a C-2 (General Commercial) District and provided a list in a C-2 (General Commercial) District that could be allowed on the property without a zone change, without a public meeting, all they would have to do is submit their plans and if they meet the ordinance they are in. “The uses include an auto repair shop, body shop, dismantling of automobiles, basically a glorified body shop and junk yard; dry cleaning plant, noxious fumes, noise; construction materials storage yard, gravel, rock, sand, stone, gravel trucks with machinery right at your back door; institutional correction facility, jail with a twenty foot tall wall with barbed wire, that could all happen; recycling center, lots of loose materials, theaters and drive-in, imagine an 80’ screen lit up at night with sound bouncing all over the 20-acre site; these are all realities right now.” (Although, these uses were stated as permitted uses, a Specific Use Permit would be required).

“If you talk about property values, this could all happen and we submit a manufactured home community of homes, we are not talking any noxious fumes or any big vehicles, we are talking about the lowest possible use for density, use and meeting the residential requirement. None of these other uses of normal planning would be put right next to residences, a little hiccup in the planning somehow commercial was put next to residential, but that is what it is.”

“In the Sherman area, you have Knollwood, the Knollwood community was built in the 60’s and 70’s; it has been there 50 years. This is a good example of how this does not affect property values. A subdivision in the same area was put in 20-30 years after Knollwood was put in; \$150,000 - \$200,000 homes. Austin Landing was put in the last 5 years, 40 years after Knollwood was there and they are going in Phases with \$250,000 - \$450,000 homes. They could have gone anywhere but they had no problem going next to the Knollwood Mobile Home Park; an older mobile home community. We are a new community that we are submitting, we are not going to cut property values; even an older one is not doing it right now in their own backyard.”

“We also heard the fear of traffic. Any development is going to generate traffic. We have decreased 400 homes to 86 homes, so four out of five cars that would have been generated by this other development are gone.” Mr. Bertakis provided a 2020 - 2025 City of Sherman Street Maintenance Plan. “We met with Kevin Winkler, Sherman Public Works Manager in the fall. They plan to pave ten-miles of road in five years; these are roads that are slated to be paved, not resurfaced but paved; Graystone Road and Baker Road are included in that plan. We submitted the uses we showed are going to be a lot higher than what we are doing, there could be a lot more traffic and we have cut it back 80%.”

“There was also discussion of the trains, sometimes the trains stop and people cannot get out and they may cut through the Cedar Park Village Community; there are other places they could go. We really cannot do much about the trains. I do not feel it is fair to say the property cannot develop because of the trains. We have done our best to cut the density 80%.”

“The concern of having trailers in my backyard. The trailers from the 1950’s and 1970’s are the trailers that people see all the time and the fear that fills rooms like this. What we are proposing is a new modern, new manufactured homes; it is a night and day difference. Some of these homes go 2,000 square feet, \$160,000, they could go higher but we are proposing \$80,000-\$160,000 range. The new homes have vinyl siding, brick, pitch roof with shingles, dormers, recessed entries; we spec the homes so that they have to be a certain way before they are allowed on the lot. The homes look impressive on the inside with taped and textured drywall, eight-foot ceilings, island counter tops, custom cabinets, custom appliances, huge living areas, stone and tiled showers, double sinks; anything you can get in a regular home, you can get in a manufactured home and very affordable.”

“I will come back to this committee for site plan approval, so it is going to be what we say it is going to be; we will build it to look like that. We have been doing this design for thirty years. Fannie Mae has a program out for financing the homes and what they require on the homes and what they require on the lots, we have been doing for thirty years, now that is what they require too, to get specialized financing; we have been way ahead of the game that long.”

“The fourth fear we have heard is, this is going to be government subsidized for low-income housing, you are going to place an element next to us that we do not want, and it will attract crime. This is affordable housing, do not confuse it with government assisted, subsidized, or low-income. Everyone will provide his or her own cash or finance it through a local or national bank and will have a steady job to be able to afford it like any other home. We run

a tight ship; that is how these communities stay looking good for so long, the other communities run a tight ship as well, we give them credit for that. Everything that we have ever bought and built, we are still owners, we have been in business fifty years; we are not a quick flip artist, we are not doing this to sell it to someone else.”

“We understand and have been doing this awhile; the fears and emotions that fill rooms like we see here tonight, signed petitions, we get it but when people see the facts versus fears, they are hopefully saying, alright I get it now. Granted who would want to see a vacant site versus a residential development; most people would, but, I do not think it is realistic that this lot should stay vacant because there is going to be some impact. The interest of this board; you are the conscience of Sherman as a whole for future development and planning as Sherman grows and attracts more people. I think it starts with this board, we want affordable housing to really show that you do and projects like this can be affordable that are not being met in any other niche in this community \$80,000-\$160,000; we can deliver it.”

“We look forward to being a valuable member of Sherman, we pledge that this will be a remarkable community and you will be glad to say you voted for that and say I was behind that and proud to look at that when it is all done. I hope that you will support this project.”

Chairman Mahone asked what type of screening they plan around the project.

Mr. Bertakis explained, “we have not really finished the design yet. On one side, we have 40-50 foot trees, if they would allow us to use that and maintain that; I think there is also a row of trees along the railroad track, which also a screen and noise buffer. We have not decided, we have the choice of fencing or planting that would create screening; we want to do things that are pretty, we do not want it looking nonresidential.”

Mr. Bertakis stated, “when we sat down with Scott Shadden and Terrence Steele almost a year ago and showed them the beautiful communities that we do and promised them we would give them 60’x100’ lots, they did not argue with anything and said that is the type of community that you can do and that is the type of community we are interested in; we have never wavered from that at all. Let us show you what we can do.”

Commission Member Vanderveer asked what they would see in the recreation areas.

Mr. Bertakis explained, “we like to put playscapes, park benches and maybe a hard surface play area. We have not decided yet, we wanted to get a little closer to what we can

do. We may can create some walking trails. We have not honed in on what is going to go there.”

Commission Member Vanderveer stated, “you said there is no parking in the street; does that include guests.”

Mr. Bertakis explained, “there is no parking on the street; that would be a violation. Sometimes we ask the City to designate the street as a fire lane. We are very bullish on that for two reasons; security, cars on the street at night, you do not know whose car or where it is from; the look is terrible. People cannot have cars in their driveway, servicing them; that is against the rules. Every lot has to have at least a 10’x10’ storage building, if it doesn’t have a garage; that’s why you don’t have things laying out; no kiddie pools can be left out filled overnight and those types of things. We are sensitive to the fact that these are people’s homes. We are not out to be a gestapo on everything, but if you do not have rules then you have anarchy; you have to have some rules and we enforce them.”

Commission Member Vanderveer stated, “you also say you maintain the right to evict someone; approximately what is your eviction rate on your other properties.”

Mr. Bertakis explained, “it is not high; I would not even say 5%. It is not a business plan. It is not a hammer to the head to say if we evict you; you have to go and most people sell their home where it is. Houses are brought in and ninety-five percent of the homes never move again. Some people decide to take it to a private lot but that is far and few between. It is expensive to set these homes up. Most of them go up in value and that is not something you have heard in manufactured housing before. Their home is \$100,000 plus range; it kind of blows people’s minds but you can go to Texoma Parkway and see three dealers and see the homes I just showed you on their lots.”

Commission Member Downtain asked about appreciating, based on appraised value of mobile homes; not as the same rate as conventional homes.

Mr. Bertakis explained, “manufactured homes typically did not hold the value as they do now. You can get 25-year or 30-year loans on these now.”

Commission Member Davis asked, “why his company would not allow more than a three year old used home in the community.”

Mr. Bertakis explained, “these would be all new homes. If someone wanted to move a home in, say they were on private property; it has to be a newer type home. That is a sample of our rules and regulations in Houston.”

Commission Member Davis asked if he had a copy of the real rules and regulations for this project.

Mr. Bertakis explained, “we can refine that one but typically, we do not allow someone to bring in a metal home in with windows and doors that do not meet our requirements. Most will be new, if someone wanted to bring one in it would have to be within the last two years.”

Commission Member Davis asked if they provide the homes.

Mr. Bertakis asked if he meant we sell them,” we have, we prefer not to, we like to work with the local dealers. Dealers are a whole another business and if we do not have to get into it, we do not. I have already talked to Freedom, Clayton and Henches in town to spec homes in because they do not find places to put them. One person was supposed to be here tonight, but they could not be here because they had to drive two hours away to be where a home is going to be put on the lot; they had an issue, they are going where the business is and if they have to go out of town they are going.”

Commission Member Davis state, “what you have shown is nice, but in the real world, I could buy a singlewide manufactured home and plop it down.”

Mr. Bertakis explained, “we could have single sectional homes, but it would have to meet our requirements of siding, windows, door placement. We do not want a hodge-podge community. We are going to get in the final rules and regulations, it will be a majority of what you see there, but you are not going to see all of it.”

Commission Member Davis asked if they would be open to metal.

Mr. Bertakis responded, “absolutely not; we have not done that in thirty years.”

Commission Member Davis stated, “you do not have a rule in place for this development.”

Mr. Bertakis responded, “no, but we are going to take those and refine them. I submitted those so you could see a level of management that we have.”

Chairman Mahone asked if management would live onsite. “I did not see an office on the site plan.”

Mr. Bertakis explained, “not normally, most of the time they do in bigger developments. We are not going to guarantee the manager is going to live there. Typically for a site this size, we would probably work out an arrangement where that would be the case. The plans are very preliminary, but we want to have tight management and management control and you cannot do it without someone onsite with eyes and ears. If you have twenty lots somewhere, you are not going

to have someone onsite, something that is approaching a hundred, we are planning to have it; yes.”

Chairman Mahone stated, “your final plan would probably have a business office, I guess for management.”

Mr. Bertakis explained, “it would have an office for sure. We usually do communities; the smallest we have done is 200 units. We are leaning backwards, we are saying this is a big deal that fits one size parcel that we had and give us a shot at it and let us see what we can do; an 86 lot community is a respectful size community. Many dealers are looking where they can get 10-15 lots. These are not for sale, this is not subdivision replatting and we have no plans to do that.”

Commission Member Vanderveer explained, “last time you were here, you said it had to have 200 lots to be profitable; has that changed now.”

Mr. Bertakis explained, “if you put all the amenities in it, at Hidden River we did a clubhouse, we did too big and that is how we learned our lesson. Also, at a community that did not fill as soon as we hoped. We have learned from making mistakes. Especially when the construction cost go up, you have to have enough to make it work and be profitable.”

Commission Member Vanderveer explained, “you said these homes are being financed for 25-30 years now; what is your owner occupied rate versus someone that owns it and they are renting it out.”

Mr. Bertakis explained, “we do not allow people to rent them out; there is no subleasing.”

Commission Member Downtain asked his anticipated lease rate per lot per month.

Mr. Bertakis responded, “\$450 to \$550; it has been steadily climbing. I think you have to be in the 500 range to make sense out of it, but keep in mind with lot rent included, we anticipate it will be \$1,000 to \$1,300 per month you could be in a home; that will get you an \$80,000 home and you can go up from there, that is a respectful home. With good credit, you are probably looking at \$40,000 to \$50,000 income per year with typical expense to be able to afford that. New apartments in this area are approaching \$2,000 sometimes; the average for two bedrooms is \$1,500, there are some older ones that are going less, some are over \$2,200 for new two bedrooms. People are moving toward homesteads rather than apartments if you can, you can be on the first floor, parking outside your door; why would you want to be on the third floor in an apartment. The rates are compatible to what you are seeing in a traditional home with 5% down; traditionally they were much higher, but the rates are making up for the difference.”

Commission Member Davis asked if Mr. Bertakis' facility mows and maintains the grounds.

Mr. Bertakis explained, "in the past, the individual does, but we are looking at the possibility of making that a part of the regulations, but you would have to charge for that too; we are looking into that, but we want to make sure we don't price ourselves out of the market."

Commission Member Davis asked if this were approved, would they be allowed to put up all the carports, garages and all the accessory buildings they would like.

Brandon Shelby, City Attorney explained, "since this is a Specific Use Permit, you can limit them to what they are submitting today. The zoning they were requesting before had some wiggle room but with this one, it is not. You can ask him to submit to some things today since it is a Specific Use Permit; that is one of the reasons he was able to come back within a year because that made it substantially different from his submission before, the scope of it and the nature. It is like any other Specific Use Permit, you can limit it to as long as he owns it or it could run with the land."

Commission Member Vanderveer asked why it had to have a Specific Use Permit; what is it about this project that is requiring that.

Mr. Shelby explained, "the manufactured housing community is an allowed use in a C-2 (General Commercial) District if you have a Specific Use Permit. There is also separate zoning for that, but it could remain a C-2 (General Commercial) District."

Mr. Bertakis explained, "typically Specific Use Permits run with the land because if you put this development on there and the financing and everything else is going to be hard to get financing if it runs with the person or company. If we have restrictions for the permit and we abide by those, our quest should run with the land because it creates all sorts of problems; I do not see that as feasible."

Chairman Mahone explained, "it has been typical in the past to tie it to the owner or the presenter for Specific Use Permits."

Mr. Bertakis stated, "it would make it difficult if I have a partner; I could never sell the property."

Commission Member Davis explained, "you can, but it is no longer a manufactured home community."

Mr. Shelby explained, "you could sell the property and the buyer would need to reapply for the Specific Use Permit. This type of development has never had those restrictions; we are talking about snow cone stands and tattoo shops."

Mr. Bertakis stated, “people are going to be investing in their financing and we have to be very careful we do not box ourselves in and the banks give us a shot and we cannot get this built. Whatever restrictions we need that are reasonable that we can make the City happy, we are willing to sit down and talk about it. The approval to run with the land would be great if we could work that out and if we get site plan approval, I think we need to be able to go to the next step, let us not kill this thing before it gets off the ground. I have never seen a Specific Use Permit not run with the land and the bank be ok with that.”

Commission Member Downtain wanted clarity on the interest rates for these homeowners would be very similar to or compatible to brick and mortar homes.

Mr. Bertakis explained, “they are more in line with what they used to be. The rates now and what they used to be four or five points difference right off the get go. Clayton Homes, which is the largest manufacturer of homes, is a Berkshire Hathaway Company, they have their own financing arm, 21st Mortgage of Vanderbilt Mortgage Company, they offer loans, local banks can offer loans, these are channel loans, and they are not mortgages. They are not financing our land, we own the land; that is one of the reasons we can keep it affordable, they are not paying another \$50,000-\$60,000 for the lot. The rates are very close to what people are seeing with brick and mortar homes.”

Commission Member Downtain stated, “the difference for a prospective home buyer in terms of being affordable is simply they do not have to pay for the real estate because with your disappropriate with the lot fees being much higher than what traditional real estate and taxes would be; I just question the affordability, so it may be a lower entry point but over time if your financing it and depreciating asset at a higher interest rate and paying more for your rent than you would for real estate that you own; I don’t know how that translates to affordable.”

Mr. Bertakis responded, “keep in mind the \$1,000-\$1,300 that I quoted was an average for a payment and would include the lot rent. We own the real estate, we pay taxes on all the improvements, and they pay personal property tax on their home annually.”

Commission Member Downtain stated, “that is not included in that number that you represent.”

Mr. Bertakis responded, “no, it is on top of the monthly payment; they factor that in, but keep in mind they have the price and they know their budget going in; there are no surprises. Our goal is to keep it affordable, which is why we have to watch and not get crazy with amenities, we have to watch our construction and make sure we get good financing. Our goal is to keep them affordable, if we do not

have a market, then soon we are bumped ahead of site built homes. We are trying to hit a niche that is underneath what people are looking that is not serviced right now and could attract quality people, not government subsidized, not low income, quality people that have good jobs that want to live in Sherman, that can't live here right now and own their own home, they have to rent it; that's the market we are going after, that has been the success of the industry."

Commission Member Wood asked, "how many of these communities have you built."

Mr. Bertakis responded, "we've built four from the ground up and I have been involved in seven, we've expanded them and built four from scratch."

Commission Member Downtain asked, "how many of those do you presently own."

Mr. Bertakis responded, "all of them, I have never sold one."

Commission Member Sims asked if that was majority ownership in all of them.

Mr. Bertakis explained, "we have stock in a company that we partner with, I do not say its majority but we have ownership."

Commission Member Sims asked, "on the rules and regulations, I understand that this is for another property, do you know how much of this you intend to change for this location and for our residents here in Sherman."

Mr. Bertakis explained, "the rules and regulations were put there to give you an idea of the level of control we have and I offered that, I wasn't required to put that out knowing that it would be scrutinized; we are saying this is what we do and we have been doing this for a long time. We are going to tweak those, that is a community in the Houston area, I haven't gone through it word by word in a few years, management keeps using it there but we would have to update it for what is happening in Sherman; it is just market and geographic specific."

Commission Member Wood stated, "you said your eviction rate was less than 5%, do you know what your foreclosure rate would be."

Mr. Bertakis responded, "we don't really foreclose, if you go back to 2009, 2010, the whole industry was getting killed because of the economy. I do not have a number on foreclosure rate. When they come to us, there are two levels of approval: we have to approve them as a resident, if they do not get past that; there is no reason to talk to the bank. We do criminal checks on every adult in the house; we look at their income ratios, because technically we are leasing

the lot; we want to know if they can afford it too. We look at what home they are buying, once they get past the credit and criminal checks. If they meet our's and the bank's ratios then they are in."

Commission Member Vanderveer stated, "you have mentioned criminal checks twice, what is your threshold there."

Mr. Bertakis responded, "if they have felonies. We can be consistent with that, as long as we are consistent across the board, we just cannot pick and choose. We do not take it lightly when someone comes and lives in our community and we are going to provide a safe place to do it."

Chairman Mahone stated, "it seems like traffic is a big concern for many of the neighbors. He asked Rob Rae if there had been any traffic studies in the area."

Rob Rae, Incoming Director of Developmental Services deferred that to Wayne Lee, Director of Engineering to answer that.

Wayne Lee explained, "the 2020-2025 plan that Public Works had anticipated this larger development going in and probably the need to do those improvements. I talked with them today and they have moved those improvements off because the large development went away. At the same time, they are saying depending what comes in they may need to revisit that and put it back in the plan and it would be an advanced plan. It would be a resurfacing on the road depending on it's condition, they might have to take it all the way to the grade and rebuild it; but it would just be an asphalt, two lane road."

Commission Member Davis stated, "right now it is off the table."

Mr. Lee explained, "at the moment because there is no heavy usage of the road."

Mr. Bertakis explained, "when I received the 2020-2025 plan, it was slated to be done, they did not put it on there for us, it was already there. This is news to me that they have revisited it."

Commission Member Manley asked, "are there metrics that City Staff use to determine a capacity of a two-lane asphalt road related to the demand that a proposed development might put on it to help you make decisions about traffic and could you describe how that criteria might come into play here."

Mr. Lee explained, "we were considering whether a traffic analysis would be required with the bigger development, with that large number of lots coming in and especially

because the majority of them might go down Graystone because that is the easiest way to the west. With the smaller plan, similar developments and the fact that there is very little usage of the road right now, there is not a major justification to do a traffic analysis with just the eighty lots being added.”

Commission Member Manley stated, “would it be safe to say the standards you use for any development if you don’t have concerns about the burden this development would place on Graystone.”

Mr. Lee explained, “it would not exceed the capacity of a two-lane road.”

Commission Member Vanderveer stated, “if this is a successful development, do you think you would come back for the property to the south.”

Mr. Bertakis stated, “if it is successful, I would love to, but I am prepared that won’t happen because if I don’t do what I say I am going to do, it’s dead in the water. I still would love to do a bigger development with clubhouse and pools, and that could be that this whole thing could flip flop, but that is not contingent on this approval tonight, say well give it to me now and get the other stuff later. We are ready to do a free standing. I think what we see tonight with people’s fears are hopefully of what they thought was going to be there and what is going to be there. We have been welcomed with open arms in a community in Adrian, Michigan, we went right next door to the neighboring township and they approved us like that because obviously they are drinking buddies and they said the Bertakis’ are golden, they are going to do what they say they are going to do; it’s a very simple formula, if we say we are going to do it, we are going to do it..”

Commission Member Vanderveer asked, “how big are those two communities, population wise; are they compatible to Sherman.”

Mr. Bertakis explained, “Adrian, Michigan is about 100,000 people in the County and I think that community was pretty close to Sherman. Sherman is more dynamitic, more going on. Adrian was a smaller community, retrospect; I would have done things different there. We love Sherman, I think Sherman is a jewel; I have been looking at this City for a year. Apartments are full, you have new housing coming in, Federal and State government are exploding an expressway through here because they see what is going on here and I am hoping that the Planning Commission will see the need for homes that will keep people rather than pushing them everywhere else and we will be right at the tip of where affordable homes are; nothing is going to be below us except apartments that people are complaining they can’t afford. It is hard to get a site built home, I have gone through the numbers, where you sell the lot and home for less than

\$200,000, cost are going up too much, people can't deliver it. There are a few scattered ones where people are doing scattered lots and infill and dangling one here and there but that is not a plan to fill the City."

Commission Member Downtain explained, "you mentioned the cost to move one in and get set up and so. Do you have scenarios where you have done an eviction and someone cannot afford to move their trailer?"

Mr. Bertakis explained, "they could sell their home where it sits. The new buyer will have to qualify. The bank has the loan and the bank takes the home back, they will usually work something out with us, it is an arrangement made where if they don't have to move the home, if they want to move it they can, if they have trashed the house and it has to go because I don't want to repair it, but a typical scenario is the bank gets involved, the bank will make any necessary home repairs and we try to keep the home in the community, we don't like homes that are null, it tears up our lot."

Commission Member Downtain stated, "if they did not do a monetary breach, but for some other reason they would be evicted from your lot and they did not have the resources to pay to have the trailer moved; what kind of time period do they have to make arrangements to do something."

Mr. Bertakis responded, "they could sell their home where it exist. The legal arrangements depend on what the local laws allow, but they won't be allowed to live in that home as a resident, the home may have to remain while it is selling but they are not going to be allowed to carry on what they were doing in violation of community because their home hasn't sold yet; we don't allow that."

Commission Member Vanderveer asked, "would the new buyer be held to the same standards as someone bringing a new home in."

Mr. Bertakis responded, "we have to go through reinspection to make sure everything is up to standards. There is no subleasing. We take pictures of the dogs when they come there, take pictures of the cars they've got, the license plates; we've got it all, if they change a dog, we know it. We see these people all the time. We are not looking to be overbearing, but people try to slide the rules to the grey area if they can and they know they are being watched."

Commission Member Davis asked about the evictions, "how many of those homes go from someone owning it with a bank to those that got evicted, you left or something happened. How many of those do you end up owning and re-selling?"

Mr. Bertakis explained, "we do not have to buy any of those homes. In this market, we would not get involved in that

because the banks would not need to discount them down. In 2009, 2010, we bought several because the banks would say twenty cents on the dollar or we are going to pull it.”

Commission Member Davis stated, “I am not talking about a boom because I did not think we would be wearing a mask today either. They do go through you of however they go back. I would venture, does 50% go through you.”

Mr. Bertakis explained, “it is not a business model for us. I do not think it is that high because the banks do not want to take a big hit on them. So the banks will hold onto them and we will keep the lot and we will put the home up for sale. One of the local dealers will try to sell it like a regular site built home. We do not really want to be in the home ownership business. The banks will say, do you want it, here is the price, we might buy it, put it back and sell it and make the difference on it like any other home sale. It is not a business model we try to get into, we did it for necessity back in the day when we had to and because of that, we are at 94% occupancy when our communities around us were at 70%. We are tired of doing that, we wanted to keep our communities going but we wound that down as the markets turned; manufactured housing has become the darling of the industry again, both as an investment grade and as desirable housing. Communities are out there, old communities from four or five caps and it is expensive to buy old communities and so let us build some new ones and some good ones and get back to it.”

Appearing from the audience:

Janet Karam, 316 W. McGee, Sherman, TX

Ms. Karam explained, “I am a Realtor at Easy Life Realty that is how I came in contact with Mr. Bertakis. I spoke to the needs in our community and that is when we started looking around at different property that would work for the project. I was here last time and heard many of the comments that we are going to hear, but I do think there is one thing that we can all agree on and that is we wish to improve, not degrade our community. I think we have different prospective on things, but I wouldn’t be standing here today and I wouldn’t be talking with Mr. Bertakis if I didn’t feel like this is a need in our community and a reasonable way of addressing the needs of the people in our community. The reason I support the Bertakis Development project is that it will benefit eighty-six Sherman families, which include our work force, aging residents, students and single parents. In June, the Sherman housing market had a three year median high of over \$166,000 for the sale price of single-family homes, yet the price point of \$160,000 and lower is very scarce in our market right now. It is very hard to find homes for people that are preapproved and yet we get preapproval letters all the time that are in the \$130,000-\$160,000 range and we even have residents that are looking in the \$99,000-\$100,000 range. The average median income for Sherman residents is right around \$50,000 depending on the different

statistics you look at, so that would qualify someone for around \$160,000, but it depends on their debt to income ratio. Many people are in different scenarios that they have other debts and they cannot afford what their income otherwise would allow. Our owner occupied rate in Sherman is only 52% and I think one of the reasons why is because we do not have enough of the price points that we need in this community to encourage home ownership, which is so important for the residents of our community to feel that pride and sense of ownership in their homes.”

“Granting Bertakis Development a Specific Use Permit for 86 units at Eastwood will enable entry homebuyers currently priced out of the market with an option of buying a new manufactured home that is equal or superior in value to preowned homes. Many of the times of what we see in the \$100,000-\$160,000 range they cannot get FHA approval. The homes are subpar and disrepair or there are investors and cash buyers that can come in; it is hard to make that match for resident’s right now. Covid-19 is not helping with this issue, people are furloughed, and people are losing their jobs, so this price point is more needed than ever.”

“I challenge the idea that low-income and drug-addicted people will invade this community. This kind of stereotyping goes against healthy core values that invite healthy growth in any city while affordability is a plus that will draw residents to Eastwood, it will be the pride of home ownership a sense of community and experience of management of Bertakis Development that will drive it’s success. Home ownership of all kinds gives people a sense of accomplishment, self-esteem and pride that I see Eastwood Village an improvement for Sherman and it seems reasonable for the P&Z to embrace the opportunity to allow this project to move forward for the sake of Sherman residents who it will benefit. Finally, I hope the Planning and Zoning Commission listen to those not only that speak tonight in opposition but also to the voices that are not here to represent themselves and that were not here the last time either.”

Commission Member Davis asked Ms. Karam if she was the listing or selling agent on this property.

Ms. Karam responded, “neither.”

Commission Member Davis asked Ms. Karam “if I bought a manufactured home and moved out there, five years later I’m leaving town, I need to sell my house, how easy is it for you to as a realtor to put someone in an used manufactured home. Are used manufactured homes financeable like normal or are they a harder deal and do they typically go up or down.”

Ms. Karam responded, “I had a sale for that last year in Whitesboro that was owned by an individual. It is pretty easy

right now; people are looking at manufactured homes to put on a lot. In this community and it is maintained at a different level than a freestanding that has no management. The value of the homes that are on freestanding lots, I lack expertise in the community like Mr. Bertakis'; the ones that I see are often unkempt so I cannot in my experience draw that comparison."

Mr. Bertakis explained, "typically manufactured home communities are not really marketed to Realtors, it is coming more and more that way, but we really look to local dealers. A lot of the stigma is falling away where I do not want to own a manufactured home; more real estate brokers are getting involved. The value depends on the community and how well it is taken care of; prices on these things are going up on new ones and bringing the prices up on used ones along with it. They can be easily marketed, it is not hard to market, and you have your realist price just like anywhere else in the market; that is what your competition is going for."

Ms. Karam added, "the repair of a modern mobile home is more affordable than fixing up a foundation or some of the things you run into; people can afford the upkeep because the utilities are lower. It lowers people's living cost significantly to live in one of these homes."

Mr. Bertakis explained, "homes in the community are not doing things that violate living; they have to maintain their home. If they have certain parts of their home that are in disrepair, they get a notice, they have so much time to bring it back into order; once you move in, that is the end of it, you have nothing to say about the home. In doing that, we help to maintain value and when people want to go for resale, they look around who my neighbors are and they take care of this place, it keeps the value up."

Commission Member Vanderveer asked, "if someone were to buy this property and do a traditional stick built being a slab on grade or a pier and beam, in your real estate experience, could they build a traditional house on a lot this size and sell it for \$150,000; not brick, but siding."

Ms. Karam responded, "absolutely and more."

Commission Member Vanderveer asked if they could make them for \$150,000, a traditional built, stick built.

Ms. Karam responded, "no, because the materials have gone up so much for builders. I have worked with TCOG for seven years, I am on the Habitat for Humanity Board, so I am very passionate about the housing needs of our community and have been for almost a decade. The reason I got into real estate is to not to make a fast buck but because I care about our community and the housing business; so I have the insight. I speak to developers and builders along the way

and have for a long time and they say over and over again that we cannot do this, we cannot make a profit with affordable housing and that is why I thought this is a good fit for our community.”

Commission Member Downtain asked, “in your experience as a realtor, if someone were qualified to purchase a \$160,000 traditional home on property they owned, by the time they pay this appropriate amount of money each month for their rent, what does that adjustment look like in terms of home makeup by the time they add \$500 a month in rent as opposed to \$150 in property taxes; how does that impact their overall buying capacity; it’s no longer \$160,000.”

Ms. Karam responded, “I would have to take a closer look at those numbers, which I would be happy to do, but I cannot do math on the spot like that.”

Chairman Mahone explained you mentioned earlier it was about \$1,000-\$1,300; what does that include.

Mr. Bertakis explained, “you take \$500 for the lot rent and you finance an \$80,000 home at 6%, it’s about \$1,000 a month, house payments are about \$500-\$600 a month; there are no real estate taxes, they are paying personal property tax, but not everyone is going to buy \$160,000 home. You find your price point, the most we can work with on and back into it, if we cannot do that, we should not be here, it is not affordable anymore. To address the question of why you do not see a lot of homes stick built under \$200,000; you cannot make any money at. Even the biggest, national developers, doing volume and if they cannot do it, no one can; you are not going to do it to make \$15,000 per home, there is no future in it. The prices up here, we can be underneath and be very comfortable with that, know we have a great market with a great product; we are not talking trailers or mobile homes.”

Commission Member Vanderveer asked about the lot size; 6,000 square foot lots, which you said are the 167 requirement.

Mr. Bertakis explained, “it is 167% of the requirement, 7% higher. You have to be at least 60’ wide and 60’ deep. We are almost double of what is required. To credit Scott Shadden, the first time we met, the meeting was not thirty seconds old; if you are not giving me 60’x100’ lots, then the meeting is over. We said we will do it; based on that, correct me if I’m wrong, if you build like you show on here, we would love that type of product, we will work for a year to do that. Unfortunately, the first meeting did not go so well. We have not lost the desire to build this product and it has actually gotten even more significant because this market has gotten hotter.”

Commission Member Vanderveer asked the requirement for a traditional size lot.

Scott Shadden, Director of Developmental Services responded, “6,000 square foot for R-1 (One-Family Residential) District and 4,000 for a patio home.”

Commission Member Vanderveer stated, “you mentioned the tree screen backing up to the houses on east, you said there are about forty year old trees. Do you have any plans to trim those trees to beautify them, which would open them up to see through?”

Mr. Bertakis responded, the tree line to the east is literally a wall, they are 40-50 foot tall; they are difficult to see through. From the back of the homes to the manufactured homes is almost a football field apart. Our goal is to leave them; we think it is a great screen; it is a great amenity for the residents. There are five homes that back up to this property, we are sensitive to that; we would like to keep the tree line. If they say we can keep that for screening, we are all for it.”

Commission Member Downtain stated, “the last time you were here, you were talking about using that tree line as your screening in lieu of a fence.”

Mr. Bertakis responded, “we would like to; it doesn’t make much sense to put a fence in front of the trees, the trees are all so thick you can’t even walk through them. If there is an area with a break, we either put more plantings or put a fence there. It is thick; there are some major trees there.”

Commission Member Vanderveer stated, “your goal is to keep the natural screen as solid as possible and if not you will fill it.”

Mr. Bertakis responded, “yes.”

Commission Member Vanderveer stated, “it is also on the Staff Review Letter that a 6’ privacy fence is required adjacent to residential.”

Mr. Bertakis responded, “we are hoping the screen would be in lieu of the fence because to add a fence would be redundant. The same thing exist along the Frisco Road side; there are heavy trees there as well. There is a power line easement that is loaded with trees. I think that provides a good sound buffer and a good visual buffer from the other side of the tracks. If we need to put a fence, we will. This will all be addressed with site plan approval. We are agreeing one-hundred percent with the Staff Review Letter.”

Frank Ventura, 213 Island View, Pottsboro, TX

“I am the realtor for the Plyler’s who own the land. I am a commercial broker, I do a few houses, but it is land and

commercial that I specialize in. I am here as a citizen in support of high quality affordable homes. I am also on the Board for Habitat for Humanity. We see the need for affordable housing more than most as we meet people who we find to be good and decent families who struggle more than most that are hardworking and looking for a safe and affordable home. Today we are asking you to vote yes in support for this high quality community. This is as we all know is not a zoning change; it is a Specific Use Permit. It is not a regular Specific Use Permit but probably the most impactful Specific Use Permit you will ever vote on. It is really ultimately a Specific Use Permit for special people. Your vote today is for those people who do not have the resources or the time to be with us today to share their stories and struggles as families and hard-working people in Sherman to find affordable housing. Your vote today yes will finally give voice to those that have no voice. Some of those people are people that have essential jobs in our community, like nurses, teachers, police officers, firefighters, seniors who are still active that need a little help, single moms and dads with kids.”

“The P&Z Board calls the strikes and the balls on behalf of the entire community for the good; you are a referee. This time you are asked to be referees with vision and benevolence all at the same time. Let your vote be a voice to these people who are not being heard. Give them the chance to show that they can meet these high standards of this community and keep it maintained to those same high standards. Be the first P&Z Board in an exceptionally long time who can finally say we approve and support affordable housing in Sherman, Texas. This vote of yes will be for you for a lifetime. We respectfully request that you say yes; actually, we beg you to make history today. The newspaper says this is the second time P&Z has been asked to approve affordable housing in Sherman. I say this is the only time hard-working forgotten people have. Your forming vote will be a magnificent act of kindness to the least of us.”

Commission Member Davis stated, “these people that are not here tonight in twenty years when their house is paid for, ya’ll are still going to charge them \$500 per month for the lot rent; right.”

Mr. Ventura responded, I represent the seller.”

Commission Member Davis explained, “you are representing the people that cannot be here per your letter. Forty years down the road, they are still paying lot rent; they do not own anything but the house on it.”

Commission Member Sims asked Mr. Ventura and Ms. Karam if they had read the rules that he has presented to us.

Mr. Ventura responded, “no.”

Ms. Karam responded, “it has been a while; it was April when I read them.”

Mr. Ventura explained, “my career was in Dallas in commercial property management and what is being said here tonight about the restrictions and actually maintaining them; these are very strict as far as I could hear, but in order to keep a high quality development like this going, that has to be in place and it has to be enforced. Those were excellent questions about that and I was pleased to hear there will be an onsite manager to make sure that all these guidelines that end up being agreed to are being handled, that is the only way it is going to stay great.”

Mr. Bertakis recalled, “when I talked to Scott Shadden initially, he saw the plans, he said you should let the P&Z see this; this is impressive, he said you enforce all these, I said yeah, we have to sign off on them and we enforce them, we don’t just put them out there and say when you get a chance we make sure that we go through with them and hit the high notes; they have to sign off on them and we enforce them, and they are time tested, we have been using tough rules and regulations for decades and that’s what we have in Houston, we will refine it to this market; it is going to essentially reflect what you see there.”

Don Ersch, 4404 Sistrunk, Sherman, TX

Mr. Ersch explained, “I am a long time Sherman resident and have been at our current location since 1971 in a pier and beam construction. I would like you to imagine what my house would look like if I were in a manufactured home; they used to call them mobile homes. I own ten pieces of property out there; by default, I own a mobile home. There is a reason why they call it a mobile home. It is also very fortunate that I cannot afford to maintain that mobile home because they are not substantial. Have you ever seen a substantial house going down the road on wheels; no. In most cases, people that live in a mobile home do not maintain them properly regardless of what the rules are; they cannot afford to, they are not substantial so they cost more to maintain. I do not think this is something we want in Sherman. That tree line, that is a fence line that had hackberry’s grow up in; hackberry’s are not long living trees; they have a tendency to die off, so there probably would need to be a future plan to do something with that.”

Thad Thompson, 3706 Heatherwood, Sherman, TX

“I wrote a letter and I would like to tell what I think Mr. Bertakis’ intentions are. He came before us on February 18th asking for four hundred sites. At that time, he told us that he needed all four hundred sites to make it a profitable venture. I think what he intends to do, if you grant the approval on this small lot, he will be back very soon asking that you ok approval on the big one so he can build three-hundred-twenty more sites and have his four-hundred site mobile homes. As far as the traffic is concerned, eighty-six sites at

two cars per site, that is one hundred-seventy-two sites and there are about forty cars coming out of Graystone between seven and eight or out of Cedar Park Village onto Graystone. You want to dump another eighty or ninety cars with that forty between 7a.m. and 8a.m. you are going to have the biggest traffic jam that has ever lived. There will be about eighty children, about sixty of them being school age. There will be about two or three buses trying to enter that property with all that traffic jam to pick up the kids. I just don't think it is a suitable parcel to build a mobile home park."

Don Busbice, 3907 Sistrunk, Sherman, TX

"I'm a Home Inspector and I own a certified home inspection company and I am also a FHA Inspector. I inspect mobile homes all the way up to fifteen million dollar homes. I can tell you that a mobile home has a shelf life of about twenty to thirty years. I see them every day, anything older than that we usually find them in disrepair, they are using them either for a rental or give up on them entirely. These manufactured homes, if it comes to you on wheels, it is a mobile home. I think that is what we are going to be dealing with here, in a short period of time our community that is right next to this, our homes, some of them are twenty years old, but they are all in good condition, our yards are all in good condition. One other issue I have a big concern about is the sewer lines for that area, we already have a problem with the lift station that serves our community and if we add these eight-six times four more people on there; I'm not sure if we can handle it."

Larry Solma, 3710 Heatherwood, Sherman, TX

"I saw ya'll in January when we discussed four hundred homes; it is eighty some by us. I thought it was going to be a done deal but it looks like we have rather gone around. There is going to be an overload in traffic, we are going to have sewer problems. I know recently the City of Sherman has dug drainage ditches out there and done some other work. I think I know who owns the property and I am worried it is going to get pushed through and it would not be a good deal. I am not worried about robbery or the people that come in; I am worried about the traffic, the sewer lines and everything else. I guess ya'll know who owns the land. I was not going to come here but I wanted to support my neighbors, they were nice enough to work on this. I just hate to see this happen. I just wonder how the streets and the stuff that Sherman is doing to get ready for this because I understand there is a lot of money made off this place; it is mainly the rental, they will never own it whoever buys it at \$400 or \$500 a month and it's eighty something homes. I think at one time it came to thirty or forty thousand dollars a month. The people will never own it and if they decide to leave, they are not going to leave the place in very good shape."

Chris Millhollon, 2622 Village Dr., Sherman, TX

“I have been a resident for fifteen years. I am here to tell facts, not opinions; I do not want to tell what something is going to be ten, fifteen years from now. The statement was made earlier that these homes can be what a traditional home around it can have. My question is, can it come without wheels and plumbing that attaches to the earth on a concrete slab. As far as the lot sizes, it was told the lot sizes rival a \$300,000 home, well the square footage of these lot sizes are 6,000 square feet and the lot sizes of all of our homes in Cedar Park Village are 43,560 square feet. As far as traffic, Mr. Bertakis said there are other ways out. According to the Federal Railroad Administration, these two railroad crossings there are an average of eight trains a day that pass at these two crossings and they travel at an average speed of one mile to forty-five miles per hour, with also stopping because they are going to the Sherman railroad yard dump. When the train is stopped or traveling one mile per hour, it is blocking both of these crossings; there is not an alternate way out of this neighborhood without going all the way back and getting on Highway 82 East heading back toward Bonham. He also said there could be up to four cars parked per mobile home, but eight-five mobile homes, that could be 340 additional vehicles in this small neighborhood going down Graystone Road.”

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

“I have lived at this location for almost ten years. I have several things to say that I do not agree with. The value on a manufactured home, I did a lot of research and study on it and the value drops as soon as you take it off the lot like you would when you buy a new car. When I bought my house I saved for a long time, I worked my butt off and I put every penny I had into my house; these folks are going to do the same thing. The problem is I own my land and hopefully my house will continue to appreciate; theirs will not. Ten, fifteen years down the way, they still owe money, and it is not going to balance out unless they own it and the land. They talked about being evicted, who has \$10,000-\$13,000 to move their house out when they put every penny in it as a low-income person. I have done volunteer work, I have picked up trash on the highways, I have seen some things, so I am not sympathetic because I have worked my way up, so I know what is like to not have a lot of money. The market is not balancing out, I get that part. Egress is a problem; there are only two ways in and two ways out, especially when the train blocks it so it does not make sense if you add 88 lots with four cars. I just had two hundred cars coming through and his comment was I cannot help it if they want to go through Cedar Park Village, it is people’s human nature to take the shortest route; we do that now.”

Jack Brown, 4010 Cox St., Sherman, TX

“I think it is really sad that these people are speaking for people that are not here, all of us that are here. My property taxes have gone up considerably and I do not mind because

I am supportive of Sherman but I am also supportive of people that work to get a place. I am not saying that some people do not and some people have not. All I'm saying is I have never seen a trailer park being put in the city in years, I haven't even heard about this. If it were a traditional home, yes, who wouldn't be for that for the growth of Sherman but really a manufactured home next to \$250,000-\$300,000 homes; it is just not fair to us? I ask that you vote this down; do not do this to us."

Shane Vaughn, 2601 Juniper, Sherman, TX

"If it decreases our home values, it will decrease tax revenue. You are volunteers on this board, everybody behind me lives in the City of Sherman, pays taxes; it is a business, we have to run it and get tax revenue. Mobile home parks do not bring us tax revenue. More homes or businesses on the street side, they bring us tax revenue. All the information we just heard about not being able to buy a home in this area is incorrect; I can prove that with facts on the MLS. Mr. Ventura just closed a home in Denison, brand new construction, 1,450 square foot, we are talking tile, we are not talking an ugly house, on a lot with a fence; \$158,000. Monthly payment is what it is going to cost in a trailer home on a lot where you do not even have ownership, real estate on the lot. I am not arguing about the fact that we have a need for low-income but we also have Wyldewood Homes and a lot of them are moving in starting out at \$172,000, three bedroom, two baths and they are on .12 acres. We have to do what benefits Sherman; there is not a single city in Collin County that allows mobile homes to come into their city, we can look at Bonham or Gainesville before it comes into the City of Sherman, they are moving this way and we are the next in focus. We got the minutes from the last meeting, Mr. Bertakis had been in business for forty years, and now it is fifty years. He has built four of these in fifty years, which means he has built one every twelve and one-half years; that is all he has ever done in fifty years. Last time he said he had bought into one, that gave him a total of five, he said this at the last meeting, now he is saying he has bought into three."

Matthew Cvitanovich, 3709 Crimsonwood, Sherman, TX

"I want to talk about the Specific Use Permit. Back in February, Mr. Bertakis' request was denied for a zoning change so he came in for a Specific Use Permit. He used the Ordinance No. 2280, Section 8, Subsection (5)(a). If you read a little farther down in that same Subsection (5)(e) it says a Specific Use Permit shall not be granted when the requested use is not compatible with the character of the neighborhood and right now we have a neighborhood of stick houses, nice houses and stuff like that and bringing in a manufactured home park would change that whole dynamic that we are in. If you continue reading down, it tells about your responsibility when looking at this request. It says the zoning board shall consider the neighborhood, building and use characteristics as they relate to or are

compatible to existing and adjacent conditions. In addition, it says the separate and distinct problems that may be caused by a particular use, including but not limited to traffic, peace and order, safety, parking, health, etc. Therefore, ya'll have discussed that, there are many issues from a compatibility standpoint the whole traffic thing is going to change. We have one hundred and thirteen people giving you a petition, we sent in letters and there is some problem with this. I am having a hard time understanding why you want to approve an affordable housing development where these people are going to live on a railroad track. If you look where this development is, it is right on the railroad track. If one or all of you were a part of our neighborhood, I have a feeling your name would be on the petition."

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

"I want to talk about the train. Several nights a week, the train is moving cars around, switching cars around because there are multiple tracks. It blocks the roads and every time the trains goes by it blows a horn; it is so loud it will wake the dead. My house is probably three quarters of a mile away from the tracks and it took a long time for me to get used to that where I could sleep through it. We are talking about a whole bunch of homes that are no farther from that track than your desk right there; they could not stand it, it is horrible. Unless you change the law and apply it where they cannot blare the horns all night, sometimes they blare for three or four hours straight, every three minutes. If you do not change it, I think it cost a bunch of money, \$100,000 to ask the railroad to make that a no horn area. If you do not do that, I do not think the people are going to be able to stand it. The other problem is when they block Graystone, they are going to cut through our neighborhood to go out Dripping Springs; it is going to be like a freeway through there. We have a little narrow road and it cannot handle it, all these cars zipping through there, cutting through there; it would just be a nightmare. The railroad is the whole problem and nobody seems to talk about that. The railroad is the elephant in the room. The only other way out is to go down Baker Road and the roads are so bad, it has massive potholes, and you cannot drive more than 2 mph without destroying your car. If you approve this, the first thing you have to do is redo all these roads because these are the worst roads in Sherman."

Sherry Sipe, 2516 Village Dr., Sherman, TX

"I didn't want to get up here tonight, I wrote three letters and communications. Tonight, I heard something I really did not understand about long-term financing. I researched and looked into Freddie Mac financing and I found some of the rules and the one that stood out to me was the one that said in order to get Freddie Mac financing the mobile home owner had to actually own property. I do not know if something has changed or what. I went in person about two weeks ago to Clayton Homes in Sherman, Texas. I asked

about their homes and asked Matt, a salesman if I did not want to spend my cash, what is financing like. He said it would be a personal loan with interest rates anywhere from 5-10 percent depending on your credit rating. I think that is a lot higher than conventional interest rates. Everything else has been addressed.”

David Cortinas, 3808 Crimsonwood, Sherman, TX

“Three things I think you guys focus on; the comprehensive plan, ordinances, and compliance. I want to talk about three things; image, vision and affordability. I am going to tell you, you guys are fantastic and ask really good questions. The first thing is affordability; \$1,500 a month does not include insurance, utilities, maintenance or emergencies. That is something that families get this vision of the American dream of owning a home that they just do not fit in the budget. No one thought Covid-19 would happen and it did. We are going to get an influx of repossessions. Just imagine you give somebody a dream like that and that falsehood and three to five years later they have to move out; what do you think is going to happen, they are going to be even lower than they were when they first started. Vision, you all have to have a vision of this city as a heart and in mind. He talks about houses; he talks about the image it is going to have by giving you some nice visuals. The difference between a mobile home and manufactured home is 1976. Pre 1976 they were called mobile homes, after 1976 because of some safety regulations and some building upgrades, the government was able to turn it to manufacturing homes; that is the only difference. They talked about representing these people and getting them an opportunity; I represent those very same people. What I am telling you and what I am asking you is to consider tonight is protect these people because they may be calling it affordable but how long is that affordability going to last. It might be affordable to get in, getting there is one thing, staying there is another. I ask you to consider very hard what you want this vision of this city to look like.”

Mark Armstrong, 2607 Junipter, Sherman, TX

“We have seven trailer parks now; do we need another one. They have empty lots for mobile homes; you can put them on there; why do we need another one. Come in on the east side of Highway 82, that is the first thing you are going to see, a trailer park, manufactured housing; do we need that. I have lived in this town since 1972; my family has lived here for close to one hundred years. I would like to see this city stay the way it was and not become manufactured housing.”

Sam Hogue, 3700 Heatherwood, Sherman, TX

“Last time, Mr. Bertakis mentioned and also mentioned today that there is a football field gap between the properties. Actually, I came up and told him last time that this is from my back porch to his property is probably 200’, but from my property and his property is 25-30 feet. I do not want to use the word lie but he used the same words as I

corrected him last time. Highway 82, Baker Road and Frisco Road is a tornado wreck so if he puts in eighty-six mobile homes there, can you imagine what is going to have if they have a tornado and it has already happened in the last twenty years probably; it blew out all of our neighbors roofs, fence. These manufactured homes is nothing but a rip off of people, it might be affordable at first but staying there is another thing. They better think about it twice.”

A.D. Anderson, 2512 Village Dr., Sherman, TX

“I have more questions than concerns. Last time, Lloyd Plyler, LLC was a seller, is he a seller now or a partner in your venture. Inspire Communities; where does that come in. After investigating, the last time and I did not see anything about them and all of a sudden now, they represent twenty-two of these manufactured home communities in several states some in here in Texas besides the ones you are talking about. I found your name associated with a couple of those communities like the one you were talking about in Manvel. As far as the roads, your ten-year plan you were discussing with the City and County funding in all. I have talked to the County Commissioners, I have talked to the City, there were articles on the news recently about everyone being short with money this year and they were going to tighten their budget and forget about some of the projects. Jeff Whitmire told me they are going to be about 2.4 million dollars short going into the rest of this year and the first of next year during this Covid-2019. My concern is I have been looking at the properties and they are right around the corner of me and I am the first one in there, is the code violations you see, according to our city ordinances. That property since it has been annexed has not been mowed in three years; Plyler’s property is only mowed maybe once a year for hay and that is usually in the spring, so that grass is really tall. If it gets dry, there is a fire violation right there. The blue building that is on this property is another ordinance violation, we have called numerous complaints into the Police Department over the years; vagrancy, drug deals, those people camping out there, there is all kinds of recycled concrete, rebar; all kinds of code violations. If Inspire is incorporated with this business and one of those communities on Google Earth, we looked at one in Manvel, one in Adrian and some of the other ones and there is parking on the streets. There are also travel trailers on some of these places, so I do not know if they are yours or not.

Chairman Mahone gave Mr. Bertakis a chance to respond.

Mr. Bertakis explained, “there is a tree line there, 40-50 foot trees, they are not just mulberry’s; it is substantial tree line.”

“This is a community of affordable homes, people have to go to a bank, get a loan and yes lot rent is part of it, but we also have to keep it affordable. To suggest these people get

any less responsible or that these homes are going to go into default because it is affordable is actually insulting.”

“They talked about the master plan. This is not master planned for commercial, this is master planned for residential and even agricultural. It is master planned for less and that is what we are offering.”

“They talked about the sewer lines, things like that, we have to go all sorts of things for site plan approval, get approval through Engineering. They made statements that the sewer line is maxed out; that is all going to be determined with calculations on flow and everything else.”

“There was mention about four cars per home, that is incorrect, what it is, we are responsible for providing one car parking per bedroom; that doesn’t necessarily mean there is going to be a car for every bedroom, that is the code we are prepared to live by; it’s excessive but we agreed to live by it.”

“As far as the train, I agree there is a train there and unless someone has a solution for it, maybe more development down the road or the neighboring property in the ETJ has access to the ramp but that is not part of this property and the City could visit that to get an easement from that person to alleviate traffic for this whole area, that is why we pointed to the paving of the road to go all the way around like we talked about that so you wouldn’t have to go all the way around. We agree there is an issue with the train, sometimes they park, if someone has an answer for that, but I do not think that should preclude any landowner and say you cannot develop your land because of the train”.

“This project generates a lot of taxes. We pay taxes on all our improvements, we pay taxes on that, we do not pass that along, we have to be able to afford the community so we can make our investment. We have financing and we have expenses, anyone that runs a business knows you do not take your gross and put it in your pocket. This is a business, you make money on it or it cannot exist. We have to charge what is fair; there is a community in Howe as you come up Highway 75, their’s are \$500 a month on lot rent and they are small 35’ wide lots, they run a tight ship, they are already getting \$550 on lot rent there. We are not suggesting we come off the gate at that, but this lot is twice as large and you have to charge what is fair to run a good project; you can’t run on a shoe string and expect to give services.”

“Freddie Mac does have loans but it is not the only office that offers thirty-year loans; that is just one of the options. They are exploring the fact of securing the land with that; they are actually thinking of expanding it.”

“It was also discussed that these homes are not going to last thirty years; granted the homes from the past were not

built like the homes now. 1976, the gentleman was correct, the Department of Health and Development (HUD) standardized home development to mobile homes to change it what they call manufactured homes, they standardized it so homes built in the State could be located in the State, any State that did not have their own rules. Things have changed since 1976; I showed you pictures of those and homes of today. According to our rules, they have to be new homes coming in.”

“There was also questions about spacing from Mr. Hogue. From the back where these homes across the green belt, across the tree line to the back of the home is nearly a football field apart.”

“It was also suggested that our homes are predatory and they are all going to fall to pieces in three years. That is not at all what we are looking to do, we are trying to keep people there for a long time; there is no future in putting people in homes that will fall apart in a few years, that is not at all what we are doing.”

“Mr. Plyler is not a partner is this development; only Bertakis Development. It is a flat out sale of the property.”

Commission Member Vanderveer asked, “what is the typical setback was for a house like that.”

Mr. Bertakis explained, “the house will setback 25’ from the road; it depends on the length of the home how far back but we have a distance of 10’ from the lot line. The closest homes can be is 20’ apart in back, but keep in mind that is a 70’ long home. These are the biggest lots we have ever seen or built. Homes being on top of each other will not be an issue.”

“I think we have talked about a lot of fears and a lot of facts. These are quality homes, these are not government subsidized, people are working to make a living and they want to live in a good home, just like everybody else.”

“Inspire Communities is an investor in our communities and we are stockholder in those communities. This is not an Inspire Community project; it is Bertakis Development.”

Letters/emails received:

Russell & Kathy Maxwell, 2721 Cedar Park Dr., Sherman, TX

“As home owners in the Cedar Park area. We strongly oppose the manufactured home addition being built in our neighborhood. We see an Increase in vehicle traffic as being dangerous for the homeowners and our children that play outside and also the increase in possible crime and pollution. We also believe home values will decrease and make it more difficult to sell our homes for a full market value.”

Matthew Cvitanovich, 3709 Crimsonwood Dr., Sherman, TX

“We strongly urge that the Planning and Zoning Commission deny the request by Lloyd Plyer Construction, James Bertakis, Bertakis Development, LLC and Haley-Wagner Surveying, Inc. for a specific use permit and conceptual site plan to allow a land leased Manufactured home Community located in the 23002600 blocks Graystone Road and 3200-3500 blocks of North Frisco Road.”

“This request circumvents the denial by the Planning and Zoning Commission on February 18, 2020 to James Bertakis. In addition, Mr. Bertakis appealed the Commission's decision then withdrew his appeal. Now he and his partners have changed their request to a specific use permit instead of a zoning change for just 19 acres instead of the 94 plus acres in the original zoning request.”

“The issues originally brought up to stop the rezoning change are nearly the same for the specific use permit. Traffic is still an issue. Road construction or improvement is an issue. In fact, the new request will require construction equipment and probable manufactured homes to use Graystone instead of Highway 82 from the original rezoning request. The road is in no condition to support huge heavy loads. The development could add up to 160 additional cars and trucks using Graystone. These and traffic from current resident will cause bottlenecks especially during school and when the train blocks entry/exit to Frisco Road.”

“The City also spent \$150,000 to develop an infrastructure fee schedule for developers. That study is pending and without it, the developer may not to have to pay for road, drainage, or other fees. The City and thus taxpayers would have to pay.”

“Our issues also included crime, house value depreciation, trains blocking Graystone, and concerns that the Manufactured Home Community would over time deteriorate.”

“All these issues are applicable to the specific use permit. In fact, this request is the Same as the rezoning request under a different name, We are proud of our neighborhood. We maintain our properties. We pay our taxes. We believe this new request is developer harassment.”

“We honestly believe if you approve the specific use permit, this group of developers will be back to request another specific use permit for the acreage on the southside of Graystone. Please do not approve the request.”

Ken Chestnut, 2605 Sherwood Dr., Sherman, TX

“In light of the pandemic precluding large gatherings, I am submitting this written request to affirm the action of the Board that initially heard this matter. This proposal seeks to have a concentrated family housing mobile home grouping in an area adjacent to an area of single-family housing units

that primarily are owned by retirees who have moved here to be near their younger families that left their home areas for work. Most have their life savings in these residences and relied on the established character of their neighborhood. I personally do not live in the area near this proposal but I am representative of recent retirees who have moved here in reliance upon good local government with excellent services. However, I am concerned for my friends seriously affected and the pattern such a change could set for the City of our future.”

“The proposal is sweeping in its impact on the local school system and the substantial increase in City infrastructure services required to accommodate the access to the area in a responsible manner. The poor railroad crossing and closing of an access road entry onto Hwy 82 Westbound have limited the usage for a large housing complex, At the initial hearing before the Board, it was attended by over 90 local homeowners who voiced their opposition. The threat of the national pandemic will undoubtedly reduce the number at your hearing, particularly since the over 60 crowd is at greater health risk. Our concerns remain.”

“The history of these developments reflect that the promoter never repeats in the same state, until now. After developments in Arizona, Michigan and one in the Houston area, it has been harder to "sell "these federally financed programs because of higher than average foreclosure rates, increased criminal activity in a higher density community and significant school growth impact, City services have also been strained by higher maintenance costs, involving federally subsidized housing.”

“At the initial hearing there was a nice retired lady who lived in the area who recognized that change was occurring in Sherman but suggested that a senior citizen housing development would be a far better fit, particularly on the north end of the tract, where access would be the poorest. In that spirit, I am suggesting that a senior citizen federally financed program would be a far better land use, considering the impact on the community. There would be no school impact. Railroad crossing expense would be less and far less traffic on the road leading to Hwy 82 service road.”

“I am personally familiar with the Whispering Meadows development in Wewoka, Okla., approximately 2 1/2 hours north of here, which has been built and operated for 4 years by the Excel Corp, of Lincoln, NE. I have attached web site copies of their operations in several Midwestern states that have set a positive standard and acceptance in communities large and small. They do not have any operations in Texas, according to their current web site. We are not here to object to a particular promoter or favor one developer over another, but there are other Texas operators that have the same type of federally financed senior citizen housing for

55+. 62+ and special need units for persons with disabilities. These duplex units can fit the existing landscape and add value to this community.”

“In conclusion, I urge the Council to affirm the vote of the Board and later support a residential duplex development with federal financing for senior citizen and/or disabled usage.”

Sherry Sipe, 2516 Village Dr., Sherman, TX

“The issues regarding the Specific Use Permit to allow a Land Leased Mobile Home Park have not change since the first request by James Bertakis in January of this year. All residents are once again united to defeat this proposal. A petition is forth coming.”

Sherry Sipe, 2516 Village Dr., Sherman, TX

“I’m writing to express my frustration and aggravation regarding the second attempt by Mr. James Bertakis to purchase the land described as in the 2300-2600 blocks of Graystone Road and the 3200-3500 blocks of North Frisco Road, being a 19.949 acre tract, for the purpose of constructing a MOBILE HOME PARK.”

“I’m also reasonably confident that once this is accomplished (if approved) that he will purchase the other 77 acres on the south side of Graystone Road, for the same purpose. With this said, nothing has changed since my first objections, and all of the same issues still apply.”

“Roads (especially Graystone) cannot accommodate additional traffic. This road is narrow and presents a hazard, as is. Two vehicles cannot pass up and over, or down and over, or any other combination, safely, when crossing the railroad tracks. I cannot imagine how a semi-truck, with a wide and long load, could even deliver mobile homes by this route. And the other two entrances present problems, as well.”

“Other issues remain: A decrease in property value even though comps from Mobile Homes can’t be used against real estate (or so I’m told), it is well known that a home in close proximity to a trailer park will diminish in value because it is less attractive to a potential buyer. It is not a secret that mobile homes DECREASE in value. Only the land beneath increases in value and the mobile home owners will not own their own land. It is my opinion that this does not provide low-income people with an equitable solution to housing.”

“I don’t think it is necessary to list every issue again within this letter, which are numerous and will be addressed at the July 21st hearing. This community still stands united in our opposition to this construction.”

“And I would like to mention that we had to gather our information and disperse it during a pandemic, an uneasy

economy, and suffocating heat. A petition is forthcoming and will have as many signatures as previously, or possibly more. That task is nearly completed.”

“I would also like to mention that no one understands why a SUP can be used for the construction of a mobile home park, but we are not lawyers, nor that well versed regarding matters of law.”

“I know the board paid their due diligence by having this SUP examined by their lawyers. Nonetheless, it is still not clear how this can be used according to definitions found via internet.”

“I respectfully request that the Board once again denies this proposal when presented by Mr. Bertakis.”

Sherry Sipe, 2516 Village Dr., Sherman, TX

“Attached herewith, are photographs of two homes for sale within the Oak Crest community located in Manvel, Texas, one of Mr. James Bertakis' properties.”

“Please note that the home on the right of this photo is listed at \$28,500.00, a huge disparity from the \$250 to \$350 range that homes in Cedar Park Village sell for.”

“Additionally you will notice that these homes are placed lengthwise, a standard position for land leased lots.”

“During his presentations, Mr. Bertakis always exhibits photos of the most attractive mobile home, those closest to his entrances, and positioned street facing, which is not typical throughout the remainder of his park(s).”

“I respectfully submit these photos for your consideration in denying Mr. Bertakis the SUP to build a development on the 19.9 acres in the Samuel M. McGlothin Survey, Abstract No. 811.”

Joan Dumais, 8205 Cobblestone, Austin, TX

“I am opposed to this zoning change. I feel it will be detrimental to the nearby neighborhood for many reasons: traffic, as well as having commercial way too close by. Please deny this zoning change.”

Catherine McCollum, 2708 Cedar Park, Sherman, TX

“I am kindly requesting that you do not approve the request for the building at the manufactured homes. My husband and I have just moved to this area because it is so quiet yet close to shopping. We have used our life savings into our home. If you give your approval on this then our property values will drop and traffic will be unbearable. There are not enough roads to accommodate a high volume of traffic with a high density of homes. When the train blocks the crossing

at Graystone, they will use our streets to cut through to get out to Frisco. “

“Another concern is the train itself and the young children that may live in the development. What about their safety?”

“Also how would anyone living in these homes be able to tolerate the noise from the trains? Would they be able to even sell any of these at all? The train wakes me up at night even where we live and they will be living much closer.”

“Thank you for your consideration. Please do not approve as it will have a very negative effect on this beautiful neighborhood?”

Unknown, Cedar Park Dr., Sherman, TX

“This company tried to place one of these in Michigan, upon review the board found he omitted or withheld info. He was denied, appealed and was denied again. He also had a park in Mississippi that he no longer is involved with. He requires government grant to prey on low-income people.”

Mary Anderson, 2512 Village Dr., Sherman, TX

“I am writing this letter asking you to vote "NO" to the Specific Use Permit and conceptual site plan proposed by Mr. Bertakis to build a land leased manufactured home community in the 2300-2600 blocks of Graystone Road and the 3200-3500 blocks of North Frisco Road.”

“I think that Sherman needs affordable housing, but this is not an ideal place for it. My husband and I went to a housing development being constructed on the west side of Sherman and asked the developer about his homes. He informed us that he has homes for sale under \$200,000. We saw beautiful brick homes with a garage, concrete sidewalks and concrete streets, and they will OWN their land! This land that Mr. Bertakis is wanting to develop is right beside a railroad track, has poor access, poor road conditions, and the people will NOT own the land! Is this what we want for our Master Plan here in Sherman? It is my opinion that this is all about the money! If you are not familiar with this area, I ask you to drive here and become familiar with the layout and roads. In Feb. 2020, the Sherman, Planning and Zoning Board voted DOWN a proposed development by Mr. Bertakis to build a MHC with an overwhelming 6 to 1 vote. The proposal included this same piece of land along with the property south of Graystone. I am puzzled as to why he is allowed to pursue this for a second time. We were informed by people in City Hall after Mr. Bertakis dropped the appeal that he would no longer be able to come back and do this again. So, why is this happening?”

“I previously read an article in the "STATESMAN", entitled "Developer of 400-lot manufactured home development drops denial appeal," which was written by our local

government reporter, Michael Hutchins. The Covid—19 pandemic is worse now than when he wanted to appeal the first denial of his MHC. Having to fight this again is putting many of the Senior Citizens in our subdivision at risk when we attend the meeting. In my opinion, if Mr. Bertakis really wants to work with the residents and not be an opposing force he would not pursue this any further. I think that it is important that you read the article, so I have attached a copy.”

“There are several reasons for you to say "No" to this development. First, the roads surrounding the property are in poor condition and cannot handle any significant increase in traffic like the development would create. Graystone will be the main road used by this development. When traveling Graystone, vehicles currently need to drive on the grass when meeting oncoming traffic. Only one vehicle can cross the railroad track at a time in order not to fall into the drainage ditch. About 6 feet of the roadway material has eroded into the drainage during the almost 8 years we have lived here.” Pictures of the track area taken March 18, 2020 were provided.

“Secondly, the train often blocks Graystone Rd, mainly due to the switching station south of Baker Road. Sometimes, we wait for more than 20 minutes. This causes vehicles to turn around and come through Cedar Park Village to go to Dripping Springs Road, hoping it is not blocked as well. Most vehicles do not go on North Baker Road because of its condition. We do not have any curbs or sidewalks in our subdivision. Nor do we have any stop or yield signs. Everyone walks on the streets for exercise or to visit others in the subdivision. Having that increase in traffic will make it very unsafe for everyone, especially our children, grandchildren, and senior citizens that live here. I am asking that you are PROACTIVE rather than REACTIVE. I am asking you to take care of your current residents and taxpayers before adding a development that would make us unsafe. Also, Frisco Road (parallel to the tracks) and surrounding streets do not have sidewalks either.”

“A third reason for voting "No" is that the entire west side of the property is bordered by the railroad tracks. The trains run through this area several times per 24 hours. This could be dangerous for anyone, especially children living in the development. We hear the train horn almost continuous from Dripping Springs Road through South Baker Road. At our home, it is very loud! I can imagine how loud it would be for people living right beside the tracks.”

“Another point that I want to make is the quality of the manufactured homes. Have you explored what manufactured home developments look like, and what the value of their homes is after 5-10 years? Currently there is a manufactured home for sale on Mr. Bertakis' development in Manvel, Texas for \$28,500. This home is nothing like what

we were shown by Mr. Bertakis earlier this year, Our property values will go down a lot if this is approved, mainly because the land Mr. Bertakis wants is across the street from us. Put yourselves in my position, would you want this MHC next to your homes?”

“My husband and I are both retired. I retired from a teaching career of 28 years. We moved to Sherman almost 8 years ago hoping this would be our retirement home until we die. We chose Cedar Park Village because it was in the city, but still like living in the country. We DID NOT CHOOSE to live by a manufactured home community! Please say "No" to this development!”

A.D. Anderson, 2512 Village Dr., Sherman, TX

“Some of us wrote letters to the City Council back in February-March 2020 after the Planning and Zoning heard residents in our community, voice our complaints and concerns about Mr. Bertakis' proposed mobile home development next to our subdivision. You agreed with us and voted it down by 6 to 1 margin. Mr. Bertakis appealed your decision to City Council. Covid-19 came and after weeks, Bertakis dropped his appeal. Some of our residents here were told by employees there at City Hall that he could never bring his proposal up ever again. NEVER. I guess my first question would be how can he do this, and why is the City of Sherman allowing him to do it?”

“You should still have the recorded audio of the meeting on February 12, 2020 when several residents packed the room that night. All of our concerns should still be fresh on most of your minds, All the reasons you turned Mr. Bertakis down the first time are still the same except that the SEVERELY deteriorating Railroad crossing onto East Graystone is much worse, North Baker Road is twice as bad, with potholes and illegal trash dumping. Obviously, the City is not going to repair anything in this area. I feel it should have been done according to the Master Plan of 2009. Obviously, our Code Enforcement group is not going to follow through with our Cities Ordinances and make the current property owners off East Graystone, Frisco, west of north Baker Road, and north of Hwy. 82 cut their "over regulation" grass and weeds, nor clean up the concrete rubble, rebar or trash that is UNSITELY to residents and anyone else driving past there daily. If we are not currently placing FINES on property owners for the past 8 years, or making them comply with our cities Ordinance regulations (regardless of what employment or positions they may have within our City Government), then we would presume you are NOT going to make Mr. Bertakis follow any Rules set forth by the City of Sherman?”

“Please think of the reasons you turned him down the first time and vote NO again. Please follow our City "Master Plan" written in 2009. Please think of your current residents, your current taxpayers, your over 60 and disabled property

owners. Will this negatively affect their peace and happiness? Will this mobile home development be respecting Sherman's existing neighborhoods? Years back when asked, Sherman residents indicated that the small city character was a critical element in their decision to move to Sherman or continue living here. I know it was ours. We visited ten different cities, here in Texas, over a two-year period before retiring. We chose Sherman even though we had been to the other nine a few more times for various reasons over fifty years. We chose this city as our retirement home for many reasons. Living next to a mobile home park was not one of them.”

“Goal 2.1 of our City Master Plan, "Emphasize neighborhood integrity and protection more than ever as both residential structures, streets, and other local infrastructure continue to age." Are we doing this? Does not seem that way in our subdivision and some areas around it. Some of my neighbors and I have made numerous calls over the eight years I have lived here concerning street repairs needed, hazardous street/drain pipe issues, (possible injury lawsuit) code violations, illegal dumping (that takes weeks for our city to address and then rarely picks it all up), illegal dropping off of dogs and cats, (see Animal Control), Drug deals in the back of my property, etc.. I sometimes wonder what my tax dollars are being used for. Slow response times to the tune of 30 minutes to two hours, if even then, by our Police Department. With this development going in right next to my property Mr. Bertakis says our City will take care of these issues. ???”

“According to our “Master Plan”, will we require sidewalks to nearby destinations, schools??, and businesses. ??”

“City Master Plan. “Adopt and ENFORCE provisions that reduce blighting influences along corridors and in neighborhoods, including,

- a. Unsecured vacant structures that are open to vandals, drug dealers, and elements.(numerous calls to Police department on a blue building on adjacent property that our city has yet to tear down under their current policy.)???
- b. Removal of junk, abandoned vehicles (calls to City about this issue past four years), derelict items from yards and alleys.
- c. Illegal dumping and trash accumulation. (See Andreas with Code Enforcement).
- d. Create a pro-active program (you have) for handling the condemnation, demolition, and rehabilitation of substandard structures (see little Blue building owned by current property owners of 19 acre proposal) and underdeveloped property. Revise local health, building, and development codes, as needed, to streamline the process for addressing

Unsafe or Dilapidated structures and other Health and Safety risks (broken glass-rebar-dirty drug needles-snake and rats infestation from over grown property) such as inoperable vehicles, Weeds, and Heavy Trash, Overgrown sites, and Run Down Structures (see numerous Police Department calls) used for CRIMINAL Activity.”

“Last thing. Please take the time to review two YouTube videos that we were recently sent, "Trailer Park Millionaires" May 21, 2015 and Mobile Homes: "Last Week Tonight" with John Oliver April 7, 2019. PLEASE Beware that the John Oliver video has some bad language that could be offensive to some people. If after viewing these videos you feel that these ideas of some members of our society are OKAY, then I can say very little. An Attorney friend of ours feels that this is perhaps the biggest travesty in our country today and that more laws need to be written to STOP this type of business from taking place anywhere. Again I ask that you, our City of Sherman, Texas Planning and Zoning board consider voting NO to Mr. Bertakis Specific Use Permit and conceptual site plan approval under Ordinance No. 2280, Section 8, Subsection(5)(a) to allow a Land Leased Mobile Home Community in a C-2 (General Commercial) District.”

Thad Thompson, 3706 Heatherwood, Sherman, TX

“My name is Thad A. Thompson, a resident of 3706 Heatherwood Lane, Sherman. My credentials are: I have a B.A. Degree from the University of North Illinois, a 40 year business career, the last 20 years as a real estate consultant and held an "Assessor's Appraisal Certificate" from the state of Illinois. I have prepared thousands of real estate appraisals.”

“First, let me address what I believe is Mr. Bertakis' plan: As you are aware, Mr. Bertakis stood before the Board on February 18, 2020, requesting a change in zoning on this parcel, and the larger parcel adjacent and south of this 74.412 acre parcel, asking to build a 400-site manufactured home park. He stated at the time, he needed 400 sites in order to make the site a profitable venture. Now he has submitted a request to build an 80-site park on this 19.949 acre parcel with 80 sites- no office or other buildings.”

“It is not difficult to see that if he is granted this request for a "Specific Use Permit", in the near future he will be back asking for a "Specific Use Permit" on the larger parcel with the reasoning that now since there is going to be a manufactured home park adjacent, then he should be granted a "Specific Use Permit" to build 320 sites, an office and the amenities as he put forth in his February 18 request.”

“It is difficult to understand why Mr. Bertakis believes the Board cannot see and understand Mr. Bertakis's ploy and even harder to understand why he now believes the Board would literally reverse its 6 to 1 denial of February 18, 2020.”

“Now to the approval of the proposed 80-acre site park on the 19.949 acre parcel: Not much has changed in the past 5 months. Graystone Road, a 400 yard road has continued to deteriorate and is now in actuality a one lane road.”

“Approximately 40 vehicles from Cedar Park Village are exiting Graystone to Frisco Road each weekday morning between 7-8 a.m. to go to work or school. The railroad is running 1 to 2 trains between 7 & 8 a.m., blocking Graystone for ten to twenty-five minutes and all vehicles have to yield to Frisco Road traffic.”

“Now the proposed park has 80 sites, 3 people per site, 240 people, 80 being children, probably 60 being school age, at least 2 or 3 buses trying to exit the property between 7-8, two vehicles per site- 160 vehicles, 60-80 attempting to exit the property between 7 and 8.”

“It is my conclusion as an appraiser, considering the bad ingress/egress, the large amount of vehicular traffic, future bus traffic, railroad traffic, and the present condition of the 300 yard portion of Graystone, which fronts the parcel that this parcel of property is "not" suitable to be developed as a mobile home park.” Mr. Thompson provided pictures of Graystone Road current and surrounding road conditions and pictures of mobile home parks within the Sherman area.

Tommy Marr, 2701 Cedar Park Dr., Sherman, TX

“I have several concerns regarding a mobile home park being built at the entrance of my subdivision. My main concern is the depreciation of my home and property. Heavy increase in automobile traffic. Increase in trash being dumped on and around the Baker Road area. Frisco Road will become a littering zone. Probable increase in crime rate, pets being allowed to run at will.”

“Children playing and riding their bicycles on Graystone Road and the railroad tracks and Frisco Road needs to be looked at from a safety standpoint.”

“From a construction point of view, how can a 40 or 60 foot long trailer be moved across the railroad tracks.”

“There are three other trailer parks in Sherman that advertise affordable housing, Each have several properties for sale that are established. New trailers usually require a minimum of 3.5% down payment, plus there is deliver and

installation fee. New trailer houses depreciate 3-3.5% annually.”

Leticia Cortinas, 3808 Crimsonwood, Sherman, TX

“As a resident of Cedar Park Village, I oppose rezoning the property located in the 2300-2600 blocks of Graystone Road and the 3200-3500 blocks of North Frisco Road for the use of a Leased Manufactured Home Community. I strongly believe that Mr. Bertakis will use this to proceed with his 400+ community. I do not believe that Mr. Bertakis is interested in helping with our lack of affordable housing.”

“I am not aware of any manufactured home increasing in value. I believe the trend is that they depreciate. Even though manufactured homes (trailers) look different than they used to, they are still moveable/removable. If this community were coming to your neighborhood, would you welcome it? Most importantly, does it align with Sherman's goals and vision for its future?”

“After our meeting with Mr. Bertakis, I have several concerns. Mr. Bertakis told us this would be an open concept community with no fences. My first concern is the children of these families being so close to the train track, and how the families would contain their pets. My second concern is the multiple forms of wildlife in this area. The two that concern me are the coyotes that live in that area and the bobcats that roam in the area. My concern is not for the wildlife but for the children and pets. Mr. Bertakis assured us that these residents would have to adhere to strict rules in maintaining their leased space. He stated that after three infractions they would be asked to leave and take their home, He had no response as to what would happen if these families could not afford to move their home. Again, I do not believe Mr. Bertakis' motivation is to help us with our lack of affordable housing.”

“Perhaps our problem with affordable housing could be better addressed through acquiring federal grants to fund HUD or working more with our local Habitat for Humanity.”

“I plead with this committee to not rezone this property for Mr. Bertakis' Leased Manufactured Home Community.”

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

“I am a resident of the neighborhood near the proposed site of a so-called manufactured home community consisting of 19 acres in the Samuel McGlothlin Survey, Abstract No. 811. I remain opposed to this development and participated in the previous hearing in which this proposal was denied. My objections remain the same: loss of value for our property, traffic chaos, and unscrupulous landowners taking advantage of lower income persons. I encourage board members to deny this request again and to keep future development limited to legitimate lower income choices.”

Mohammad Sararul Hoque, 3700 Heatherwood, Sherman, TX

“I am opposed to this trailer park development. I feel it will drop my property value. I feel the current property owners have not been following current City ordinances and that the City will allow Mr. Bertakis to violate those same ordinances. That property is a fire hazard according to their codes. It is unsightly driving into our neighborhood. I feel he is trying to get this approved before the impact fees study is complete. This will impose on my property as well as peace and tranquility of our neighborhood. I strongly oppose it and vote no as you did last time.”

Valerie Marr, 2701 Cedar Park Dr., Sherman, TX

“Regarding the mobile home park. I oppose the building of the mobile home park, reasons, the extreme devaluation of all homes in our neighborhood, much more traffic, danger to children living and so close to railroad tracks (playing on tracks), drugs, and cleanliness of neighborhood. Our neighborhood is quiet with people taking good care of yards and homes. This is not reasonable to build here.”

Pamela & William Stinson, 2808 Cedar Park Dr., Sherman, TX

“Due to the Covid virus, we are unable to attend the upcoming meeting regarding this agenda matter for the manufactured home community. However, we wanted to stress our concerns regarding this community at this location.”

“Graystone Road is NOT currently capable of handling even 2 cars side by side, as well as having the railroad track right at the intersection of Frisco Rd and Graystone Road. Any car wanting to turn onto Graystone Road while a train passes would have to idle on Frisco Road, as there is not even one car length on Graystone Road before the railroad track, this would create a backup of north bound traffic. While Frisco is slightly wider at that section then further north, it was not built to handle stopped traffic waiting to turn, as well as traffic wanting to continue going north & south.”

“Unless the City and/or County is willing to bring Graystone, Frisco Road and Baker Road up to 21st century standards, there should not be anything built on that parcel of land.”

“Please do not consider approving the new community until the infrastructure has been updated to accommodate any new development.”

Debby Osbourn, 2716 Cedar Park Dr., Sherman, TX

“I am writing to express my disappointment and frustration regarding the second attempt by James Bertakis (Bertakis Development, Inc.) to purchase the property with the intent to develop a Mobile Home Park. I also believe that if he gets approval for the mobile home park, he will attempt to purchase the other acreage across Graystone. *Nothing has changed; they are attempting to put in a Mobile Home Park.*”

“As a longtime homeowner in Sherman and taxpayer, I would like for you to consider denying this request as well. I chose to live in Sherman and have always been proud to tell others where I live because I consider Sherman to be a beautiful city. I have worked very hard for the home I own! *The site of a mobile home park right on Highway 82 going through/to Sherman will leave a bad impression of the community, and over time will continue to depreciate, deteriorating the local area around it.* Is this what we want for the future of Sherman? What will this look like in (10-15) years? Is there any direction in the Master Plan regarding mobile home parks and the long-term impact they would have on the community?”

“There are several reasons that the property is not suitable to build a Mobile Home Park, especially with a large quantity of mobile homes involved. When the train blocks access to Graystone Road, egress is limited. There would be two options to get out at that point. People are going to take the shortest route, which is through Cedar Park Village!! *Children play and people walk in our neighborhood. We do not want to see cars speeding through the neighborhood because they are late due to the track being blocked. Frisco Road will also be backed up. The land is basically locked between a highway frontage road and the railroad tracks. The City could be looking at up to 200 cars coming in and out of Graystone. Has there been a traffic study and an impact study that takes into consideration additional utilities and the safety and health of the public? Access during emergencies could be an issue.*”

“Mobile Homes are personal property and as such depreciate rapidly. This would decrease the value of our property should a large mobile home park be placed on Graystone Road. When I was looking for property, I would never have bought near a mobile home park. It would impact the sale of my property should I decide to sell in the future. The last thing I would like to bring up is Investment Groups who pretend to want to help the low income, but the fact is, they are in it to make a profit. A lot of States are banning these investors. Since mobile homes are considered personal property, financing options are limited. Loans for mobile homes are subject to higher interest rates with shorter payback terms. They also depreciate as soon as they are off the sales lot and continue to depreciate 3%-10% every year after that. The landowner can increase lot rent, which can create financial hardships for low-income residents. It costs between \$8,000.00 - \$10,000.00+ to move a mobile home. A person must own the land for the value of their home to appreciate. Is this going to happen in Sherman?”

“There are University and Government studies on how low-income people are being taken advantage of and is where I researched the information provided above. I know that you

and the board have given due diligence in investigating this matter and I hope that you have concluded that a Mobile Home Park will negatively impact our City and community. There is better suited land available that would not put low-income people near railroad tracks with loud noise and limited egress. Why is Bertakis Development Inc. not looking for a more suitable piece of property?”

“Again, I respectfully ask that you deny the request for the zoning change.”

Jackie Armstrong, 2607 Juniper Dr., Sherman, TX

“My name is Jackie Armstrong and I am writing in opposition to the proposed rezoning off of Graystone Drive to a manufactured housing development. We have lived in Cedar Park Village adjacent to the proposed development and I do not feel that the proposed development is the best use for this piece of property. One of my concerns is the density of the manufactured housing development. From what I understand, Mr. Bertakis is wanting to develop the property on the south side of Graystone, which is the smaller of the two areas. I think that he is trying to do an end-run to get what he is wanting - which is to do both areas on the north and south sides of Graystone. He stated before at the previous Planning and Zoning meeting that he cannot offer the amenity package to make the park attractive unless he did the entire development. He stated that he could not do it for 200 homes, so I doubt that he can do it for the 80 or so sites that are proposed. I am afraid that he will come back later to have the rest of the 400 lot development done as he will have already done the first 80 sites, There is no way that the roads around this area (namely Graystone Drive and Baker Road) can begin to handle the increased traffic load that this many homes will generate. The roads are in poor condition and it is difficult when two cars are trying to drive past each other, as the roads are narrow with no berms and fall-off. There will be poor access even to get the housing units in as they are mobile homes and will need to be trucked in.”

“The railroad tracks are another concern as traffic backs up frequently even with our development of about 56 homes. There are times the trains are stopped at the crossing for 20 minutes and I have had to backtrack through our neighborhood to at least Dripping Springs and even to Hilltop to get out around the train that is stopped. If we are adding several dozen new homes to the mix, we will have increased traffic through our neighborhood on streets that need to be redone. The train tracks are steep and will be difficult, if not impossible, to get a mobile home over.”

“I am also concerned about the taxes that the development will be paying. I understand that Mr. Bertakis will be paying taxes on the land that is developed, but I am not sure that he will be paying taxes on the property that is sitting on the lots, as he does not own the mobile homes in the park. I

recently got my property taxes for 2020 and although the land that my house sits on went up in value about \$3,000, the improvements on my property went up \$27,000. I don't think the taxes that we are paying on our property will be equitable to the taxes the mobile home park will be paying."

"Mr. Bertakis also cited the mobile home park of Knollwood and that the homes built near there have not decreased in value with having Knollwood there. First, as Mr. Bertakis said, Knollwood was there first, so the people building their homes knew the trailer park was there and were willing to overlook it. Second, the entrance to Austin Landing is off Travis and you cannot even see Knollwood from that neighborhood. I am willing to bet there are people there who do not even know that Knollwood is there. They did not build their \$250,000 to \$400,000 homes and then have a 480-unit trailer park proposed for their backyards. There are only 275 units in Knollwood, which is much fewer than Mr. Bertakis wants to ultimately have. I am concerned about my property values going down and I am willing to bet that the people in Austin Landing would be, too."

"I have other concerns, but I think I have said enough for now. Let me close with restating that the proposed mobile home park variance is not a good use for this particular piece of property."

Carlotta Cantrell, 2308 Doris Dr., Sherman, TX

"I could not be present due to work. I own two properties that adjoin and another less than a block away. This is a very small, quiet neighborhood. I grew up here as did my kids and now my grandkids, therefore, I have concerns having commercial property in my side yard, property values, taxes, noise level and traffic coming and going. These are just a few of my concerns."

A petition was received with 113 signatures.

ACTION TAKEN.

Motion by Commission Member Downtain to deny the Specific Use Permit and conceptual site plan to allow a land leased manufactured home community in a C-2 (General Commercial) District in the 2300-2600 blocks Graystone Road and the 3200-3500 blocks of North Frisco Road based on the information we have heard tonight. Second by Commission Member Vanderveer.

VOTING AYE: MAHONE, DAVIS, DOWNTAIN, WOOD, SIMS AND VANDERVEER

VOTING NAY: MANLEY

MOTION CARRIED

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

TEMPORARY USE PERMIT

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

BOARD OF ADJUSTMENTS

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

TUP – SNOW CONE
STAND
1330 W TAYLOR
(FELICIA HERRON)

Brittany Lavy, 1300 W. Taylor, Sherman, TX

Ms. Lavy appeared to represent the request and answer any questions. The property is located at 1330 West Taylor Street across from Fairview Park. In December 2010, the property was rezoned to a C-1 (Retail Business) District, but is still being used as residential, which requires approval for a Temporary Use Permit. Felicia Herron took over the lease on the snow cone stand this year and would like to continue the operation of the stand that has been at this location since 1999.

Ms. Lavy explained she is representing Rosemary Anderson, “she is my grandmother. We have no problems with Felicia Herron getting the permit and running the snow cone stand. The snow cone stand has been in existence since I was three years old and I am thirty-two.” She had seen the Staff Review Letter and would abide by the Recommendations.

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

ACTION TAKEN.

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

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

VOTING NAY: NONE

MOTION CARRIED.

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

TEMPORARY USE PERMIT

THE REQUEST OF HIGHLAND HOMES (OWNERS) AND CODY RUTLEDGE (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 910 SONGBIRD LANE, BEING LOT 16, BLOCK 14, THE PRESERVE, PHASE II, AS FOLLOWS;

TUP – PARKING LOT
FOR MODEL HOME
910 SONGBIRD LN.
(HIGHLAND HOMES)

BOARD OF ADJUSTMENTS

TEMPORARY USE PERMIT UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4) (A), TO ALLOW A TEMPORARY PARKING LOT FOR A MODEL HOME IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

No one appeared to the represent the request.

The property is located at 910 Songbird Lane off Quail Run Road in The Preserve Addition, Phase II. The property is zoned an R-1 (One Family Residential) District. A Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District was approved by the City Council, December 17, 2018 (Ordinance 6172).

Rob Rae, Incoming Director of Developmental Services explained, “I spoke to Cody Rutledge and he was not sure he was going to be able to make it. This is a property right next to the model home that was approved last month and as part of their model home, they did not build the driveway or garage as required. This Temporary Use Permit is for parking adjacent to that property (914 Songbird Lane) and it would run concurrently with the model home. They are required to have four parking spaces because it is a four bedroom home. Once the model home is done, they will provide parking on that lot and build a home on this 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 Temporary Use Permit.

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for a Temporary Use Permit to allow a temporary parking lot for a model home in an R-1 (One-Family Residential) District at 910 Songbird Lane subject to the Staff Review Letter. Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE & CONCEPTUAL SITE PLAN

THE REQUEST OF CHRISTOPHER & CLAIRE TATE REHMET (OWNERS), CLAY BARNETT, P.E. (REPRESENTATIVE), TCB ENGINEERING, LLC (CIVIL ENGINEER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 21180 WEST U.S. HIGHWAY 82, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

**ZONE CHANGE – R-A
TO R-1 & C-1
21180 W. HIGHWAY
82
(CHRISTOPHER
REHMET & CLAIRE
TATE REHMET)**

- **TRACT 1 - BEING 5.209 ACRES IN THE J. MCMULLEN AND MCGLOIN SURVEY, ABSTRACT NO. 762 - ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-A (SINGLE-FAMILY AGRICULTURAL) DISTRICT TO C-1 (RETAIL BUSINESS) DISTRICT.**
- **TRACT 2 - BEING 86.780 ACRES IN THE DANIEL BICKENBACK SURVEY, ABSTRACT NO. 128 AND THE J. MCMULLEN AND MCGLOIN SURVEY, ABSTRACT NO. 762 - ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-A (SINGLE-FAMILY AGRICULTURAL) DISTRICT TO AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.**

Clay Barnett, P.E., TCB Engineering, PO Box 910012, Sherman, TX

Mr. Barnett appeared to represent the request and answer any questions. The property is located at 21180 West U.S. Highway 82 between State Highway 289 and Preston Club Drive. The property was annexed into the City Limits of Sherman December 16, 2019 by Ordinance No. 6272 as an R-A (Single Family Agricultural) District.

Mr. Barnett explained, “the owners are requesting a zone change from an R-A (Single Family Agricultural) District to an R-1 (One Family Residential) District on 86.780 acres and a C-1 (Retail Business) District on 5.209 acres along Highway 82. The conceptual site plan is for a 49,400 square foot multi-tenant building (convenience store/restaurant with drive thru). The site plan is conceptual and will require additional site plan approval before construction begins.” They had seen the Staff Review Letter and would abide by the Recommendations.

Thomas Horton, 5022 Mesquite Ridge Trail, Sherman, TX

“We have not seen anything where this will be or the egress for this project along Highway 82.” Mr. Barnett provided him a copy of the conceptual site plan for him to review.

Mr. Barnett explained, “there is not an additional driveway off Highway 82 on the site plan, however, I have spoken to the Engineering Department about the possibility through one of the lots (Lot 19); it is wide enough to support an entrance.”

Mr. Horton asked if all the three hundred houses would have to enter and exit through Preston Club.

Mr. Barnett explained, “there are other areas in the development for egress and ingress with TXDOT’s support; it could go through the commercial property into the residential area.”

Mr. Rae explained, “this is a zone change, they are currently not requesting platting of the property; those are things that could be determined at a later date. One of the recommendations we have given Mr. Barnett is to come in and have a meeting to discuss the site plan.”

Constance Thompson, 5002 Mesquite Ridge Trail, Sherman, TX

Mrs. Thompson stated, “Highway 82 is a killer to us all; how many accidents have been there.”

Commission Member Davis stated, “they just made improvements to that section in the last year.”

Mrs. Thompson responded, “it does not mean a thing. When we come out of there, we have to fight people getting onto the highway or go out of here like a bat out of hell. It is a bad intersection, so you need to improve the whole area. There is no way over to Highway 289 from our place; we have to go directly to Highway 82.”

Commission Member Wood explained, “tonight they are not approving the site plan; it is only a zone change.”

Commission Member Davis explained, “in time when he brings in the site plan, he will try to have more roads to get out of the development.”

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

A letter was received from:

Michael & Charlotte Myers, 5013 Mesquite Ridge Trail, Sherman, TX

“My wife and I would like to express our opposition to the rezoning of the attached parcels. You should be very aware of issues of Preston Club Estates water and sewer systems. Seeing the disturbing stories on TV, my wife and I can only worry about damage being done to our house with no ability to fix it similar to our neighbors. Also, the decrease in our properties value because of this ongoing dilemma that will almost certainly happen. In 2017, the City's staff stated that the whole project should take 18-24 months to replace the sewer system. The project is not completed yet. Our neighbors are suffering severe damage to their homes. Until these are addressed, the area cannot handle any development, as the systems cannot support the additional use of more homes and businesses. We also have heard that all construction or development in our neighborhood has been stopped by the city until the issue is resolved. Also, the developers requesting this change are related to the developers of Preston Club. Obviously, they cannot be trusted to build a quality property. They should not be rewarded with additional profits when they still are not

allowing the appropriate repairs be done to their previous property (Preston Club Estates).”

ACTION TAKEN.

Motion by Commission Member Downtain to approve the request for a zone change from an R-A (Single-Family Agricultural) District to an R-1 (One-Family Residential) District and C-1 (Retail Business) District at 21180 West U.S. Highway 82 subject to the Staff Review Letter. Second by Commission Member Vanderveer.

VOTING AYE: MAHONE, DOWNTAIN, WOOD, SIMS, MANELY, DAVIS AND VANDERVEER
VOTING NAY: NONE
MOTION CARRIED

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

VARIANCES

THE REQUEST OF FACE VALUE PRODUCTIONS, INC. (OWNER), GARY HARBISON (REPRESENTATIVE), NBS DRAFTING AND DESIGN (DRAFTSMAN) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1725 NORTH HIGHLAND AVENUE, BEING LOT 4, BLOCK 1, NORTHWEST HEIGHTS 3RD ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 13’ FRONT SETBACK IN LIEU OF THE REQUIRED 25’ FOR AN ATTACHED CARPORT, A 5 SIDE YARD SETBACK (NORTH SIDE) AND A 5.5’ SIDE SETBACK (SOUTH SIDE) FOR A RESIDENTIAL DWELLING IN LIEU OF THE REQUIRED 6’ IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Gary Harbison, 1614 N. Lockhart, Sherman, TX

Mr. Harbison appeared to represent the request and answer any questions. The property is located at 1725 North Highland Avenue between Fairview and Texas Streets. The property is zoned an R-1 (One Family Residential) District.

Mr. Harbison explained, “I purchased this property a couple of years ago it was a burn out. I thought I would be able to remodel but ended up tearing it down. It has an existing slab that appears to be in good condition; I talked to an Engineer that would pass it if we decided to build on it. The existing slab is out of compliance, which is why we are asking for the variances as well as the variance for covered parking on the front. The existing square footage had a single car garage, the previous owners had to enclose that garage and the only difference we might have is update the level of the slab where the garage surfaces. It will be a four bedroom; three bath home; just under 1,400 square feet using the existing slab. We are asking for side setbacks 5 foot from the north

VARIANCES –
FRONT & SIDE
SETBACKS
1725 N. HIGHLAND
AVE.
(FACE VALUE
PRODUCTION, INC.)

(TABLED)

side property line and 5.5 foot from the south property line. I would also like to construct a carport on the front of the house, 13 foot from the front property line. There are other carports up and down North Highland Avenue that are well under that thirteen-foot setback. I own 1409 North Highland Avenue and it had an existing metal carport when I bought it. I have seen the Staff Review Letter and would abide by the Recommendations.”

Commission Member Manley asked if the carport would be consistent with the house or is going to be a metal carport.

Mr. Harbison explained, “it will be a wood frame, pitch roof and will be a part of the main structure. The columns will be wrapped with cedar.”

Commission Member Davis explained you only have two parking spaces in the driveway.

Mr. Harbison explained, “two in the drive and access in the back for two parking spaces.”

Commission Member Davis asked about the two parking spaces in the front; will that put you over the sidewalk.

Mr. Harbison responded, “I think we are looking at 40’ to the sidewalk almost.”

Mr. Shadden explained, “it is 13’.”

Chairman Mahone asked how he accessed from the back, is there are alley.

Mr. Harbison responded, “yes.”

Mr. Rae explained, “the alley would need to be paved; it is not currently paved.”

Chairman Mahone asked Mr. Harbison if he understood that the alley would need to be paved to access his parking.

Mr. Harbison responded, “no, I did not know that.”

Commission Member Vanderveer stated, “it looks like you only have 13’10” in the front from the carport. It is my understanding that a parking space is 20’; to be double stacked you would need 40’; you are 33’10’, so you are a little over 6’ shy. You may not be able to meet the parking requirement for four bedrooms.”

Chairman Mahone asked Mr. Harbison if he would like the opportunity to go back to the drawing board on this site plan.

Mr. Harbison explained, “this is a new issue for me because I have never built one from the ground up. It was a three

bedroom with the garage converted to a fourth bedroom. I am trying to improve a property on an existing slab.”

Chairman Mahone explained, “I think it is good what you are trying to do and I would like to see this succeed, but as it sits, if we just take it on face value, I do not think we can accept it because of the parking issue. You could take another look at it to maybe shuffle some things around a bit and come up with a better plan.”

Mr. Harbison stated, “what you telling me is I only have room for one car in the current driveway.”

Chairman Mahone explained, “perhaps you could widen it, I do not know, that is not my area of expertise.”

Commission Member Downtain stated, “to use the back you would have to pave the alley.”

Mr. Harbison explained, “we are two houses off the corner; that is not cost effective to do what code is requiring. I am already into that property for \$40,000; I bought it for \$32,000, demolished the house for \$5,000, and paid almost \$2,000 for plans. It is either me selling the lot, which I currently have listed if this does not work out; I have not had any takers yet and it is right there by the baseball fields and the school in a very good location.”

Commission Member Downtain explained, “you have two options tonight. If you would like, we could proceed with a vote, but it does not look like a plan that is going to work and that is going to put you in a position where you have to start over with everything or you could table it and revise your plan. “

Mr. Harbison agreed to table the request.

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

ACTION TAKEN.

Motion by Commission Member Davis to table the request at 1725 North Highland Avenue. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS TABLED.

SPECIFIC USE PERMIT

THE REQUEST OF MONTGOMERY LIVING TRUST (OWNERS), CLIFF MONTGOMERY (REPRESENTATIVE), BEST PAWN (TENANT), F2M CONSTRUCTION

**SUP – INDOOR GUN RANGE
6400 TEXOMA PARKWAY**

(CONTRACTOR) AND FUSION TARGETS (SHOOTING RANGE DESIGNER/PROVIDER) CONCERNING THE PROPERTY AT 6400 TEXOMA PARKWAY, BEING 1.756 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085, AS FOLLOWS:

(MONTGOMERY LIVING TRUST)

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A COMMERCIAL AMUSEMENT CENTER (INDOOR GUN RANGE) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.3 (FM HIGHWAY 691) OVERLAY DISTRICT.

Cliff Montgomery, 6400 Texoma Parkway, Sherman, TX

Mr. Montgomery appeared to represent the request and answer any questions. The property is located at 6400 Texoma Parkway; the southwest corner of Texoma Parkway and FM 691; Best Pawn is the tenant. The property is zoned a C-2 (General Commercial) District and located in the O-1.3 (FM Highway 691) Overlay District.

Mr. Montgomery explained, “I plan to move Best Pawn to the lease space facing FM 691 and demolish the existing location where the pawnshop is located now. As soon as I get the building finished that was approved last month, I will move out of the existing building. Then I would like to construct an indoor gun range that is specifically designed to house a gun range at their current location on the existing foundation. The building will be an eight-inch, concrete block walls with stone veneer. The company that I am having build this gun range will not put a gun range in unless it meets specific requirements. We put steel plates in the ceiling to keep bullets in the range and we put a rubber berm on the end of the range to reduce sound and it is more environmentally friendly. I am spending a great deal of money on a ventilation system; about \$350,000 to put brand new air into that building every fifteen seconds. It will be an extremely safe building. You will be able to shoot 50 caliber pistols or rifle calibers. It will have a 60’ range. The berm will be mined twice a year, which means I have a company come in, pull all the lead out of it in an environmentally safe manner, build it back up and add rubber to it if needed; it will be inspected twice a year. The range will have ten lanes and be open seven days a week. You will not be able to hear the gun range inside my retail store, which will be next door. There will be some rifle shooting but the majority of the shooting will be pistol calibers; you are not going to hear them. I am hoping to have this on the ground by March 2021.” He had seen the Staff Review Letter and would abide by the Recommendations.

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the Specific Use Permit and site plan to allow a commercial amusement center (indoor gun range) in a C-2 (General Commercial) District/O-1.3 (FM Highway 691) Overlay District located at 6400 Texoma Parkway subject to the Staff Review Letter. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE & SITE PLAN

THE REQUEST OF SHADOW TREE LANE, LLC (OWNERS), KENT HUGHLETT (ARCHITECT) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 2450 NORTH FRISCO ROAD, BEING 2.814 ACRES IN THE G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 827 AND THE S. MCGLOTHLIN SURVEY, ABSTRACT NO. 808, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL FOR AN OFFICE/WAREHOUSE FACILITY UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT.

ZONE CHANGE &
SITE PLAN – R-1 TO
C-2
OFFICE/
WAREHOUSE
FACILITY
2450 N. FRISCO RD.
(SHADOW TREE
LANE, LLC)

Kent Hughlett, 529 S. Crockett St., Sherman, TX

Mr. Hughlett appeared to represent the request and answer any questions. The property is located at 2450 North Frisco Road between James Street and Baker Drive. The owner would like to change the zoning on the property from an R-1 (One Family Residential) District to a C-2 (General Commercial) District.

Mr. Hughlett explained, “the owner would like to construct (4) four 9,600 square foot office/warehouse buildings for a total of 38,400 square feet for lease spaces. Parking will be provided for 162 spaces. They had seen the Staff Review Letter and would abide by the Recommendations but there is some perimeter fencing that has fencing already on it; would we be required to add additional fencing between the properties.”

Mr. Shadden explained, “the screening is required on the commercial side; if you have a deal with the neighborhood fine, but if the fence goes down, it is your responsibility to put it back up.”

Mr. Hughlett explained, “we are just curious of the property on the south, the house has been there for quite some time and it looks like the person is a collector and has some signs attached to his fence and if we put a fence up there,

he would have to redecorate the new fence. We did not want to build a fence adjacent to that.”

Mr. Shadden explained, “you would have to put up a 6’ wood fence or negotiate with him of what you are going to do.”

Mr. Hughlett explained, “the buildings would be similar to what you see on Baker Drive. Signage will be minimal; most of these businesses will have wall signs.”

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the zone change from an R-1 (One-Family Residential) District to a C-2 (General Commercial) District and site plan for an office/warehouse facility located at 2450 North Frisco Road subject to the Staff Review Letter. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 8:08 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY