

STATE OF TEXAS §

August 18, 2020

COUNTY OF GRAYSON §

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

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

ALTERNATE: NONE

MEMBERS ABSENT: NONE

CALL TO ORDER

Chairman Mahone called the meeting to order at 5:00 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the July 21, 2020 regular meeting. Motion by Commission Member Manley to approve the Minutes as written. Second by Commission Member Whitaker. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

WELCOME NEW COMMISSION MEMBER

Chairman Mahone welcomed new Commission Member Glenn Whitaker to the Planning and Zoning Commission and Board of Adjustments.

WELCOME GLENN
WHITAKER

ANNOUNCEMENTS

Rob Rae, Director of Development Services informed the board they annually provide training with Allen Taylor for the Planning and Zoning Commission. Another way to get training is through the Texas APA State Chapter Conference, usually that conference is held in person throughout the State; this year they are providing training virtually which gives an opportunity for the Planning Commissioner to attend if they desire on October 7-9, 2020. If anyone of the Planning and Zoning Commissioners are interested they may let me know and we will sign you up to attend.

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 12 & 14)

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

CONSENT AGENDA

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

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF YOUNG ENTERPRISES, LP (OWNERS), VINCENT STANKO, JONES/CARTER (CIVIL ENGINEER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY IN THE 500 BLOCK OF EAST NORTHCREEK DRIVE, BEING 6.166 ACRES IN THE JAMES H. CLARK SURVEY, ABSTRACT NO. 273, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY PLAT APPROVAL FOR THE COTTAGES AT MAGNOLIA VILLAGE.

PRELIMINARY PLAT
– COTTAGES AT
MAGNOLIA VILLAGE
500 BLK. EAST
NORTHCREEK
DRIVE
(YOUNG
ENTERPRISES)

The property is located in the 500 block of East Northcreek Drive between Hilre Drive and Town Center Street. The preliminary plan has 40 proposed lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN LONESTAR, LLC (OWNERS), VINCENT STANKO, JONES/CARTER (CIVIL ENGINEER), MEDCORE PARTNERS (DEVELOPER) AND CORGAN (ARCHITECTS) CONCERNING THE PROPERTY AT 1615 NORTH U.S. HIGHWAY 75, BEING LOT 4B-1, BLOCK 1 OF THE 2ND REPLAT OF LOT 4B, BLOCK 1, CRESCENT OAKS PLAZA, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A MEDICAL OFFICE BUILDING.

SITE PLAN –
MEDICAL OFFICE
BUILDING
1615 NORTH U.S.
HIGHWAY 75
(SHERMAN
LONESTAR, LLC)

The property is located at 1615 North U.S. Highway 75 between Texoma Parkway and Taylor Street. The property is zoned a C-2 (General Commercial) District and located in the O-1 (75 & 82) Overlay District.

GI Alliance Sherman would like to construct a 14,852 square foot medical office building. The exterior of the building will be stone and stucco with a metal roof. Parking will be provided for 75 spaces. 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.

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.

This item was tabled at the July 21, 2020 meeting.

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, “the request was tabled last month because of the parking requirement. I have provided an alternate plan with partial paving of the alleyway in the rear of the property to access two parking spaces in the back. 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 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. I have seen the Staff Review Letter and would abide by the Recommendations.”

Commission Member Downtain asked about the alley access and paving the alley.

Mr. Harbison explained, “we did include paving or asphaltting the alley for access to the rear yard.”

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

Chairman Mahone asked Rob Rae, if Mr. Harbison would have to pave the alley up to his property for access to his parking.

Mr. Rae responded, “that is correct.”

Mr. Harbison asked if paving the alley would have to take place before obtaining a permit.

Mr. Rae responded, “correct.”

Commission Member Downtain explained an encroachment easement is also required prior to improving the alley.

Mr. Rae explained the Engineering Department would help him with that.

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the variances to allow a 13’ front setback in lieu of the required 25’ for a carport addition, 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 at 1725 North Highland Avenue subject to the Staff Review Letter. Second by Commission Member Davis.

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.

VARIANCE

THE REQUEST OF WILLIAM & LISA CANNON (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 801 BENTBROOK LANE, BEING LOT 1 AND THE SOUTH 20’ LOT 2, BLOCK 1, BENTBROOK ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (5) TO ALLOW A 6’ TALL BOARD ON BOARD CEDAR FENCE ON THE EAST AND SOUTH PROPERTY LINES IN LIEU OF THE REQUIRED 25’ ON A SPECIAL SETBACK STREET (WASHINGTON) IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – SIDE STREET SETBACK FOR FENCE 801 BENTBROOK LN. (WILLIAM & LISA CANNON)

William Cannon, 801 Bentbrook Lane, Sherman, TX

Mr. Cannon appeared to represent the request and answer any questions. The property is located at 801 Bentbrook Lane, the northeast corner of Washington Street and

Bentbrook Lane and is zoned an R-1 (One Family Residential) District.

Mr. Cannon explained he would like to erect a 6' tall board on board cedar fence on the east and south property lines. "My house faces Bentbrook Lane, Washington Street is on the south side of my house; Washington Street requires a 25' setback from the property line. The fence will be approximately 30' from the curb. I had red tip photinas there for years and they developed a fungus, so I removed them; the fence will be to the south of where the red tip photinas were located. I have seen the Staff Review Letter and would abide by the Recommendations."

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

ACTION TAKEN.

Motion by Commission Member Wood to approve the variance to allow a 6' tall board on board cedar fence on the east and south property lines in lieu of the required 25' on a special setback street (Washington) in an R-1 (One-Family Residential) District at 801 Bentbrook Lane subject to the Staff Review Letter. Second by Commission Member Downtain.

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 ROSEMARY ANDERSON (OWNER), BRAD AND KRISTI TRAVIS, HATCH & KRAVENS SLAUGHTERHOUSE (TENANTS) AND JOHN LEBLANC (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1400 WEST TAYLOR STREET, BEING A 1.6890 ACRE TRACT IN THE J. B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS;

BOARD OF ADJUSTMENTS

(RENEW) TEMPORARY USE PERMIT UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4) TO ALLOW AN OUTDOOR HAUNTED HOUSE FROM SEPTEMBER 25TH THROUGH NOVEMBER 1ST, 2020 AND FEBRUARY 11TH THROUGH 15TH, 2021 IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT, R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AND C-1 (RETAIL BUSINESS) DISTRICT.

TUP – OUTDOOR
HAUNTED HOUSE
1400 W. TAYLOR
STREET
(ROSEMARY
ANDERSON)

(DENIED)

John LeBlanc, 221 W. Texas, Sherman, TX

Mr. LeBlanc appeared to represent the request and answer any questions. The property is located at 1400 West Taylor Street across from Fairview Park; it was formerly the

Anderson Slaughterhouse. Temporary Use Permits to allow the Hatch & Kravens Slaughterhouse Haunted House attraction were granted in 2007-2010 and 2012-2019.

Mr. LeBlanc explained, “this would be the thirteenth year for the Temporary Use Permit. Everything will be the same except for two things. We will not be using the building; we will have an outside only show due to Covid-19. Twenty days are scheduled and due to the fact the show will be outside subject to mother nature, we are requesting to have alternate days between September 25, 2020 and October 31st in case of weather issues where it rains every weekend; we would like to be able to move those days. We intend to stick to the days of September 25, 2020 through November 1, 2020 and February 11 through 15, 2021 for a Valentine’s Show. Hours of operation will be Friday and Saturday, 8 p.m. - 12 a.m., Sunday thru Thursday, 8 p.m. - 11 p.m.”

Commission Member Davis explained, “they had some problems in the past with loud music and they did a wonderful job of correcting that and there have been no complaints for years. With this being an outside show, will that open it up to more screaming and chain saws.”

Mr. LeBlanc responded, “sixty percent of the show has been outside all along and the chain saws were always outside; you cannot use those in a house because of carbon monoxide.”

Commission Member Davis stated, “I like having a haunted house around, but have you thought about the noise having it outside.”

Mr. LeBlanc responded, “yes, we do not think that will be a problem.”

Chairman Mahone asked about the paintball area.

Mr. LeBlanc responded, “we will not have the paintball area this year due to Covid-19; that requires too much contact.”

Chairman Mahone asked if there had been any complaints in the last year for the haunted house.

Rob Rae responded, “I am not sure if there have been official complaints from citizens and we have not received any opposition.”

Billy Hartsfield, City of Sherman Fire Marshal

“Mr. LeBlanc stated last year they would be able to meet all City Building and Fire Codes; they were not able to do that. So we imposed stricter personnel safety guidelines for them to follow. We did some investigating and found out they were not following them.”

“The 2009 International Fire Code reads: A building that is a special amusement building, a building that is temporary, permanent or mobile that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction as form of amusement arranged so that the egress path is not readily apparent due to visual or audio distractions or an intentionally confounded egress path, or is not readily available because of the mode of conveyance through the building or structure.”

“The 2009 International Fire Code also requires the special amusement building to have a sprinkler system and an alarm system. If any part of their show is under any kind of structure, whether it is being temporary or mobile or permanent, which is rooftops, cattle structures, any of that, the Fire Code requires they have a sprinkler and alarm system. If they do not have that, they are not meeting the requirement of the Staff Review Letter. If they open on an outdoor only basis, I have severe concerns with electrical work I have seen there in the past (pictures provided).”

Chairman Mahone asked, “under your jurisdiction, as Fire Marshal is there not something you could do about that, regardless of the Temporary Use Permit. Can you tell me if anything was done last year?”

Mr. Hartsfield responded, “no, and it was stated all throughout our correspondence last year if they came back in 2020, full Fire Code compliance would be necessary (emails provided) and I have an email from Mr. LeBlanc from 2018 that said he was seeking full Fire Code Compliance ongoing and future goals. This has been going on for years and they are not showing diligent in conforming on their end.”

Chairman Mahone asked if he had shown the pictures to Mr. LeBlanc.

Mr. Hartsfield responded, “he was there when I took them.”

Mr. LeBlanc agreed he was there.

Mr. Hartsfield stated, “we had a meeting with Mr. LeBlanc and some of his associates a couple of months ago in our Fire Station, it became pretty adversarial about enforcement of the Fire Code and why we do such and my job to enforce that and to be here to uphold the Fire Code the City has adopted.”

Commission Member Manley stated, “I trust Mr. Hartsfield assessment that compliance with Fire Codes are not being met. Do we approve or disapprove based on the Staff Review Letter or do we simply allow Mr. Hartsfield to enforce his jurisdiction.”

Chairman Mahone explained, “we could approve or disapprove based on the evidence Mr. Hartsfield has brought to us today, but regardless of that, even if we approved it, I think there is another channel you would have to go through to enforce your Fire Codes.”

Mr. Rae explained, “based on the Staff Review Letter, they would have to bring that up to compliance with all the Fire Codes.”

Chairman Mahone stated, “they get a Certificate of Occupancy for this event, correct.”

Mr. Rae responded, “yes.”

Chairman Mahone explained, “that Certificate of Occupancy would not be issued without your approval; correct.”

Mr. Hartsfield responded, “correct.”

Commission Member Davis stated, “you have given them approval in the past with being told it would be in compliance and it has not, so you have done your due diligence.”

Chairman Mahone explained, “it sounds like you have granted them some grace in the past and now it will be up to you to sign off on the Certificate of Occupancy.”

Mr. LeBlanc stated, “we were under the Fire Code like he said but they allowed us a variance and this year we have been told we would need to be in full compliance, but we felt with the outdoor venue, we didn’t need to do that. The problem was the building was over 1,000 square feet requiring the sprinklers and an alarm system. According to Fire Code, that is not a regulation for an outdoor venue.”

Chairman Mahone stated, “that is up to the Fire Marshal.”

Commission Member Davis explained, “last year when he brought it up, you told him you were going to work on it; you knew it was a 1,000 square foot building, so you just told him that to appease him.”

Mr. LeBlanc explained, “we did not know he was going to bring us to that code until last year. The permit has always been issued. It was in the Staff Review Letter that we meet codes and we felt we could not do that with the building, so he allowed us to use the building one more time. This year we are not going to use the building for the performance; it is totally an outdoor venue. We have the Staff Review Letter and Item 1 says it must come in compliance with the Fire Marshal and Building Codes. There are no building codes there because we are not using the building.”

Commission Member Manley explained, “that is not up to this committee to decide.”

Commission Member Wood explained, “#12 also says it must be in full compliance of all fire, electrical, ADA, etc. codes prior to opening to the public.”

Mr. LeBlanc responded, “yes.”

Chairman Mahone stated, “that is not specific to a building.”

Mr. LeBlanc explained, “being an outdoor venue, we can comply; the code is different for outdoors.”

Mr. Rae asked if the building would be used in any way for staff or storage or are the doors going to be locked with a padlock.

Mr. LeBlanc explained, “in the off-season we use the building for storage.”

Mr. Rae asked, “while you are open for the haunted house, will the building be used for anything, will it be locked, closed; will it be used for bathrooms.”

Mr. LeBlanc responded, “no, it will be closed. We use portable bathrooms.”

Commission Member Downtain asked where his power source comes from.

Mr. LeBlanc stated, “it comes from an electrical pole, which is outside the building.”

Commission Member Manley asked if the electrical had been installed by licensed people and permitted by the City.

Mr. LeBlanc explained, “the electrical comes out of a breaker box and we set it for outdoor usage. It was installed and inspected seven years ago.”

Commission Member Davis stated, “the pictures do not seem to be compliant with seven or eight year ago electrical.”

Mr. LeBlanc explained, “when we first put that in we improved it and have stayed with it since.”

Mr. Rae asked Mr. LeBlanc if he would have liability insurance for this event; if so how much do you have.

Mr. LeBlanc responded, “yes; \$2,000,000.”

Mr. Rae asked if he would provide the City a copy.

Mr. LeBlanc responded, “yes.”

Chairman Mahone asked if there was a minimum amount required for the liability insurance.

Mr. Rae stated, “our recommendation is \$2,000,000 for liability insurance.”

Commission Member Davis explained, “I am familiar with the slaughterhouse. I cannot picture a place big enough to have it unless you are clearing land behind the slaughterhouse.”

Mr. LeBlanc explained, “it is not behind the slaughterhouse; it is the old feeding lot, stockyard.”

Commission Member Davis stated, “that has the pipe fencing for loading and unloading.”

Mr. LeBlanc explained, “the main pole is right behind the slaughterhouse, but we will not connect into it.”

Commission Member Davis explained, “the lot has a lot of alleys and lanes to run through it.”

Mr. LeBlanc explained, “it is the out buildings where the feeders sat and the holding pens; that is the area we intend to use.”

Commission Member Sims asked if that was in front or behind the main building.

Mr. LeBlanc explained, “it is to the side of it on the south and north side of the slaughterhouse.”

Commission Member Davis explained, “on the south you are up against a tree line and there are piles of junk.”

Mr. LeBlanc explained, “when you are facing the slaughterhouse, from the old barn that is near Taylor Street to the slaughterhouse, between the barn and the slaughterhouse is the pens.”

Scott Shadden, Director of Engineering stated, “you may want to add a condition to require an Engineer to look at the design and layout of the haunted house where they plan to hold the event to be sure it will be safe for the public and submit that to the City.”

Commission Member Davis asked Mr. Hartsfield to clarify that they need to meet codes for outdoor venues.

Mr. LeBlanc explained, “we will not be using any buildings, handling any cash, there will not be any concessions, you will buy your tickets online, when you come up we will scan them with a scanner, you will either have it on your phone or have a receipt.”

Mr. Hartsfield read the Fire Code definition of a special amusement building. “A *building that is a special*

amusement building, a building that is temporary, permanent or mobile that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction as form of amusement arranged so that the egress path is not readily apparent due to visual or audio distractions or an intentionally confounded egress path, or is not readily available because of the mode of conveyance through the building or structure.”

Mr. Hartsfield asked if the cattle area had a roof over any part of the pens.

Mr. LeBlanc explained, “there are two pole barns with a roof; they are no more than eighty to one hundred square feet in size; they were feeder stations where they had the hay and feed under an awning, they are not enclosed on four sides.”

Mr. Hartsfield wanted to clear up something that might have been a confusion. “This was provided to Mr. LeBlanc and his group last year, I made sure that they had this verbiage of the International Fire Code and I told them they would be required to follow up this year. *An automatic sprinkler system for a special amusement building shall be equipped throughout with an automatic sprinkler system in accordance with this section.* There is the 1,000 square foot rule, I do not know where that come from but it is 1 square foot”.

Commission Member Davis stated, “so whatever you do inside or outside if it is on the grounds.”

Mr. Hartsfield responded, “yes, unless it is less than 50 feet to an exit, which your conveyance is hundreds of feet long.”

Chairman Mahone explained, “Mr. Shadden has a good point because his drawing really does not give us a good idea of what is going to be built where and what the path is going to be.”

Mr. LeBlanc explained, “for our outdoor venue we have put in emergency exits every fifty feet through the pathway.”

Chairman Mahone stated, “the site plan does not show that”.

Mr. LeBlanc explained, “we were trying to eliminate the building not only for Covid-19 but also for Fire to have it totally outside. Nothing will be attached to the building, no part of the show.”

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

ACTION TAKEN.

Motion by Commission Member Davis to deny request based on the information that was presented tonight at 1400 West Taylor Street. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE

THE REQUEST OF WASHINGTON 1417 LP (OWNERS), TIM PIKE, WYLDEWOOD HOMES (PROSPECTIVE BUYER) AND PRESTON TRAIL LAND SURVEYING. (SURVEYOR) CONCERNING THE PROPERTY IN THE 900 BLOCK OF NORTH FM 1417 (HERITAGE PARKWAY), TRACT 1 BEING 11.244 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AND TRACT 2 BEING 0.010 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, FOR A TOTAL OF 11.254 ACRES, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

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

ZONE CHANGE – C-1
TO R-1
900 BLK. NORTH FM
1417 (HERITAGE
PARKWAY)
(WASHINGTON 1417
LP)

Tim Pike, 518 Bledsoe Rd., Gunter, TX

Mr. Pike appeared to represent the request and answer any questions. The property is located in the 900 block of North FM 1417 (Heritage Parkway); the southeast corner of FM 1417 (Heritage Parkway) and Washington Street. The owners would like to change the zoning on a portion of the property from a C-1 (Retail Business) District to an R-1 (One Family Residential) District. The preliminary plan has 136 proposed lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

Mike Walthall, 609 Madison Place, Sherman, TX

Mr. Walthall wanted clarification where the property was located.

Chairman Mahone provided him a map of the property.

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for a zone change from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District in the 900 block of North FM 1417 (Heritage Parkway) subject to the Staff Review Letter. Second by Commission Member Whitaker

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

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

EXCEPTION

THE REQUEST OF SHERMAN C&G PROPERTIES (OWNER)
AND MICHAEL J WRIGHT & ASSOCIATES, INC.
(ARCHITECT) CONCERNING THE PROPERTY LOCATED AT
1225 PARK PLACE, BEING A PART OF BLOCKS 4 & 5 OF
THE REPLAT OF LOTS 6 THRU 45, WOODHAVEN
ADDITION, CONTAINING 1.252 ACRES IN THE J.B.
MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3,
SUBSECTIONS (7) TO NOT REQUIRE A PERIMETER
MASONRY SCREEN WALL FOR CREEKWOOD
CONDOMINIUMS IN AN R-2 (MULTI-FAMILY RESIDENTIAL)
DISTRICT.

EXCEPTION -
SCREENING
1225 PARK PLACE
(SHERMAN C&G
PROPERTIES)

Bobby Joe Wright, 8233 Mid Cities Blvd., Ste. A, NRH, TX

Mr. Wright appeared to represent the request and answer any questions. The property is located at 1225 Park Place, the southeast corner of Newman Drive and Park Place. The property is zoned an R-2 (Multi-Family Residential) District. The owners were approved for site plan approval to replace the existing apartments that were destroyed by fire December, 2019 with one, three-story, 12,600 square foot (approximately 700 square foot per unit) with (18) eighteen, one bedroom units and a second two-story building, 3,900 square foot (approximately 975 square foot per unit), four unit building on the vacant land. There will be a total of (30) thirty units. Parking will be provided for (61) sixty-one spaces, including (20) twenty carports.

Mr. Wright explained, “we are requesting an exception to not require a perimeter masonry wall surrounding the apartments due to the existing floodplain and drainage utility easement on the southern property. The area has a number of trees and grade variants. On the north and east sides there are multi-family developments.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis explained, “there used to be fencing on the east side where a pool was located.”

Mr. Wright explained, “we are now putting a building where the pool was. There currently is not a fence on the property and my client has owned the property for ten years.”

Commission Member Sims stated, “my property backs up to this property and I have never seen a fence there.”

Mr. Wright explained along Newman Street, sixty-foot of the property is all in the floodplain. “There is a heavy tree line along the south of the property as well as a fifty-foot drainage easement and the tree line is in the floodplain. If we did put in a fence, it would be right up against the building.”

Mr. Shadden asked if they would do any additional landscaping in lieu of the fence.

Mr. Wright explained it is heavily treed and we are keeping all the existing trees as well. “We will do as much as we can and try to do more than what is required.”

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

ACTION TAKEN.

Motion by Commission Member Wood to approve the request to not require a perimeter masonry screen wall for Creekwood Condominiums in an R-2 (Multi-Family Residential) District at 1225 Park Place 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.

AMENDING PLANNED DEVELOPMENT

THE REQUEST OF TERRA PERPETUA LLC (OWNERS), BRYAN KLEIN, ION DESIGN GROUP (REPRESENTATIVE), BUSH ARCHITECTS, LLC (ARCHITECT) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 300-1000 BLOCKS EAST FM 1417 (VIETNAM VETERANS PARKWAY) TO INCLUDE 32.545 ACRES FOR A TOTAL OF 278.313 ACRES IN THE SHERROD DUNMAN SURVEY ABSTRACT NO. 329, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

AMENDING PLANNED DEVELOPMENT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.11, FOR BEL AIR VILLAGE FORMERLY KNOWN AS TERRA PERPETUA VILLAGE (ORD NO. 6232)

Bryan Klein and Connie Cooper, ION Design Group, 3839 McKinney Ave., Ste. 155-235, Dallas, TX

Mr. Klein and Ms. Cooper appeared to represent the request and answer any questions. The property is located in the 300-1000 blocks East FM 1417 (Vietnam Veterans Parkway)

**AMENDING
PLANNED
DEVELOPMENT
300-1000 BLK. EAST
FM 1417 (VIETNAM
VETERANS
PARKWAY) (TERRA
PERPETUA LLC)**

between U.S. Highway 75 and State Highway 11 (Dewey Avenue). A portion of the property (245.83 acres) was approved for a Planned Development for Terra Perpetua Village by Ordinance 6232, August 5, 2019. The owner has purchased an additional 32.545 acres east of the development which is currently zoned an R-1 (One Family Residential) District. The owner would like to amend the planned development to include this acreage for a total of 278.313 acres and rename it to Bel Air Village.

The Planned Development Ordinance (No. 6186) was approved March 18, 2019; Halff Associates, Inc., a Professional Engineering Service, was consulted to design the ordinance. The planned development district is intended to facilitate the planning, design, and development of integrated land uses on large tracts of land that cannot be adequately accommodated in other zoning districts. A PD shall further the goals of the comprehensive plan, demonstrate enhanced and contextual design standards, present a well-organized and cohesive land plan, and contain clear and concise development regulations.

Mr. Klein explained, “we are adding 32 acres to the Planned Development; it will be all the way to the railroad now. We are also changing the name of the development to Bel Air Village.” 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 Amended Planned Development.

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for an amendment to the Planned Development and site plan approval for Bel Air Village formerly known as Terra Perpetua Village (Ord No. 6232) in the 300-1000 blocks East FM 1417 (Vietnam Veterans Parkway) subject to the Staff Review Letter. Second by Commission Member Whitaker.

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

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

ZONE CHANGE & SPECIFIC USE PERMIT

THE REQUEST OF YOUNG ENTERPRISES, LP (OWNERS), VINCENT STANKO, JONES/CARTER (CIVIL ENGINEER), DREAM TO LIFE DESIGNS (DESIGNER) AND HELVEY-WAGNER SURVEYOR, INC. (SURVEYOR) CONCERNING THE PROPERTY IN THE 500 BLOCK OF EAST

ZONE CHANGE – C-1
TO R-1

SPECIFIC USE
PERMIT – PATIO
HOMES

**NORTHCREEK DRIVE, BEING 6.166 ACRES IN THE JAMES H. CLARK SURVEY, ABSTRACT NO. 273, AS FOLLOWS:
*PLANNING AND ZONING COMMISSION***

**500 BLK. EAST
NORTHCREEK DR.
(YOUNG
ENTERPRISES, LP)**

- **ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM A C-1 (RETAIL BUSINESS) DISTRICT TO AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.**
- **SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW UP TO 39 PATIO HOMES IN THE PROPOSED COTTAGES OF MAGNOLIA VILLAGE IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.**

Vincent Stanko, Jones/Carter, 2805 Dallas Parkway, Ste. 600, Plano, TX and Todd Young, Young Enterprises, 5414 N. FM 1417 (Heritage Parkway), Sherman, TX

Mr. Stanko and Mr. Young appeared to represent the request and answer any questions. The property is located in the 500 block of East Northcreek Drive between Hilre Drive and Town Center Street, adjacent to residential on the west and Home Depot on the east.

Mr. Stanko explained, “the owners would like to change the zoning on the property from a C-1 (Retail Business) District to an R-1 (One Family Residential) District and request a Specific Use Permit to allow patio homes on (39) thirty-nine lots.” We have seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if there are patio homes in the development across the street; Magnolia Village.

Mr. Young explained, “the patio home designation was for the setback requirements; they were not true patio homes. The builders built standard size homes within the setbacks. This will actually follow the patio home ordinance; they will be smaller homes on smaller lots. The development to the south was 45 lots. The designation for patio homes was for the builders that had already bought the lots.”

Commission Member Wood asked the requirement for green space.

Mr. Rae explained, “if there is less than fifty homes, there is not a requirement for a green space.”

Commission Member Davis asked since they are doing the development in phases, would the green space be required.

Mr. Rae explained, “since this development is separated by a major thoroughfare, it does not come into play.”

Mr. Stanko explained they are working on widening the entrance to the development; “we need to make it wider to

meet Fire Codes. We aligned it with the Magnolia Village entrance where they line up parallel to each other.”

Commission Member Sims stated, “we drive Northcreek Drive behind Travis Street, is there any plans for improvements to that road for traffic.”

Chris Armstrong, Assistant City Engineer explained, “we are working with TXDOT to make a signal light at Travis and Northcreek and we plan to extend Hilre Drive to Travis Street.”

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

A letter was received from:

John Munson, 2402 W. Morton St., Ste. 110, Denison, TX

“I’m for the zone change. Would like to see minimum 7,200 square foot lots. Traffic on Northcreek needs to be addressed. The area between Town Center and Knollwood Road is now all residential. Northcreek Drive gets lots of traffic; all speeding. It’s tough to get on Northcreek from Hilre, Indio, Dry Creek, Carneros and Hara due to traffic.”

ACTION TAKEN.

Motion by Commission Member Wood to approve the zone change from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District and Specific Use Permit to allow up to 39 patio homes in the proposed Cottages of Magnolia Village in the 500 block of East Northcreek Drive subject to the Staff Review Letter. Second by Commission Member Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE, ZONE CHANGE & SITE PLAN

THE REQUEST OF 1303 GROUP, LLC (OWNERS), VILBIG & ASSOCIATES, P.L.L.C (CIVIL ENGINEER) AND DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY AT 230 EAST SYCAMORE STREET, BEING LOT 1, ELLISON ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.4, SUBSECTION (5)(C) TO ALLOW A 50’ TALL OFFICE BUILDING IN LIEU OF THE ALLOWED 45’ IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

**VARIANCE –
BUILDING HEIGHT**

**ZONE CHANGE – C-2
TO C-1**

**SITE PLAN –
SYCAMORE OFFICE
BUILDING
230 EAST
SYCAMORE ST.
(1303 GROUP, LLC)**

- ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM A C-2 (GENERAL COMMERCIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.
- SITE PLAN APPROVAL FOR SYCAMORE OFFICE BUILDING.

Blair Weaver, 1705 E. Pecan Grove Rd., Sherman, TX

Mr. Weaver appeared to represent the request and answer any questions. The property is located at 230 East Sycamore Street between Highway 75 access road and North Branch Street; the former American Legion. The property is zoned a C-2 (General Commercial) District and located in the O-1 (75 & 82) Overlay District.

Mr. Weaver explained, “the current property has the former VFW, a dilapidated building that has been there since the ‘50’s. Our plan is to demolish the building and construct a three-story office building on the site. I have had this property in a partnership for five or six years. We are requesting a zone change from a C-2 (General Commercial) District to a C-1 (Retail Business) District, variance and site plan approval for a 30,714 square foot, three story (50’), mixed use office building. The exterior of the building will be brick with fiber cement panels. Parking will be provided for 134 spaces.” He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked Mr. Rae why did we set up a 45’ height requirement on a three-story building.

Mr. Rae explained, “the floor elevations for a standard three story building, there are exceptions to that, I don’t believe they are going over the three stories to make that 50’. The one thing on the Staff Review Letter is the parking; it is our understanding it may be a mixed use for medical and general office use, which require different parking requirements.”

Mr. Weaver explained, “we plan to have medical offices primarily on the first and second floors and the third floor will be for business offices.”

Mr. Rae explained, “the parking they provided is in the middle of the 1/200 or 1/400 square foot requirement. The 1/200 square foot is for medical and the 1/400 square foot is for general office.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Downtain to approve the variance to allow a 50’ tall office building in lieu of the

allowed 45' in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District located at 230 East Sycamore Street subject to the Staff Review Letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Downtain to approve the zone change from a C-2 (General Commercial) District to a C-1 (Retail Business) District and site plan approval for Sycamore Office Building located at 230 East Sycamore Street subject to the Staff Review Letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF PHILLIP S. JENNINGS, JR. FAMILY TRUST (OWNERS), STEVE JENNINGS (REPRESENTATIVE), BLACKBEARD ARMORY & RANGE, LLC (TENANT), TAP SMITH (MANAGER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2926 TEXOMA PARKWAY, BEING 1.719 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A COMMERCIAL AMUSEMENT CENTER (INDOOR GUN RANGE) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

Tap Smith, 2219 Cordell Rd., Sadler, TX

Mr. Smith appeared to represent the request and answer any questions. The property is located at 2926 Texoma Parkway between U.S. Highway 82 and Gallagher Drive. The property is zoned a C-2 (General Commercial) and partially located in the O-1 (75 & 82) Overlay District. A Specific Use Permit to allow a commercial amusement center (indoor gun range) was approved October 2, 2000 (Ord. 4894). The gun range closed down in April 2020 and the Specific Use Permit went away after sixty days.

Mr. Smith explained, “the property has been used as an indoor gun range since it was built twenty plus years ago. I

SUP – INDOOR GUN RANGE
2926 TEXOMA PARKWAY
(PHILLIP S. JENNINGS, JR. FAMILY TRUST)

have worked and lived in Grayson County for twenty years. I have worked in the retail and training sector for the past decade. I hold several certifications from the NRA in Texas. I have been a businessman for the past thirty years.”

“We have acquired the property at 2926 Texoma Parkway. Our intent is to open it back up as a retail firearms store, indoor range and training facility. There was an old range there, any range equipment that needs to be renewed or decommissioned will be done by professional companies that are licensed and certified to perform this test. All the range equipment going back in will be installed by several industry leaders. The range will have the latest in safety, sound reduction, air quality, responsible environmental standards and will be serviced regularly; unlike the old range was. We are including several safety measures that are above and beyond the industry standards to get the range back up.” He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis stated, “I know it was a pistol range, are you keeping it a pistol range or are you doing larger caliber.”

Mr. Smith responded, “yes, sir, it will be larger caliber. Part of going above and beyond the industry standards; we are getting it rated to fifty caliber; not intended to shoot fifty caliber, but rated to, meaning we want to make sure it is safety always first; what is what it is rated for is not our intention to use it for but to actually stop a 308 rifle, but above what is needed to stop a 308 rifle. The new range design is impossible for anything to leave the range; it is completely one hundred percent safe.”

Commission Member Downtain asked how long is the range.

Mr. Smith explained, “it is twenty-five yards. It is the same system that was used in the Texas Gun Experience in Grapevine; same company that is bidding on ours is the one that installed it there, they use the same equipment; it is a very high-end range.”

Mr. Rae asked, “what is the name of the company you are working with.”

Mr. Smith responded, “we are taking bids on several companies, Rushing Treated Air is the one that did that. The new range is designed to trap any lead particles, the noise is much quieter than what you would have heard from the old steel trap; it is completely nonexistent outside. The way we are going with the air system, the old system intake/exhaust was not comfortable for shooters and the way it was designed, it allowed sound to travel outside the range; the new system will not allow that to happen. There was a lot of maintenance to do on the old facility. In Phase

2, it will allow us to extend it out the back, we could get some room for rifles, but that is down the road.”

Doyle Moore, 2816 Texoma Parkway, Sherman, TX

Mr. Moore explained they are neighbors to the south. “Of all the previous owners, these people are very professional. The gentleman that started the gun range, Lloyd Arnold was a personal friend of mine; he was a retired State Trooper. Lloyd was great, but since then it has not been too good.”

Chairman Mahone asked how many people they plan to have on site while it is operating.

Mr. Smith responded, “a Range Safety Officer will always be on duty when anything is going on the range, additional staff is about five staff members, as the business grows the staff will grow. There will be more than enough to ensure safety, not only by individuals watching but a lot of security measures will be put in place before the range is open. My whole career is safety and instructional training of firearms and I would not do anything to risk anyone’s safety or my reputation for doing so.”

Chairman Mahone asked the hours of operation.

Mr. Smith responded, “9 a.m. to 9 p.m., seven days a week.”

Commission Member Davis asked how many lanes or shooters can you accommodate.

Mr. Smith responded, “ten lanes, the most standard practice for that size range is one shooter per lane but you could have two additional people in that lane.”

Mr. Rae asked from the building side, “will your contractors that you are working on hiring, will they provide you a plan and design of your range.”

Mr. Smith responded, “yes, sir, whoever we select I can present you with that as soon as I am approved.”

Mr. Rae explained, “we would need to review your plan before obtaining a Certificate of Occupancy Permit.”

Mr. Smith explained, “the people that do this are very industry specific; that will not be a problem.”

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

ACTION TAKEN.

Motion by Commission Member Davis approve the Specific Use Permit and site plan approval to allow an indoor gun range in a C-2 (General Commercial) District located at 2926 Texoma Parkway subject to

PLANNING & ZONING COMMISSION MINUTES – AUGUST 18, 2020

the Staff Review Letter. Second by Commission Member Wood.

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

VOTING NAY: NONE

MOTION CARRIED

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:17 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY