

STATE OF TEXAS §
COUNTY OF GRAYSON §

March 16, 2021

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 March 16, 2021.

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

ALTERNATE: NONE

MEMBERS ABSENT: NONE

STAFF PRESENT: ROB RAE, DIRECTOR OF DEVELOPMENTAL SERVICES,
PATSY REEVES, DEVELOPMENTAL SERVICES
COORDINATOR, CHRISTOPHER ARMSTRONG,
ASSISTANT ENGINEER AND WAYNE LEE, DIRECTOR OF
ENGINEERING

CITY ATTORNEY: RYAN PITTMAN

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the January 12, 2021 regular meeting. Motion by Commission Member Davis to approve the Minutes as written. Second by Vice-Chairman Downtain. All present voted AYE.

MOTION CARRIED.

APPROVE MINUTES

ANNOUNCEMENTS

There were no announcements.

ANNOUNCEMENTS

APPOINT BOARD OF ADJUSTMENTS

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

BOARD OF
ADJUSTMENTS

CONSENT AGENDA (ITEMS 16, 20, 21, 29, 30, 31, 33, 34 & 35)

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

CONSENT AGENDA

An email was received March 15, 2021 at 8:25 a.m. requesting to table Item #16.

The Commission reviewed the Consent Agenda. Commission Member Whitacker moved to approve Items

20, 21, 29, 30, 31, 33, 34 & 35 on the Consent Agenda subject to the Staff Review Letters. Second by Commission Member Davis. All present voted AYE. All present voted AYE.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF FIRST UNITED BANK AND TRUST (OWNER) AND AUSTIN HAHN, CALICHI DESIGN GROUP (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 3401 NORTH FM 1417 (HERITAGE PARKWAY), BEING LOT 1 OF THE REPLAT OF LOTS 1 & 2 OF THE REPLAT OF LOT 2 OF THE REPLAT OF LOT 1-B, POST OAK CROSSING ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A REMOTE AUTOMATED TELLER MACHINE (ATM) FOR FIRST UNITED BANK AND TRUST.

SITE PLAN – ATM
3401 NORTH FM 1417
(HERITAGE
PARKWAY)
(FIRST UNITED
BANK & TRUST)

The property is located at 3401 North FM 1417 (Heritage Parkway), the northeast corner of FM 1417 (Heritage Parkway) and Post Oak Crossing; First United Bank and Trust are the tenants. The property is zoned a C-1 (Retail Business) District and located in the O-1.1 (FM 1417) Overlay District.

First United Bank and Trust has purchased the property and plans to occupy the former First Texoma National Bank space. They would like to add a remote Automated Teller Machine (ATM) lane south of the building. The building is surrounded by a parking lot and drive aisle that wraps around the west and south side with a multi-lane drive thru service in the rear. 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 FIRST UNITED BANK AND TRUST (OWNER), AUSTIN HAHN, CALICHI DESIGN GROUP (REPRESENTATIVE) AND GENSLER (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 209 WEST WASHINGTON STREET, BEING LOT 1, BLOCK 1, AMERICAN BANK ANNEX, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN IT/SERVER ROOM ADDITION TO FIRST UNITED BANK AND TRUST.

SITE PLAN -
IT/SERVER ROOM
ADDITION
209 W.
WASHINGTON
(FIRST UNITED
BANK & TRUST)

The property is located at 209 West Washington Street, the northwest corner of Washington and Crockett Streets; First United Bank and Trust is the tenant. The property is zoned a C-1 (Retail Business) District and located in the Central Business District.

First United Bank and Trust would like to add an IT/Server Room (173 square foot) to the existing Financial Institution (691 square foot). The exterior will be standing seam metal roof with plaster and stonewalls to match the existing building. Drainage improvements will be made to correct a ponding situation in the public way. 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 & SITE PLAN – CONSENT AGENDA ITEM
THE REQUEST OF ALTONA, INC, (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 729 EAST TAYLOR STREET, BEING 3.381 ACRES IN THE J. B. MCANAIR SURVEY, ABSTRACT NO. 763 AND BEING ALL OF LOT B OF THE TAYLOR PLAZA ADDITION, AS FOLLOWS;

ALTONA'S REPLAT
LOT B, TAYLOR
PLAZA ADDITION

SITE PLAN - HTeaO
729 E. TAYLOR
(ALTONA, INC.)

PLANNING AND ZONING COMMISSION

- REPLAT APPROVAL OF ALTONA'S REPLAT OF LOT B, TAYLOR PLAZA ADDITION.
- SITE PLAN APPROVAL FOR HTEAO

The property is located at 729 East Taylor Street; the northwest corner of Loy Lake Road and Taylor Street. The property is zoned a C-2 (General Commercial) District and an M-1 (Light Manufacturing) District.

The owner would like to Replat the property into two lots for commercial development of HTeaO, an iced tea business. HTeaO is a franchise business, which originated in Amarillo, Texas. Originally created as "Texas Tea" in 2009, as an extension of a burger restaurant, sales of the tea became popular, the owners decided to franchise the business under the name "H Tea O" in 2017. Currently they are operating five company owned stores, three under the Texas Tea brand and two under the HTeaO brand. These stores are located in Amarillo, Dumas and Midland, Texas. HTeaO continues to expand with over 30 locations under development in North Texas including Plano, Frisco and McKinney.

Kate and Doyle Whitson would like to open the first HTeaO business in Sherman by constructing a 2,400 square foot building with drive thru at the northwest corner of Loy Lake Road and Taylor Street. Parking will be provided twelve (12) cars. 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 LLOYD PLYLER CONSTRUCTION, LLC (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY IN THE 2300-2600 BLOCKS OF GRAYSTONE ROAD AND THE 3200-3500 BLOCKS OF NORTH FRISCO ROAD, BEING 19.950 ACRES IN THE SAMUEL M. MCGLOTHLIN SURVEY, ABSTRACT NO. 811, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF LLOYD PLYLER ADDITION.

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 Graystone Road and North Frisco Road. The property is zoned a C-2 (General Commercial) District. The owner would like to Plat the property into thirteen lots for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF WESTAR HOME BUILDERS (OWNER), RON WESTERVELT (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 4000-4300 BLOCKS OF HUMMINGBIRD DRIVE AND THE 700 BLOCK OF SWAN RIDGE DRIVE, BEING 16.393 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF THE PRESERVE, PHASE III.

The property is located in the 4000-4300 blocks of Hummingbird Drive and the 700 block of Swan Ridge Drive; the southeast corner of Swan Ridge Drive and Hummingbird Drive. The property is zoned an R-1 (One Family Residential) District. The owner would like to Plat the property into 57 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 CHRISTY’S PROPERTIES LLC (OWNER), DRAKE HITCHCOCK (REPRESENTATIVE), BARRY BOOTHE, BLUESTONE PARTNERS, LLC (GENERAL CONTRACTOR) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3509 SOUTH U.S. HIGHWAY 75,

**FINAL PLAT – LLOYD PLYLER ADDITION
2300—2600 BLKS.
GRAYSTONE RD. &
3200-3500 BLKS. N.
FRISCO RD.
(LLOYD PLYLER
CONSTRUCTION,
LLC)**

**FINAL PLAT – THE
PRESERVE, PHASE
III
4000-4300 BLKS.
HUMMINGBIRD DR. &
700 BLK. SWAN
RIDGE DR.
(WESTAR HOME
BUILDERS)**

**SITE PLAN –
COMMERCIAL
RETAIL CENTER
3509 SOUTH U.S.
HIGHWAY 75
(CHRISTY’S
PROPERTIES, LLC)**

BEING 3.807 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR A COMMERCIAL RETAIL CENTER.

The property is located at 3509 South U.S. Highway 75, the vacant property north of the Days Inn at East FM 1417 (Vietnam Veterans Parkway) and Highway 75 access road. The property is zoned a C-2 (General Commercial) District and located in the Blalock Commercial Overlay District. The owner is requesting site plan approval for a 10,000 square foot, single-story, commercial retail center. Parking will be provided for 52 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.

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF TERRA PERPETUA LLC (OWNERS), DAVID NEWMAN, MESA DESIGN GROUP (ARCHITECT) AND UNDERWOOD DRAFTING AND SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 300-1000 BLOCKS EAST FM 1417 (VIETNAM VETERANS PARKWAY), BEING 278.313 ACRES IN THE SHERROD DUNMAN SURVEY ABSTRACT NO. 329, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL OF BEL AIR VILLAGE, PHASES I AND II.

The property is located in the 300-1000 blocks East FM 1417 (Vietnam Veterans Parkway) 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 purchased an additional 32.545 acres east of the development and amended the Planned Development to include this acreage for a total of 278.313 acres and rename it to Bel Air Village (Ord. 6319). 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 TEXOMA RENT HOUSE LLC (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 608 SOUTH THROCKMORTON STREET, BEING LOTS 13, 14, 15, 16, 17, 18 & 19, BLOCK 5, W. ELLIOTT'S ADDITION, AS FOLLOWS:

SITE PLAN – BEL AIR VILLAGE, PHASES I & II
300-1000 BLKS. E. FM 1417 (VIETNAM VETERANS PARKWAY)
(TERRA PERPETUA LLC)

REPLAT – TEXOMA RENTALS ADDITION, A REPLAT OF LOTS 13, 14, 15, 16, 17, 18 & 19, BLOCK 5, W. ELLIOTT'S ADDITION

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF TEXOMA RENTALS ADDITION, BEING A REPLAT OF LOTS 13, 14, 15, 16, 17, 18 AND 19, BLOCK 5, W. ELLIOTT’S ADDITION.

608 S. THROCKMORTON (TEXOMA RENT HOUSE LLC)

The property is located at 608 South Throckmorton Street; the southwest corner of Throckmorton and King Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to Replat the property into three lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT

THE REQUEST OF DON & CAROL KELLEY (OWNERS), NELTA, LLC (DEVELOPER) AND PRESTON TRAIL LAND SURVEYING, LLC (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2200 NORTH HICKORY STREET, BEING 0.520 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 AND BEING PART OF LOT 9 AND ALL OF LOTS 10, 11 AND 12, BLOCK 3 OF THE REPLAT OF SHANNON HEIGHTS ADDITION, AS FOLLOWS:

REPLAT SHANNON HEIGHTS ADDITION, BLOCK 3, LOTS 9R, 10R AND 11R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF SHANNON HEIGHTS ADDITION, BLOCK 3, LOTS 9R, 10R AND 11R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12.

2200 N. HICKORY ST. (DON & CAROL KELLEY)

(TABLED)

Chris Noah, Preston Trail Land Surveying sent an email March 15, 2021 at 8:25 a.m. requesting to table the request.

The property is located at 2200 North Hickory Street; the northwest corner of Hickory and Dupree Streets; The property is zoned an R-1 (One-Family Residential) District. The owner would like to Replat the property into three lots for residential development.

ACTION TAKEN.

Motion by Commission Member Manley to table the Replat of Shannon Heights Addition, Block 3, Lots 9R, 10R and 11R, a Replat of Shannon Heights Addition, Block 3, part of Lot 9 & all of Lots 10, 11 & 12 at 2200 North Hickory Street. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

MOTION CARRIED.

THE REQUEST WAS TABLED.

VARIANCE , SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF DON & CAROL KELLEY (OWNERS), DEVON LEWIS (PROSPECTIVE BUYER), NELTA, LLC (DEVELOPER) AND PRESTON TRAIL LAND SURVEYING, LLC (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2200 NORTH HICKORY STREET, BEING 0.520 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 AND BEING PART OF LOT 9 AND ALL OF LOTS 10, 11 AND 12, BLOCK 3 OF THE REPLAT OF SHANNON HEIGHTS ADDITION LOTS 9R, 10R AND 11R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 13' FRONT SETBACK AND 16' REAR SETBACK IN LIEU OF THE REQUIRED 25' FOR AN EXISTING RESIDENTIAL DWELLING ON THE PROPOSED LOT 12R OF THE REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, LOTS 9R, 10R & 11R IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW DUPLEXES ON LOTS 10R AND 11R, BLOCK 3 OF THE PROPOSED REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, LOTS 9R, 10R AND 11R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12 IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

Chris Noah, Preston Trail Land Surveying sent an email March 15, 2021 at 8:25 a.m. requesting to table the request.

The property is located at 2200 North Hickory Street; the northwest corner of Hickory and Dupree Streets; The property is zoned an R-1 (One Family Residential) District. The owner would like to Replat the property into three lots for residential development. There is an existing one-story house located on one of the lots; they would like to remove an addition and request variances for a 13' front setback and 16' rear setback. They would also like to construct duplexes on the other two lots. The duplexes will be approximately 2,600 square foot, six bedrooms, four full and two half bathrooms, two car garage. Parking will be provided for six cars.

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

ACTION TAKEN.

Motion by Commission Member Manley to table the request for a Specific Use Permit to allow duplexes on Lots 10R and 11R, Block 3 of the proposed Replat of Shannon Heights Addition, Block 3, Lots 9R, 10R

VARIANCE – FRONT & REAR SETBACK

SUP - DUPLEXES
2200 N. HICKORY ST.
(DON & CAROL KELLEY)

(TABLED)

and 11R, a Replat of Shannon Heights Addition, Block 3, part of Lot 9 & all of Lots 10, 11 & 12 in an R-1 (One-Family Residential) District subject to the Staff Review Letter at 2200 North Hickory Street. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

MOTION CARRIED.

THE REQUEST WAS TABLED.

EXCEPTION & REPLAT

THE REQUEST OF HERIBERTO GARCIA (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 420 AND 422 WEST TENNESSEE STREET, BEING ALL OF LOT 7 AND THE EAST 20 FOOT OF LOT 9 AND THE WEST 10 FOOT OF LOT 5, BLOCK B, ED MOORE’S FAIR GROUND ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW TWO 50’ LOTS (LOTS 5R AND LOT 7R OF THE PROPOSED REPLAT OF ALL OF LOT 7, THE EAST 20 FT. OF LOT 9 AND THE WEST 10’ FT. OF LOT 5, BLOCK B, ED MOORE’S FAIR GROUND ADDITION) IN LIEU OF THE REQUIRED 60’ LOT WIDTHS FOR RESIDENTIAL DWELLINGS IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT:

PLANNING AND ZONING COMMISSION

REPLAT OF ALL OF LOT 7, THE EAST 20 FT. OF LOT 9 AND THE WEST 10’ FT. OF LOT 5, BLOCK B, ED MOORE’S FAIR GROUND ADDITION

EXCEPTION – LOT WIDTHS
REPLAT LOT 7, THE EAST 20 FT. LOT 9 & THE WEST 10 FT. LOT 5, BLK. B, ED MOORE’S FAIR GROUND ADDN. 420 & 422 W. TENNESSEE ST. (HERIBERTO GARCIA)

Heriberto Garcia, 902 S. Throckmorton, Sherman, TX

Mr. Garcia appeared to represent the request and answer any questions. The property is located at 420 and 422 West Tennessee Street between South Rusk and Austin Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to Replat the property into two 50’ wide lots for residential development.

Mr. Garcia explained, “One lot is 75’ and the other is 25’, I would like to make it two 50’ lots to build single-family homes on the lots. I purchased the property ten years ago.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if he was the owner of all the property or just part of the lot.

Ryan Pittman, City Attorney stated, “My suspicion, I don’t know for sure , if he is the owner of the remainder of Lot 9, there was an illegal subdivision, it was done when he

purchased from the owner of Lot 9, but platting was not done as a part of that purchase.”

Commission Member Manley asked, “if we approve it and it has to go back to Engineering for review would they have to come back because of the verbiage and the design of the plat.”

Wayne Lee, City Engineer explained, “we would have to research to see if part of Lot 9 and 5 were sold by separate instrument in the past; we would have to confirm that.”

Rob Rae, Development Services Director explained, “if he does own it, then we would be fine with the approval or motion to approve. If there was a motion to approve and he did not own it, the applicant would have to go back to the drawing board.”

Vice-Chairman Downtain stated, “the Surveyor indicates him as owning the property on the plat.”

Pat Rogers, 808 S. Austin, Sherman, TX

Mr. Rogers stated, “I own eight lots adjacent to Austin Street to Highway 75 and I do not think there is enough square footage in the lots for the City to approve it. There is enough room for one house, but not two. All the other lots adjacent to me are 60’ wide lots.”

Mr. Garcia explained, “I have been building houses on the east side of Sherman for many years and most of my lots are 50’ wide lots.”

No other citizens appeared before the Planning and Zoning Commission to discuss the Exception or Replat.

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the Exception to allow two 50’ lots (Lots 5R and Lot 7R of the proposed Replat of all of Lot 7, the east 20 ft. of Lot 9 and the West 10’ ft. of Lot 5, Block B, Ed Moore’s Fair Ground Addition) in lieu of the required 60’ lot widths for residential dwellings in an R-1 (One-Family Residential) District at 420 and 422 West Tennessee Street. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Davis to approve the Replat of all of Lot 7, the east 20 ft. of Lot 9 and the West 10 ft. of Lot 5, Block B, Ed Moore’s Fair

Ground Addition subject to the Staff Review Letter at 420 and 422 West Tennessee Street. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

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

TEMPORARY USE PERMIT

THE REQUEST OF SERAJ ALI (OWNER) CONCERNING THE PROPERTY LOCATED AT 1802 EAST HOUSTON STREET, BEING LOT 1R, BLOCK 16 OF THE REPLAT OF LOTS 1, 3, 5 & 7, BLOCK 16, CHRISTIAN COLLEGE ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

RENEW TEMPORARY USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4)(A) TO ALLOW A SNOW CONE STAND IN A C-1 (RETAIL BUSINESS) DISTRICT.

TUP – SNOW CONE
STAND
1802 E HOUSTON ST.
(SERAJ ALI)

Seraj Ali, 1113 Lakota Place, Carrollton, TX

Mr. Ali appeared to represent the request and answer any questions. The property is located at 1802 East Houston Street, the southeast corner of Houston and Carr Streets. The property was zoned a C-1 (Retail Business) District in 1970. The snow cone stand has been at this location since 2008.

Mr. Rae stated, “there is no requirement for parking for a snow cone stand, but it has been brought up in the past for a parking issue.”

Chairman Mahone stated, “it looks like one of your neighbors is saying you do not have enough parking on your lot; cars are parking on South Carr Avenue.”

Mr. Ali explained, “I have enough parking; it is a big lot. There are eight concrete parking spaces and I own the property next door.” He had seen the Staff Review Letter and would abide by the Recommendations.

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

Letter received from:

Aziz UL Hassan Family LP, 18 Links Estates, Denison, TX

“I’d like to open by firmly presenting an observation over the last few years. Parking management is increasingly becoming a concern and the locals are baring the constrains, especially during school seasons. Assuming there is no real parking solution, the opening of this stand will undoubtedly exploit this issue as vehicles are seen

parked frequently on South Carr Ave. next to the establishment just south of the proposed property.”

“Furthermore, I'd like to bring to light the vision we share for this intersection. Currently, we are executing a restructuring initiative with the goal of introducing a contagious, fresh image and a truly branded experience for our community, In order to stimulate this notion, we have acquired/are acquiring nearby properties to introduce upscale retail developments that we hope one day will flourish this intersection into something much more. A snow cone stand will only hinder that vision. I urge the good-natured people of Sherman to make the decision best fit for the long run.”

ACTION TAKEN.

Motion by Commission Member Davis to approve the Temporary Use Permit to allow a snow cone stand in a C-1 (Retail Business) District subject to the Staff Review Letter at 1802 East Houston Street. Second by Commission Member Manley

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & REPLAT

THE REQUEST OF M&G HOMEBUILDERS, LLC (OWNERS), MARTIN COVARRUBIAS (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 1103 AND 1105 NORTH BROUGHTON STREET, BEING 0.239 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, ALSO BEING THE WEST 104 FOOT OF LOTS 21-24, BLOCK 7 OF W.P. CARTER’S ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW TWO 50’ LOTS IN LIEU OF THE REQUIRED 60’ LOT WIDTHS FOR RESIDENTIAL DEVELOPMENT IN THE PROPOSED MORA’S ADDITION IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

REPLAT PLAT APPROVAL OF MORA’S ADDITION, A REPLAT OF THE WEST 104 FT. OF LOTS 21 THRU 24, BLOCK 7 OF THE W.P. CARTER’S ADDITION.

EXCEPTION – LOT WIDTHS

REPLAT – MORA’S ADDITION, A REPLAT OF THE WEST 104 FT. OF LOTS 21 THRU 24, BLOCK 7 OF THE W.P. CARTER’S ADDITION. 1103 & 1105 N. BROUGHTON ST. (M&G HOME BUILDERS)

Martin Covarrubias, 1218 N. Brents, Sherman, TX

Mr. Covarrubias appeared to represent the request and answer any questions. The property is located at 1103 North Broughton Street, the northeast corner of Broughton and Richards Streets. The property is zoned an R-1 (One Family Residential) District.

Mr. Covarrubias explained, “I would like to plat the property into two 50' lots for residential development. This item was tabled at the December meeting after I discovered there was a sewer line that runs through part of the property in December so we had to step back and reassess how to move forward with the property. Originally we were just going to ask for a Replat, but after discovering the sewer line, we decided to ask for the exceptions and variances. We plan to build two single-family homes on the lots.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if there was any reason they didn't turn the lots the other way facing Richards Street.

Mr. Covarrubias responded, “because of the sewer line.”

No other citizens appeared before the Planning and Zoning Commission to discuss the Exception or Replat.

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the Exception to allow two 50' lots in lieu of the required 60' lot widths for residential development in the proposed Mora's Addition in an R-1 (One-Family Residential) District at 1103 and 1105 North Broughton Street. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the Replat of Mora's Addition, a Replat of the West 104 ft. of Lots 21 thru 24, Block 7 of the W.P. Carter's Addition subject to the Staff Review Letter at 1103 and 1105 North Broughton Street. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF M&G HOMEBUILDERS, LLC (OWNERS), MARTIN COVARRUBIAS (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR)

VARIANCE – FRONT SETBACKS

CONCERNING THE PROPERTY AT 1103 AND 1105 NORTH BROUGHTON STREET, BEING 0.239 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, ALSO BEING THE WEST 104 FOOT OF LOTS 21-24, BLOCK 7 OF W.P. CARTER'S ADDITION, AS FOLLOWS:

1103 & 1105 N.
BROUGHTON ST.
(M&G
HOMEBUILDERS,
LLC)

BOARD OF ADJUSTMENTS

VARIANCE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW 15' FRONT SETBACKS IN LIEU OF THE REQUIRED 25' FOR RESIDENTIAL DWELLINGS IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

(TABLED)

Martin Covarrubias, 1218 N. Brents, Sherman, TX

Mr. Covarrubias appeared to represent the request and answer any questions. The property is located at 1103 North Broughton Street, the northeast corner of Broughton and Richards Streets. The property is zoned an R-1 (One Family Residential) District.

Mr. Covarrubias explained, "I am requesting a 15' front setback for two single-family homes because a City sewer line runs through the property and there is also a 20' easement." He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if he knew there was a sewer line that ran through the property when you bought it.

Mr. Covarrubias responded, "no."

Chairman Mahone asked if there was also a creek on the east side of the property.

Mr. Covarrubias responded, "yes, the creek is on the east side of the sewer line; it runs parallel."

Commission Member Sims asked if he got a survey when he purchased the property.

Mr. Covarrubias responded, "no."

Commission Member Davis asked about parking; "four parking in front and two on the side. You have a lot of stuff going on these properties."

Mr. Covarrubias responded, "in between both properties, yes. We have met with the Engineering Department for the parking."

Chairman Mahone asked if there were any other structures in the area that are 15' off the front property line.

Mr. Covarrubias did not know, "across the street there is an empty lot, at the corner is a church; there is a neighbor to the north."

Chairman Mahone asked Mr. Rae if the neighbor to the north was in compliance.

Mr. Rae responded, “I am not aware of that; 15’ deep is not a lot.”

Mr. Covarrubias explained, “I want to point out there is about 15’ from the property to the curb that is easement that you cannot build in, so there would be approximately 30’ to the structure from the curb.”

Chairman Mahone stated, “I feel sympathetic to the 50’ lot width in a neighborhood where there are several lots that are 50’. I just don’t see the rest of the neighborhood being that close to the street.”

Mr. Covarrubias explained, “the sewer line is what is coming into play.”

Commission Member Blagg stated, “it looks like this is an exceptional lot, there is a creek and a sanitary sewer line that takes up the majority of the lot. I think he is presenting a best use for the property, otherwise the property would just stay vacant for a long time. I’m sure it takes a lot to move a sewer line easement.”

Mr. Lee explained, “they would have to see how deep the line is, how big the line is and another option would the Developer moving the line.”

Commission Member Davis stated, “the drawing is not to scale, you are telling me your measurements don’t work, without this being to scale, it is hard for me to believe.”

Chairman Mahone agreed; “I don’t think we can consider this without this being to scale. Would you consider tabling this item and providing a better drawing to scale?”

Mr. Covarrubias agreed to table the request.

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

ACTION TAKEN.

Motion by Commission Member Davis to table the request for a variance to allow 15’ front setbacks in lieu of the required 25’ for residential dwellings in an R-1 (One-Family Residential) District at 1103 and 1105 North Broughton Street. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

ABSTAIN: NONE

MOTION CARRIED

THE REQUEST WAS TABLED.

ZONE CHANGE

THE REQUEST OF ROBERTO MERAZ (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 213 EAST HILL STREET, BEING 0.172 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

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

**ZONE CHANGE – C-2
TO R-1
213 E. HILL ST.
(ROBERTO MERAZ)**

Liseth Lara, 1101 E. Cherry St., Sherman, TX

Mrs. Lara appeared to represent the request and answer any questions. The property is located at 213 East Hill Street between Walnut and Montgomery Streets. The property is zoned a C-2 (General Commercial) District.

Mrs. Lara explained, “my father owns the lot and he would like to rezone the property to an R-1 (One Family Residential) District for a single-family home. When we bought the lot, we were under the impression that it was zoned for a residential dwelling, later we found out it was zoned commercial. There are several residential homes in the area.” 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 zone change.

ACTION TAKEN.

Motion by Commission Member Davis to approve the zone change from a C-2 (General Commercial) District to an R-1 (One-Family Residential) District subject to the Staff Review Letter at 213 East Hill Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION & FINAL PLAT

THE REQUEST OF PETER OBARA & PAUL ODWESSO (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1331 WEST MOORE STREET, BEING 1.01 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 652, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION – LOT WIDTHS

**FINAL PLAT –
OBARA & ODWESSO
ADDN.
1331 W. MOORE ST.
(PETER OBARA &
PAUL ODWESSO)**

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW THE FOLLOWING LOTS WIDTHS IN LIEU OF THE REQUIRED 60' LOT WIDTH FOR RESIDENTIAL DWELLINGS IN THE PROPOSED OBARA AND ODWESSO ADDITION IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT:

LOT 1 – 59.39'

LOT 2 – 59.39'

LOT 3 – 59.40'

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF OBARA AND ODWESSO ADDITION.

Doug Underwood, 3404 Interurban Rd., Denison, TX

Mr. Underwood appeared to represent the request and answer any questions. The property is located at 1331 West Moore Street, the northeast corner of Moore Street and Holly Avenue. The property is zoned an R-1 (One Family Residential) District.

Mr. Underwood explained, “the owners would like to plat the property into three lots for residential development. They are also requesting approval for exceptions for three lots less than 60' wide.” 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 Exception or Final Plat.

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Manley to approve the Exception to allow the following lots widths in lieu of the required 60' lot widths in the proposed Obara and Odwesso Addition in an R-1 (One-Family Residential) District: Lot 1 – 59.39', Lot 2 – 59.39' and Lot 3 – 59.40' at 1331 West Moore Street. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Davis to approve the Final Plat of Obara and Odwesso Addition subject to the Staff Review Letter at 1331 West Moore Street. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPEVIFIC USE PERMIT

THE REQUEST OF VICTRON STORES LP (OWNERS), KOFI ADDO, BOWMAN CONSULTING (REPRESENTATIVE) AND MERRIMAN ANDERSON (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 3100 NORTH U.S. HIGHWAY 75, BEING LOT 1, K SEVEN CORNER, 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 CARWASH (WASH MASTERS CARWASH) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

**SUP - CARWASH
3100 NORTH U.S.
HIGHWAY 75
(VICTRON STORES,
LP)**

(TABLED)

Mohamed Sharaf, 3412 Ovilla Rd., Red Oak, TX and Kofi Addo, Bowman Consulting, 8201 Preston Rd., Ste. 700B, Dallas, TX

Mr. Sharaf and Mr. Addo appeared to represent the request and answer any questions. The property is located at 3100 North U.S. Highway 75; the northwest corner of Highways 75 & 82, currently a convenience store and fueling station. The property is zoned a C-2 (General Commercial) District and in the O-1 (75 & 82) Overlay District.

Mr. Sharaf explained, “this is my family’s company and we are proposing a rebuild of a convenience store we have owned for many years and convert it into a first class car wash facility. The convenience store is not too profitable, the gas market in Sherman is quite competitive and we thought there was a potential to fill a void in the market for a first class tunnel car wash facility. A couple of the amenities we are going to have are a Dock U Layer which allows any size vehicles such as big dually trucks to come in and wash your car through the tunnel. A full detail center where you can come anytime to wash your car, boat or RV and we can detail it spic and span. We think it is a great location at Highway 75 and 82 in front of the Walmart that would be better served for us as well as providing something different to the community if it were a tunnel carwash.”

“We acquired the convenience store about twenty years ago, it has an automatic carwash. We think we will be able to employ more people, provide better service and provide something more aesthetically pleasing than a convenience store right next door to another convenience store (Murphy).” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone explained, “you will have to comply with the Fire Marshal’s request as far as fire lanes. The parking lot in the center, where I assume is where the vacuum cleaners will be will be a tight turn-around.”

Mr. Addo explained, “we are trying to propose a different design. What he is proposing is to link the fire lane, extend all the way to the southbound lane of Highway 75. The problem with that is when we do that we will have to widen that access and it allows vehicles to enter the site, which is what we are trying to prevent because it goes against the flow of the traffic for the carwash to work. We have been in talks with the Engineering Department and they are fine with our latest design.”

Chairman Mahone explained “you will need the Fire Marshal’s approval for the new design.”

Mr. Sharaf responded, “we understand and we have received TXDOT’s conceptual approval for access. The two access points that are existing on Highway 75 frontage are not conducive or safe for the flow of traffic. It is kind of a tight property for vehicles to ingress and egress all in one direction.”

Commission Member Davis stated, “it looks like when you pull out of the carwash you pull into a one-way in, one-way out vacuum center; it all exits on the southwest, in and out, the southwest.”

Mr. Sharaf responded, “yes, in and out or you can egress only onto Highway 75. You can come in and out from Highway 82, but you can only go out onto the Highway 75 service road.”

Mr. Rae informed the board, “we had a development review meeting, at that time Fire Marshal Hartsfield informed the Engineer the City of Sherman requires no in and out, like they had it designed; it has to be through. The Fire Marshal emphasized at the time trying to make the outbound lane onto Highway 75 frontage as 24’ wide to be able to accommodate the fire lane access to the out.”

Chairman Mahone asked if that was on the drawing.

Mr. Addo responded, “no, it is not. When we do that, it is going against what we are trying to do. We are not able to enter from Highway 75 and it goes against the flow of traffic.”

Mr. Rae explained, “the Fire Marshal did not seem to be onboard with that.”

Chairman Mahone explained, “even if we said yes, the Fire Marshal has to approve it.”

Mr. Addo explained, “the problem with what he is asking goes against what is there, we only have one access off Highway 75. If we are providing the 24’, it is going to make it easier for everybody.”

Mr. Lee explained, “Mr. Addo has worked with me from an Engineering standpoint, what they have proposed from an exit only complies with our desires to make it one-way only. I cannot speak for the Fire Marshal and what he still wants to see or if he is okay with the current layout.”

Mr. Sharaf explained, “that was in line with what TXDOT was asking for when we were going to get reapproved for access, they would approve us, but they would really like to see a one-way ingress on Highway 75 access road for safety reasons.”

Commission Member Davis stated, “I would venture to say the Fire Marshal trumps everyone.”

Mr. Sharaf stated, “we are not asking you to override the Fire Marshal’s decision. We will adjust our site plan to accommodate the Fire Marshal and work with TXDOT to make that happen. We are here today to get approval for the use.”

Mr. Rae stated, “one comment you made was the number of employees. I was told there was only going to be one employee here and part of our requirement was to have three parking spaces which are not shown. The vacuum spaces do not count. Can you address how many employees will be at this location?”

Mr. Sharaf explained, “it would vary ranging from 5-10 people. I was not aware of the parking requirement. We will probably have to go back and look at that. I am comfortable tabling this request and coming back to address these items.”

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

ACTION TAKEN.

Motion by Vice-Chairman Downtain to table the request for a Specific Use Permit to allow a carwash in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 3100 North U.S. Highway 75. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS TABLED.

EXCEPTION & REPLAT

THE REQUEST OF THOMAS L. SHIELDS (OWNER), PAUL TERRELL (REPRESENTATIVE), NBS DRAFTING AND DESIGN (DRAFTSMAN) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTIES AT 323,

EXCEPTION – LOT WIDTHS

325, 329, 331 AND 333 WEST JONES STREET, BEING ALL OF LOTS 14 & 16 AND THE WEST 2' OF LOT 12 OF A R LOVING'S ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW 50' LOT WIDTHS ON LOTS 12R AND 14R IN LIEU OF THE REQUIRED 60' LOT WIDTHS FOR TWO-FAMILY DWELLINGS (DUPLEXES) AND SECTION 6.5, SUBSECTION (1) TO ALLOW A 44' LOT WIDTH ON LOT 16R IN THE PROPOSED REPLAT OF LOTS 14, 16 & W/2 OF LOT 12, A.R. LOVING'S ADDITION IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF LOTS 14, 16 & THE W/2 OF 12, A. R. LOVING'S ADDITION

REPLAT – LOTS 14, 16 & THE W/2 OF 12, A.R. LOVING'S ADDN 323, 325, 329, 331 & 333 W. JONES ST. (THOMAS L. SHIELDS)

Paul Terrell, 1207 N. Hopson, Sherman, TX and Tom Shields, 402 W. Lamar, Sherman, TX

Mr. Terrell and Mr. Shields appeared to represent the request and answer any questions. The property is located at 323, 325, 329 331 and 333 West Jones Street; the northeast corner of Rusk and Jones Streets. The property is zoned a C-2 (General Commercial) District and located in the Central Business District.

Mr. Terrell explained, "there are four lots, all four lots are owned by Mr. Shields. He would like to Replat the property into three lots for commercial and residential development. We are requesting an exception to allow a 44' lot width on the corner lot that has the existing structure, we want to extend that on to the back alley. We would like to Replat the other two lots to 50' lot widths with a lot depth of 144'." They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Manley asked if the Four Rivers Dental Clinic would stay or will it be removed.

Mr. Terrell responded, "it will stay."

Vice-Chairman Downtain asked about the duplex language in the request; it sounds like he is asking for duplexes.

Mr. Terrell explained, "this item is to Replat the lots and ask for the exceptions for lots widths. The next item we will be asking for duplexes for two of these lots."

Mr. Pittman stated, "make sure the motion language is only referencing to change the lot size."

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

Board of Adjustments
ACTION TAKEN.

Motion by Commission Member Davis to deny the request for the the exception to allow 50' lot widths on Lots 12R and 14R in lieu of the required 60' lot widths for Two-Family Dwellings (Duplexes) and Section 6.5, Subsection (1) to allow a 44' lot width on Lot 16R in the proposed Replat of Lots 14, 16 & W/2 of Lot 12, A.R. Loving's Addition in a C-2 (General Commercial) District/Central Business District subject to the Staff Review Letter at 323, 325, 329, 331 and 333 West Jones Street. THE MOTION DIED FOR A LACK OF A SECOND.

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the exception to allow 50' lot widths on Lots 12R and 14R in lieu of the required 60' lot widths and to allow a 44' lot width on Lot 16R in the proposed Replat of Lots 14, 16 & W/2 of Lot 12, A.R. Loving's Addition in a C-2 (General Commercial) District/Central Business District subject to the Staff Review Letter at 323, 325, 329, 331 and 333 West Jones Street Second by Commission Member Sims.

VOTING AYE: MAHONE, DOWNTAIN, SIMS AND MANLEY.

VOTING NAY: DAVIS

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the Replat of Lots 14, 16 and the W/2 of 12, A. R. Loving's Addition subject to the Staff Review Letter at 323, 325, 329, 331 and 333 West Jones Street Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF THOMAS L. SHIELDS (OWNER), PAUL TERRELL (REPRESENTATIVE), NBS DRAFTING AND DESIGN (DRAFTSMAN) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTIES AT 323, 325, 329 AND 331 WEST JONES STREET, BEING ALL OF LOTS 14 & 16 AND THE WEST 2' OF LOT 12 OF A R LOVING'S ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW TWO-FAMILY DWELLINGS (DUPLEXES)

SUP – TWO
DUPLEXES
323, 325, 329 & 331
W. JONES ST.
(THOMAS L.
SHIELDS)

(TABLED)

ON LOTS 12R AND 14R OF THE PROPOSED REPLAT OF LOTS 14, 16 & W/2 OF LOT 12, A.R. LOVING'S ADDITION IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT.

Paul Terrell, 1207 N. Hopson, Sherman, TX

Mr. Terrell appeared to represent the request and answer any questions. The property is located at 323, 325, 329, 331 and 333 West Jones Street; the northeast corner of Rusk and Jones Streets. The property is zoned a C-2 (General Commercial) District and located in the Central Business District.

Mr. Terrell explained, “the north side of the street is zoned a C-2 (General Commercial) District and the south side is zoned an R-2 (Multi-Family Residential) District. The area is a very residential neighborhood. Jones Street is a very low traffic street, it tees off to Elm Street before dead-ending into the Grayson County Jail; it is not a heavy traffic flow street. We want to add something that is attractive to the neighborhood. We are proposing duplexes on two of the lots, there is something similar that was built on 602-616 North College Street and Throckmorton Street. The duplexes will be hardy board siding with a masonry wainscot. Each duplex will be approximately 1,260 square foot, three-bedrooms, two-baths per unit, with a single-car garage and two parking spaces located in front of each unit.” He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis stated, “if you have someone parked in front of the duplex and you needed a car out of the garage, it looks like you have to move two cars to get one out. Parking is always a concern. The way it lines up, it doesn't look like you are going to make that work either.”

Chairman Mahone stated, “I don't know of any duplexes on this block or the adjacent residential blocks.”

Mr. Terrell, agreed, “I don't off hand. There are vacant lots across the street though and they are currently zoned an R-2 (Multi-Family Residential) District.”

Mr. Rae explained, “a large majority of this part of Sherman is zoned R-2 (Multi-Family Residential) District, but they still need to the follow the requirement for lot widths, size and setbacks.”

Mr. Terrell explained, “we will have average setbacks and will have room for a backyard.”

Commission Member Manley asked, “where you have the four parking spaces, is that all concrete all the way to the sidewalk.”

Mr. Terrell responded, “yes, we would have to extend the sidewalk. If you look where the Four Rivers Dental Clinic is, we would replace the sidewalk from there and extend it to the other two lots.”

Chairman Mahone asked if there are any other lots on that block that have front yards that are parking lots.

Mr. Terrell explained, “all the houses have parking in the front.”

Chairman Mahone stated, “parking is not the whole width of the house and the entire front yard. Is there an alley you could use for parking?”

Mr. Shields responded, “there is an alley access in the back.”

Mr. Rae explained, “the alley is relatively maintained compared to alleys in Sherman; it actually has asphalt on it. The City does not maintain alleys.”

Commission Member Davis asked if they had another plan for parking.

Mr. Terrell explained, “that is something to consider, the idea was to have parking out front so they could have backyards. Our first option would be to have parking in front. We would like to do duplexes here, but if we had to rearrange the site plan to put parking in the back we would be fine with that.”

Mr. Rae stated, “the setback on the house next door is about 25’, the setback on this would be more like 40’, having parking in the back would help with that consistency between the neighboring houses.”

Vice-Chairman Downtain asked if there were six bedrooms per lot; twelve bedrooms for both lots.

Mr. Terrell responded, “yes.”

Vice-Chairman Downtain stated, “just an observation, this would look completely different with rear parking; it wouldn’t be nearly as congested. It would be easier for us if we had a site plan that was slightly altered. You could table this and provide a new site plan.”

Mr. Terrell stated, “we could table it and come back with a different site plan.”

Chairman Mahone stated, “you could request that we table it, but you don’t have to.”

Mr. Terrell understood. “If it gets denied, then I have to wait a year to come back.”

Mr. Rae stated, “or you could build one-family dwellings.”

Mr. Terrell stated, “we are certainly interested in doing duplexes, so if we need to rearrange the site plan where we would have parking in the back, that is something we could look at if that is more appealing to everyone.”

Commission Member Blagg stated, “I’m a fan of a backyard.”

Mr. Shields explained, “the dental office has concrete in the front yard all the way across.”

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

ACTION TAKEN.

Motion by Commission Member Blagg to approve the request for a Specific Use Permit to allow Two-Family Dwellings (Duplexes) on Lots 12R and 14R of the proposed Replat of Lots 14, 16 & W/2 of Lot 12, A.R. Loving’s Addition in a C-2 (General Commercial) District/Central Business District subject to the Staff Review Letter at 323, 325, 329 and 331 West Jones Street. Second by Commission Member Manley.

VOTING AYE: SIMS, MANLEY, AND BLAGG.

VOTING NAY: MAHONE, DOWNTAIN, DAVIS AND WHITAKER

MOTION FAILED.

Mr. Terrell asked if he is able to table the request and come back next month.

Mr. Pittman stated, “I think it is possible to have a motion to table the request, the motion to approve was not approved, but the item is still alive, so there could be a motion to table or a motion to deny; those are still viable options.”

Commission Member Blagg asked Mr. Terrell if he would like to table the request.

Mr. Terrell responded, “yes.”

Chairman Mahone stated, “historically, denial of an approval has been action for denial on this board.”

Mr. Pittman stated, “that is difference in opinion of how it has been done in the past.”

ACTION TAKEN.

Motion by Commission Member Whitaker to table the request for a Specific Use Permit to allow Two-

Family Dwellings (Duplexes) on Lots 12R and 14R of the proposed Replat of Lots 14, 16 & W/2 of Lot 12, A.R. Loving’s Addition in a C-2 (General Commercial) District/Central Business District at 323, 325, 329 and 331 West Jones Street. Second by Commission Member Vice-Chairman Downtain.

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

VOTING NAY:

MOTION CARRIED.

THE REQUEST WAS TABLED.

EXCEPTION

THE REQUEST OF J. BRIAN & DONNA SMITH (OWNERS) AND SARTIN & ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 2905 CANYON CREEK DRIVE, BEING LOT 2, BLOCK C, O’HANLON RANCH ADDITION, PHASE 1, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H)(1 & 2) TO ALLOW AN 8’ PRIVACY FENCE WITH DECORATIVE CEDAR LATTICE IN THE SIDE AND REAR YARDS IN LIEU OF THE PREVIOUSLY APPROVED 6’ IN HEIGHT, 12’6” FROM THE SIDE STREET PROPERTY LINE IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

EXCEPTION - FENCE
2905 CANYON
CREEK DR.
(J. BRIAN & DONNA
SMITH)

Brian & Donna Smith, 2905 Canyon Creek Dr., Sherman, TX

Mr. & Mrs. Smith appeared to represent the request and answer any questions. The property is located at 2905 Canyon Creek Drive; the northeast corner of Canyon Creek Drive and Goodnight Circle. The property is zoned an R-1 (One Family Residential) District. A variance was approved December 22, 2009 to allow a 12’ 6” side street setback for a 6’ privacy fence.

Mr. Smith explained, “our house sits on a hill and we have a 5’ retaining wall in the back. We just put a swimming pool in and we are wanting to add some privacy for us and our neighbors. We would like to add 2 feet of decorative cedar lattice on top of the existing fence.” 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 Exception.

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for an exception to allow an 8’ privacy fence with decorative cedar lattice in the side and rear yards in lieu of the previously approved 6’ in height, 12’6” from the side street property line in an R-1 (One Family Residential) District at 2905

Canyon Creek Drive subject to the Staff Review Letter. Second by Commission Member Manley.
VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS AND MANLEY.
VOTING NAY: NONE
MOTION CARRIED.

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

EXCEPTIONS & SPECIFIC USE PERMIT

THE REQUEST OF ASPIRE TWO LLC (OWNER), RYAN JOHNSON (REPRESENTATIVE), COVENANT DEVELOPMENT (DEVELOPER), CROSS ARCHITECTS (ARCHITECT), CROSS ENGINEERING CONSULTANTS (CIVIL ENGINEER), LEE ENGINEERING (CIVIL ENGINEER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1111 GALLAGHER DRIVE, BEING LOT 1, BLOCK 1, JACKSON WALKER ADDITION, BEING 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 GLECKLER PLAZA ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A MULTI-FAMILY RESIDENTIAL COMPLEX (ASPIRE AT SHERMAN APARTMENTS) IN A C-1 (RETAIL BUSINESS) DISTRICT.

BOARD OF ADJUSTMENTS

- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (4) TO ALLOW 438 PARKING SPACES IN LIEU OF THE REQUIRED 472 FOR A MULTI-FAMILY RESIDENTIAL COMPLEX IN A C-1 (RETAIL BUSINESS) DISTRICT.
- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO ALLOW A 6' WELDED TUBULAR STEEL (WROUGHT IRON) PERIMETER FENCE IN LIEU OF THE REQUIRED MASONRY PERIMETER WALL SURROUNDING A MULTI-FAMILY RESIDENTIAL COMPLEX IN A C-1 (RETAIL BUSINESS) DISTRICT.

Ryan Johnson, Covenant Development, 5523 W. Houston, Sherman, TX

Mr. Johnson appeared to represent the request and answer any questions. The property is located at 1111 Gallagher Drive, the northwest corner of Calais and Gallagher Drive; formerly Community Hospital. The property is zoned a C-1 (Retail Business) District.

Mr. Johnson explained, “this formerly was the Specialty Hospital at 1111 Gallagher, just east of Sam’s Club. Over the last year, we have worked with City Staff, this was an abandoned, blighted piece of property, we worked to tear

SUP – MULTI-FAMILY RESIDENTIAL COMPLEX

EXCEPTION – PARKING

EXCEPTION - SCREENING

1111 GALLAGHER DR.
(ASPIRE TWO LLC)

down, and it was a haven for criminal activity, a lot of trespassers there. When we presented our plan to the City, our vision to redevelop this infill lot, the City got really excited for this productive piece of property in the future. They gave us some direction to look at a mixed-use development there; so looking at the highest and best use for a mixed-use development for a multi-family development and office use. The City's vision was to create more of a dense, urban family development for the infill location; it is adjacent to the Sherman retail corridor."

"Along Gallagher, you will see ten acres for multi-family, the northeast corner would be office complexes on about three and one-half acres. The multi-family will have access off of Gallagher, there is another secondary exit onto Loy Lake Road. This is a market rate project, there is no affordable or subsidized product to this project, and it is all market rate. There are 234 units consisting of efficiency units, one bedrooms and two-bedroom units. We have conducted a traffic impact analysis with Lee Engineering and compared to the previous use of the hospital and the multi-family, we are actually generating 958 fewer trips on a daily basis for the new use versus the previous use of the hospital."

"We are requesting two variances, the first one is for the parking ratio. Because this is an infill location we are bounded with property and the City's desire for more urban and the project is a mixed use. Our parking ratio sits at 1.87, so we are about 34 spaces short of the required ordinance. Originally in your packet there were 143 efficiency one-bedrooms, 87 two-bedrooms and 43 three-bedrooms. At 1.87 we are committed to trying to make that better than we can, so we have decided to eliminate the three-bedroom units, so we are all efficiency one-bedroom and two-bedrooms now; that gives back four parking spaces which slightly improves the parking ratio. To keep things simple we will stick with the 1.87 ratio. This parking ratio is consistent with some of the other recently approved Planned Developments that was approved by this Commission and the City Council; the Bel Air Development, the Munson Development and the Heritage Ranch Planned Development. We all exceed those new parking ratios. There are also a parking summaries in your packet from other Cities that we meet or exceed the parking ratio there. In our projects throughout the State, we see a 1.6 to a 1.9 parking ratio; that is the range we try to fall within and even within that range we have zero parking complaints from residents. You will also see a parking distribution map showing the number of parking spaces per building and how that is distributed and how we have adequate parking for the number of units."

"The last variance request is in lieu of the 6' masonry wall all the way around the property, we provide a wrought iron or tubular fencing. In our experience when you do the

masonry wall, it gives it a very compound style feel where residents can't see out, it blocks wind, so it creates a very sterile cold environment for the project. The urban project, we are trying to achieve here, an urban core, small buildings, having an open environment with wrought iron fencing is very conducive, it makes for a successful project. There are quite a few other multi-family projects in Sherman that have the wrought iron fencing that is aesthetically pleasing and are still in good shape." He had seen the Staff Review Letter and would abide by the Recommendations.

Vice-Chairman Downtain asked for the breakdown in units.

Mr. Johnson responded, "87 two-bedrooms, 24 efficiencies, 137 one-bedrooms. The efficiency units are 550 square foot units and typically have a single person in each unit. Applying the two parking spaces to an efficiency unit, if you back that out, we are actually three to six spaces short instead of the 27-30."

Commission Member Davis asked Mr. Rae if the City of Sherman's numbers for the requirement of parking high.

Mr. Rae stated, "our numbers for multi-family are on the high-end compared to cities in the DFW area. It is by design, when you only have three or four unit apartments and they are single rented out bedrooms like a college dorm or something like that, you have four cars per unit. I asked Mr. Johnson to come up with similar type multi-family developments and what their parking rates were to show the board to see where they fit. If parking starts to overflow on the street, that's an issue for the City to enforce. I would believe an apartment complex would want to make sure their parking is adequate."

Mr. Johnson explained, "parking is one of the things we look at in the design because it is an issue for us as owners. We are very confident in that 1.6-1.9 ratio. We have projects currently now with zero complaints with similar number or more units with the same parking ratio. I don't foresee an issue with parking on the street. It won't ever be rented by the bedroom, only by the unit. We have built up to seven developments like this in the past five to six years. We are long term holders, this is in an opportunity zone so we are holders for at least ten years here for the tax benefits. We develop here, we live locally, so we are going to make sure it is a great, first-class project."

"This is a three-story with urban looks, fewer buildings, bigger buildings with "U" shaped with open space. It differs from your traditional garden variety as seen here in Sherman. The buildings will have double sided views with

windows looking out over Gallagher and Calais. We expect to start construction later this year.”

Commission Member Blagg asked about the wrought iron fence.

Mr. Johnson explained, “typically you see a screen wall adjacent to residential, but this development is surrounded by commercial properties. We feel the use is compatible with the wrought iron fences.”

Commission Member Davis stated, “we have done a lot of these where we require columns every so often.”

Mr. Johnson explained, “it won’t be solid wrought iron fence, we are going to break it up every so often having some decorative columns.”

Appearing from the audience:

Brenda Ragland, 3218 N. Calais, Sherman, TX

Mrs. Ragland explained “I live directly across the street where all the construction has taken place. All the trash has been in my yard. All the trucks that were taking out the demo were blocking Gallagher Drive all the time and the lanes during and after school. The three story-buildings, I believe since there has been some thefts in the neighborhood that gives a better view for people to look into our backyards to see what we own for it to disappear. I also think they need to take into consideration, if they are going to have multi-family in these apartments they need to have playgrounds for any children, they need to increase the sidewalks from the schools to the apartments for the kids that can occasionally walk home. My driveway is blocked a lot. When they were doing the construction, I had to plan my day after 10 to accommodate the school but also the trucks. I think there is a lot to be considered. I think the City has already decided to let him build, but I think there are a lot of other things that need to be taken into consideration for the people that already live there. I hope the City takes into account the Police Department. I know there is one fire hydrant in my yard and I don’t think that one will accommodate the apartment complex. I think there are other things to consider.”

Stacy Diamond Rake, 808 E. Pecan Grove Rd., Sherman, TX

“I am so excited about this building, it is nothing but positive things. I can see all the demolition and what will be the building from my office. We are very excited at my office. What we have been looking at for eleven years is a damaged building and I think has been attracting a lot of theft. What we will be looking at and drawing to our neighborhood is beauty.”

Mr. Johnson explained, “fire hydrants will be added in the complex and on the north and south side of the property. We tried to be good neighbors we were out there consistently during the demolition, I didn’t notice any major

traffic disruptions, but we are sensitive and want to be good neighbors. Going forward, we will make sure our Contractor is aware of some of these issues. I think this property is better off than what the property was there because what was there attracted the criminal mischief. Now that the building is gone, I think it will be more productive for this community with this development.”

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

Letters received:

Larry Jordan, 3229 Bordeaux, Sherman, TX

“I am absolutely adamantly opposed to this! I can’t believe that the Planning and Zoning Board would introduce this to the homeowner, taxpaying citizens, even as demolition and construction has been going on for over a month now! This confirms what I knew from the start. The City of Sherman doesn’t give a rat’s behind about its taxpaying home owners, other than what they can gouge out of them!”

“You know, as well as anyone that has any brains at all, what this is going to cause. First off, property values will decrease, (big time), and the crime rate will increase (big time) as riff raft settles in. I bet you don’t live in this neighborhood, do you, Mr. Rae? This has to stop! Put your multi-family Section 8 on the outskirts of town, not right smack in the middle of decent neighborhoods! Asinine! Absolutely no common sense or regard for the neighborhood citizens, whatsoever! Put it beside the Mayor’s house or your house, then your story would change. This is all about money, regardless of whose lives or neighborhood you ruin! Larry Jordan, Pissed off homeowner.”

Brenda Ragland, 3218 N. Calais, Sherman, TX

“Increase traffic, location of main entrance on Gallagher will hinder driveways and intersection and turn lane safety. Disruption of quiet neighborhood with extra 1,000+ people. School traffic increase. Trash in street and neighbors yards, not to mention trash from demolition and construction. Increase in crime and no law enforcement in area now. Speeding and wrecks will increase at Gallagher and Calais. Postage will be delayed more; it comes about 4 p.m. now. If you had at least enclosed an envelope you might have received more responses.”

C&C Rental Properties, Ronald Campbell, 4111 W. Crawford, Denison, TX

“I own the property at 1116 Gallagher. If they build a multi-residential complex catty-corner from me. They need to have at least the 472 parking spaces; in fact, they need more than 472 spaces. As some apartments have more

than on vehicle per unit. Please do not let them have less parking than the ordinance calls for.”

“As for a 6’ iron fence. No. They need a masonry wall around the parking area, not a fence that you can see through. Please make them put 6’ish stone or brick fence around parking lot as required.”

Larry Jordan, 3229 Bordeaux, Sherman, TX

“First of all, let me congratulate you for having your PHD in, not giving a damn about the Sherman Homeowners degree. I see at least three potential lawsuits here. Let me start by enlightening you on the definition of the word, required. Required – Mandatory officially compulsory, essential, indispensable. If it’s required, there is no in lieu of. Also on the term in lieu of, why didn’t you just put the words, instead of, which is what it means. I’ll tell you why. Because in lieu of makes it sound like the requirements will be added later on. Right Robbie? To start with, the fact that you’re putting a residential complex in a zoned business district is asinine to begin with, plus it devalues homeowner’s property and drives up crime. But, you already know that, don’t you, Robbie? Then to add fuel to the fire, you want to put 438 parking spaces in a required 472 parking spaces. Have any idea where those extra 34 vehicle are going to park, Robbie? I bet it’s not in front of your house, is it, Robbie? Out of all the places in this City, to put something like this, why would you go out your way to put a Section 8, residential complex in a zoned business district?

Don’t you think that the homeowner’s on the south side of Gallagher have enough to worry about, without this asinine, insane stunt? How you acquired the position that you have is for beyond comprehension. You’ve heard the old saying, what goes around, comes around. You lit the fuse; now don’t complain when fireworks fly, Robbie.”

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for a Specific Use Permit to allow a Multi-Family Residential Complex in a C-1 (Retail Business) District subject to the Staff Review Letter at 1111 Gallagher Drive. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

MOTION CARRIED.

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for exceptions to allow 438 parking spaces

in lieu of the required 472 and to allow a 6' welded tubular steel (wrought iron) perimeter fence with masonry columns every 24-foot for a Multi-Family Residential Complex in a C-1 (Retail Business) District subject to the Staff Review Letter at 1111 Gallagher Drive. Second by Commission Member Davis

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

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

RECESS

Chairman Mahone called a 10 minute recess at 6:50 p.m.

RECESS

RECONVENE MEETING

Chairman Mahone reconvened the meeting at 7:00 p.m.

RECONVENE MEETING

EXCEPTION

THE REQUEST OF THOMAS L. SHIELDS (OWNER), SHANNAN ROWLEY (APPLICANT), THE WIG & GAVEL (TENANT) AND NORTHSTAR SIGNS & GRAPHICS (SIGN CONTRACTOR) CONCERNING THE PROPERTY AT 133 EAST WALL STREET, BEING PART OF LOT 7, BLOCK D, T.J. SHANNON SUPPLEMENT, AS FOLLOWS:

EXCEPTION – SIGN
133 E. WALL ST.
(THOMAS L. SHIELDS)

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(B)(5) TO ALLOW A WALL SIGN TO PROJECT 32" FROM THE BUILDING OVER THE SIDEWALK IN LIEU OF THE ALLOWED 18" IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT

Shannan Rowley and Robert Mellor, 126 Golden Rd., Sherman, TX, Trace Calverley, Northstar Signs, 316 W. Lamar, Sherman, TX and Tom Shields, 402 W. Lamar, Sherman, TX

Mrs. Rowley, Mr. Mellor, Mr. Shields and Mr. Calverley appeared to represent the request and answer any questions. The property is located at 133 East Wall Street, the northwest corner of Wall and Walnut Streets; The Wig & Gavel are tenants. The property is zoned a C-2 (General Commercial) District and located in the Central Business District.

Mr. Shields stated, "I am excited about Robert and Shannan putting in the Wig and Gavel. It is going to be a new business in downtown Sherman on the east end of Wall Street."

Mr. Mellor explained, “this sign will be on front of the pub, it will represent the Old English nature of what we intend to do with the building. The sign will be about 12-13 feet in the air.”

Mrs. Mellor explained, “the actual sign is only 24 inches out, the bar will be 32 inches. It is a 6 square foot non-swinging sign. The sign will not be lit; it has no lights to it. A single light from the wall of the building will project onto the sign.” They had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Calverley stated, “the awning is 38 inches wide.”

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

Planning and Zoning Commission

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for an exception to allow a wall sign to project 32” from the building over the sidewalk in lieu of the allowed 18” in a C-2 (General Commercial) District/Central Business District subject to the Staff Review Letter at 133 East Wall Street. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED.

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

EXCEPTIONS, SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF THE BOYS AND GIRLS CLUB OF SHERMAN INC, (OWNER), TODD YOUNG, YOUNG ENTERPRISES (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1360 EAST LEWIS STREET, BEING LOTS 1-3, BLOCK 4, LUCKETT PARK ADDITION AND LOTS 4-6, BLOCK 4, MILDRED HEIGHTS ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) AND SECTION 6.2, SUBSECTION (4) AND SECTION 7, SUBSECTION (10) TO ALLOW OFF PREMISE PARKING IN LIEU OF THE REQUIRED PARKING (28) SPACES ON THE SAME LOT AS AN OUTDOOR COMMERCIAL AMUSEMENT IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION

EXCEPTION – OFF-PREMISE PARKING

SUP – ATHLETIC FIELD (OUTDOOR COMMERCIAL AMUSEMENT)

1360 E. LEWIS ST. (BOYS & GIRLS CLUB OF SHERMAN INC.)

(5)(A) TO ALLOW AN ATHLETIC FIELD (OUTDOOR COMMERCIAL AMUSEMENTS) IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT.

Todd Young, 5414 N. FM 1417 (Heritage Parkway), Sherman, TX

Mr. Young appeared to represent the request and answer any questions. The property is located at 1360 East Lewis Street, the southwest corner of Lewis and Lockett Streets; across the street from the Boys and Girls Club. The property is zoned an R-1 (One Family Residential) District and located in the College Park Overlay District.

Mr. Young explained, “we are working with a local family to create a sports memorial field on a tract of land in close proximity to The Boys and Girls Club at 1500 North Lockett Street. They would like to create a football field layout and also utilize that layout for youth soccer games. Currently, the site is divided into two tracts divided by a gravel alley, which was recently abandoned by the City. Parking for the field will be provided on the Boys and Girls Club parking lot. They feel there would be no conflict in sharing access to the parking area between the club operations and the field occupancy. The majority of the time use will be on the weekend when the club's main operations are closed. The first phase will be to provide a wrought iron and privacy screen on the south side adjacent to the residential.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if the Boys and Girls Club had more parking than what is required for the Boys and Girls Club that would allow you to have additional spaces to service this field.

Mr. Young responded, “I don’t know what the ratios are for the existing building but I do know with their operation, they do not utilize more than 15% of the existing parking.”

Mr. Rae explained, “the parking ratio is based on the square footage of the building and the use. I am not aware the size of the building. I don’t know how this building was categorized. We know the athletic field, the parking ratio is one space for every 2,000 square feet of field area.”

Commission Member Manley asked if the field was for exclusive use by the Boys and Girls Club.

Mr. Young responded, “yes.”

Vice-Chairman Downtain asked the square footage of the field.

Mr. Young responded, “the field is roughly 64,000 square feet.”

Chairman Mahone stated, “the site plan shows 75 existing parking spaces, total.”

Mr. Young explained, “that is total spaces; 28 parking spaces is required for the athletic field.”

Commission Member Davis stated, “I have been up during normal business hours and there is about three cars parked in the parking lot.”

Mr. Young explained, “we did away with a lot of the league sports, so that has taken away a lot of traffic on weekends and night. Most of the time, the kids are dropped off and picked up.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Manley to approve the request for an exception to allow off premise parking in lieu of the required parking (28) spaces on the same lot as an Outdoor Commercial Amusement in an R-1 (One-Family Residential) District/College Park Overlay District subject to the Staff Review Letter at 1360 East Lewis Street. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED.

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for a Specific Use Permit to allow an Athletic field (Outdoor Commercial Amusements) in an R-1 (One-Family Residential) District/College Park Overlay District subject to the Staff Review Letter at 1360 East Lewis Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

MOTION CARRIED.

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

EXCEPTION

THE REQUEST OF WYLDEWOOD HOMES LLC (OWNERS), TIM PIKE (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 4016 BELMONT BOULEVARD, BEING LOT 1, BLOCK 4, HERITAGE FARMS ESTATES, A REPLAT OF LOT 2, BLOCK A, COUNTRY RIDGE ESTATES #10, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H)(2) TO ALLOW A 6’ PRIVACY FENCE ON THE PROPERTY LINE ON A CORNER LOT IN LIEU OF THE PERMITTED 4’ IN HEIGHT EXTENDING CLOSER THAN 25’ TO A FRONT LINE STREET IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

EXCEPTION –
SCREENING
4016 BELMONT
BLVD
(WYLDEWOOD
HOMES LLC)

Tim Pike, 518 Bledsoe, Gunter, TX

Mr. Pike appeared to represent the request and answer any questions. The property is located at 4016 Belmont Drive; the southeast corner of Belmont Boulevard and Saratoga Drive. The property is zoned an R-1 (One Family Residential) District.

Mr. Pike explained, “we would like to erect a 6’ privacy fence on the corner lot property line.” 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 exception.

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for an exception to allow a 6’ privacy fence on the property line on a corner lot in lieu of the permitted 4’ in height extending closer than 25’ to a front line street in an R-1 (One Family Residential) District subject to the Staff Review Letter at 4016 Belmont Boulevard. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED.

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

EXCEPTIONS & FINAL PLAT

THE REQUEST OF SSCGC HOLDINGS, LLC (OWNER), GROVE ADDITION DEVELOPMENT JV (APPLICANT), CIVIL POINT ENGINEERS (CIVIL ENGINEER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) FOR THE PROPERTY IN THE 2100 BLOCK OF WEST MOORE

EXCEPTION – LOT
WIDTHS

FINAL PLAT – THE
GROVE ADDITION

STREET, BEING 56.650 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:
BOARD OF ADJUSTMENTS

2100 BLK. W.
MOORE ST.
(SSCGC HOLDINGS,
LLC)

AMENDING A PREVIOUSLY APPROVED EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW THE FOLLOWING LOTS WIDTHS IN LIEU OF THE REQUIRED 60' LOT WIDTH FOR A RESIDENTIAL DWELLING FOR THE PROPOSED THE GROVE ADDITION IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT:

- LOT 10, BLOCK B – 36.61'
- LOT 11, BLOCK B – 28.72'
- LOT 22, BLOCK B - 35.55'
- LOT 23, BLOCK B – 35.29'
- LOT 41, BLOCK B – 52.86'
- LOT 4, BLOCK H – 35.64'
- LOT 5, BLOCK H – 37.50'
- LOT 6, BLOCK H - 37.50'
- LOT 7, BLOCK H – 36.09
- LOT 13, BLOCK H – 55.31'
- LOT 14, BLOCK H – 45.33'

PLANNING AND ZONING COMMISSION
FINAL PLAT APPROVAL OF THE GROVE ADDITION

Joe Gilbert, 801 E. Taylor St., Sherman, TX

Mr. Gilbert appeared to represent the request and answer any questions. The property is located in the 2100 block of West Moore Street between Park Avenue and West Steadman Street. The property is zoned an R-1 (One Family Residential) District.

Mr. Gilbert explained, “we are here for the Final Plat approval of The Grove Addition. We are also asking to amend a previously approved exception. The exception was approved January 12, 2021 to allow six lots to have less than 60' lot widths. The lots we are requesting the exception on are cul-de-sac lots. We are dedicating 14 acres to the City for a hike and bike trail as part of this development. It will connect with the trails at Herman Baker Park. In doing so, a portion of the land changed the layout of the plat. 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 exception or Final Plat.

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for an exception to the following lots widths in lieu of the required 60' lot width for a residential dwelling for the proposed The Grove Addition in an R-1 (One-Family Residential) District:

- Lot 10, Block B – 36.61'
- Lot 11, Block B – 28.72'

Lot 22, Block B - 35.55'
Lot 23, Block B – 35.29'
Lot 41, Block B – 52.86'
Lot 4, Block H – 35.64'
Lot 5, Block H – 37.50'
Lot 6, Block H - 37.50'
Lot 7, Block H – 36.09
Lot 13, Block H – 55.31'
Lot 14, Block H – 45.33'
subject to the Staff Review Letter in the 2100 block of West Moore Street. Second by Commission Member Davis.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS AND MANLEY.
MOTION CARRIED.

Planning and Zoning Commission
ACTION TAKEN.

Motion by Commission Member Sims to approve the Final Plat of the Grove Addition subject to the Staff Review Letter in the 2100 block of West Moore Street. Second by Commission Member Manley.

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

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

AMENDING SPECIFIC USE PERMIT

THE REQUEST OF SSCGC HOLDINGS, LLC (OWNER), GROVE ADDITION DEVELOPMENT JV (APPLICANT), CIVIL POINT ENGINEERS (CIVIL ENGINEER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) FOR THE PROPERTY IN THE 2100 BLOCK OF WEST MOORE STREET, BEING LOTS 1-19, BLOCK A, LOTS 1-9, BLOCK B, LOTS 1-22, BLOCK F AND LOTS 1-22, BLOCK G OF THE PROPOSED THE GROVE ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

AMENDING A SPECIFIC USE PERMIT AND SITE PLAN APPROVAL (ORD. 6358) UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW 72 PATIO HOMES IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

AMENDING SUP –
PATIO HOMES
2100 BLOCK W.
MOORE ST.
(SSCGC HOLDINGS,
LLC)

Joe Gilbert, 801 E. Taylor St., Sherman, TX

Mr. Gilbert appeared to represent the request and answer any questions. The property is located in the 2100 block of West Moore Street between Park Avenue and West Steadman Street. The property is zoned an R-1 (One Family Residential) District. A Specific Use Permit to allow 48 patio homes was approved by Ordinance 6358, February 1, 2021.

Mr. Gilbert explained, “we are requesting an amendment to a Specific Use Permit to allow patio homes on 72 lots in the proposed The Grove Addition. It was brought to my attention, since we are dedicating more than 10% of the gross platted area, the 14 acres of dedicated land space would allow us to conform to the patio home ordinance that allows us to plat more than 50 patio home lots as we are dedicating the additional green space. The lot numbers changed and we are adding an additional block to be considered for patio homes. He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked, “who will maintain the land dedicated to the City.”

Mr. Rae responded, “the patio home ordinance is written to create and maintain the open area. In this case, the City has agreed to the maintenance and creation of the hike and bike trail. We do not have a Development Agreement in place yet, but that is a part of this development.”

Mr. Gilbert explained, “we will move forward after our civil plans have been completed, we will enter into a Developers Agreement. I think it is the City’s intention to gather the right-of-way to put together the comprehensive park plan. This one has worked out because it is located within an existing residential community.”

A letter was received from:

William Magers, 4 Timber Creek, Sherman, TX

“Since I have a conflict this evening and may not be in attendance when this item is discussed, I am writing on behalf of SSCGC Holdings, LLP to support the above initiatives for the Grove Addition on Moore Street. This development is a partnership between the City of Sherman, SSCGC Holdings, LLP and Grove Addition Joint Venture. SSCGC agreed to donate land to significantly expand Baker Park and its natural hike and bike trail from Center Street to Park Avenue. SSCGC also agreed to dedicate needed ROW to the City of Sherman in order to expedite the expansion of Moore Rd. In return, the City agreed to extend water service along Moore Rd. to serve this development and position the area north for utility services.”

“As the attachments demonstrate, the original configuration, which was previously approved by Planning and Zoning Commission, anticipated that an approximate +/- 10 acres of “park land” would be dedicated. Further analysis revealed that, in order for accommodate the trail network, an additional +/- 4 acres would be needed. This reduced the expected developable acreage from +/- 60 acres to +/- 56 acres. Thus, the increase in green space drives the developer's request for the SUP to simply help recoup the lost revenues from the lot reduction, In short,

the developer needs to reconfigure the development to make fiscal sense.”

“This project serves to drive quality development along Moore Road and around the new Sherman High School, benefits the developer, new homeowners and the surrounding neighbors and enhances, expands and improves an existing amenity for Sherman taxpayers and all Grayson County residents while increasing property tax revenues for the City. After reviewing the above and attached, please let me know if you have any questions or need more information. Thank you for your service and your consideration and approval of this request.”

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for a Specific Use Permit to allow 72 patio homes in an R-1 (One-Family Residential) District subject to the Staff Review Letter in the 2100 block of West Moore Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

MOTION CARRIED.

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

EXCEPTION

THE REQUEST OF 75/82 SHERMAN CROSSING LTD (OWNERS), TRACTOR SUPPLY (TENANT), ONYX CREATIVE (ARCHITECT) AND AARON BLUE, (REPRESENTATIVE) FOR THE PROPERTY LOCATED AT 3201 NORTH U.S. HIGHWAY 75, SUITE 101, BEING LOT 1R-1, BLOCK 1 OF THE REPLAT OF LOT 1R OF SHERMAN CROSSING ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (7)(D)(3) TO ALLOW A BLACK VINYL-COATED CHAIN LINK FENCE TO SCREEN AN OUTDOOR STORAGE/DISPLAY AREA IN LIEU OF THE REQUIRED SOLID SCREENING FROM ALL PUBLIC THOROUGHFARES AND ABUTTING USES IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

EXCEPTION -
SCREENING
3201 NORTH U.S.
HIGHWAY 75, STE.
101
(75/82 SHERMAN
CROSSING LTD)

(NO ACTION TAKEN)

Justin Wood, 1784 Santos Drive, Murfreesboro, TN

Mr. Wood appeared to represent the request and answer any questions. The property is located at 3201 North U.S. Highway 75, Suite 101, the northeast corner of U.S.

Highway 75 and 82; Tractor Supply is the tenant. The property is zoned a C-1 (Retail Business) District and located in the O-1 (75 & 82) Overlay District. An exception to allow an overhead door facing the front of residentially zoned property was approved March 20, 2018. A Specific Use Permit to allow outdoor displays was approved February 1, 2021 (Ord. 6355). This item was tabled at the January 12, 2021 Planning and Zoning Commission Meeting.

Mr. Wood explained, “Tractor Supply is requesting an Exception to allow a black vinyl-coated chain link fence to be located around the new outdoor storage area in front of the existing fenced in outdoor sales area. The intent is for the merchandise to be visible while also not obstructing the view of the existing building. The need for the additional fenced in area is to allow Tractor Supply the ability to construct a proposed greenhouse within the existing fenced outdoor sales area. The purpose for surrounding the new outdoor sales area is to provide security to merchandise from loss prevention.” He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis stated, “the only thing different from the last request is the word vinyl coated.”

Mr. Wood responded, “that is correct, the Architect asked if we could do a black coated fence for the aesthetics than a typical chain link fence.”

Chairman Mahone stated, “you already have items displayed in the lot currently.”

Mr. Rae explained, “all the home improvement uses that we have, Home Depot, Lowes, Orscheln are either in the process or have been approved for a Specific Use Permit for storage.”

Commission Member Davis stated, “there is pretty much a see-through fence, a chain link fence or no fence for you, is there a Plan B.”

Mr. Wood responded, “there’s really not. We would be open to an ornamental if we need to go in that direction of some kind with possibility brick block to match the building. I know it is not what the Architect sent in for this variance, but nothing could be solid. Our sales include fences and t-post and without that additional space, we would not have the space to build the greenhouse.”

Chairman Mahone stated, “they have already been approved to have outdoor displays so the question for us is it really better for the City to have the black coated chain link fence around those displays or not.”

Mr. Rae explained, “their original request in January was for a chain link fence; this is a change in the exception. They talked about slats also.”

Chairman Mahone stated, “I don’t think the owner’s want the slats or a solid fence.”

Mr. Wood responded, “that was correct. Tractor Supply would be fine with the slats but the building owner said we had to have visibility for the other tenants.”

Commission Member Blagg stated, “Lowe’s has a whole aisle of their mulch and nothing is screened. This applicant wants screening for security. Our ordinance is for a solid fence, which the building owner doesn’t want.”

Mr. Rae stated, “Lowe’s will be at the next meeting. Part of our Overlay District requirements is that displays be screened”.

Commission Member Davis stated, “Lowe’s is all over the parking lot, they just don’t have a fence around it.”

Commission Member Blagg stated, “the highway is real low and you don’t see the displays from the highway and when you are on the service road, I feel like the business owner is not wanting to do the solid fence didn’t make sense to me because I’m not looking back as I am driving west.”

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

ACTION TAKEN.

Motion by Commission Member Davis to deny the request for an exception to allow a black vinyl-coated chain link fence to screen an outdoor storage/display area in lieu of the required solid screening from all public thoroughfares and abutting uses in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District subject to the Staff Review Letter at 3201 North U.S. Highway 75, Suite 101. Second by Commission Member Manley.

VOTING AYE: DAVIS AND MANLEY.

VOTING NAY: MAHONE, DOWNTAIN AND SIMS

MOTION FAILED.

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for an exception to allow a black vinyl-coated chain link fence to screen an outdoor storage/display area in lieu of the required solid screening from all public thoroughfares and abutting uses in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District subject to the Staff Review

Letter at 3201 North U.S. Highway 75, Suite 101.
Second by Commission Member Sims.

**VOTING AYE: MAHONE, DOWNTAIN AND SIMS
VOTING NAY: DAVIS AND MANLEY.
MOTION FAILED.**

Mr. Pittman explained, “you can choose to not take action unless there is another motion that could provide a condition or something like that.”

Commission Member Manley asked if there were a location for the storage that is not on the frontage of Highway 82; “what about a storage in front of your building.”

Mr. Wood responded, “like shifting it over to the center of the lot. I could bring that up with the owner of the building. I think they wanted it pushed to the side to keep it open for us and the neighboring tenants.”

Commission Member Manley asked if the first few rows of parking spots could not be your storage area instead of pushing it out on the road.

Commission Member Blagg asked if there were containers out there.

Mr. Rae stated, “I went to Tractor Supply on Friday. They do have 2 or 3 shipping containers out there. The Assistant Manager that I spoke to said they are part of the renovation. I asked him to move them to the back and out of site. The Specific Use Permit for outdoor storage has already been approved; this item is just for the exception for the screening. If the location were to change they would have to go back to amend the Specific Use Permit.”

ACTION TAKEN.

Motion by Commission Member Davis to not take action on the request for an exception to allow a black vinyl-coated chain link fence to screen an outdoor storage/display area in lieu of the required solid screening from all public thoroughfares and abutting uses in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District subject to the Staff Review Letter at 3201 North U.S. Highway 75, Suite 101.
Second by Commission Member Manley.

**VOTING AYE: MAHONE, DAVIS AND MANLEY.
VOTING NAY: SIMS AND DOWNTAIN
MOTION FAILED.**

Mr. Pittman explained, “if there are not any motions that gain the sufficient number of votes, at some point you just have to declare no action.”

Commission Member Manley stated, “if we are taking no action, then their options are to build a solid screen around the displays.”

Chairman Mahone stated, “they already have permission to store the items there.”

Mr. Rae explained, “they don’t have permission to store the items there, they have permission to store the items there fully screened. One thing that was discussed was not to have a screen as an exception. That was something Tractor Supply was not comfortable with because of theft. That is the way it is on the parking lot right now, it is scattered over 20-30 parking spaces. Consolidating that onto one location where it is approved would be a better situation than they currently have.”

Mr. Wood stated, “that was one thing for the additional fence. The big thing to push this fence is constructing a greenhouse. We were in a hurry to increase our business, provide more for the community. That is going to push our product that is in our fence out somewhere.”

Commission Member Manley asked Rob Rae, “since they are already violating their Specific Use Permit and we should approve this so they are not violating that anymore.”

Mr. Rae explained, “no, they have not located their outdoor storage into the area they were approved. They have been nonconforming for a number of years. This would put them in conformance. We could enforce their parking lot as they have it now.”

Vice-Chairman Downtain asked if they could table this request and come back with another option.

Commission Member Davis stated, “two months have passed and they came back with vinyl coating. You weren’t here, but your company was and they knew what we were looking for and you showed up with the same thing.”

Chairman Mahone asked the City Attorney if he legally could declare this dead and more on.

Mr. Pittman responded, “I believe you do as the Chair.”

Chairman Mahone declared, “we are taking no action on this item.”

NO ACTION WAS TAKEN.

ZONE CHANGE, SITE PLAN & EXCEPTION

THE REQUEST OF TOBAR PROPERTIES LLC (OWNER), NBS DRAFTING AND DESIGN (DRAFTSMAN) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 4209, 4213, 4217 AND 4221 COX STREET, BEING LOT 6B OF THE REPLAT OF LOT 6, BLOCK 31, HILLTOP ESTATES, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

- ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.
- SITE PLAN APPROVAL FOR TWO TWO-FAMILY DWELLINGS (DUPLEXES)

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO ALLOW A 6' CEDAR PRIVACY FENCE IN THE SIDE AND REAR YARDS IN LIEU OF THE REQUIRED 6' MASONRY PERIMETER WALL SURROUNDING THE DEVELOPMENT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT

Mario Tobar, 635 Preston Meadows Rd., Sherman, TX and Nathan Gray, NBS Drafting & Design, 122 S. Bryant, Sherman, TX

Mr. Tobar and Mr. Gray appeared to represent the request and answer any questions. The property is located at 4209, 4213, 4217 and 4221 Cox Street; the northeast corner of Dripping Springs Road and Cox Street. The property is zoned an R-1 (One Family Residential) District.

Mr. Gray explained, “we are requesting a zone change to an R-2 (Multi-Family Residential) District to construct two duplexes on the lot. The duplexes will be two-story, three bedroom, two-bath, and one-car garage per unit for a total of six-bedrooms per duplex. Parking will be provided for twelve spaces. He is also requesting an exception to allow a 6' cedar privacy fence in the side and rear yards in lieu of the required 6' masonry perimeter wall surrounding the development.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone stated, “it looks like in the vicinity there are fairly large lots with single-family homes.”

Mr. Gray responded, “there is a big lot that is comparable to this lot and there is a single-family home next to this one. There are some apartments a couple of blocks away.”

Chairman Mahone stated, “it looks like the whole front of the building is going to be parking spaces.”

Mr. Gray responded, “pretty much. We tried to get some maneuvering room so people could back out of the driveway. We have a little bit of play there to widen that and add some green space.”

ZONE CHANGE – R-1 TO R-2

SITE PLAN – TWO-FAMILY DWELLINGS (DUPLEXES)

EXCEPTION-SCREENING

4209, 4213, 4217 & 4221 COX ST.

(TOBAR PROPERTIES, LLC)

(DENIED)

Commission Member Davis asked if the homes are 7' apart.

Mr. Rae explained, "it's all one lot so the distance between buildings is 6'."

Commission Member Manley asked if the sanitary sewer easement goes all the way to the south property line.

Mr. Gray responded, "yes, the easement goes all the way through there."

Vice-Chairman Downtain asked if he owns both the lots.

Mr. Gray responded, "yes. There is an existing house on the other lot."

Commission Member Davis stated, "looking at the same layout, you have a garage and you have to move two cars to get out of the garage. We are back to a front yard full of concrete. How are you going to get a car out of the garage when there is two blocking it?"

Mr. Gray explained, "it is similar to a regular house, you have a two-car garage and you park two cars in front of it."

Commission Member Davis stated, "you have one garage and you park two cars in front of it; they are not centered, you have to move two cars to get that one out of the garage, your two spaces divide the garage."

Mr. Gray asked if parking was allowed in the side yard.

Mr. Rae explained, "parking can be inside the front and side yard setback."

Commission Member Davis asked if there were any other duplexes in the area.

Mr. Rae responded, "what I saw, everything was large lot, single-family homes."

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

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Manley to deny the request for a zone change from an R-1 (One-Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for Two-Family Dwellings (Duplexes) subject to the Staff Review Letter at 4209, 4213, 4217 and 4221 Cox Street. Second by Commission Member Davis.

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to deny the request for an exception to allow a 6' cedar privacy fence in the side and rear yard in lieu of the required 6' masonry perimeter wall surrounding the development in an R-2 (Multi-Family Residential) District at 4209, 4213, 4217 and 4221 Cox Street. Second by Commission Member Manley.

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

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

RENEW SPECIFIC USE PERMIT

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

PLANNING AND ZONING COMMISSION

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

RENEW SUP – TIRE
SALES & REPAIR,
GENERAL
MAINTENANCE WITH
ALIGNMENTS & OIL
CHANGES
207 & 209 S. DEWEY
AVE.
(MIGUEL A. AVALOS)

Miguel Avalos, 207 & 209 S. Dewey Ave., Sherman, TX

Mr. Avalos appeared to represent the request and answer any questions. The property is located at 207 and 209 South Dewey Avenue between Lamar and Cherry Streets and is zoned a C-2 (General Commercial) District. A Specific Use Permit to allow new and used tire sales and repair, general maintenance with alignments and oil changes was approved March 16, 2020 (Ordinance No. 6287) limited to a one-year time period.

Mr. Avalos explained, "I am requesting to renew the Specific Use Permit to continue my business providing new and used tires sales, service and repair, as well as general maintenance with alignments and oil changes. I have built a wood fence on the back side and the south

side of the property where the residential is located.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if the City has received any complaints.

Mr. Rae responded, “just the letters we have received recently. I walked the property with Miguel last week, the fence he put up is significant and it looks good. How much did it cost?”

Mr. Avalos responded, “\$8,000 to \$10,000. Our neighbor at the gas station, there was a really old fence there and we split the cost on that fence as well.”

Mr. Rae explained, “he also has maintained no outdoor storage, tires, wheels or anything like that. He has been in compliance with the City.”

Commission Member Davis asked if they were installing train horns.

Mr. Avalos responded, “no, we do not. I wouldn’t know how to do it, I would mess it up if I tried to install it. Mr. Rae brought that up when he came in to visit me. The reason something like that would be sent, it is a very busy area, you have a lot of traffic and a lot of bad stuff going on in that area. You have people speeding like it is a race track. You have the very busy gas station. We are not blowing horns, we don’t have the time for it; we have been greatly busy now, we don’t have time to do that stuff at all.”

Chairman Mahone stated, “some automotive places honk their horn when backing out as a safety precaution.”

Mr. Avalos responded, “we may do that, but not train horns. We get a lot of traffic in front of our shop, they will honk and wave at us, but there is nothing we can do about that.”

Chairman Mahone asked, “how would you protect the soil from contaminants.”

Mr. Avalos responded, “we would get with a distributor that would distribute us the oil and there would be a charge to recycle the oil; the same as we do for tires as well.”

Appearing from the audience:

James Douglas, 215 S. Dewey, Sherman, TX

“I live at the south corner of their property. As far as the noise and stuff, I live next door and there is not noise coming from their property; the noise is coming from the street. There are people flying down that street and we

don't ever get a Policeman out there. They put up the fence just like y'all told them to and they have done everything they were told to do."

Linda Robertson, 311 S. Dewey, Sherman, TX

"I thought I knew everyone in Sherman TX but I don't know any of y'all and you are doing a hell of a job. I appreciate the job that you do. I have lived at 311 S. Dewey for forty years. I have seen that place used as a race track and you can't get any Police over there to chase them down to give them a ticket. When Tom's Paint and Body was there, they were bringing cars all day and all night and you could smell the blood. When the wind got out of the north you could smell it. I don't smell that no more. I don't smell tires, filth. I used to be nosey and someone put up a fence and I can't see nothing anymore. The only thing I smell now is a little food truck and it smells wonderful and I wish y'all had something to eat now because I know you are tired, I can see it in your face."

"We used to have rats and I'm not talking little rats, big rats when Tom was there. He put up the screen on your windows, the car windows, I could smell that and I think they made them put a filter up on the roof. I never hear the machine that takes the tires off. I'm three doors down and I love to see how they have cleaned this place up and they keep it clean."

"We do have traffic, we have one car when he drives by everything on my walls fall down because he is playing instruments, he has got to be in that car. The people that work there are very nice and polite. I did not know these people before they came there. I had a disaster at my house, my husband is deceased and he gave me a windmill and I run them down to see if they could fix my windmill, it was all in pieces, they fixed it and didn't charge me nothing and I appreciate that."

"They close down early at night, they are gone, their family members are gone, its quiet, it's lit up. I can go in my backyard and it is lit up and I appreciate that. So what they are doing is a hell of a job there and I appreciate it. I realize we are on Dewey Street and if we could get the Police over there we would all be eating donuts right now. I am asking y'all as professional people to really take this into consideration for this gentleman and his workers. I appreciate your time, I know you are tired, I can see it in your little faces and I know your Momma's are very proud of you."

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

Mr. Rae explained, "part of the ordinance is if he does not comply with the rules of the Specific Use Permit, it can be taken away by City Staff."

Email received from:

Tim Jones, 310 S. Dewey Ave., Sherman, TX

“Thank you for the notice of the hearing on the day of March 16, 2021 concerning business located at 207 and 209 S. Dewey Avenue, 200 foot or less from my Homestead. In the letter, it says that I do not have to appear but I may voice my views to you.”

“The applicant Miguel A. Avlos (owner/representative) has not specified Sales and Installation of Truck Accessory's, specifically Air Horns/Train Horns. It is possible that the Horns are personal property of Miguel A. Avlos and not a part of his services; it is unclear until you speak with him. I do see the Modified Trucks frequent the business and I am going to send a link to help you understand exactly what type of service I am referring to. <https://hornblasters.com>”

“I am not the only person disturbed by these horns, I have been in the General Dollar as the employees were startled by this also and it does occur after dark as well. Most people know we can't even honk regular horns after dark unless necessary to ensure safe operation which would make it a service provided by Mr. Avlos. To save you time, seconds probably I am including the Ordinance I believe closely corresponds to this Infraction. Texas Transportation Code § 547.501. Audible Warning Devices - (a) A motor vehicle shall be equipped with a horn in good working condition that emits a sound audible under normal conditions at a distance of at least 200 feet. (b) A vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell unless the vehicle is: (1) a commercial vehicle that is equipped with a theft alarm signal device arranged so that the device cannot be used as an ordinary warning signal; or (2) an authorized emergency vehicle that is equipped with a siren, whistle, or bell that complies with Section 547.702. (c) A motor vehicle operator shall use a horn to provide audible warning only when necessary to ensure safe operation. (d) A warning device, including a horn, may not emit any unreasonably loud or harsh sound or a whistle. I have no problems with the services he has listed.”

Letter received from:

Sherman Investment of WA LLC, Harley D. O'Neil, Jr., PO Box 60218, Shoreline, WA

“What precautions will be taken to protect the soil from contamination from petroleum products?”

ACTION TAKEN.

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

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

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

SPECIFIC USE PERMIT

THE REQUEST OF WESTAR HOME BUILDERS (OWNER),
RON WESTERVELT (REPRESENTATIVE) AND
UNDERWOOD DRAFTING AND SURVEYING, INC.
(SURVEYOR) CONCERNING THE PROPERTY LOCATED
IN THE 4000-4300 BLOCKS OF HUMMINGBIRD DRIVE,
AND THE 700 BLOCK OF SWAN RIDGE DRIVE, BEING
LOTS 14-38, BLOCK 11, LOTS 1-14, BLOCK 12, LOTS 1-10
AND 16-23, BLOCK 13 OF THE PROPOSED THE
PRESERVE ADDITION, PHASE III, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

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

SUP – PATIO HOME
4000-4300 BLKS.
HUMMINGBIRD DR. &
700 BLK. SWAN
RIDGE DR
(WESTAR HOME
BUILDERS)

Ron Westervelt, 1716 Davy Lane, Denison, TX and Casey
McBroom, 1720 W. Virginia St., McKinney, TX

Mr. Westervelt and Mr. McBroom appeared to represent
the request and answer any questions. The property is
located in the 4000-4300 blocks of Hummingbird Drive and
the 700 block of Swan Ridge Drive; the southeast corner
of Swan Ridge Drive and Hummingbird Drive. The
property is zoned an R-1 (One Family Residential) District.

Mr. Westervelt explained, “I am requesting a Specific Use
Permit to allow patio homes on 57 lots in The Preserve,
Phase III Addition. We started with a 26 acre site and we
have started Phase II which Highland Homes has
purchased under a take-down agreement. We are now
moving onto Phase III. We have some patio homes in
Phase II and we have two potential buyers on this project;
DR Horton and Highland Homes. The product they are
trying to build will not fit on these lots; they are requesting
the patio homes, most of it is the depth and the width”. He
had seen the Staff Review Letter and would abide by the
Recommendations.

Chairman Mahone asked Mr. Rae the requirement for open
space when you have over 50 patio homes.

Mr. Rae explained, “10% of the platted area, not including
major thoroughfares; open improved space. It is defined
in our ordinance as usable space, there are examples of
what is considered usable.”

Chairman Rae asked Mr. Westervelt if they had plans for
that.

Mr. Westervelt stated, “when I read the ordinance, there are 50 lots, and these are 50 contiguous lots. Your definition in here is properties separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous. I think there are 10 lots that are separated by an 80’ easement on Phase II.”

Commission Member Davis stated, “it sounds like you don’t have green space.”

Mr. Westervelt responded, “you are right; we don’t.”

Chairman Mahone stated, “this is just for a Specific Use Permit, you are not necessarily doing a plat or anything. If the Specific Use Permit is granted, then you would have to comply.”

Mr. Rae stated from what we see, “it doesn’t comply the way it is laid out.”

Chairman Mahone stated, “I guess that would be an issue for City Staff to deal with later to make a determination of whether you needed that green space or not.”

Mr. McBroom stated, “if you are reading this right, when both phases are constructed you are dealing with two separate contiguous properties that are under 50 lots is our thoughts because there is an 80’ utility easement dissecting the property.”

Mr. Rae explained, “that easement includes the platted lots.”

Mr. Westervelt stated, “if this was approved, we need to comply with it.”

Mr. Rae explained, “in the Staff Review Letter, we specified that would be needed for this approval.”

Doug Underwood, 3404 Interurban Rd., Denison, TX

“How can that easement not be all private ownership, they are always going to own that land. In 100% of the easements across the United States, that easement is under private ownership, so how can that be a division.”

Chairman Mahone explained, “that is not a part of this Specific Use Permit whether he is the owner of that easement. How you comply with that Specific Use Permit if it was granted is another discussion.”

Commission Member Manley stated, “he is also asking for site plan approval.”

Chairman Mahone asked if the direction of City Staff is the site plan is not in compliance.

Mr. Rae explained, “in most cases, if they address the items on the Staff Review Letter, we consider that a part of the site plan to not have to come back; we have that for a lot of our items. They could come back to the office that meets the Staff Review Letter. My calculation of the platted area is they would be required to provide 1.6 acres of open space for the patio home lots or they have to change it to be under 50 lots for patio homes.”

Mr. Westervelt stated, “they would have the option to reduce the lots from 57 to under 50. There are several lots because of cul-de-sacs that are oddly sized that they can build on, it’s the ones on the higher sections that we have trouble so we could pull some of the other lots out because they don’t really need the additional room. We could pull seven lots out that are on the cul-de-sac.”

Commission Member Davis stated, “theoretically, the bulk of this is they are normal lots, you are trying to get patio homes. You have seven and most of them are big fronts; they are your big lots.”

Mr. Westervelt explained, “they don’t need more room on those; it is mainly the depth they need for DR Horton’s. So if we pull Lots 1-5, Block 13 out and Lots 20 and 21, Block 13 out, that would be 50.”

Chairman Mahone stated, “they could approve that since it is fewer than what was advertised.”

Mr. Rae stated, “I assume that is the case.”

Commission Member Davis stated, “I rather they pick up 1.6 acres of green space.”

Commission Member Manley asked if they could approve the Specific Use Permit and not the site plan.

Chairman Mahone stated, “we would just see them back here at some time.”

Commission Member Sims stated, “we could just approve it and they can work with the City for a site plan that works with the Staff Review Letter.”

Chairman Mahone stated, “we can approve this site plan and they change it as long as it meets the Staff Review Letter.”

Commission Member Davis stated, “if we are going to continue to let stuff slide as a first line of defense; what do they need us for.”

Commission Member Blagg stated, “we are not letting stuff slide, it is covered in Item 8 on the Staff Review Letter

and our motions are always contingent on the Staff Review Letter. We are not letting anything slide.”

Vice—Chairman Downtain stated, “I’m confused, because it seems we pass a lot of them where one block is patio homes and the next lot and block is not. How is that any different if they remove these lots and blocks?”

Mr. Rae explained, “that is up to an interpretation that we can look at. Phase II has a number of patio home units in it; 20 out of 41. So the concern about patio homes, which we will all discuss at the next meeting is if a Developer comes in phases of their development they could skirt the 50-unit rule by breaking it up into multiple phases.”

Vice-Chairman Downtain asked if the ordinance could be written in a way to circumvent that.

Mr. Rae stated, “the way it is written now could make that determination; Phase II counts toward the total number of patio homes. I think Staff would like to see open space provided when they have a development like this when you have a lot of smaller lots; that would be the goal.”

Mr. Westervelt explained, “it is kind of a dead duck if we don’t get this because DR Horton’s houses won’t fit on our lots. Highland has done a great job out there, it is a beautiful neighborhood. Whoever ends up with it, I think they are good homebuilders for our community.”

Vice-Chairman Downtain asked, “if one of them is related to just the side setbacks; which one is that.”

Mr. Westervelt responded, “Highland Homes. Right now DR Horton is first place, assuming we get this done. I don’t think either one of them is going to make their products work on our lots; so we are kind of hodge-podging around to individuals.”

Chairman Mahone was concerned that the request has been advertised a specific way that does not include that open space; so if we approved it, I don’t really know if that matters to the public or not. Basically, City Staff is saying they could approve that open space later if we approve the Specific Use Permit.”

Appearing from the audience:

Elyse Hogan, 4405 Hummingbird Dr., Sherman, TX

“I live two houses down from this request. I don’t know about Phase II, there has been no communication to our Home Owner’s Association (HOA) about any of the additional builds going on. Our HOA President has reached out and is not receiving any communication back. As a homeowner in this neighborhood, we have received zero information of what is going on in this neighborhood. Just hearing about the patio homes from the mail out two

weeks ago. We had a HOA meeting tonight, which I missed because I'm here. There are a lot of upset people in our neighborhood. We are single-family homes. Highland Homes is doing a great job of what they are building there on Quail Run; they are beautiful. We are a single-family home neighborhood and I disagree that patio homes are the right answer for that space. I don't know if the City has plans to extend Swan Ridge out, my kids would love that because they could ride their bikes to school instead of just walking through the field. Traffic is really bad, kids are out running around on sidewalks. It's a great neighborhood and I'm just concerned about traffic; there are no real stop signs there at that corner. If patio homes move in there is more cars and more traffic."

Chairman Mahone what street she was on.

Mrs. Hogan responded, "Hummingbird, Swan Ridge and Cormorant."

Commission Member Davis stated, "it looks like someone owns this property and they are not in your HOA; but I don't know where they stop."

Mrs. Hogan explained, "the HOA was created in Phase I."

Commission Member Davis stated, "it has no bearing on this phase."

Mrs. Hogan responded, "no, it shouldn't, but as a friendly neighbor coming in we weren't provided any information about additions coming on; so I don't know anything about Phase II patio homes in our neighborhood. If our HOA President reaches out and ask, we would expect a response. I don't think patio homes are the right answer."

Shawn Rennwanz, 801 S. Cormorant, Sherman, TX

"I live in Phase I of this development. There is a big field behind my house. My concern is Phase II that they put patio homes in seems really congested. They have like a "U" shape in there and the homes are right on top of each other which is not like our homes. They are talking about adding these patio homes to the corner of our phase which directly impacts our houses. I feel the patio homes are not suited for our neighborhood. We have gotten no communication from them regarding the different phases. I feel if it is directly affecting our neighborhood, we should be notified especially if a patio homes is going next to a single family home."

Chairman Mahone explained, "a patio home is a single family home with different setbacks; closer together."

Mr. Rennwanz stated, "so you are going to put a patio home on the corner where there are not patio homes; it will not be lined up going down Hummingbird or Swan

Ridge. It is going to look off, the homes are not going to match and they are not going to be a part of our HOA. We have no say so on those houses, but they are connected to our neighborhood, whereas Phase II, I admit those houses are nice and they are up front in the turning, but that doesn't affect my neighborhood because I pass right by them when I go into my neighborhood. Phase III will affect my neighborhood."

Peter Tracey, 700 S. Valentine, Sherman, TX

"I would like clarification on patio homes, I looked at this and one time y'all have approved homes previously on a patio home format because they didn't comply with a standard building code. My understanding is a patio home have a shared wall between two homes."

Chairman Mahone responded, "not necessarily."

Mr. Tracey asked, "are they going to be single-family homes that are not connected to each other."

Mr. Rae explained, "in no cases would there be a shared wall. There could be a shared property line or in the sense one of the buildings could be on the property line, or side yard setbacks 5' and 5' or 0 and 10'. That is the requirement in our patio home ordinance."

Mr. Tracey stated, "Sherman's patio home ordinance. When you go to a broad definition, a patio home is when you have a shared wall, which when you look at a duplex is two units, single-family units that are connected to one another. A patio home could be where there could be multiple homes that are all interconnected."

Mr. Rae explained, "that would be a townhome."

Mr. Tracey stated, "you need to come up with some different kind of definition of a patio home."

Mr. Westervelt wanted to clarify, "we are not building smaller homes; the problem is our homes are too big. We need the patio home designation to allow the setbacks to be slightly smaller."

Commission Member Davis stated, "they are too big for 60' standard lots?"

Mr. Westervelt responded, "yes because of the depth, these lots are only about 110' deep, so DR Horton's houses are slightly too long. That is the main reason for the request to give a little bit more room for the homes; not to build patio homes."

Commission Member Davis stated, "I thought these were 50' lots."

Mr. Westervelt stated, “these are 60’ lots.”

Chairman Mahone stated, “you could build a larger home on these larger lots if you wanted to and not have the patio home designation.”

Mr. Westervelt explained, “this is coming because of the homebuilder’s product. It is not a desire to build smaller homes, patio homes in a single-family neighborhood; it is to build on less land, slightly bigger single-family homes.”

Vice-Chairman Downtain asked Mr. Rae, “how many lots were at Magnolia Village. They came in with something similar and we did a blanket patio home on that.”

Mr. Rae responded, “I don’t know for sure, but it was under 50 lots. Council has instructed me and Planning and Zoning to look at the patio home ordinance because of the requests that have been coming in for a patio homes instead of doing variances.”

Commission Member Davis stated, “this one reads to me like we are giving them patio homes on whatever lot he wants.”

Chairman Mahone stated, “as outlined in the plat in whatever area he wants.”

Commission Member Davis stated, “then make them plat and do something different.”

Commission Member Manley stated, “if we approve the Specific Use Permit and they come back with a different plat, it could have 50’ lot lines and we would already approved it.”

Commission Member Davis stated, “that’s my fear.”

Mr. Rae explained, “just like Joe Gilbert’s, he had to come back because the lots were revised. The Specific Use Permit is tied to certain lots and blocks. So if the plat is revised, they would need to come back.”

Commission Member Manley asked if they were open to the tabling the request until you work out the green space issue.

Commission Member Blagg, “stated we have already approved the plat, it was on the consent agenda. They can’t change the plat without coming back, but they have to achieve this open space for the patio homes.”

Mr. Rae explained, “if they get approved for the Specific Use Permit, they would have to comply with the open space requirement.”

Commission Member Davis stated, “they are going to come back wanting 49 patio homes and they are going to put enough on the big lots to build the bigger homes and the green space is gone and we have let it go. That is what it is and I don’t blame you, get every cent you can; I want you to. I feel we are going to give you a blanket approval and you are going to adjust it and you come back and you are going to have forty-nine patio homes and Sherman does not get the green space.”

Mr. Westervelt stated, “we will have 49 lots with looser setbacks. We will still have the large home; it won’t be patio homes, we will not be building any patio homes, we are just asking for that designation.”

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

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for a Specific Use Permit to allow 57 patio homes in an R-1 (One-Family Residential) District subject to the Staff Review Letter in the 4000-4300 blocks of Hummingbird Drive and 700 block Swan Ridge Drive. Second by Commission Member Manley.

VOTING AYE: MAHONE, DOWNTAIN, SIMS, MANLEY, WHITAKER AND BLAGG.

VOTING NAY: DAVIS

MOTION CARRIED.

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

ZONE CHANGE & CONCEPTUAL SITE PLAN

THE REQUEST OF BMT GLOBAL LLC (OWNER), HOWARD AKIN, JR. (PROSPECTIVE BUYER), HUMPHREYS & PARTNERS ARCHITECTS LP (ARCHITECT) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 4601 NORTH TRAVIS STREET, BEING 21.799 ACRES IN THE JOHN JENNINGS SURVEY, ABSTRACT NO. 647, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

Howard Akin, Jr. 418 Jones St. #300, Lewisville, TX

Mr. Akin appeared to represent the request and answer any questions. The property is located at 4601 North Travis Street between Forest Creek Drive and North Creek Drive. The property is zoned an R-1 (One Family Residential) District. The owner would like to rezone the

**ZONE CHANGE – R-1
TO R-2
CONCEPTUAL SITE
PLAN –
APARTMENTS
4601 N. TRAVIS ST.
(BMT GLOBAL, LLC)**

property to an R-2 (Multi-Family Residential) District for development of an apartment community to be completed in two phases of approximately 260 units each. The site plan is conceptual and will require a more detailed site before construction begins.

Mr. Akin explained, “I understand traffic was an issue in one of the letters. Travis Street is a TXDOT road and they will need to give approval for a decel lane in front of the property. I understand Northcreek Drive is about to get a traffic light at some point. I think they have already bought the right-of-ways or in the process to widen Travis Street. We want it to be a safe property to get in and out of just like everybody else does.”

“I know one of the other concerns was Forest Creek Drive that comes to the back side of our property. When we submitted the site plan, I thought we would make an entrance there, but it would be more like a knock down gate for emergency use only. We would not plan on our residents exit from that end. I understand there have been some trash trucks coming down there and it is tough for them to make the turn-around. I would love it if we could work something out if we could put a cul-de-sac there; that would solve that problem. We typically use compactors so it is normally serviced once a week and they would be able to access that there as well. That is ideally what we would like to do if it fit the ordinance and Staff takes a final look at it.”

“We are going to build it out like steel; that is a product that we have hit on. We have started a company where we panelize all panels and truck them out to the site so it goes up really quick. It is a very clean environment; it is totally different than building with wood. We hope to end up where it is totally all noncombustible so that will be another positive green aspect for the residents that live there. Hoping to get it close to net zero. We want these to be where people can move into and not pumping a bunch of money into utility bills. The buildings will be very well insulated. It looks like a lot of units on that site.”

“We have talked to two different Hydrologist about getting together with FEMA. The detention pond that is north of us in the single-family development has changed a lot as how the water flow goes down. Our intention would be to get with one of those Hydrologist and get with FEMA to figure out what we can do, ideally would be to put another water feature in or something, whether it is a pond or something so when it comes out of that pond it freezes in our pond. I think a couple of those lots we have some drainage issues. We plan to reach out to them and I think if we grade it right we can solve their problem too; we have always been good neighbors wherever we are at and we intend to be that here as well.”

“Our communities have lots of amenities such as a swimming pool, if we end up with a good sized pond, we will put lights and a fountain in it. I wouldn’t be opposed to tying into hiking and biking trails if there are any in the area.”

Commission Member Davis asked if they are looking for an entrance/exit on Travis Street.

Mr. Akin responded, “yes, everybody would go out that same entrance. Allowing that knock down gate on the private street would be used as a second entrance for the Police and Fire Departments. The good news is the City recently put in a big water line there.”

Chairman Mahone asked about parking. “On the conceptual site plan, it is shows 684 spaces required and 650 provided; are you expecting to ask for an exception on that.”

Mr. Akin responded, “no, but I haven’t checked the Architect’s numbers yet. The gentleman before that was asking for the exception, his numbers were right on 1.6 – 1.9. We did two very similar projects and people were storing their boats there. We don’t plan on asking for an exception; we will provide 2 spaces if we can do it because it is not that much more money. We are going to do this in phases, so we will probably start Phase I while we work through the FEMA process because that could take a while.”

“As far as the fence, I’m probably not going to come back with an exception for the fence. I just came across a product where you put these panels up and you stucco them and it looks fantastic. I think it is lower cost than wrought iron. I personally like the wrought iron fence, I like the air flow. Where we are backing up to neighbors, I would probably want a very screened wrought iron fence.”

Commission Member Davis asked if all the buildings will be three-story.

Mr. Akin explained, “the big house was all two-story. If we can add a three bedroom, if we can figure out the parking. This design is 70/30, I’m going to guess we are going to come back with a 5 to 3 percent three-bedrooms. It has been my experience, if people have fires and they need to rebuild, they come in for a year to two years while they rebuild. It is things like that where usually families are coming in for a short stay. If it was 10% then we would do 45/45; I like an even split; I don’t like front load onto ones.”

Commission Member Manley asked, “if I am correct there are two entrances and exits; there is one on Forest Creek and the other on Travis. If you don’t resolve the floodplain

issue, both entrances and exits could potentially be flooded out.”

Mr. Akin responded, “the detention pond is on the top corner and my gut is we are going to end up with box culverts to resolve that issue and get it above any issue of it being flooded. The floodplain is the area we didn’t put a building in. My Civil Engineer has looked at this too and the request to go to FEMA would be to reclaim some of this other land, but we will absolutely be able to get across there, he did not have any issues with that.” He had seen the Staff Review Letter and would abide by the Recommendations.

Appearing from the audience:

Roy Whisenant, 201 Forest Creek Dr., Sherman, TX

“We have been here many times regarding this property and the property behind here. It comes down to the same thing. I would like you to deny the zone request because of traffic issues, entrance and exit points, knock down gates coming off of Forest Creek.”

“The same thing happened on the Creed Canyon Apartments on North Travis, there was supposed to be an entry point for emergency personnel only and that is everyone’s entry and exit point now. I see the same thing happening on Forest Creek. Forest Creek is a single drive, there are thirty-three homes down in that location. There is no entry and there is no exit, it is a dead-end. It is quiet, it can’t sustain a lot of traffic during a construction phase or after 520 units are built and approved when all the phases are done; it just can’t sustain that. I see a choke point on Travis and it is already a nightmare at Travis and Northcreek Drive. I hear a potential traffic light and 55 mph speed zone, people don’t slow down until you get to the Crisis Center on North Travis where it is 45 mph; we call it the race track. I’m surprised no one has been seriously injured or killed there.”

“I am asking as a resident that has lived there 27 years to deny the zone change. It is a conceptual plan again, and every time they come and this is the third or fourth time since I have lived here. Conceptual site plans are a whole lot of ifs, maybes and they might do this and might do that and how we are going to do this and how we are going to do that. I don’t see how you can approve that on maybes. Look at the choke point coming off of Travis. I don’t know what that frontage is but that is not a lot of frontage.”

Commission Member Davis pointed out, “we don’t do traffic. If there are enough accidents there, the State will do something about it.”

Mr. Whisenant understood, “but I am talking about the choke point; it narrows down right behind where Magnolia starts where some of the houses in Magnolia Village

begin, it comes in right behind them, there is a choke point right there and heads back toward Town Center. If that is their entrance and exit point for the other units that are down in the floodplain; for the ones that are not in the floodplain, that is going to be a terrible place for people to try to get through.”

“Speaking of FEMA and flooding in the area, we have had three, 100-year floods in the last fifteen years. You are not going to cross that creek. If we get another 100-year flood, there is nothing going across it; Forest Creek, we shut it down. As I understand it, it is not the floodplain just south of that; that’s why people were allowed to build there. I’m not in the floodplain either, but you are not going to get across there. The last thing is safety, prospective builders should be aware, I have walked that property behind us with my daughter when she was doing nature trips, bring your hip boots, it’s a marsh. There are old ponds and tanks back in there. It is going to create a real nightmare as far as construction goes and all the parking and so, it flows somewhere, it flows into that neighborhood. My request is to deny the zone change and the conceptual site plan.”

Chairman Mahone asked Mr. Rae if there was anything on the conceptual site plan that restricts them from Forest Creek Drive without a break down gate or something like that. “They say they don’t want people to go through there, they want to have a gate or something; is there anything that would stop them from going through there.”

Mr. Lee stated, “that would be an enforcement issue. It is a right-of-way street. With plan submittals we would request it to be locked for emergency only.”

Mr. Akin stated, “we have done that before in Dallas where we have purchased a street where we wanted it to not have traffic as well. We will make the knock down gate with Knox box.”

Mr. Lee explained, “the original site plan in the development review meeting did not have that connection. The Fire Marshal insisted on a second entrance.”

Terry Miller, 822 N. FM 1417 (Heritage Parkway), Sherman, TX

“Evidently if the Fire Department has trouble if they have to come down that street and turn around so we are trying to help by giving them a place to pull in and turnaround.”

Mr. Rae explained, “the second entrance, the emergency entrance, that road has a tendency to flood already so if there is a situation of a flood event.”

Mr. Lee explained, “you are not going to cure that problem because Forest Creek Drive itself is in a 100-year flood

area. We would have to make sure the internal roadway to the north, the pavement is outside the 100-year floodway.”

Commission Member Blagg asked Mr. Rae about the density; “what is the density requirement in the R-2 (Multi-Family Residential) District.”

Mr. Rae explained, “it varies, a lot of times developers are held to the parking requirement; that’s what keeps them under a certain amount.”

Chairman Mahone stated, “you have spoken about talking to FEMA about the floodplain. Are you expecting to change the floodplain somehow by grading it; how does that work.”

Mr. Akin explained, “if we could get them to agree with a detention pond and we could run box culverts. The part that comes down and makes an L, that’s the area I want to get dry. It is not that far to run that box culvert where the road would come for us and release it into a large pond, detect it and let it drain slowly. One of the first things we are going to do is clear out some of that bramble to see what we really have on the ground so we can get with FEMA; it may require another detention pond further down. It does cross that other property that is adjacent to ours; it is a ten-acre slice, but the back 5 acres shows in the floodplain. Who knows if we can put another shared detention pond there to free up some, his land and ours? FEMA is expensive to deal with; the first bid was \$80,000 for a Hydrologist.”

Commission Member Blagg asked how long BMT has been the owner of the property.

Mr. Miller responded, “3 years.”

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

Email from David Reeder, 308 Forest Creek Dr., Sherman, TX

“I am writing you regarding the proposed zoning issue on the change from R-1 to R-2 for the property located at 4601 North Travis, Sherman, TX.”

“I AM AGAINST THIS PROPOSAL.”

“REASON:

North Travis already a highly traveled street and this will only ADD to the congestion. I live in the secluded neighborhood off Travis Street on Forest Creek Drive and live at the end of the street. We have a highly wooded area that provides refuge for wildlife. I do NOT Want this area to be disturbed. (This area that is beside our house is in a

flood plain and I do NOT see how anything could be built in that area and would OPPOSE the building In this area. Also, I do NOT want Forest Creek Drive to become a through street to Towne Center. This is a very narrow neighborhood street and we do NOT need added traffic. I would NOT want to see any access from our neighborhood to the proposed apartment Neighborhood.”

“I feel that the current proposal of the number of apartment buildings is EXCESSIVE for this area. I know that Sherman has a shortage of housing and I would rather see SINGLE FAMILY HOMES Built in this area and leave the zoning at its current status of R-1. Leaving it at this status will create enough traffic on North Travis Street.”

“Building all these apartments crammed into such a small area would create additional traffic and would effect our home values in this secluded neighborhood.”

“Please register my vote as NO to changing zoning to R-2.”

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for a zone change from an R-1 (One-Family Residential) District to an R-2 (Multi-Family Residential) District and conceptual site plan approval subject to the Staff Review Letter at 4601 North Travis Street. Second by Commission Member Davis.

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

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

VARIANCE

THE REQUEST OF SHAWN AND SHANNON RENNWANZ (OWNERS) AND PROLINE SURVEYING, LTD. (SURVEYOR) CONCERNING THE PROPERTY AT 801 SOUTH CORMORANT DRIVE, BEING LOT 5, BLOCK 9, THE PRESERVE, PHASE I, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW 15’ REAR SETBACK IN LIEU OF THE REQUIRED 25’ FOR AN ATTACHED PATIO COVER IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – REAR SETBACK
801 S. CORMORANT DR.
(SHAWN & SHANNON RENNWANZ)

Shawn Rennwanz, 801 S. Cormorant, Sherman, TX

Mr. Rennwanz appeared to represent the request and answer any questions. The property is located at 801 South Cormorant Drive between Seasons West Avenue and Quail

Run Road. The property is zoned an R-1 (One Family Residential) District.

Mr. Rennwanz explained, “we would like to construct a patio cover over an existing 10' X 16' concrete slab, 15' from the rear property line. The patio cover will be treated wood, stained dark walnut with shingles matching the existing house.” 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 variance.

ACTION TAKEN.

Motion by Commission Member Manley to approve the request for a variance to allow a 15' rear setback for an attached patio cover in an R-1 (One-Family Residential) District subject to the Staff Review Letter at 4601 North Travis Street. Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED.

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 9:03 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY