

STATE OF TEXAS §
COUNTY OF GRAYSON §

April 20, 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 April 20, 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 DEVELOPMENT SERVICES, PATSY
REEVES, DEVELOPMENT 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 5:02 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the March 16, 2021 regular meeting. Motion by Commission Member Sims to approve the Minutes as written. Second by Commission Member Davis. 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 11, 14, 19, 21, 23, 24, 25, 26
& 28)

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

CONSENT AGENDA

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

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF FEED SOURCES, LLC (OWNER), KEVIN FINNERTY (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1916 GALLAGHER DRIVE, BEING ALL OF BLOCK 18 AND PART OF BLOCK 17 OF THE REPLAT OF LOTS 20-27, BLOCK 11 AND ALL OF BLOCK 12, 13, 14, 15 AND 16, TOWN NORTH ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A 50' X 100' ADDITION FOR FEED SOURCES

**SITE PLAN –
ADDITION TO FEED
SOURCES
1916 TEXOMA
PARKWAY
(FEED SOURCES,
LLC)**

The property is located at 1916 Gallagher Drive, the southeast corner of Gallagher Drive and Versaille Drive. The property is zoned a C-2 (General Commercial) District. An exception to allow the construction of a 6' chain link security fence topped with 3 strands of barbed wired to be placed on the front and side property lines was approved August 13, 1991. A Specific Use Permit to allow a feed store in a C-2 (General Commercial) District was approved November 2014.

The owner would like to construct a 50' x 100' addition to the back of the building for storage. The exterior will be metal. They had seen the Staff Review Letter and would abide by the Recommendations.

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN NEC TEXOMA & 82, LP (OWNERS), JIM DUGGAN (DEVELOPER) AND SPIARS ENGINEERING, INC. (ENGINEER/SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2800-3200 BLOCKS OF TEXOMA PARKWAY, BEING 44.249 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504 AND THE SAM M. MCGLOTHLIN SURVEY, ABSTRACT NO. 811, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY PLAT APPROVAL OF SHERADEN MALL ADDITION

**PRELIMINARY PLAT
– SHERADEN MALL
ADDITION
2800-3200 BLKS.
TEXOMA PARKWAY
(SHERMAN NEC
TEXOMA & 82)**

The property is located in the 2800-3200 blocks of Texoma Parkway bounded by Texoma Parkway, U.S. Highway 82, Gallagher Drive and Frisco Road; formerly the Sher-Den Mall. The property is zoned a C-2 (General Commercial) District and located in the O-1 (75 & 82) Overlay District.

The owner would like plat the property into ten lots for residential and 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 JOSE & MARIA LARA (OWNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 509 SOUTH GRIBBLE STREET, BEING 0.246 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF LARA SOUTH GRIBBLE ADDITION

FINAL PLAT – LARA SOUTH GRIBBLE ADDITION 509 S. GRIBBLE (JOSE & MARIA LARA)

The property is located at 509 South Gribble Street between Cherry and King Streets. The property is zoned an R-1 (One Family Residential) District.

The owner would like to Plat the property into one lot for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF POLAR STAR LODGE #33 (OWNER), LEAFY GODDESS VENTURES (DEVELOPER), JAQUITA L. EDWARDS (PROSPECTIVE BUYER) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY IN THE 500 BLOCK OF NORTH MONTGOMERY STREET, BEING 0.430 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, ALSO BEING ALL OF LOTS 2 & 3, BLOCK 11, G.W. BOND’S SUPPLEMENT NO. 2, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL LUX ON PACIFIC ADDITION, A REPLAT OF LOTS 2 & 3, BLOCK 11, G.W. BOND’S SUPPLEMENT NO. 2

REPLAT – LUX ON PACIFIC ADDITION, A REPLAT OF LOTS 2 & 3, BLOCK 11, G.W. BOND’S SUPPLEMENT NO. 2 500 BLK. N MONTGOMERY (POLAR STAR LODGE #33)

The property is located in the 500 blocks of North Montgomery Street; the southeast corner of Montgomery and Pacific Streets. The property is zoned an R-1 (One-Family Residential) District.

The owner would like to Replat the property into one lot for residential development of townhomes. They had seen the Staff Review Letter and would abide by the Recommendations.

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF ONE GANESHA LTD (OWNER), VILBIG & ASSOCIATES, INC. (CIVIL ENGINEER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 5800-6100 BLOCKS OF SWAMY DRIVE, BEING 15.679 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561, THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875, THE DAVID HARRISON SURVEY, ABSTRACT NO. 581 AND THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY PLAT APPROVAL OF SWAMY ADDITION, PHASE II

PRELIMINARY PLAT – SWAMY ADDITION, PHASE II
5800-6100 BLKS.
SWAMY DR.
(ONE GANESHA, LTD)

The property is located in the 5800-6100 blocks of Swamy Drive between Blue Flame Road and FM Highway 691. The property is zoned a C-2 (General Commercial) District and located in the O-1 (75 & 82) Overlay District and O-1.3 (FM Highway 691) Overlay District.

The owner would like plat the property into nine 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 COURTNEY AND JAY GOODE (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2774 PLAINVIEW ROAD, BEING 9.355 ACRES IN THE ALFRED HUME SURVEY, ABSTRACT NO. 522, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF GOODE ADDITION NO. 2 IN THE CITY OF SHERMAN’S EXTRA TERRITORIAL JURISDICTION (ETJ)

FINAL PLAT – GOODE ADDITION, NO. 2 (ETJ)
2774 PLAINVIEW RD.
(COURTNEY & JAY GOODE)

The property is located at 2774 Plainview Road off North FM 1417 (Heritage Parkway) in the City of Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into three lots. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF SANJAY SINGHANIA (OWNER), PELOTON LAND SOLUTIONS (CIVIL ENGINEER/ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 2511 SWAMY DRIVE, BEING LOT 1, BLOCK A, DR. SWAMY ADDITION III, A REPLAT OF LOT 5, BLOCK A OF THE DR. SWAMY ADDITION, LOTS 1-7, BLOCK A, AS FOLLOWS:

SITE PLAN – TEXOMA PLAZA MEDICAL OFFICE BUILDING
2511 SWAMY DRIVE
(SANJAY SINGHANIA)

**PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL TEXOMA PLAZA MEDICAL OFFICE
BUILDING**

The property is located at 2511 Swamy Drive, the southeast corner of Swamy Drive and FM Highway 691. The property is zoned a C-2 (General Commercial) District and located in the O-1.3 (FM Highway 691) Overlay District.

The owner would like construct four office buildings: Building 1 - 7085 sq. ft.; Building 2 - 6,870 sq. ft.; Building 3 - 7,033 sq. ft. and Building 4 - 7,033 sq. ft. Parking will be provided for 127 spaces. The exterior will be brick, stone, stucco and metal roofs. 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 FL COUNTRY VILLAGE LTD (OWNERS), JOE GILBERT (DEVELOPER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 900 SOUTH FM 1417 (HERITAGE PARKWAY), BEING 5.14 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT APPROVAL OF THE RESERVE AT COUNTRY VILLAGE

FINAL PLAT – THE RESERVE AT COUNTRY VILLAGE 900 SOUTH FM 1417 (HERITAGE PARKWAY) (FL COUNTRY VILLAGE LTD)

The property is located at 900 South FM 1417 (Heritage Parkway) between Quail Run Road and West Houston Street; Country Village Apartments is the tenant. The property is zoned an R-2 (Multi-Family Residential) District and located in the O-1.1 (FM 1417) Overlay District.

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

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM
THE REQUEST OF TERRA PERPETUA LLC (OWNERS), KIMLEY-HORN & ASSOCIATES (SURVEYOR/CIVIL ENGINEER) CONCERNING THE PROPERTY LOCATED IN THE 300-1000 BLOCKS EAST FM 1417 (VIETNAM VETERANS PARKWAY), BEING 61.772 ACRES IN THE SHERROD DUNMAN SURVEY ABSTRACT NO. 329, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT APPROVAL OF BEL-AIR VILLAGE, PHASE 1

PRELIMINARY PLAT – BEL-AIR VILLAGE, PHASE I 300-1000 BLKS. EAST FM 1417 (VIETNAM VETERANS PARKWAY) (TERRA PERPETUA LLC)

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).

This request is for Preliminary Plat approval for Phase I, containing 61.772 acres, 318 lots residential lots and 10 Home Owner's Association (HOA) lots with mixed-use 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.

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

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.

Mr. Covarrubias sent an email April 12, 2021, 11:06 a.m. requesting to table the request.

The property is located at 1103 and 1105 North Broughton Street, the northeast corner of Broughton and Richards Streets. The property is zoned an R-1 (One Family Residential) District. The owner was requesting a variance for 15' front setbacks on two lots because a City sewer line runs through the property.

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

ACTION TAKEN.

Motion by Commission Member Sims 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 Commission Member Whitaker.

VARIANCE FRONT SETBACKS
1103 & 1105 N. BROUGHTON ST.
(M&G HOME BUILDERS, LLC)

(TABLED)

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

THE REQUEST WAS TABLED.

EXCEPTION

THE REQUEST OF THOMAS L. SHIELDS (OWNER), PAUL TERRELL (REPRESENTATIVE), NBS DRAFTING AND DESIGN (DRAFTSMAN) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTIES AT 325 AND 329 WEST JONES STREET, BEING ALL OF LOT 14 AND THE WEST 2' OF LOT 12, BLOCK 1, A R LOVING'S ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (6) TO ALLOW SINGLE-FAMILY DWELLINGS ON LOTS 12R AND 14R OF THE PROPOSED REPLAT OF LOTS 14, 16 & W/2 OF LOT 12, A.R. LOVING'S ADDITION IN LIEU OF RESIDENTIAL OCCUPANCIES SHALL NOT BE ALLOWED IN THE FIRST HALF OF THE FIRST FLOOR OF ANY BUILDING FACING A FRONT STREET IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT.

EXCEPTION –
SINGLE FAMILY
DWELLINGS IN CBD
325 & 329 W. JONES
ST.
(THOMAS L.
SHIELDS)

Paul Terrell, 1207 N. Hopson, Sherman, TX

Mr. Terrell appeared to represent the request and answer any questions. This item was tabled at the March 16, 2021 meeting. The property is located at 325 and 329 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 “at the last meeting we were approved to Replat four lots into three lots, as well as an exception to allow 50' lot widths. At that time, we were asking to build duplexes on two of the lots and there was some opposition because of parking; I can see how it would overcrowd the street. After the meeting last month, I drove and considered doing parking from the alley, but it is not up to par and I did not want to get in the situation where we had to repave the whole alley. There is a significant amount of trees in the alley as well. At that point, we decided to go with two single-family homes on two lots similar to the house next door. The homes will be approximately 1,596 square foot, three-bedrooms, two-baths, with a two-car garage and two parking spaces located in front of each home. This is primarily a single-family neighborhood.” 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 Vice-Chairman Downtain to approve the request for an exception and site plan approval to allow Single-Family Dwellings on Lots 12R and 14R of the proposed Replat of Lots 14, 16 & W/2 of Lot 12, A.R. Loving’s Addition in lieu of residential occupancies shall not be allowed in the first half of the first floor of any building facing a front street in a C-2 (General Commercial) District/Central Business District subject to the Staff Review Letter at 325 and 329 West Jones Street. Second by Commission Member Whitaker.

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

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:

BOARD OF ADJUSTMENTS

VARIANCE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (5) TO ALLOW AN 8’ SETBACK IN LIEU OF THE REQUIRED 40’ FOR A CARWASH CANOPY IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

AMEND A PREVIOUSLY APPROVED EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280 SECTION 7, SUBSECTION (14)(I)(1) AND SECTION 6.8, SUBSECTION (5)(A)(1) TO ALLOW A 50’ TALL FREESTANDING SIGN, WITH A 25’ SETBACK IN LIEU OF 75’ REQUIRED IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

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.

Kofi Addo, Bowman Consulting, 8201 Preston Rd., Ste. 700B, Dallas, TX

Mr. Addo appeared to represent the request and answer any questions. This item was tabled at the March 16, 2021 meeting. The property is located at 3100 North U.S.

VARIANCE –
SETBACK FOR
CANOPY

EXCEPTION &
VARIANCE – SIGN

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

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 located in the O-1 (75 & 82) Overlay District.

Mr. Addo explained, “the owner would like to demolish the existing convenience store and fueling station to build a 2,282 square foot carwash with vacuum stations. We are requesting a variance to allow an 8’ setback from the U.S. Highway 75 access road property line for the canopy and to amend an exception to allow a 50’ tall freestanding sign with a 25’ setback.”

Chairman Mahone stated, “it looks like the major change you have made from last month is rerouting the driveway.”

Mr. Addo responded, “we changed the fire lane. Last month, we did not request the variance for the setback and we realized some of the canopy and pay stations were in the setback, so we are requesting an 8’ setback from the property line.”

Chairman Mahone asked about the sign, “you have a 50’ tall sign and you want it 25’ instead of 75’ back from the property line.”

Rob Rae, Director of Development Services explained, “in 2013 an exception and variance was granted for this property to allow a 50’ tall freestanding sign with a 25’ setback in lieu of the 75’ required. So this request would update that so they could continue doing that with this new site. Those exceptions run with the property. The setback would be the same as the current sign that is out there. They are requesting to maintain that same setback.”

Chairman Mahone stated, “they already have an exception and variance for that same setback, so why do they need another one?”

Mr. Rae explained, “it is just to amend it so it’s an updated exception.”

Commission Member Manley asked if they are refacing the same sign.

Mr. Addo responded, “it is going to be a new sign. The sign will be similar to what is there now. The height is the main thing; we are wanting to keep the height the same.”

Commission Member Davis asked what the height requirement is in that area.

Mr. Rae responded, “the Overlay District requires it to be 25’ plus the height of the sign, in this case if they are having a 50’ sign, their setback requirement would be 75’.”

Chairman Mahone stated, “the height of their sign is probably congruent with the height of other signs.”

Commission Member Davis asked the height of the canopy; “is it 40’ tall?”

Mr. Addo responded, “it will be approximately 15’.”

Commission Member Manley asked if they were requesting the setback for the sign because the previous tenant had it or you don’t believe there is any feasible way you could put it anywhere else.

Mr. Addo responded, “both, that is the most logical place to put the sign and the previous tenant is also the current property owner, we would like to maintain that variance. It is hard to have a place for a sign at this location; there is not a whole lot of space left.”

Commission Member Manley stated, “that variance goes with the property.”

Ryan Pittman, City Attorney explained, “one issue might be is the variance that was granted in 2013 was granted for a specific sign, if it were and he wants to erect a new sign, then there wouldn’t need to be a new exception or variance granted for that. I don’t know specifically what the action was in 2013.”

Chairman Mahone stated, “I don’t see any schematics for the new sign.”

Mr. Addo explained, “we are just asking for the height of the sign. We will abide by all the regulations of the City for the sign as far as square footage.”

Mr. Rae informed the board “as long as you are okay with the location of the sign, we will make sure when they come in for the permit for the sign it will match that.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for variances to allow an 8’ setback in lieu of the

permitted 40' for a carwash canopy and to allow a 50' tall freestanding sign with a 25' setback in lieu of the required 75' in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 3100 North U.S. Highway 75. Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning

ACTION TAKEN.

Motion by Commission Member Davis to approve 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 Blagg.

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 SAAD HASSAN (OWNER), SUNSHINE SUPER CENTER (TENANT), SERGIO LOPEZ (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR), CONCERNING THE PROPERTY LOCATED AT 6121 NORTH U.S. HIGHWAY 75, BEING LOT 2R, REPLAT LOTS 2 AND 3, BLOCK A, DR. SWAMY 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 CARWASH FOR SUNSHINE SUPER CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT/O-1.3 (FM HIGHWAY 691) OVERLAY DISTRICT.

SUP – CARWASH
6121 NORTH U.S.
HIGHWAY 75
(SAAD HASSAN)

Saad Hassan, 201 S. Dewey, Sherman, TX

Mr. Hassan appeared to represent the request and answer any questions. The property is located at 6121 North U.S. Highway 75, the southeast corner of Highway 75 and FM 691. The property is zoned a C-2 (General Commercial) District and located in the O-1 (75 & 82) Overlay District and O-1.3 (FM Highway 691) Overlay District. Site plan approval was granted July 16, 2019 for Sunshine Super Center, a convenience store and fueling station.

Mr. Hassan explained, “we intend to build the future of gas stations. We would like to build a 120 square foot tunnel car wash; it is will be state of the art. At the fueling station

canopy, we have moved from a 10 pump configuration to a 9 pump configuration in order to conform to the Fire Marshal's standards. We have an additional cut to Swamy Drive. Reviewing the Staff Review Letter, we acknowledge and accept the guidelines. In light of Item #14 though, we would like to adjourn this until a new traffic impact analysis study is conducted and we are currently in the works of doing that."

Commission Member Davis asked if he wanted to table the request.

Mr. Hassan responded, "just #14 on the Staff Review Letter."

Mr. Rae explained, "the gas station was approved for site plan approval in 2019; this is coming back to you because they have added a carwash. In 2019, there was a driveway accessing FM 691, at that time the Staff Review Letter indicated that the City of Sherman would not permit a driveway at that location. In this case, the driveway is still on there, our Staff Review Letter has indicated again that the City of Sherman will not permit that driveway to FM 691. However, if they do conduct a traffic impact analysis that determines certain recommendations could be made."

Mr. Wayne Lee, Director of Engineering explained, "they entertained conducting a traffic impact analysis."

Chairman Mahone stated, "we could still take a motion on this subject to the Staff Review Letter and he would still come back with that study later to work with Staff."

Mr. Rae responded, "that is correct."

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

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the Specific Use Permit to allow a carwash for Sunshine Super Center in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District/O-1.3 (FM Highway 691) Overlay District subject to the Staff Review Letter at 6121 North U.S. Highway 75. 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.

EXCEPTION & SITE PLAN

THE REQUEST OF TEACHERS RETIREMENT SYSTEM OF KENTUCKY (OWNER), LOWE’S HOME IMPROVEMENT (TENANT), KYLE HYMEL, DUPLANTIS DESIGN GROUP (ARCHITECT) FOR THE PROPERTY LOCATED AT 2801 NORTH U.S. HIGHWAY 75, BEING LOTS 3 & 4, TEXOMA CROSSING, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (7)(D)(3) TO ALLOW A NATURAL LANDSCAPE SCREEN TO SCREEN AN OUTDOOR STORAGE AREA IN LIEU OF THE REQUIRED SOLID SCREENING FROM ALL PUBLIC THOROUGHFARES AND ABUTTING USES IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

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

Mitchell Maier, 2801 N. Highway 75, Sherman, TX

Mr. Maier appeared to represent the request and answer any questions. The property is located at 2801 North U.S. Highway 75, the southeast corner of Highway 75 and 82; Lowe’s is the tenant. The property is zoned a C-2 (General Commercial) District and located in the O-1 (75 & 82) Overlay District.

Mr. Maier explained, “at the back of Lowe’s on Loy Lake Road you will see full hedges and trees blocking our delivery alley; we feel this is better than a solid wall that would look like the side of a penitentiary. Due to growth, we have some materials that are stored in the lot in the front and side. To be in compliance with the City, we would like an exception to continue with the hedges and trees along Highway 82 as a barrier and to be aesthetically pleasing.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked, “are there already trees there or are you planning to plant some?”

Mr. Maier responded, “both, we already have some patches of trees and in other locations we do not have trees, so we plan to do a combination of trees and plants.”

Chairman Mahone asked if those would be facing the access road along Highway 82.

Mr. Maier responded, “yes, that is correct.”

**EXCEPTION –
SCREENING**

**SUP – OUTDOOR
DISPLAYS**

**2801 NORTH U.S.
HIGHWAY 75
(TEACHERS
RETIREMENT
SYSTEM OF
KENTUCKY)**

Chairman Mahone asked Mr. Rae if the ordinance says how thick or tall the natural screen has to be.

Mr. Rae responded, “the only thing in the ordinance, it says it needs on a natural screen it needs to be 60% coverage.”

Mr. Maier explained, “it will be at least 60% coverage. It is 100% coverage on Loy Lake.”

Commission Member Davis stated, “I see these storage buildings taking up 30 parking spaces that are required. To put stuff out by your building, you just need to put a fence up in Sherman.”

Mr. Rae responded, “we asked the Architect to put together the parking requirement and in the main part of their parking lot, not on the side closest to the convenience store, they have enough of the required parking. So any of the area additional they are asking for storage is not their required parking. They will need to stripe it or paint it as outside storage.”

Commission Member Davis stated, “as long as you put a wall up you can store anything outside here now.”

Mr. Rae responded, “no, not without a Specific Use Permit and the location they specified on the site plan.”

Chairman Mahone stated, “you are obviously storing things out there but you are not in compliance with the ordinance now.”

Mr. Rae responded, “correct.”

Mr. Maier explained, “it fluctuates with Spring time; this month we will probably do more business than winter. Soil, mulch and sod and those things will be stored now but in the winter they will all be gone and open. We certainly want to be in compliance with the City twelve months a year. Allowing us to do this with a thick amount of hedges and trees will allow that year round. It will be aesthetically pleasing and attractive.”

Vice-Chairman Downtain asked if the same hedges along Loy Lake will continue in these two areas.

Mr. Maier responded, “it will be similar. I think we can put something in more of a decorative manner, some hedges that flower a couple of times a year and have some trees and hedges with more color; it is solid green right now in the back. I think from a landscaping standpoint we could kick it up a notch.”

Commission Member Davis asked if it would be a solid screen.

Mr. Rae explained, “in the Overlay District, it would be a solid screen, but our fence ordinance allows for a natural screen being 60%.”

Commission Member Manley asked, “which one applies here?”

Mr. Rae explained, “they are requesting for an exception for a natural screen.”

Commission Member Davis stated, “they are asking for 60%, is that 60% of the bushes have to be alive or 40% has to be something besides bushes.”

Mr. Rae explained, “if they plant Red Tip Photinas you might get that. In any case, if their natural screen were to die, we would be able to enforce that and require them to provide the screen.”

Commission Member Davis stated, “in other words, it’s a 6’ tall fence. How tall are those storage buildings?”

Mr. Maier explained, “8’. Our hedges in the back are a lot higher than 8’. I would like to see something that is more of a hedge and trees. If a fence fell down we would have to replace it, if the trees or hedges die, we will have to replace them.”

Commission Member Davis explained, “a 6’ tree does not hide an 8’ tall storage building.”

Mr. Maier explained, “the trees and hedges will grow thick on a rotating color basis; that would be a color enhancement that would bloom on and off and a solid hedge behind it.”

Commission Member Blagg asked if they have a timeline when these plants will need to be in the ground.

Mr. Rae explained, “they currently have a canopy project under construction and it should probably be done before that canopy project is completed. This Specific Use Permit to allow outdoor storage is a condition of that canopy project that was approved a few months ago.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for an exception to allow a natural landscape screen to screen an outdoor storage area in lieu of the required solid screening from all public thoroughfares and abutting uses in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District

at 2801 North U.S. Highway 75. Second by
Commission Member Manley.

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

VOTING NAY: NONE

ABSTAIN: NONE

MOTION CARRIED

Commission Member Blagg asked about an item in the Staff Review Letter #8 “If the Specific Use Permit is approved, merchandise shall only be stored in the area that was approved; all other merchandise shall be removed.” Is the mulch area currently approved?

Mr. Rae explained, “that is what they are asking for tonight.”

Commission Member Blagg explained, “there is currently the mulch area that is surrounded by a chain link fence like a temporary construction fencing. The ordinance requires solid screening for outdoor storage.”

Vice-Chairman Downtain explained, “it is only screening from the public thoroughfare.”

Commission Member Manley explained, “in this case the mulch where they have storage is blocked by the commercial strip center on the west side.”

Mr. Rae explained, “the exception was to ask for the natural screening and showed where that natural screening would go. So now the Specific Use Permit would require them to keep the merchandise in the area they have designated on the site plan.”

Commission Member Blagg explained, “we just approved screening for storage on the north end of their parking lot but they have storage on the other end as well that is in the middle of the parking lot.”

Mr. Rae explained, “it is not visible from Highway 82.”

Planning and Zoning Commission

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for a Specific Use Permit to allow outdoor displays in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 2801 North U.S. Highway 75. Second by Commission Member Sims.

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

VOTING NAY: NONE

ABSTAIN: NONE

MOTION CARRIED

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

EXCEPTION & SITE PLAN

THE REQUEST OF SHERMAN FIRST CHURCH OF THE NAZARENE (OWNER) AND MIKE HASTINGS (REPRESENTATIVE) CONCERNING THE PROPERTY AT 601 NORTH FM 1417 (HERITAGE PARKWAY), BEING PART OF LOTS 1 & 2, BLOCK 5 AND 14.5127 ACRES IN THE G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 828, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8.1, SUBSECTION (4) TO ALLOW A PREBUILT WOOD ACCESSORY BUILDING IN LIEU OF THE REQUIRED MASONRY IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT/R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/O-1.1 (FM HIGHWAY 1417) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN ACCESSORY BUILDING FOR SHERMAN FIRST CHURCH OF THE NAZARENE

EXCEPTION –
FAÇADE

SITE PLAN –
ACCESSORY BLDG.
601 NORTH FM 1417
(SHERMAN FIRST
CHURCH OF THE
NAZARENE)

Mike Hastings, 381 Red Bard Rd., Bells, TX

Mr. Hastings appeared to represent the request and answer any questions. The property is located at 601 North FM 1417 (Heritage Parkway) between West Houston and West Washington Streets. The property is zoned an R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District and located in the O-1.1 (FM 1417) Overlay District. A Specific Use Permit to allow a church facility and parking lot was approved May 31, 1993 (Ord.4286)

Mr. Hastings explained, “First Church of the Nazarene is a 107 year old resident; for the last twenty years we have been located at 601 North FM 1417 (Heritage Parkway). We gather clothing from the community and offer it free to the Sherman Community. The ministry is four years old. We have outgrown the dedicated space inside our educational wing and would like to relocate to a portable 14' x 40' wood building outside our church. We would match our church, a charcoal roof with a red building that will be trimmed in white, which are the colors of our church. We are up on one of the tallest points of Sherman, you cannot see an automobile once it goes by our church; it disappears by our hillside. We are a small church without a lot of resources, we had a gentleman pass away and left us a small amount of money to cover the building. We want to honor his memory and the citizens of Sherman. Usually, people pull up in their car, park in the parking lot and come in to receive free clothes, shoes and food from our food pantry. We are requesting an exception to allow a portable wood building in lieu of the required masonry.” He had seen the Staff Review Letter and would abide by the Recommendations.

Appearing from the audience:

Stephanie Harris, 320 Laurel Ridge Circle, Sherman, TX

Mrs. Harris explained, “we live right behind the church. It sounds like it is going to be in the parking lot, if it is we would not see it. We wanted to make sure the trees were not going to come down and we would see it from the back. It sounds like that is not going to happen.”

Mr. Hastings responded, “no, we do not plan to do that at all.”

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

Commission Member Davis if they could upgrade the building to a masonry material.

Mr. Hasting explained, “it is cost prohibitive and we want to make sure it plays out, if it doesn’t, it would only be \$2,000-\$3,000 to move the building.”

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Manley to approve the exception to allow a prebuilt wood accessory building in lieu of the required masonry in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District subject to the Staff Review Letter at 601 North FM 1417 (Heritage Parkway). 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 site plan for an accessory building for Sherman First Church of the Nazarene subject to the Staff Review Letter at 601 North FM 1417 (Heritage Parkway). 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.

FINAL PLAT, ZONE CHANGE & SITE PLAN

THE REQUEST OF THE CUNNINGHAM FAMILY TRUST, LTD I (OWNER), LUIS MORAN (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 208 & 212 EAST CHERRY STREET, BEING 0.154 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 59.59' LOT WIDTH IN LIEU OF THE REQUIRED 60' LOT WIDTH IN THE PROPOSED MORAN ADDITION, PHASE 2 IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

- FINAL PLAT APPROVAL OF MORAN ADDITION, PHASE 2
- ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM A C-1 (RETAIL BUSINESS) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

Luis Moran, 910 S. Travis, Sherman, TX

Mr. Moran appeared to represent the request and answer any questions. The property is located at 208 and 212 East Cherry Street between Walnut and Montgomery Streets. The property is zoned a C-1 (Retail Business) District.

Mr. Moran explained, “we would like to change the zoning on the property to an R-2 (Multi-Family Residential) District and plat the property into one lot to build a duplex on the lot. We built a duplex next door about two years ago. We are also requesting an exception to allow a 59.5 foot wide lot.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis asked if the other duplex is similar to this one; “will it be two-story also.”

Mr. Moran responded, “yes, it will be similar. This one will have two, one-car garages, three bedrooms, two and one-half baths. We built one similar in Denison. (Mr. Moran provided a picture).”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the Exception to allow a 59.59' lot width in lieu of the required 60' lot width in the proposed Moran Addition, Phase 2 Addition in an R-2 (Multi-Family

FINAL PLAT –
MORAN ADDITION,
PHASE 2

ZONE CHANGE – C-1
TO R-2

208 & 212 E. CHERRY
ST.
(THE CUNNINGHAM
FAMILY TRUST, LTD
I)

Residential) District at 208 and 212 East Cherry 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 Final Plat of Moran Addition, Phase 2 and zone change from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District subject to the Staff Review Letter at 208 and 212 East Cherry 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.

EXCEPTIONS & SITE PLAN

THE REQUEST OF L&M SLAUGHTER PROPERTIES, LLC (OWNERS) AND JOSHUA YUSTEN, OMNIKEY REALTY (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 700 SOUTH CROCKETT STREET, BEING PART OF LOT 28, BLOCK 10, HARE & RANDOLPH ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO NOT REQUIRE SCREENING FOR A MULTI-FAMILY RESIDENTIAL COMPLEX IN LIEU OF THE REQUIRED MASONRY PERIMETER WALL IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.
- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW AN 80' LOT WIDTH IN LIEU OF THE REQUIRED 85' LOT WIDTH AND 10,800 SQUARE FOOT LOT AREA IN LIEU OF THE REQUIRED 12,000 SQUARE FOOT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT (5 UNITS).

David Kane, General Counsel for L&M Slaughter Properties, 700 S. Crockett, Sherman, TX and Joshua Yusten, Omnikey Realty, 660 N. Central Expressway #100, Plano, TX

Mr. Kane and Mr. Yusten appeared to represent the request and answer any questions. The property is located at 700 South Crockett Street; the southwest corner of John Blaine

EXCEPTION – LOT WIDTH

EXCEPTION – SCREENING

SITE PLAN – MULTI-FAMILY RESIDENTIAL DEVELOPMENT (5 UNITS)

700 S. CROCKETT ST.
(L&M SLAUGHTER PROPERTIES, LLC)

(DENIED)

and Crockett Street. The property is zoned an R-2 (Multi-Family Residential) District and located in the Heritage Row Historical District. A Certificate of Appropriateness was approved March 9, 2021 for the front entrance/front porch projection for changes including siding, windows, doors and exterior paint colors (white with black trim) by the Historical Preservation Board.

Mr. Kane explained, “the owner owns 150 properties in the City of Sherman and manages several of those properties for 50 owners. The 700 South Crockett Street project was purchased in a transaction with Mr. Holley. The project has stalled a little bit and we are asking for these exceptions in order to improve the property and put it back into its historical significance condition. It is my understanding that nothing in the use is going to change. The need the wall exception to improve the esthetic. When Mr. Holley owned the property there were five to six units, based on how those segregated units were serviced since 1942. You have cast iron plumbing throughout, you have separately plumbed units in that condition. There is not much that is going to be changed with regard to the structure or any type of segregated areas or points of entry.”

Chairman Mahone explained, “I am looking at a picture of a house and you are saying this has always been five or six units.”

Mr. Kane responded, “yes, I think it was six and we are only going to require five.”

Commission Member Davis asked if this is a boarding house.” It looks like a house and all of a sudden you are talking about six units.”

Mr. Kane explained, “it was maintained as a multi-family dwelling.”

Commission Member Sims asked if they are renting out per the room.

Mr. Yusten explained, “it is basically a studio apartment, 400 square feet per apartment.”

Chairman Mahone stated, “they are saying this has always been six units, but as far as the City is concerned is that the case.”

Mr. Rae explained, “in the building department, we have no record of any building permits or Certificate of Occupancy permits that were issued for this property. The only record we have for this property in 1993, they requested three water meters at this location. The reason this came up is because they requested two additional water meters from the water department and the water department reached

out to our department to find out if this was allowed and that is when the process stopped.”

Commission Member Davis asked, “how many does it have currently.”

Mr. Yusten responded, “it has three water meters and three electric meters. We have three units leased out.”

Mr. Rae explained, “currently the property is zoned R-2 (Multi-Family Residential) District as is the majority of this part of Sherman. But part of that R-2 (Multi-Family Residential) District doesn’t mean you can just build 100 units on any lot. We have requirements for lot width, lot area to allow anything over a duplex. In this case, a duplex would be allowed, but anything over that would need special approval. In this case, to have a duplex, they would just need site plan approval and Historical Board approval. Our current R-2 (Multi-Family Residential) District requires the minimum lot width to be 60’, for multi-family, anything over a duplex, the lot width requirement is 85’, that was the requirement back in 1993 as well.”

Vice-Chairman Downtain stated, “so it was out of compliance back in 1993.”

Mr. Rae explained, “in our perspective that is illegal, not non-compliant.”

Commission Member Manley stated, “they said they have six units, three meters.”

Mr. Yusten explained, “we have three tenants, the back half of the property was gutted and is still open to the weather and conditions, so we would like to be approved by this board as soon as possible to get it closed up.”

Commission Member Davis stated, “five units would require ten parking spots; where are you parking.”

Mr. Yusten explained, “the parking will be in the back, the site plan was drawn by an Architect, he laid out the parking.”

Mr. Kane explained, “the actual usage of the property, as long as Mr. Holley had it, had six units, all occupied at the time.”

Chairman Mahone stated, “he had six units when he wasn’t supposed to.”

Mr. Kane responded, “no sir, I understand that, but my point is that single structure that you are looking at does not house six people there. There is another area where the other three units exist.”

Mr. Yusten explained, “there is a rough pencil drawn floor plan that shows the layout of the units.”

Chairman Mahone asked, “how many square feet is this building?”

Mr. Yusten responded, “I do not know, there is a site survey as well.”

Vice-Chairman Downtain asked where the current occupied units were located on the floor plan.

Mr. Yusten explained, “units four and five and the ones that are torn up and open on the backside of the building.”

Commission Member Blagg asked Mr. Rae if the Appraisal Office showed when the building was built.

Mr. Rae explained, “they would have different information about structures but they would not have information about additional units; I don’t think.”

Chairman Mahone stated, “I am on the Historical Board also and I seem to remember we tried to calculate how much square footage was in the building and I think it is just over 2,000 square feet.”

Mr. Yusten did not remember, only that it is about 300-400 square foot per unit.

Chairman Mahone stated, “it looks like you have a gravel drive in the front for two and eight parking spots in the back. I guess the gravel is in compliance. “

Mr. Rae responded, “no, it is not.”

Mr. Yusten responded, “by the end of the project it will be brought up to standards.”

Commission Member Manley stated, “access to rear parking is from John Blain.”

Mr. Yusten explained, “access is from the alley; there is no concrete in the alley.”

Commission Member Davis stated, “you would have to concrete the alley to get to the parking.”

Mr. Rae responded, “no, I believe the street/alley has asphalt.”

Chairman Mahone talked about the perimeter wall fence, “does that exception kick in when he wants a three or more units.”

Mr. Rae responded, “yes.”

Commission Member Davis asked, “what is around the facility now?”

Mr. Yusten responded, “nothing in the front from Crockett to John Blain, in the back there is a chain link fence from one of the neighbors and some brush and overgrowth with a broken fence on the side.”

Commission Member Blagg asked, “where the perimeter wall would have to be; three sides or all around the property.”

Mr. Rae responded, “it would have to be the same as an apartment complex.”

Chairman Mahone explained, “some of these requirements are kicking in because he is trying to put a small apartment unit with ten parking spots.”

Vice-Chairman Downtain asked if five units is in compliance with the zoning regulations.

Mr. Rae responded, “no, that is what they are asking the exception for. He is asking for site plan approval for five units.”

Chairman Mahone stated, “if we approve the site plan we are approving five units as it is drawn.”

Mr. Rae responded, “that is correct.”

Commission Member Manley stated, “it is zoned an R-2 (Multi-Family Residential) District.”

Mr. Rae explained, “if it is zoned an R-2 (Multi-Family Residential) District, you are giving exceptions to the lot, lot size and you are essentially saying it can be part of a multi-family dwelling as opposed as just a duplex.”

Chairman Mahone stated, “it seems like too much concentration.”

Appearing from the audience:
Rick Wright, 712 S. Crockett, Sherman, TX

Mr. Wright explained, “I don’t really have any issues, we have been living with this situation for years and there is not a problem with what he has going, except for parking in the front yard and it seems that has been addressed. There is a hedge that divides all that goes almost to the sidewalk. I haven’t noticed any problems there. Parking in the front is off the street, it is not on Crockett, so it is not as bad. I have no issues as long as there is not going to be a change in the front of the building. My thing is about changing the whole concept of Heritage Row.”

Commission Member Manley wanted to be clear, “you are requesting no screening.”

Mr. Yusten stated, “that is correct because we feel it would take away from the property; that is the biggest issue.”

Commission Member Manley stated, “I don’t disagree that a masonry wall is out of character what is basically a residential neighborhood, but I don’t know that having nothing is appropriate. I see a wood fence in some of the pictures, I don’t know if that is on your property or the neighbor’s property.”

Mr. Yusten explained, “there is nothing currently in front where I am assuming the fence would have to go on Crockett Street and the entire building.”

Commission Member Manley thought that was what the ordinance would say. “I am talking about something in between nothing and a solid masonry wall.”

Mr. Yusten explained, “the only thing there right now is a 6’ picket fence that runs from the deck to the neighbors.”

Chairman Mahone stated, “which makes sense for a neighborhood home. I can see why you wouldn’t want a masonry fence.”

Commission Member Blagg asked the City Attorney, approving a variance runs with the land, “is there any way to tie it differently.”

Mr. Pittman responded, “not for the Board of Adjustments. Exceptions and variances granted by the Board of Adjustments run with the land in Texas.”

Commission Member Blagg stated, “if this is approved we are saying this property would never have to be screened.”

Mr. Pittman responded, “under these conditions, as long as the zoning remains in place and the structure remains as it is. If they come in and get it rezoned or the use changes that might kick in a different requirement.”

Vice-Chairman Downtain asked if the exceptions or site plan is not approved, “what happens to the three units that are there; do they keep operating out of compliance.”

Mr. Rae explained, “they would still be illegal or non-conforming at least one of the units if they have three.”

Chairman Mahone stated, “because it was advertised as five, we could grant less than that; couldn’t we.”

Mr. Pittman responded, “I think you would want the applicant to tell you that they are okay with you granting

less than what they were requesting so they could amend their request. I would not recommend that you grant in a Board of Adjustments case less than what they are asking for unless they agree to amend their request.”

Mr. Yusten stated, “there are two goals; one to move forward and to get this project cleaned up and get everything closed up with what the owners of the building bought it at, which is five units. With a reasonable plan to move forward, I’m okay with as long as we get out of here without having to come back arguing the same point.”

Chairman Mahone stated, “having three units seems like a much more reasonable use of the property to me and if they have three units, they would still be required to get the exception for the 85’ lot width.”

Mr. Yusten asked about taking the entire back half because there are three tenants that are already occupying those units and the back half could be made into one unit, the four and five, what about just approving four units on that property as is.”

Commission Member Davis asked if he heard earlier that a couple of these units were tore out and open to the elements.

Mr. Yusten explained, “the back half of the building is gutted with doors and windows without treatments.”

Commission Member Davis explained, “it is hard for me to believe that your company bought a five unit building when it wasn’t. It seems like it was three units with two open storage rooms.”

Mr. Yusten explained, “I am the second project manager that has picked up on this and playing catch up. My main goal is to move forward on the project and get it cleaned up.”

Commission Member Manley asked if it was feasible on his end to build a wood fence in the rear and side yards to close in parking.

Mr. Yusten responded, “I believe so. The way the parking is laid out, I don’t think we would want to put a wood fence across the alleyway. We could clean up the fence that is there or replace it; that is definitely doable. We could put it where the chain link fence and the busted up wood fence is now.”

No other citizens appeared before the Planning and Zoning Commission to discuss the Exceptions and Site Plan.

Board of Adjustments
ACTION TAKEN.

Motion by Commission Member Davis to deny the request to not require screening for a Multi-Family Residential Complex and to deny the exception for 80' lot width in lieu of the required 85' lot width and 10,800 square foot lot area in lieu of the required 12,000 square foot in an R-2 (Multi-Family Residential) District at 700 South Crockett Street. Second by Vice-Chairman Downtain.

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

Mr. Pittman explained, “you need four votes to approve and you have 3/2. The motion was to deny and that was carried by a vote 3/2. The denial is approved. The motion to deny is approved with three votes. You would need four affirmative votes to approve the variance or exception. Just to clarify, that was action on both exceptions in this matter.”

Chairman Mahone responded, “that is what I understood.”

Commission Member Davis responded, “both on the Board of Adjustments; yes.”

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Davis to deny the site plan for a Multi-Family Residential Development (5 units) at 700 South Crockett Street Second by Vice-Chairman Downtain.

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

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

EXCEPTION

THE REQUEST OF MAUREEN CLARKE (OWNER) AND GREG SELLS, ACE QUALITY FENCING (GENERAL CONTRACTOR) CONCERNING THE PROPERTY AT 1602 NORTH HOARD AVENUE, BEING LOTS 11 & 12, BLOCK 30, COLLEGE PARK 2ND ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H)(1 & 2) TO ALLOW AN 8' TALL PRIVACY FENCE ON THE PROPERTY LINE IN THE SIDE AND REAR YARDS IN LIEU OF THE ALLOWED 4' TALL IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

EXCEPTION - FENCE
1602 NORTH HOARD
AVE.
(MAUREEN CLARKE)

Greg Sells, Ace Quality Fencing, 1608 Ridgeway Dr., Sherman, TX

Mr. Sells appeared to represent the request and answer any questions. The property is located at 1602 North Hoard Avenue; the northwest corner of Hoard and Gulick Avenues. The property is zoned an R-1 (One Family Residential) District.

Mr. Sells explained, “the owner would like to erect an 8’ tall privacy fence on the property line in the side and rear yards. I have a couple of questions about the Staff Review Letter. You said four foot tall and I don’t think that is right.”

Commission Member Davis thought “you could put an eight foot fence behind your house.”

Mr. Rae responded, “no, because it is on a corner lot. The ordinance states that anything on a corner lot with a front facing street, 25’ from that side street is a maximum 4’ tall.”

Mr. Sells explained, “we meet that criteria the way we have drawn it; I think we have that.”

Chairman Mahone explained, “you are asking for an adjustment to allow an 8’ fence.”

Mr. Sells responded, “we are, but I am saying there is no blockage of the view in any direction from the two streets intersection. There is an alley on the plat on the west side of the property, but there would not be any blockage of view from the alley. The back of the house is north, the alley is on the side of the house because the front of the house is considered to the east on Hoard. The 16’ alley, where the 40’ piece comes across over to the driveway, that is at least 25’ back from Gulick Avenue’s curb; it is probably 6’ off the property line. That is about 16’ from the back of the curb.”

Chairman Mahone asked if the alley is serviceable or a usable alley.

Mr. Rae responded, “it is not paved, there is no asphalt, just grass but I believe it is accessible.”

Mr. Sells explained his part you can drive up and down that 100’, I don’t know what is past there.

Commission Member Davis asked, “why they would need an 8’ fence all the way around; why not a 6’?”

Mr. Sells responded, “security. He is wanting the taller fence for security for his home. There are doors and windows back there that he wants to protect completely; the owners live in California.”

Chairman Mahone explained, “the Staff Review Letter states the fence at Gulick and the alley must have a 10’ x 10’ site triangle across the property line.”

Mr. Sells stated, “we are perfectly willing to do that; it is not an issue. I just wondered if that was necessary given where the fence is in light of where the curb is; if it is not necessary, we rather not do it, but if it is necessary, it is not an issue at all.”

Chairman Mahone stated, “it looks like it would be a pretty big back yard as is so if you backed that fence up 4’ you would be in compliance with that.”

Mr. Sells stated, “then instead of 94’ let’s make it 90’; that is probably the easiest solution, the owner is not going to question that, so we will make that 90’ instead of 94’ and the 33’ section will be 4’ shorter. That’s no issue at all. The gate is strictly for lawn mower access, there is nobody going to be driving in there. If in the future he builds something in there that he needs to drive through, he would have to get a variance or put an approach through the curb. The 4’ part of the fence is only appropriate in certain conditions where it blocks the view of a corner. In this case all the fence is on the north side of the house at the intersection; there is no blockage of the view anywhere on the corner.”

Commission Member Davis stated, “there is an alley.”

Mr. Sells explained, “the alley is a different situation and they have asked me to put a 45 degree and that is perfectly fine if we need to do that, but now we have said move it back 4’, then that takes the 4’ section out of the issue. We are perfectly willing to work with you any way you need us to. The owner has been very adamant about an 8’ fence, he may just not build a fence; that is the way he laid it out to me.”

Commission Member Davis stated, “very secure or no security at all. I see if I don’t get my way no security.”

Mr. Sells explained, “the owners were very adamant they want an 8’ fence. They don’t live here full time, this is not their primary residence, so that might be the other reason.”

Appearing from the audience:

Deanna Connell, 1516 N. Hoard, Sherman, TX

Mrs. Connell explained she has resided in this neighborhood for twenty years. “I have always been Momma Bear, I have always had all the neighborhood kids in my area and now have grandbabies. With an 8’ request instead of 4’ which is basically double the height. Where I reside on 1516 N. Hoard, there is a property on the corner lot which was his mother’s home, she passed away and

now it is their property. Across the street which is Gulick and Hoard, which is his lot, I have a problem because from my home when my grandbabies are out riding a bicycle or any of the neighborhood kids, that is a very busy street by Old Settlers Park. Now in the Housing Authority area, they have it where traffic can't go through the Housing Authority anymore, so more traffic is coming down Hoard Street and there are no stop signs on the corner of Hoard and Lewis where that dead-end T is and there are no stop signs from Brents coming down Gulick where he lives to Hoard Street."

"The alley is accessible because there are people that live next to that residence that uses the alley quite frequently. An 8' fence would be where I can't monitor the vehicles and the children in the neighborhood because the vehicles don't pay attention to the children and they go very fast. Next to me on the corner lot there is a tree that makes it difficult to see traffic going north and south. He made a comment that they want to put the fence up for privacy, the property owners have cameras all around that property facing my property and there are also cameras on the house next door to me that are surrounding the whole neighborhood with no residents living in that home. There is plenty of security, so I don't know why an 8' fence is requested for security because he has cameras all around both properties."

"The other concern I have is what the City owns on the corners with the grass because we don't get along with the property owners, we have been advised to walk in the street instead of walking safely on the outskirts of the grass on the properties that it would be better for the peace to walk in the street. I just feel that an 8' fence would be a safety for my visual for the neighborhood children playing in that neighborhood with the increased traffic. I am not aware of any other 8' fences in the area. The corner house on Lewis and Hoard had a chain link fence and it is 4', so when I am standing on my property I can look easily through the fence to see traffic coming on that corner."

Neil Whatley, 1508 N. Hoard, Sherman, TX

Mr. Whatley agreed with everything Mrs. Connell said. "I have a 5 year old I try to watch ride a bicycle and if she were to run in the street, an 8' fence would block the view of cars coming, so we would have to be right up on our kids literally to stop someone from running over them. The traffic down Hoard is where people are going 40-50 miles per hour which is excessive for that road. We do have a lot of children in that area."

"As far as the alley goes, we use the alley all the time. An 8' fence would allow crime in the area because you can't see a car, so someone could be out there selling drugs or stealing something. In that area, luckily the Housing Authority hires a Police Officer, so we don't have too much

crime right now, but an 8' fence might bring in some people that we don't want in the neighborhood. It would allow our vision to be blocked to where we wouldn't be able to report suspicious activity or vehicles in the neighborhood. My fear is the guy is going to build it out where we can't see any cars coming especially down Gulick because they are cutting through the street to cut over to Hoard because of construction on Baker Road so people are coming out Brents and Ross and cutting over to Hoard and going all the way down to Lewis. An 8' fence would not allow us to have the visual we need to keep the neighborhood and children safe."

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

ACTION TAKEN.

Motion by Commission Member Manley to approve the request for an exception to allow a 6' tall privacy fence on the property line in the side and rear yards with a 4' reduction off of Gulick Avenue reflecting 90' along the alleyway in lieu of the allowed 4' tall in an R-1 (One Family Residential) District at 1602 North Hoard Avenue subject to the Staff Review Letter.

Mr. Rae explained, "the current ordinance allows 8' in the rear yard but not 25' from Gulick."

Commission Member Manley explained, "6' wherever the 4' requirement exist."

Mr. Pittman stated, "before you vote on it I would suggest asking the applicant if they would agree to amend their request."

Mr. Sells responded, "I would assume that he would do that; I will have to ask. I'm not authorized to agree to that. What section of this fence as it is laid out now would have to be 4'."

Mr. Rae responded, "the section along Gulick and 25' back from the property line."

Mr. Sells stated, "when we shorted the fence back to 90' didn't that take it back far enough."

Mr. Rae responded, "you would only be allowed to do the 6' fence, 15' back from that point."

Mr. Sells stated, "so I could do the 8' fence everywhere except along Gulick and by the alley. I agree to that."

Chairman Mahone asked for a second.

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.

EXCEPTION

THE REQUEST OF GRACE UNITED METHODIST CHURCH (OWNER) AND DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY AT 2800 CANYON CREEK DRIVE, BEING PART OF LOT 10, BLOCK 2, CANYON CREEK ADDITION, SECTION 2-A, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8.1, SUBSECTION (4) TO ALLOW A DARK BRONZE ARCHITECTURAL METAL CLADDING ON A PORTION OF THE EXISTING CHURCH FACILITY IN LIEU OF THE REQUIRED MASONRY IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT/O-1.1 (FM HIGHWAY 1417) OVERLAY DISTRICT.

EXCEPTION –
FACADE
2800 CANYON
CREEK DR.
(GRACE UNITED
METHODIST
CHURCH)

David Baca, 100 N. Travis, Ste. 500, Sherman, TX

Mr. Baca appeared to represent the request and answer any questions. The property is located at 2800 Canyon Creek Drive; the southeast corner of FM 1417 (Heritage Parkway) and Canyon Creek Drive; Grace United Methodist Church is the tenant. The property is zoned an R-1 (One-Family Residential) District and located in the O-1.1 (FM 1417) Overlay District.

Mr. Baca explained, “Grace United Methodist Church is requesting an exception to allow metal siding on a portion of the existing facility. The façade is currently a wood veneer, it is T-111, which is a sheet product 4’ x 8’. We want to adjust a small area to put the metal siding on, to accentuate the architecture that is already there. We would be going in with a dark bronze architectural metal. We are not changing anything on the building just the one area where we want to put the metal. There is brick on the front of the building, but not on the side that faces Canyon Creek. The metal will be applied horizontally.”

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 dark bronze architectural metal cladding on a portion of the existing church facility in lieu of the required masonry in an R-1 (One-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District

subject to the Staff Review Letter at 2800 Canyon Creek 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.

SITE PLAN & VARIANCE

THE REQUEST OF RAHESH KUMAR (OWNER) AND GABRIELA MARKS, MARKS ARCHITECT (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 3310 SOUTH U.S. HIGHWAY 75, BEING LOT 27, BLOCK 2 OF THE REPLAT OF SHERMAN CROSSROADS, PHASE II, LOTS 25, 26 & 27, BLOCK 2, A REPLAT OF SHERMAN CROSSROADS, PHASE II, LOT 6, BLOCK 2, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL AND VARIANCE UNDER ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2) (J) AND (2)(G)(2) AND ORDINANCE NO. 2280, SECTION 6.8.4, SUBSECTION (7) FOR A TACO BELL RESTAURANT WITH DRIVE THRU AND OUTDOOR DINING WITH A 30' SETBACK FROM THE SOUTH PROPERTY LINE IN LIEU OF THE REQUIRED 55.7' IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT.

SITE PLAN – TACO BELL

VARIANCE – SETBACK FROM SOUTH PROPERTY LINE
3310 SOUTH U.S. HIGHWAY 75
(RAHESH KUMAR)

The property is located at 3310 South U.S. Highway 75 between West Travis Street and East FM 1417 (Heritage Parkway). The property is located in the Blalock Industrial Park and Blalock Commercial Overlay District.

Chairman Mahone stated, “we have no presenter and I assumed you have discussed this with them.”

Mr. Rae explained, “the applicant has provided a letter for all of you. I went over the Staff Review Letter with the Architects and they do not have any issues with what we recommended. They are in San Diego and they are concerned with Covid and traveling kept them from coming here, so I asked her to provide a letter stating what they would say if they came.”

Letter from Gabriela Marks, Marks Architect, 2643 4th Ave., San Diego, CA

“Mr. Rae and members of the Planning and Zoning Commission and Board of Adjustments,

Thank you for allowing us to present this letter in lieu of being at the hearing for the proposed Taco Bell restaurant at 3310 S. Hwy 75, Sherman TX.”

“Our project proposes the construction of a 2,202 sf freestanding Taco Bell Restaurant with Drive Through

service at the vacant 1-acre lot in the Blalock Industrial Park/Blalock Commercial Overlay District.”

“The proposed site amenities include a 14 seat outdoor patio, ample landscaped areas, 37 parking spaces and stacking for 11 cars at the drive through lane.”

“The building has been designed to comply with all known development guidelines except the following:

A variance is hereby requested to allow a 30' setback on the south property line in lieu of the required 55.7' setback in order to allocate all of the required parking on the North side of the property and avoid cars crossing the drive through lane to enter the building. This variance was previously granted for a Panda Express Restaurant with Drive Thru in the same development.”

“We have received the proposed Conditions of Approval for the project, have reviewed them with Mr. Rae and have no objections to said Conditions of Approval.”

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

ACTION TAKEN.

Motion by Commission Member Manley to approve the request for Site plan approval and Variance for a Taco Bell Restaurant with Drive Thru and Outdoor Dining with a 30' setback from the south property line in lieu of the required 55.7' in the Blalock Industrial Park/Blalock Commercial Overlay District subject to the Staff Review Letter at 3310 South U.S. Highway 75. Second by Commission Member Sims.

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.

RECESS

Chairman Mahone called for a 5 minute recess at 6:58 p.m.

RECESS

RECONVENE MEETING

Chairman Mahone reconvened the meeting at 7:04 p.m.

RECONVENE MEETING

ZONE CHANGE & SITE PLAN

THE REQUEST OF POLAR STAR LODGE #33 (OWNER), LEAFY GODDESS VENTURES (DEVELOPER), JAQUITA L. EDWARDS (PROSPECTIVE BUYER) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY IN THE 500 BLOCK OF NORTH MONTGOMERY

ZONE CHANGE – R-1 TO R-2

SITE PLAN – FOUR TOWNHOMES

STREET, BEING 0.430 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 AND BEING ALL OF LOTS 2 & 3, BLOCK 11, G.W. BOND'S SUPPLEMENT NO. 2, AS FOLLOWS;

500 BLK. N.
MONTGOMERY ST.
(POLAR STAR
LODGE #33)

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

Jaquita L. Edwards, 25 Highland Park Village #100-689, Dallas, TX

Ms. Edwards appeared to represent the request and answer any questions. The property is located in the 500 blocks of North Montgomery Street; the southeast corner of Montgomery and Pacific Streets. The property is zoned an R-1 (One-Family Residential) District.

Ms. Edwards explained, "I am the prospective buyer and developer of the Lux on Pacific. The vision of my project is my parents came out of that neighborhood, so the vision of my project is to enhance the esthetics of the neighborhood, increase the value without displacing the current residents, provide a quality product for the young urban professional like myself and creating a positive remedy for the City."

"I have provided you with a rendering of the site plan, floor plan and elevations for my project for (4) Townhomes. The townhomes will be three-bedrooms, per unit with a two-car garage and two car pad behind it in the driveway. There will be guest parking in the back as well. The exterior will be stucco with stone accents and concrete siding on the rear. We pushed the building back 35' from the front property line to make it more visually pleasing." She had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked about the 6' masonry perimeter wall; "do you have a problem with that?"

Ms. Edwards responded, "no, we will provide the masonry perimeter wall fence."

Mr. Rae explained, "we don't want the fence to come into the front setback of 25', so it would probably just be the back portion of it. Most large multi-family developments have the 25' between the road and the perimeter fence, just because this is a smaller lot. The east of the property is single family homes, south of the property is zoned C-1 (Retail Business) District and it is vacant and just past that is the railroad tracks."

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

ACTION TAKEN.

Motion by Commission Member Davis to approve 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 four townhomes subject to the Staff Review Letter in the 500 block of North Montgomery 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.

VARIANCE & REPLAT

THE REQUEST OF WALTER VENTURA (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 702 AND 708 SOUTH MONTGOMERY STREET, BEING 0.510 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 AND BEING ALL OF LOTS 1 & 3, AND A PART OF LOT 5, BLOCK 3, ROBERT A. KING'S ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 9.3' REAR SETBACK IN LIEU OF THE REQUIRED 25' FOR AN EXISTING RESIDENTIAL DWELLING ON THE PROPOSED LOT 2R OF THE REPLAT OF LOTS 1 AND 3 AND A PART OF LOT 5, BLOCK 3, ROBERT A. KING'S ADDITION IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF LOTS 1 AND 3 AND A PART OF LOT 5, BLOCK 3, ROBERT A. KING'S ADDITION.

Walter Ventura, 9692 Robinwoods Dr., Frisco, TX

Mr. Ventura appeared to represent the request and answer any questions. The property is located at 702 and 708 South Montgomery Street; the southwest corner of Montgomery Street and Wells Avenue. The property is zoned an R-2 (Multi-Family Residential) District.

Mr. Ventura explained, "I bought these properties a couple of years ago and the City has worked with me to remove some of the structures on two of the lots. I would like to Replat two lots into three lots for residential development. There is an existing building on the corner lot at 702 South Montgomery Street and I am requesting a variance to allow a 9.3' rear setback. The other buildings on the lot have been demolished." He had seen the Staff Review Letter and would abide by the Recommendations.

VARIANCE – REAR SETBACK

REPLAT – LOTS 1 & 3 AND PART OF LOT 5, BLOCK 3, ROBERT A. KING'S ADDITION 702 & 708 S. MONTGOMERY ST. (WALTER VENTURA)

Commission Member Davis asked where the parking was on the existing house.

Mr. Ventura responded, “on the side of Wells Avenue and we do plan to address that, we talked to the Surveyor and I think we can get that done.”

Commission Member Davis stated, “with a smaller rear yard it limits the parking.”

Chairman Mahone asked if the City has some way to address the house will get the appropriate parking.

Mr. Rae responded, “on that house I don’t think we do, the other two properties we would, but not on that house because they wouldn’t require any new Certificate of Occupancy Permits or building permits for the existing house.”

Chairman Mahone asked Mr. Ventura if he is going to provide parking for the existing house.

Mr. Ventura responded, “yes, if down the line I want to sell the house, it is going to require it. It would be better for me to find a way to do it for resale value.”

Commission Member Blagg asked about Lot 1R which will have access from the alley which on the survey says a 20’ platted alley; “is Wells Avenue now a street.”

Mr. Lee explained, “the Fire Marshal did make the comment the street is not adequate or wide enough for them.”

Chairman Mahone stated, “he might run into a problem later with the Fire Marshal. You may not be able to get a Certificate of Occupancy Permit.”

Mr. Ventura responded, “this is the first time I am hearing about that. I received the Staff Review Letter and I kind of see that, I got the letter at the end of last week, so I haven’t had the chance to talk to anyone about that. Do you know how wide the streets have to be?”

Mr. Lee explained, “a fire lane is 24’ wide; right now it is 12’.”

Chairman Mahone explained, “even if this was approved, you would still have to comply with the Staff Review Letter, which includes the Fire Marshal approving that street access for fire protection. It is kind of pointless to Replat it if you are not going to be able to use it anyway. Would you like us to move forward with this?”

Mr. Ventura responded, “I understand that. What happens if I talk to the Fire Marshal and he doesn’t allow it, do I just submit the plans for it or what happens.”

Chairman Mahone explained, “if you are granted the adjustment and the Replat were approved and the Fire Marshal doesn’t agree unless you build a new street or something like that, you would have a new plat that you couldn’t use. If you wanted to work it out with the Fire Marshal we could table the request and you could come back and we could make a decision.”

Mr. Lee explained, “there is another complication with the lot; it doesn’t have a water main serving it, so a water main would have to be extended down Wells Avenue.”

Mr. Ventura asked if he would have to wait until next month.

Chairman Mahone explained, “if you requested us to table it, then it would be back on the agenda next month.”

Mr. Ventura stated, “if you make a decision today and I speak to the Fire Marshal and he says I can’t do it what happens.”

Chairman Mahone explained, “you are stuck with the Fire Marshal to work it out.”

Mr. Ventura asked the board to make a decision today on the variance and Replat.

Mr. Pittman explained, “as the Board of Adjustments you have discretion to table the variance, you don’t have the discretion to table the Planning and Zoning item unless the applicant ask you to table. The tabling request should the applicant request to table would only be for an additional 30 days, so you would need to act on this application at the next meeting.”

Mr. Ventura asked the board to move forward with everything and I will do my homework starting tomorrow.

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for a variance to allow a 9.3’ rear setback in lieu of the required 25’ for an existing residential dwelling on the proposed (702 S. Montgomery) Lot 2R of the Replat of Lots 1 and 3 and a part of Lot 5, Block 3, Robert A. King’s Addition in an R-2 (Multi-Family Residential) District subject to the Staff

Review Letter at 702 & 708 South Montgomery Street. Second by Commission Member Sims.

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 Replat approval of Lots 1 and 3 and a part of Lot 5, Block 3, Robert A. King’s Addition subject to the Staff Review Letter at 702 and 708 South Montgomery Street. Second by Commission Member Sims.

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 ARIDI GROUP LLC (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 4801 NORTH FM 1417 (HERITAGE PARKWAY), BEING 5.742 ACRES IN THE ALFRED HUME SURVEY, ABSTRACT NO. 522, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW AN EVENT CENTER COMPLEX (COMMERCIAL AMUSEMENT CENTER) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.1 (FM HIGHWAY 1417) OVERLAY DISTRICT

**SUP – EVENT CENTER COMPLEX
4801 N. FM 1417
(HERITAGE PARKWAY)
(ARIDI GROUP LLC)**

(WITHDRAWN)

Email received from Roger Aridi, April 14, 2021, 10:24 a.m. withdrawing the request.

The property is located at 4801 North FM 1417 (Heritage Parkway) between U.S. Highway 82 and Plainview Road; formerly a tennis club and most recently Sarah Cosmetics. The property is zoned a C-2 (General Commercial) District.

The owner would like to open The Club at Pecan Creek, a multi-purpose facility and recreational grounds for events such as meetings, seminars, classes, weddings, retreats, reunions, birthday celebrations, music festivals and corporate events. The Club at Pecan Creek will be set in a tranquil country-type atmosphere with room to sit outside on the numerous patios, walk by the creek through the trees, or have a family picnic, birthday party or wedding

under the shade trees or by the pool, as well as activities such as swimming, volleyball and tennis. The interior spaces will be set-up to provide meeting/event space for gatherings of a few, or up to 500. They will offer catering and service staff for the events.

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

THE REQUEST WAS WITHDRAWN.

EXCEPTION

THE REQUEST OF NORTHRIDGE VILLAS LLC (OWNER), FELIX AGUIRRE (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3013 NORTHRIDGE DRIVE, BEING ALL OF LOT 13, BLOCK 8 OF THE REPLAT OF PART OF BLOCKS 7 AND 8, TOWN NORTH ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO ALLOW A 6' ORNAMENTAL IRON FENCE WITH GATES FOR A MULTI-FAMILY RESIDENTIAL COMPLEX IN LIEU OF THE REQUIRED MASONRY PERIMETER WALL IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

EXCEPTION -
SCREENING
3013 NORTHRIDGE
DR.
(NORTHRIDGE
VILLAS LLC)

Felix Aguirre, 6901 Admiral Cove Court, Plano, TX

Mr. Aguirre appeared to represent the request and answer any questions. The property is located at 3013 Northridge Drive; the northeast corner of Northridge Drive and U.S. Highway 82; Northridge Apartments is the tenant. The property is zoned an R-2 (Multi-Family Residential) District and located in the O-1 (75 & 82) Overlay District.

Mr. Aguirre explained, “there is a single drive into the property and we would like to install an access gate and fence across the entry. The new owners put some money into it and would like to make some improvements. I can understand the requirement for the masonry fence along the sides and back but you don’t see that across the front of the property or the driveway.” He had seen the Staff Review Letter and would abide by the requirements.

“I have talked to the Fire Department and they said they want the KS2 switch and whatever he wants is not a problem. There is 12’ in access gate, the pedestrian gate and some more fence is all we are adding; 55’ less the gate.”

Commission Member Sims asked if the only thing they are doing is the new gate up front.

Mr. Aguirre responded, “that is all we are doing. A couple of the residents here thought we were doing something on the perimeter but we are only doing the front entrance.”

Appearing from the audience:

Anne Gooch, 1502 LaSalle Dr., Sherman, TX

Mrs. Gooch explained, “my house backs up to the Northridge Villa Apartments. I received this letter it was talking about a required masonry perimeter wall fence so I was wondering if there was a required wall to go around these apartments and that was what it sounded like. It sounded like you were going to put up an ornamental fence.”

Chairman Mahone explained, “the ordinance typically requires a masonry wall around multi-family like apartments buildings. Sometimes they apply for exceptions and they are granted different type of fences like wrought iron fences instead of the masonry. In this case they are just wanting to put in a gate and they do not want that gate to be masonry, they want it to be wrought iron; that is why they are asking for this exception.”

Mrs. Gooch stated, “at this point they can have several different fences, they have wood, chain link, mine backs up to chain link. When you read this you think it has to be masonry. Why do we keep making all these exceptions; that is how our neighborhoods get to looking so bad?”

Mr. Rae did not think there were any exceptions for the chain link fence on the other portions of the property. “When the development was first built there probably wasn’t a requirement for the 6’ masonry fence. If they do come in to improve the fence anywhere else they would be required to install the 6’ masonry wall. The applicant only came in to change the front entry and that is why they are here tonight. Obviously the gate can be wrought iron, you don’t make that a brick wall, but the portion that goes on the side of the driveway to the building needs to be masonry and they are asking for an exception to that.”

Mrs. Gooch explained, “there are issues in the neighborhood with trailers and trucks staying in the streets for more than 72 hours. A guy parks it there for 5 or 6 years; who do you call. I have called about trailers, camping trailers.”

Mr. Rae explained, “you would call Code Enforcement.”

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

Emails received from:

Anne Gooch, 1502 LaSalle Dr., Sherman, TX

“My name is Anne Gooch and I live at 1502 LaSalle Drive my property backs up to the laundromat at the Northridge

Villas. I am against the iron fence due to cats and dogs and possibly kids coming through to my yard plus wouldn't have to view laundromat and with the chain link fence people throw cans, bottles and rocks in yard. Since my house backs up to the laundromat and another building that seems to be used for maintenance, there is a lot of unsightly trash, big appliances and pallets. My suggestion would be a masonry perimeter wall between the apartments and residential area!"

Dale Stein, 1510 LaSalle Dr., Sherman, TX

"I live at 1510 LaSalle Drive, and my back yard abuts the Northridge Villas apartment property. I DO NOT desire a decorative iron fence across my back yard, because we have watched cats, smaller dogs, and even determined kids come right through the iron fence that Easton Parc has along LaSalle Drive. A sturdily-built masonry perimeter wall would not only prevent intrusion into my yard, but eliminate unsightly views and help with sound deadening."

Commission Member Blagg wanted to make sure we are not approving the entire property for the exception for the perimeter wall fence.

Chairman Mahone explained, "this is only for the section on the site plan."

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for an exception to allow a 6' ornamental iron fence with gates as presented on the site plan for a Multi-Family Residential Complex in lieu of the required masonry perimeter wall in an R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District subject to the Staff Review Letter at 3013 Northridge Drive. 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.

REPLAT, SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF STEADMAN INVESTMENTS (OWNER) AND PRESTON TRAIL LAND SURVEYING, LLC (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2200 NORTH HICKORY STREET, BEING 0.520 ACRES IN THE J.B. MCANAIR 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:

BOARD OF ADJUSTMENTS

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

VARIANCE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 20' FRONT 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 10R AND 12R, 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

SUP – TWO-FAMILY DWELLING (DUPLEX)

2200 N. HICKORY ST. (STEADMAN INVESTMENTS)

PLANNING AND ZONING COMMISSION

- REPLAT APPROVAL OF SHANNON HEIGHTS ADDITION, BLOCK 3, LOTS 10R AND 12R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12.
- SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A TWO-FAMILY DWELLING (DUPLEX) ON LOT 10R, BLOCK 3 OF THE PROPOSED REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, LOTS 10R AND 12R, 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, 83493 N. S.H. 289, Ste. 5, Pottsboro, TX

Mr. Noah appeared to represent the request and answer any questions. The property is located at 2200 North Hickory Street; the northwest corner of Hickory Street and Dupree Avenue; The property is zoned an R-1 (One Family Residential) District.

Mr. Noah explained, “this property involves three existing lots and a portion of a fourth lot. The owner would like to Replat the property into two lots for residential development. There is an existing one-story house located on one of the lots at the corner; they would like to remove an addition to the existing house and request a variance for a 20' front setback. They would also like to construct a 2,600 square foot, six-bedroom, two-car garage duplex on the other lot. Parking will be provided for six cars.” 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, Replat or Specific Use Permit.

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the variance to allow a 20' front 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 10R and 12R, 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 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 Shannon Heights Addition, Block 3, Lots 10R and 12R, a Replat of Shannon Heights Addition, Block 3, part of Lot 9 & all of Lots 10, 11 & 12 at 2200 North Hickory Street and Specific Use Permit and site plan approval to allow a Two-Family Dwelling (Duplex) on Lot 10R, Block 3 of the proposed Replat of Shannon Heights Addition, Block 3, Lots 10R and 12R, 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. 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.

OTHER BUSINESS

Review Draft Ordinance for Patio Home.

Review General Zoning Ordinance Updates.

Mr. Rae explained, “the purpose of the zoning ordinance is to promote the health, safety and general welfare of the City of Sherman; to lessen congestion on the street, secure safety from fire and other dangers; encouraging the most appropriate use of land in accordance with the Comprehensive Master Plan.”

“For the zoning ordinance update there are two big ones: Patio Home Ordinance and the fence ordinance; those are the big ones we would like to talk about tonight, the other is some clean up things that we would like to do as well.”

“Starting with the Patio Home Ordinance, on October 19, 2020, the City Council directed staff to review the patio home ordinance to see if there are any changes that need to happen. On November 17, 2020, a P&Z subcommittee was set up to review the patio home ordinance and on March 2, 2021, the P&Z subcommittee met to review the ordinance recommendations.”

**OTHER BUSINESS –
DRAFT PATIO HOME
ORDINANCE &
GENERAL ZONING
ORDINANCE
UPDATES**

“To give you some comparison on our residential zoning districts. Comparable cities have multiple residential zoning districts. We are just focused on single-family, not multi-family or commercial. A lot of cities have different requirements for each of those districts. If you look at ours in Sherman, we have two single-family districts; R-1 (One-Family Residential) District and SF-1 (Single-Family Residential) District, where McKinney, Anna, Melissa and Denison all have multiple single-family districts. The requirements for those zoning districts for setbacks and lot area and things like that all vary. For a 60’ lot we are in the ballpark for what other cities do for setbacks for 25’ in the front and back. A comparison on the side which is a little bit different, some cities just have a standard side setback. Denison has the same side yard setback as us, 10% of the lot width.”

“Our current patio home ordinance shows what our setbacks are different and how different they are from our single-family requirement. For patio homes, our minimum lot width is 40’, where our single-family is 60’, 20’ on the front and 10’ on the rear, our side yard setbacks are 5’ and 5’ or 0’ and 10’; it has to be consistent in the block. A minimum lot area is 4,000 square foot. In addition, the patio home ordinance requires that if there are over 50 lots, 51 or greater open space is required; a 10% requirement of a platted area.”

“If you look to the right of the diagram, these are to scale lots of a 60’ lot versus a 40’ lot and the setbacks that are allowed in our R-1 (One-Family Residential) District versus the patio home minimum requirements.”

“One of the issues that came up with Council is that there were developers coming in for 60’ lots or greater and asking for patio homes; a patio home variance for that. What that ended up doing in these six developments: Magnolia Village, West Canyon Creek Estates, The Preserve Phase II, The Preserve Phase III, Country Ridge Estates No. 2, and Heritage Farms Estates is it changes their site plan footprint. It does change the size of the building and I’m not saying all builders build to those front and rear setbacks; generally they are looking on the front setback.”

“After meeting with the Subcommittee and reviewing the comments we had with Staff we had some recommended changes to the Specific Use Permit. I put on here short term because this maybe a band-aid as sorts but there is a bigger vision that may happen as a result of this.”

“Our recommendations to Staff is to leave the patio homes designation as a Specific Use Permit and to add the following requirements:

- Maximum lot width of 50’ (55’ on corner lots)
- Maximum living area of 2,500 square foot

- **Open space requirement:**
 - **Developments with 25-49 patio homes will be required to provide 5% open space**
 - **Developments with 50 or more will still be required to provide 10% open space**
 - **Added language to include multiple phases of development will be required to provide open space**
- **No duplexes or Two-Family Dwelling permitted in the Patio Home Ordinance**

“One of the things that might come up in Council is why don’t we create a different district for patio homes. This is what we recommend if that were the case where it created a separate district, you could rename it SF-50 to reference the lot width. Cities do categorize their single-family districts in different ways. One reason staff wouldn’t recommend creating a new zoning district is because we haven’t updated our Master Plan to include where would you get guidance where that could be developed. If we just change that straight up then developers could come request that zoning district anywhere without any guidance from a Master Plan. The requirements could be for the SF-50 zoning district:

- **Minimum Lot Area: 5,000 square feet**
- **Minimum Lot Width: 50 foot**
- **Minimum Front Setback: 20 foot**
- **Minimum Rear Setback: 10 foot**
- **Minimum Side Yard: 5 foot**
- **Permitted uses the same as SF-1**
- **No duplexes or two-family dwellings permitted in zoning district**
- **Recommend changing the name to SF-1 to SF-60, and R-1 to R-60 or similar**

Vice-Chairman Downtain stated, “in this case it is a minimum lot width of 50’ and the previous Specific Use Permit is 40’.”

Mr. Rae explained, “when we are adding the maximum to discourage developers coming in and requesting that 60’ or greater lot just to get a 5’ side yard setback.”

Commission Member Manley stated, “there the maximum doesn’t exist nor does the square footage maximum exist.”

Mr. Rae responded, “right and that is typical that a zoning district wouldn’t have those requirements in them where a Specific Use Permit could. That is not a recommendation we are doing tonight, but in the future we would consider if Council directed us to create a new zoning district.”

Commission Member Manley stated, “in a nutshell we are assuring the homes remain affordable; would that be an accurate statement. You can’t just buy a giant lot and fill it up with nothing but home and have no grass.”

Mr. Rae explained, “one of the issues that Council had is when the patio home ordinance was created, the purpose was to create patio homes, garden homes, whatever it is, smaller homes on smaller lots, but what has happened they are building a bigger home on a smaller lot.”

Commission Member Manley stated, “they are still going to sell it for \$400,000.”

Mr. Rae explained, “they are getting more square footage for the size of the lot.”

“I will be presenting the same presentation at the Council meeting. We are going to look at updating the Master Plan in the coming years, maybe 1-2 years depending on what budget is approved, but we would look at updating that based on where higher density single-family would be appropriate in the City of Sherman. The last Future Land Use Plan was approved in 2009.”

“This is the recommendation you have in the draft ordinance. I will be happy to go over questions if you want.”

Commission Member Manley asked how he arrived at those particular numbers, 50’, and 2,500 square foot; is that base off another municipality or yours.

Mr. Rae explained, “most municipalities have them in zoning districts and they have them for 60’ lots, 50’ lots, 40’ lots, they have townhomes that are 20’. We actually went through the process of thinking what if we did 60’ as the maximum, then developers would come in at 60’, if we did 59’, they would plat their development with 59’ lots and so that is where we went to the 50’ lot because in my opinion that is what the patio home ordinance is looking to get, a 40’ or 50’ lot.”

Chairman Mahone wanted to talk about the open space requirement. “Currently we have the open space if you are at 51 or more lots.”

Mr. Rae stated, “the way it is worded is 50 or under it isn’t required.”

Chairman Mahone stated, “because of that they come in at 49 lots.”

Mr. Rae explained, “they come right at the threshold.”

Chairman Mahone stated, “so you are wanting to add a section down to 25 lots. Are they just going to come in with two 24 lot groups?”

Mr. Rae stated, “that is a good point. One of the items that we have added is any contiguous subdivision including multiple phases. So in a case we had recently, where The Preserve Phase II had 20 patio home lots and The Preserve Phase III had 47 lots, they would be required to include that first phase into it as their patio home lots.”

Chairman Mahone stated, “if I’m approved and I do 24 lots and a year later Shawn decides to be a developer and they do 24 more right next to mine; is he now on the hook for the open space requirement because he is the one that brought it over because he built it next to mine.”

Mr. Rae responded, “possibly.”

Commission Member Davis stated, “what do you mean possibly, City ordinance says I can build 24 patio homes and I just bought this land and I’m going to put 24 patio homes on there.”

Mr. Rae explained, “the way we could look at it is, as staff if it is not separated by an easement larger than 60’ or a collector facility like that it would be a continuous subdivision.”

Commission Member Blagg stated, “it is like a double-edged sword. This scenario shouldn’t happen. Two different property owners, the first one gets by it at 24 and the second guy gets hit.”

Commission Member Davis provided a prime example, “the houses at Baker Park that has been there forever and now behind it that guy has come in and they are different from their setup. If that 20 year old section of town was townhomes or these, the next guy comes in, that’s still the neighborhood, and you are still expanding over that field. You want to make a developer say no to Sherman, in 10 years nobody is going to build anything because they are on the hook for the percentages. Does that make sense?”

Chairman Mahone agreed. “There is only so much space you can build on because no one else is going to want to put one next to it.”

Mr. Rae responded, “right. From a staff perspective open space is difficult to administer.”

Commission Member Davis explained, “it would almost be easier to say it don’t matter where you put them but if you are building townhomes at 50, you better provide

Sherman 10% and if I come along and build 50 more; the next guy gets hooked.”

Vice-Chairman Downtain asked, “how does that apply if you did 5% because there were 49 in the beginning and then someone comes and adds 100 more, then you have to do 10% of both of those. So the person portion you have another portion to add essentially back on this side before it hits.”

Mr. Rae explained, “it is a double-edged sword because if we have the requirement here they are going to piecemeal it to keep under it because every bit of open space is a lot to them that they could sell. So it is definitely a difficult situation whether we keep it the way it is written for continuous development or not.”

Commission Member Davis thought it needs to be pretty defined. “I want the green space.”

Commission Member Blagg stated, “developers usually get approval on all the acreage and phase it out and all those rules apply to the whole master plan. I do feel when you do things like this they find that loophole. It’s not really problematic other places.”

Mr. Rae explained, “this year is probably the first time outside of Austin Landing that we are going to have a very significant master plan community developed that is going to have a significant amount of their spaces is going to be open space. Something that our developers currently haven’t been doing or required to do to an extent. There is going to be some competition, I anticipate. We added language thinking that would help if this ordinance was changed, they would know that the multiple phases would count toward open space, they have to anticipate that before instead of after.”

Commission Member Davis stated, “I can see in Phase I, II, III and IV they need to comply, but if I just come in and buy the lot next door to his 24 lots or 48 lots, I shouldn’t get slapped.”

Vice-Chairman Downtain asked if it is technically a Phase II at that point or just a new subdivision next door.

Commission Member Manley asked if there was a way to tie it to the property ownership because chances are the developer is not going to risk losing if they are going to buy the whole piece of land next door and they only develop one section of it and do another section later.

Mr. Rae stated, “that might vary case by case. You might have a developer group that all owns portions that all work together but are individual property owners.”

Commission Member Manley stated, “that’s why he said to just split it up into four LLC and four lots.”

Chairman Mahone asked if there was a way to tie the percentage not to the number of lots but to the total acreage or square footage or something. “If you come in and do 5 acres worth of development and it is 10% of 5 acres or 10 acres or whatever. That way it really doesn’t matter if I come in with a 4 acre development or a 15 acre development, I still have to provide 10% of that space.”

Commission Member Davis stated, “if my 15 acres, I don’t want to do none of it but I’m willing to pay the City what my percent would have been to build a park or something similar.”

Chairman Mahone stated, “it’s a flat percentage of a total development space.”

Mr. Rae stated, “then you take the number of units out of it totally. In that case you might want to consider lowering the percentage from 10% to something lower because that could be a significant amount.”

Commission Member Blagg stated, “a lot of cities require open space for all their lot sizes which then pushes a Homeowners Association to maintain the open space. The City of Frisco communicates with the Homeowner Associations and the City maintains the medians and the Homeowners Association mows all the right-of-ways.”

Mr. Rae stated, “in the cases where we have gotten open space whether it is a private entity that maintains that or the City.”

Commission Member Blagg stated, “HOA’s can go defunct and then it normally falls back on the City to maintain the property. I feel like we have plenty of resources down south that we can find the right language.”

Mr. Rae asked Wayne Lee if the open space requirement would be located in the subdivision regulations as opposed to the zoning ordinance.

Mr. Lee explained, “there are a number of cities that have part of a green space dedication ordinance. It doesn’t matter if is your 60’ lots or others that they dedicate green space at a certain acreage, percentage minimum and whether it is a public green space or privately maintained. Green space is from development to development. Usually it is public green space the City has to agree they will take as public. Developers can’t just say we are going to dedicate this to you; you have to take it.”

Commission Member Davis stated, “you don’t need all these little patches to mow either.”

Commission Member Blagg stated, “there is a mechanism that I have seen used where the Developer can write a check in lieu of providing open space. Then the City can use that money for parks anywhere. A Developer would consider paying to get out of green space; that does happen. It’s a formula for the amount of money that you would pay.”

Mr. Rae stated, “I believe a City would administer that at the platting process through subdivision regulations or a separate ordinance that would be for an open space ordinance.”

Commission Member Manley asked, “if I wanted to put in four patio homes, something small; how would that apply, where would the green space be, like a 6’ strip in the back. In that case I would write a check to make it go away.”

Commission Member Blagg stated, “everyone should be giving a fair portion.”

Mr. Rae stated, “that is assuming you have one patio home in a development of 200 homes versus just the one patio home; I see there are two scenarios that we would have to administer. The one that is a development that is a platted subdivision versus just one lot.”

Chairman Mahone stated, “the one lot could pay into the park fund.”

Mr. Rae asked the board if there was a direction on the open space that you would like staff to go in.

Commission Member Davis wanted to decrease loopholes.

Commission Member Whitaker thought a percentage of the land because you break it up to 25 and 50 lots they are just going to come in under that. If you tell them it is a percentage of every acre.

Commission Member Blagg asked to go to other cities to get their input how they are handling these things and do a comparison chart and let’s see if we can find something better that doesn’t have loopholes because they don’t have loopholes down there.

Chairman Mahone asked that their recommendation be to consider this with our comments because ultimately the City Council is one to make the final decision. Is anyone here in disagreement about that, does anybody think the 25 or 50 is a better option than a percentage of the land.

Commission Member Davis stated, “I would almost go flip it and say any patio home in excess of 5 require a percentage of open space.”

Mr. Rae stated, “when you get to this you could make a motion with comments that you would like open space to be looked at a little differently.”

Commission Member Blagg stated, “the way other cities get around this is they have a maximum lot coverage; I would think 45% is the norm that I have seen. You could quash a builder building to complete setbacks with a maximum lot coverage; that normally doesn’t include the driveways. What that does, it includes anything in the foundation, so a lot of times if the foundation is poured as flatwork, it doesn’t count, but if a patio is poured as a foundation it would count. If this is a major concern to everybody, we should include maximum lot coverage, most cities have it; I’m surprised we don’t yet. It does give the builder flexibility because sometimes you have a master that shoots out so the setbacks will allow for configurations but you can’t just fill in the whole box. I don’t know why a City would have a maximum of 2,500 living area; you know a higher square footage is a higher appraised value, higher taxes, so I don’t know why we would want to limit the maximum.”

Commission Member Davis stated, “that is their way of going corner to corner.”

Mr. Rae explained, “we calculated realistically what the square footage of the home could be minus the garage to get that so if a builder is building over that chances are they are not on a 50’ lot.”

Commission Member Manley stated, “if you handle that just with lot coverage, that doesn’t stop them from growing vertically.”

Commission Member Blagg responded, “except with roof height, you could only build a two-story home; they are limited to their height.”

Commission Member Manley stated, “when I think of a patio home, I go back to affordability of the home. If we are creating an area that is designed to have in general smaller homes, more affordable homes and in my opinion I think Sherman needs more of, I was thinking 2,500 square feet was too big.”

Commission Member Blagg stated, “you would be surprised, in Plano, patio homes are pretty popular the opposite way, they are more expensive; they are real deep, you could have a 3,500 square foot patio home.”

Commission Member Manley asked the purpose of a patio home; “why would a builder choose to build a patio home.”

Commission Member Blagg answered, “the reason is normally land price starts to escalate, so the builder or developer needs lot count. You do a smaller lot to increase your yield.”

Vice-Chairman Downtain explained, “also there are people that don’t want yards anymore.”

Mr. Rae presented the fence ordinance updates. He explained, “the fence ordinance, one of the things we are getting busier as a City, we are getting more items coming to the Planning and Zoning Commission. We are getting a lot of request for variances/exceptions, fences are one of those things as staff we feel we get a lot of and maybe you don’t need to be seeing those because they are pretty simple; generally they get approved pretty easily.”

“The Board of Adjustment meetings have included many requests for fence variances and exceptions. Some subdivisions and properties have followed our current fence ordinance and some have gotten exceptions. Typical exceptions and variances requests are to allow an 8’ fence in the side yard and to allow a 6’ or 8’ fence in the side and rear yard on a corner lot. Our recommendation to update the fence ordinance is to allow up to 8’ fence in the side and rear yards, allow up to an 8’ fence in the side and rear yards on property lines of corner lots and increase front yard ornamental fence to 4 feet.”

Commission Member Davis stated, “no one puts up a chain link fence anymore. Years ago, a 4’ chain link fence you could see to the other end of the block.”

Mr. Rae stated, “in no case a chain link fence would be allowed in the front yard under our current ordinance. A 3’ fence is allowed in the front yard, up to a 6’ fence is allowed in the side yard and up to an 8’ fence is allowed in the rear yard. What you see in a lot of subdivisions in Sherman, you see a 6’ fence in the side yard and it will creep up to an 8’ fence in the rear. On corner lots where there is a neighbor on a front facing street, so you don’t have two lots that are backed up to each other, there are some unique requirements and regulations. You are allowed a 4’ fence, it does not need to be ornamental; it can be a fully screened 4’ fence. The 8’ fence does not start until it is 25’ back from that front facing street. The typical exception that we get is to allow an 8’ fence in the side yard and to allow a 6’ or 8’ fence on the side or rear yard of a corner lot. We looked at four or five other cities to see what cities are allowing in other areas. Our

recommended update is to allow an 8' fence in the side and rear yard, allow 6' and 8' fence on the property line on corner lots and to increase the front yard ornamental fence to 4'. A 4' fence in the front yard and everywhere else an 8' fence would be allowed including corner lots."

"Site distance when it comes to fences is one of the major issues and why we have regulations in our zoning ordinance. I have been working with the Engineering Department to make sure our updates to the fence ordinance making sure safety and site distance are good. Our current site distance says no fences or hedges within 15' of the intersection of 2 street lines. Measuring a triangle, 15' off one property line, 15' off another connecting the dots and nothing inside that triangle. What we are recommending is no fence or hedge within 25' of the intersection of 2 property lines; no fence or hedge within 10' of the intersection of a street and an alley; variances to sight distance may be approved by the City Engineer. The City Engineer could change that because there are other factors that play into each roadway for site distance, it could be speed, it could be topography and how the road is designed."

"The changes to our fence ordinance would allow is if someone came into our office for a fence permit and wanted to build an 8' fence on their property line on a corner lot in their side or rear yard, we would allow that, we would double check there were no site distance issues."

Chairman Mahone asked why wouldn't the standard be 15' unless Engineering tells you it has to be more in which case they would if they were on a major thoroughfare. "I thought you were reasoning from going further from 15 to 25' was in the cases of major thoroughfares you needed 25'. Certainly, there are some streets and alleys where you don't need that much."

Mr. Lee explained, "it depends on the configuration of the street if you don't have a true ninety degree intersection, you have an acute angle, you may need more than that 15'x15' site distance."

Chairman Mahone stated, "you are able to grant them a lesser distance if you are able to show there is no site distance issue."

Vice-Chairman Downtain stated, "the Engineering Department is able to grant that variance not the board."

Commission Member Blagg stated, "if you are in the car and you are up at the intersection, you are already through that triangle, you are at the stop sign."

Mr. Lee explained, "there may not be a stop sign"

Mr. Rae explained in some cases if it is not controlled with a stop sign, yield sign or something that is sometimes a more dangerous intersection for site distance because the cars are moving, they are not having a reason to stop. Sometimes a stop controlled intersection would be safer because the vehicle comes to a stop.

Mr. Lee explained, “if you have a four way stop situation that changes a lot.”

Mr. Rae explained the fence ordinance for Multi-Family Developments.” A minimum 6’ masonry perimeter wall shall be provided to surround the development. New fences at existing multi-family developments shall be masonry. Most multi-family developments have requested exceptions to allow wrought iron fences. Our recommendation is a minimum 6’ foot masonry or wrought iron, with masonry columns, perimeter fence shall be provided to surround multi-family developments. The masonry columns shall be separated at a reasonable distance as approved by the Director of Development Services. We have situations where a multi-family developer will have a 300-500 foot line that they need to do masonry columns, as we were working through this and figuring out the right distance for the spacing of the columns. If it is 24’, that is way too narrow for masonry columns on one side and it could be not enough for another side. That is why we added the item to say that it would be separated by a reasonable distance and it would administratively approved that distance. If a developer came in and didn’t like our assessment of it, they could always appeal that to the board.”

Chairman Mahone asked if you would have some kind of guideline to follow, just so you don’t end up with one that is 300’ and one every 24’.

Mr. Rae responded, “we could come up with that.”

Commission Member Blagg stated, “I believe 24’ is a rule in other cities. Why don’t we consider just one number.”

Mr. Rae explained, “a recent development had a variance for 24’ and they thought that was pretty tight for a number of masonry columns. They thought it needed to be separated out a little bit more.”

Commission Member Blagg felt the separation of zoning types that doesn’t need to be omitted. If it is a single family or multi-family, they should still have to have a solid fence between different zoning types.

Mr. Rae explained, “we currently have that in our ordinance, even if it is next to single family it needs to be fully screened. We are keeping that in the update as well.”

Commission Member Davis wanted to see something with a minimum, say 24’, separated by a reasonable distance not to exceed 24’, “whatever we decide and then if there is a weird deal they come here or get with you.”

Mr. Rae explained, “one the purposes is trying to reduce the number of items that are brought to the board but if you want us to include that in the revisions we can do that.”

Chairman Mahone agreed. “I would like to see something for the minimum distance between the columns. It is still cheaper than a brick wall.”

Mr. Rae showed examples of Creed Canyon Apartments off of Travis Street, north of Highway 82. Each one of the sections is an 8’ section, so you would have a masonry column every three panels.

Commission Member Davis stated, “it looks good too.”

Chairman Mahone stated, “you might add not to exceed a certain amount. It could say on the front side of the street where you want it to look nice, we want it every 24’ and on the back side you could do 32’. I like the idea of you being able to make your own adjustments just within a perimeter.”

Commission Member Manley asked if there were any concerns with using the word wrought iron even though nowadays that is not wrought iron, its tubular steel.”

Mr. Rae stated, “we could rename it or similar, we have a lot of language in our ordinance that says this, this, this or similar.”

Commission Member Blagg stated, “I know a lot of cities approve an 8’ fence, they want a post every 6’ and four runners.”

Chairman Mahone thought that had to do with building codes.

Commission Member Davis stated, “an 8’ fence is a tall fence; I think an 8’ masonry fence looks ugly.”

Mr. Rae explained the proposed ordinance for agricultural uses. “Line fences can be used on properties greater than 3 acres. Special permission required for electric fences. Gates for vehicle access set back 20’ from property line to allow if a truck pulls up to a gate, opens the gate, gets in. We did provide in the fence

ordinance some things that are restricted such as welded wire, such as a hog fence is not allowed with T-post, it is not allowed as a line fence. They can still use it for other reasons, but not as a property line fence. Another example was shown of a horse fence on wood post; it looks nicer and is a little sturdier. This would be for properties in the city for agricultural uses with more than 3 acres.”

Appearing from the audience:

Peter Tracey, 700 S. Valentine, Sherman, TX

“I bought my house ten years ago and the neighborhood that I live in has a utility easement on the back of everyone’s lot. Unfortunately, the current fence ordinance says that you can build your fence back to the property line. What has happened on my street, all the neighbors have built their fence to the property in the back including the easement. I was told by everyone, the listing realtor and the finance company, everyone said you cannot build anything in that 8’ easement because the utility company has to have access to it. What has happened, all those fences are out there, and my driveway has become the utility company’s access to get to those utilities. There is a development directly behind me, my concern is those houses are going to be built and I don’t know if they have an 8’ utility easement because to be able to get to those utility poles there is going to have to be some access. Now all these people on my side of the street, I direct the utility people to go through their yard; you are not going through mine. That needs to be something that is put in an ordinance that if you have a utility easement the fence cannot be out to the property line, it has to stop at the easement so the utility can have access to their utilities.”

Mr. Rae explained, “as a result of updating the fence and patio home ordinances, it kind of sprung off onto other updates that I have noticed in the past year of things to do and I believe that is because our ordinance has not been updated in some time.”

Section 6 – Schedule of District Regulations needed to be updated with the following:

- Update List of Districts
- Referring specific district regulations to Section 7 for Supplementary District Regulations (i.e. Fence Ordinance)
- Remove reference to “signs” in the permitted use table.
- Clarifying site plan requirements for multi-family and non-residential uses.
- Added “Clinic or office, medical” to C-O zoning district.
- Added “Automobile parking lot or structured parking” to C-O zoning district.

- Moved “Institution, nonresidential” to Section 8 for Specific Use Permits.
- Added “Contractors or construction offices, without outdoor storage: to permitted list for C-2.
- Updated list of permitted uses in M-1, M-1.5 and M-2 for consistency.
- Updated Section numbering for the Overlay Districts.

Section 7 – Supplementary District Regulations

- Updated regulation that an accessory building is to be 25’ setback from side street to 10’ (subject to fence ordinance update)
- Combining items related to the Central Business District into one section.
- Update to special setback streets:
 - Add Crockett, Moore Street, FM 691, Flanary Road, Friendship Road, Park Avenue and Quail Run Road.
 - Remove 200 Block of South Elm & 200 Block West Jones
 - Revise Houston, Lamar and Travis limits to not include downtown core (Central Business District)
- Signs:
 - Add detail to digital/LED sign requirements. Same details as required for digital billboards.
 - Specify that “no off-premise advertising is allowed”

Section 8 – Administration and Enforcement

- Update Temporary Use Permits
 - Add “Tents, Season Retail” as a Temporary Use
 - Add parking requirement of 2 space for each snow cone stand
 - Change time limit from 12 months to 6 months for Temporary Use Permits

Mr. Rae explained to the City Attorney, “in some cases such as batch plants we have approved them for 3 years or the life of the project and on the case of the model homes where they wanted to be extended; is that something that the Board of Adjustments could extend.”

Mr. Pittman stated, “we probably should have language that says the board has the authority to grant a longer period of time on a case by case basis or if the ordinance allows staff to approve those for a longer period of time.”

Mr. Rae explained, “currently we do not have that language in our ordinance. The Board of Adjustments has to approve all Temporary Use Permits.”

- Update Specific Use Permit List

- Update “Contractors or construction office” to add “...with outside storage” and make it permitted “without storage” in C-2 District
- Add electric power substation or generating including ground-mounted solar and wind for public utility
- Add “Institution, non-residential” to the SUP list.
- Remove reference to “Shipping Containers” under “storage and shipping containers” and rename “Outdoor storage” for consistency
- Add wholesale for construction and building materials.

Mr. Rae explained, “we have gotten a lot of complaints about the number of shipping containers that are in the City. Our recommendation is to move shipping containers from the SUP list to the Temporary Use Permit list. The purpose for this would be hopefully if there are shipping containers being used and it is temporary and it would only be a requirement to go to the Board of Adjustments to get that approval and there would be a time limit that we could enforce.”

Chairman Mahone stated, “it does make sense to have a Temporary Use Permit for shipping containers, we don’t want them to be there forever.”

Mr. Rae explained, “there is a house on Ross that has a shipping container in their driveway; it looks permanent. When I was driving past, it looked like a child was going to the shipping container to get whatever was needed out of there. If we had to enforce that now, we would tell them they could remove it or come in for a Specific Use Permit and it may not be allowed in an R-1 (One-Family Residential) District, so it wouldn’t even be allowed. This gives us a little bit more teeth.”

- Update Temporary Use Permits – Shipping Containers
 - Add “Portable Storage Containers” as a Temporary Use
 - Add reference to portable storage containers may be allowed without a TUP on properties with active building permits.

Section 15 – Penalties for Violation

- Increase penalty from \$500 to \$2,000 to match State Law.

Section 16 – Definitions

- Add definitions from Section 7 (15)
- Add definitions for Building Area

Exhibit A-1 Matrix of Permitted Uses

- Updated the matrix to reflect the permitted uses, temporary uses, and specific uses identified in Section 6 and 8.

No other citizens appeared before the Planning and Zoning Commission to discuss the Draft Ordinance Updates.

Chairman Mahone stated, “I see three sections, patio homes, fence ordinance and general zoning ordinance updates. We will address those one at time. For patio homes we need some kind of recommendation. There are two main issues the open space and maximum lot coverage.”

Commission Member Manley stated, “in general we wanted to discourage ability to find loop holes.”

Chairman Mahone thought it should be something in line with it should be triggered at a certain number, I suggest 5 lots, after 5 lots, it is a flat percentage of the total acreage of the land and I suggest that flat percent should be 5%.

Mr. Rae explained, “that would be an improvement from what we current get because we get 49 lots, they just go under the threshold.”

Vice-Chairman Downtain asked if they want something in there for a fee for the smaller lots in lieu of the open space.

Commission Member Davis wanted in excess of 50 lots, it automatically goes to 10%.

Vice-Chairman Downtain stated, “if you do that, you are not stacking it on the second guy to overcome what the first guy did and putting the extra 5% on him.”

Commission Member Davis wanted any number of patio homes in excess of 5 requiring an open space of 5-10% percent based on the number of patio homes.

Mr. Rae stated, “I would rather have a specific number if it is 5% or 10% or somewhere in between.”

Commission Member Davis wanted to start at 5 and up.

Mr. Rae explained, “after this meeting we are going to update the ordinance on the motion or your comments and that draft ordinance is going to be included in the packet for approval for the May 17, 2021 City Council Meeting.”

Commission Member Whitaker asked if there was enough time to gather information what other cities have done and tweak the language.

Chairman Mahone stated, “we would not have enough time to come back to vote on it.”

Mr. Rae asked Chairman Mahone if he was wanting an open space requirement for all districts, not just patio homes.

Chairman Mahone responded, “I’m talking about just patio homes.

Vice-Chairman Downtain stated, “I think dealing with just 5 or 6 lots, if now you have to have a Homeowner’s Association to maintain some common green space.”

Commission Member Davis stated, “we have talked about them but we haven’t required a Homeowner’s Association.”

Vice-Chairman Downtain asked who is going to maintain that green space.

Commission Member Manley thought the draft ordinance required an HOA.

Vice-Chairman Downtain stated, “my point is it would be such a small amount of land.”

Chairman Mahone asked if they could legally require an HOA. If they don’t have an HOA and the open space is not maintained; no one is going to want to live there.

Vice-Chairman Downtain stated, “I just think there is a whole another complexity coming in.”

Commission Member Blagg stated, “the City does not want to take on the cost of mowing the open space so the HOA will have to.”

Commission Member Manley stated, “it says maintenance requirements for common areas are property owners association is required or continued maintenance of common land and facilities.”

Mr. Rae explained, “that is in our current ordinance.”

Mr. Lee explained, “that is not any different for detention ponds for subdivisions.”

Commission Member Davis asked if that counted as open space; a detention pond.

Commission Member Blagg responded, “no.”

Mr. Rae explained, “we didn’t make any changes to that statement in that subsection. That will need to be done. There are cases where we have not done that and we are taking on as a City where the developer gave the City the land to develop for a park.”

Commission Member Blagg stated, “our motion could be to follow along the bullet points on pages 8 and 9 of the presentation. We still like the 50’ maximum lot width for patio homes; the maximum living area of 2,500; open space we want to go to over 5 lots.”

Commission Member Davis stated, “I’m fine with the lot width, anything over 5 lots.”

Commission Member Blagg stated, “we like the maximum living area of 2,500.”

Chairman Mahone stated, “I’m for it.”

Commission Member Blagg stated, “open space we want to go to over 5 lots.”

Commission Member Davis responded, “anything over 5 is to be set.”

Commission Member Blagg stated, “gross platted area.”

Commission Member Davis stated, “the part you can’t pin down.”

Commission Member Blagg asked if they could tie it to the concept plan.

Mr. Rae explained, “sometimes they don’t. In the case of the Preserve, we only saw Phase II and I think we got a master Preliminary Plat of all the phases so we didn’t see Phase III until after Phase II was done and they were ready to start Phase III.”

Commission Member Blagg states, “that is what happens because a Developer will buy this piece of property because it is for sale, he develops it and sells lots to builders. Then he negotiates with this next land and he finally gets this deal done, he is just going to merge it into the Preserved Phase II, so I think the City can protect us from that scenario so I feel like the 5% after 5 lots does that because a Developer is not going to develop 5 lots at a time.”

Commission Member Manley asked about the idea of being to forego the open space requirement and write a check instead.

Mr. Rae explained, “that would take some time.”

Mr. Pittman explained, “there are two different concepts, one is open space and the other is park land dedication requirement; those are two very different animals. The cash in lieu you are describing is on the park land side.”

Mr. Rae explained, “I would think of doing something not as significant as requiring a cash in lieu type of thing.”

Mr. Pittman explained, “there are some constitutional issues with park land dedication requirements in cash in lieu.”

Mr. Rae explained, “I would prefer if you didn’t make a recommendation on a dedication on somewhere else. I believe that may involve us pushing this back a month to show you what you have come up with as opposed to something a little bit simpler of what you have recommended for open space.”

Commission Member Whitaker stated, “we may can address that at another time.”

Mr. Rae explained, “that would probably be a separate zoning ordinance or subdivision ordinance that would have all of that involved in it. What I have heard is to hold patio homes over 5 units would be required to provide 5% of the gross platted area for open space. I would anticipate that what you would see is you will get one off lots in the downtown area or wherever and the larger developments would include larger than five units other places. I think that separation will work for us administratively.”

Vice-Chairman Downtain stated, “or the Council could consider some number around five.”

ACTION TAKEN.

Motion by Commission Member Manley recommended to the City Council to update the Draft Patio Home Ordinance with comments from this meeting to provide the open space requirement changed to 5% for developments with 5 or more patio homes, 10% with 50 or more patio homes. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

MOTION CARRIED.

Chairman Mahone asked for a motion on the fence ordinance updates. Does anyone have any problems with the side and back yards going to 8’, front yards okay at 4’, the spacing on the masonry columns.

Commission Member Davis stated, “the masonry columns should not exceed 24’ in high visibility areas and not to

exceed 32' in the side and rear yards where they are not as visible.”

Mr. Rae explained, “maybe the spacing is 24' in the front frontage and 32' on the sides and rear yard. That will make it easier for us to enforce.”

Commission Member Davis stated, “I don't like the word the front because what if the front and side are a high visibility area.”

Commission Member Sims stated, “street frontage.”

ACTION TAKEN.

Motion by Commission Member Davis recommended to the City Council to update the Draft Fence Ordinance with the Multi-Family perimeter fence requirement to state masonry columns to be separated at 24 feet on property line facing public streets and 32 feet on other property lines. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

MOTION CARRIED.

Chairman Mahone asked for a motion on the other updates. I don't see anything on the other updates that I have concerns about.

Mr. Rae asked to add one thing. “I crossed out the section for Specific Use Permits for sexually oriented businesses on the list thinking that wasn't something that the board could regulate, but after talking to the City Attorney that is something that can be required as a Specific Use Permit so we are leaving that in there. I just want it in the motion so we have the permission to.”

ACTION TAKEN.

Motion by Commission Member Blagg recommended to the City Council to update the additional Draft Ordinance changes and to leave the requirement for sexually oriented businesses in the Specific Use Permit list. Second by Commission Member Sims.

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

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 9:33 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY