

STATE OF TEXAS

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April 19, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on April 19, 2011.

MEMBERS PRESENT: CHAIRMAN LAWRENCE DAVIS  
COMMISSION MEMBERS: BARTON, HICKS, TANKERSLEY,  
BARBER, PLYLER AND MORGAN

MEMBERS ABSENT: JACOBS

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the March 22, 2011 Meeting. Motion by Commission Member Morgan to approve the Minutes as written. Second by Commission Member Tankersley. All present voted AYE.  
MOTION CARRIED.

APPROVE MINUTES

BOARD OF ADJUSTMENT

The members of the Board of Adjustment: DAVIS, MORGAN, PLYLER, HICKS, AND TANKERSLEY.

BOARD OF  
ADJUSTMENTS

TEMPORARY USE PERMIT

THE REQUEST OF GLENDA HUNTER (OWNER) CONCERNING THE PROPERTY AT 1803 EAST MAY STREET, BEING LOTS 1 & 3, BLOCK 3, MILAN HEIGHTS ADDITION AS FOLLOWS:

*BOARD OF ADJUSTMENTS*

TEMPORARY USE PERMIT (RENEWAL) UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4) (A), TO ALLOW THE OPERATION OF A SNOW CONE STAND MAY THROUGH SEPTEMBER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

TUP – SNOW CONE  
STAND  
1803 E. MAY  
(GLENDA HUNTER)

Robert Hunter, 1814 E. May, Sherman, TX

Mr. Hunter appeared to represent the request and answer any questions. The property is located at the northeast corner of May and Ross Streets. This is a renewal for the snow cone stand that has been in operation at this location since 1998.

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

**ACTION TAKEN.**

*BOARD OF ADJUSTMENTS*

Motion by Commission Member Tankersley to approve the Temporary Use Permit. Second by Commission Member Hicks.

VOTING AYE: DAVIS, MORGAN, PLYLER, HICKS, AND TANKERSLEY.  
VOTING NAY: NONE  
MOTION CARRIED  
THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

**REPLAT, SITE PLAN & EXCEPTION**

THE REQUEST OF SHREETEJAS, INC. (OWNER), DEREK HUMPHREYS (DEVELOPER/REPRESENTATIVE) AND DELTA LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 1400-1500 BLOCKS OF PARK PLACE, BEING LOTS 1-7, BLOCK 1, FAIRVIEW PARK PATIO HOMES, PHASE ONE, AS FOLLOWS:  
*PLANNING AND ZONING COMMISSION*  
REPLAT APPROVAL LOTS 1-7, BLOCK 1 FAIRVIEW PARK PATIO HOMES, PHASE ONE.  
*PLANNING AND ZONING COMMISSION*  
SITE PLAN APPROVAL FOR APARTMENTS/DUPLEX  
*BOARD OF ADJUSTMENTS*  
EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO ALLOW A 6' ORNAMENTAL IRON FENCE WITH LANDSCAPING, IN LIEU OF REQUIRED MASONRY PERIMETER WALL TO SURROUND THE DEVELOPMENT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

REPLAT LOTS 1-7,  
BLK. 1, FAIRVIEW  
PARK PATIO HOMES,  
PHASE ONE

SITE PLAN –  
APARTMENTS/  
DUPLEX

EXCEPTION – FENCE  
1400-1500 BLKS.  
PARK PLACE  
(SHREETEJAS, INC)

**Sudhakur Allada, 10007 Stone Harbor Way, Irving, TX**

Mr. Allada appeared to represent the request and answer any questions. The property is located in the 1400-1500 Blocks Park Place. The property was platted and granted a Specific Use Permit to allow patio homes in 1999. The owner would like to replat the property into four lots for multi-family development. Mr. Allada explained they would like to erect a wrought iron fence with landscaping around the development in lieu of a 6' masonry fence. They would plant 6' shrubs all around the wrought iron fence to completely screen the property between the residential districts. They had seen the Staff Review Letter and would abide by the Recommendations.

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

**ACTION TAKEN.**

*PLANNING AND ZONING COMMISSION*  
REPLAT APPROVAL LOTS 1-7, BLOCK 1 FAIRVIEW PARK PATIO HOMES, PHASE ONE.  
SITE PLAN APPROVAL FOR APARTMENTS/DUPLEX

Motion by Commission Member Barber to approve the Replat and site plan subject to the Staff Review Letter. Second by Commission Member Morgan.

VOTING AYE: DAVIS, PLYLER, MORGAN, BARTON, BARBER, HICKS, AND TANKERSLEY.

VOTING NAY: NONE  
MOTION CARRIED  
THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

**ACTION TAKEN.**

***BOARD OF ADJUSTMENTS***

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO ALLOW A 6' ORNAMENTAL IRON FENCE WITH LANDSCAPING, IN LIEU OF REQUIRED MASONRY PERIMETER WALL TO SURROUND THE DEVELOPMENT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

Motion by Commission Member Morgan to approve the exception subject to the Staff Review Letter and the planting and maintaining shrubs to create a minimum 6' solid screening prior to obtaining a Certificate of Occupancy Permit. Second by Commission Member Morgan.

VOTING AYE: DAVIS, MORGAN, PLYLER, HICKS, AND TANKERSLEY.

VOTING NAY: NONE

MOTION CARRIED

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

**PRELIMINARY & FINAL PLAT, ZONE CHANGE, SPECIFIC USE PERMIT & SITE PLAN, EXCEPTION**

THE REQUEST OF SAMUEL NECHAMKIN & GARY HOGE (OWNERS), JASON SOFEY, SOFEY CONSTRUCTION & DESIGN, LLC (REPRESENTATIVE) CHRIS SCHMITT; TEAGUE, NALL & PERKINS (ENGINEER), DAVID BACA (ARCHITECT) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYORS) CONCERNING THE PROPERTY IN THE 4300 BLOCK OF U.S. HIGHWAY 75 NORTH, BEING 6.6367 ACRES IN THE W. BROWN & B.A. RICKETTS SURVEY, ABSTRACT NO. 1553 AND T.J. SHANNON SURVEY, ABSTRACT NO. 1137, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

PRELIMINARY & FINAL PLAT APPROVAL OF WESTGATE HILL ADDITION

***PLANNING AND ZONING COMMISSION***

- (a) TRACT 1: BEING 6.588 ACRES IN THE W. BROWN & B.A. RICKETTS SURVEY, ABSTRACT NO. 1553 AND T.J. SHANNON SURVEY, ABSTRACT NO. 1137, SITE PLAN AND ZONE CHANGE FROM R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO C-1 (RETAIL BUSINESS) DISTRICT FOR A MEDICAL OFFICE UNDER ORDINANCE NO. 2280, SECTION 12, IN THE O-1 (75&82) OVERLAY DISTRICT.
- (b) TRACT 2: BEING 0.051 ACRES IN THE W. BROWN & B.A. RICKETTS SURVEY, ABSTRACT NO. 1553 AND THE T.J. SHANNON SURVEY, ABSTRACT NO. 1137, SITE PLAN AND ZONE CHANGE FROM R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO C-2 (GENERAL

PRELIMINARY & FINAL PLAT – WESTGATE HILL ADDN.

ZONE CHANGE – R-1 TO C-1

SITE PLAN – MEDICAL OFFICE

ZONE CHANGE - R-1 TO C-2

SUP & SITE PLAN - BILLBOARD

EXCEPTION – SIDEYARD SETBACK

4300 BLK. HWY. 75 N. (SAM NECHAMKIN & GARY HOGE)

COMMERCIAL) DISTRICT AND SPECIFIC USE PERMIT FOR A BILLBOARD UNDER ORDINANCE NO. 2280, SECTION 12 AND SECTION 8, SUBSECTION (5) (A) IN THE O-1 (75&82) OVERLAY DISTRICT.

**BOARD OF ADJUSTMENTS**

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(M)(2) TO ALLOW A 5' SIDE YARD SETBACK FOR A BILLBOARD IN LIEU OF THE REQUIRED 30' FROM ANY RESIDENTIALLY ZONED PROPERTY LINE IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75&82) OVERLAY DISTRICT.

Jason Sofey, Sofey Construction & Design, 1218 Preston Drive, Sherman, TX and Samuel Nechamkin, 2921 Sedalia, Sherman, TX

Mr. Sofey and Mr. Nechamkin appeared to represent the request and answer any questions. The property is located in the 4300 Block of U.S. Highway 75 North, north of Sherman Town Center. The owner would like to plat the property into three lots for commercial development. They are proposing a 5,000 square foot medical office on Lot 1 with a double-sided billboard on the southern part of the same lot, located 5' from the south property line adjacent to an R-1 (One Family Residential) District. Mr. Sofey explained "the property to the south was annexed as an R-1 (One Family Residential) District and will one day be zoned commercial. The billboard will be 40' tall and lighted. It will be a locally owned; they do not have the resources to get tenants for the billboard at this time. If the billboard is approved they will have the billboard engineered and ready for data for an LED sign for the future; the market will dictate if they can generate enough revenue to add the LED portion, those signs are about \$175,000 per side to put in; they need to do a little more leg work before they can commit to an LED sign." The sign will be for Dr. Nechamkin and his business and may be split up for multiple businesses as the land is developed; it will be a two sided sign and as the property is developed it will be to bring tenants into the property. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Morgan asked where the Master Plan stands on billboards in this area.

Scott Shadden, Director of Developmental Services explained "the Master Plan does not address billboards. The current ordinance allows billboards with a Specific Use Permit in a C-2 (General Commercial) District; they have to be spaced 1,000 feet apart. A business is allowed one freestanding sign per development lot; it could be 50' tall and a maximum 300 square foot."

Mr. Sofey explained "the property is 6 acres and they are wanting it to look as aesthetically pleasing as possible, we

would prefer for customers to have as small as signs as possible because of where Dr. Nechamkin is building and be visible from the highway so that they are not covered up with a bunch of large signs as the 6 acre parcel is split up; we would like the businesses on the parcel to be able to use the billboard as opposed to numerous signs.”

Commission Member Morgan was concerned about starting a precedent with billboards on Highway 75; “that is a highly visible area of Sherman; we have to be really careful with the precedent we set with the billboard for future signs to come.”

Mr. Sofey explained “the closest billboard to where this location is, sets dead center in front of Whataburger on the east side of the highway as opposed to the west side of the highway. We are heavier on the south end of town on billboards, the billboards and the spacing out with the ordinance has worked so far and ordinances that are in place have been pretty effective from what I can tell because on Highway 75 from Highway 56 to FM 691, there are three billboards on both sides of the road. Economics is going to dictate part of that, topography is also going to dictate a large part of what goes in there.”

Mike Wynn, 707 W. Washington, Sherman, TX

Mr. Wynn was representing Ron Harmon, owner of the property adjacent to this property to the south. He explained they are there in opposition of Specific Use Permit for the billboard not any of the other issues. “The first objection is, Mr. Harmon objects to the sign being 5’ from his north property line rather than the required 30’ because of aesthetics reasons and also because of visual obscurity concerns that he has. The second objection is, we object to the billboard period at this time for a lot of different reasons, some of which Commissioner Morgan spoke to earlier. The ordinance says it has some goals: one to promote the general welfare of the citizens, not any one developer, to provide sign standards which promote a positive City image, to identify individual businesses without creating unsightliness or visually obscurity of land use. I had the privilege of serving on the Comprehensive Planning Committee; Jason Sofey was on there as well, back in 2009, there were two issues that came up consistently. One was, the desire to establish and maintain attractive areas that serve as gateways to the City, secondly there were issues with the signage on Texoma Parkway; people were disappointed on how that had turned out. This area is the northern gateway to the City of Sherman and I think it is going to require some very careful and thoughtful consideration about how billboards are to be placed in that area. I think it is important for our City not to do this on a piece mill basis but rather take some time. Fortunately, we are not in a rush, I don’t think, we need to take some time and have the issue studied by a professional, I am not a Land Use Professional but I have

educated myself in the last week or so about this, and I have learned one thing, that is this is a pretty hot topic in a lot of different communities and lot of different communities enacted the ordinances and wish they had done it differently, but unfortunately the horse is out to the barn and you can't go back, that is Mr. Harmon's concern, I think it is a very legitimate concern. I think we ought to take advantage and look at what other communities have done, we don't have to reinvent the wheel, but we can learn from their mistakes. I understand that the City of Denison had an ordinance with 1,500' spacing between billboards and now have gone back to 3,000' between those billboards, because they have some issues that they are not satisfied with how that has turned out. It is an interesting merge of old and new issues, you have the traditional billboard and you have what Jason referred to as an LED and the literature I read it is a changeable electronic variable message signs and that is a whole new ballgame, when you get into those issues because you should have standards relating to the duration of the message being displayed, you should have standards related to the transition time, standards relating to the brightness because that is a safety issue that other communities have had to deal with, standards concerning the location because that is another safety issue. We have some very general standards in place right now, but I think we need some more specific standards, more complete standards that would adequately address this issue. The bottom line is this; we only have one chance to get this right. I suggest we study the issue, table that part of this request until we can study and get some professional guidance, get some guidance from other communities and get this thing right the first time because that is a very important stretch, a gateway to our City and I think we need to ensure we do the best thing for all the citizens, not just a few and so future generations can come back and look and say, you guys did a pretty good job with what you did and do something you will be proud of."

Chairman Davis asked Mr. Wynn when he was on the Comprehensive Plan Committee, did the issue come up regarding billboards.

Mr. Wynn explained "it came up in the discussions on many occasions but it was not specifically addressed in there, but there was significant discussion about how disappointed people were with the way the signage worked out on Texoma Parkway. There was also a lot of discussion about, hey let's not let the same thing happen to the gateways, the south end and north end especially, so that was discussed a lot, but we didn't discuss any specific guidelines, but hearing what I am hearing now about, hey this may be a LED type sign or it may not be, I think it makes it be more important for us to take a step back and kind of study this issue because these digital billboards are the wave of the future and I just don't think we are up

to speed yet on standards especially those types of billboards, I just don't see the need to rush into anything.

Chairman Davis asked if his client's position was "he's against all billboards out there."

Mr. Wynn wanted to make it clear "he is not going to be in here next month applying for a billboard, he is not trying to beat somebody to the punch, that is not the issue at all, he is very concerned, he is not opposed to billboards, but we do need some very specific standards because once we get out there and somebody says one of the ordinances says it can't be too bright, ok, well I don't know what that means, there's a lot of issues like that and especially when you get to talking about those LED signs, the duration of the message and the transition times, things I really never thought of until I started looking into what other communities are doing and that sort of thing. Basically his position is this: let's look at what other Cities are doing, let's study the issue, let's get some professional help from some land use experts and then follow their recommendations, and he's ok with that."

Commission Member Barton explained "I was not involved with all the meetings you had but one ordinance discussed, you were actually master planning the City, is that what you were doing, what were the meetings for."

Mr. Wynn explained "the meetings were primarily to interact with the consultants that the City had hired and were trying to relay what we felt like through our conversations with the community were important issues for them to look into and that is what they did."

Commission Member Barton asked if these billboards came up in discussion.

Mr. Wynn explained "they did not really, but there was not any specific discussion about billboards and placement of billboards, there was discussion how all signage turned out on Texoma Parkway and there was dissatisfaction or disappointment expressed in relation to that signage."

Chairman Davis explained "there were meetings with citizens with what they wanted to see the City do, the consulting group took all that input, organized it to see what the City should look like and to make a plan in various aspects, transportation and housing, there were several chapters they addressed. "

Mr. Wynn explained "they were sort of planning with a broader brush; we didn't get into any specifics, especially no specific standards like what we did here."

Commission Member Barton asked if any ordinances came out of these meetings.

Commission Member Morgan thought the Heritage Parkway signs became a real focus.

Mr. Sofey explained “they did talk about signage, I was there, I was at every meeting, I met with the consultants afterwards a couple of times because of my involvement with the City at the time; being involved with the Planning and Zoning Commission. One of the things we did discuss was primarily onsite signage, we talked about billboards. One of the things the consultants did bring up was, is proper placement of those signs and that billboards are a necessity in a lot of areas and there are a range of things throughout the communities that are anywhere from 200-300 feet to a thousand feet on the spacing of the billboards, as far as a directional billboard, the digital ones, there are some questions we don’t have answered that is why I did not want to bring that up, is it something we would like to do eventually, possibility but we want to make sure that we have all the answers before we bring something up here half cocked. The other thing is, the directional signs are going to be important, the City has spent a lot of money on that loop between FM 691 and Loy Lake Road on utilities and stuff trying to get people to promote development and to generate some tax dollars. That is one of the things we felt was a good location for signage, to be a directional sign like what the consultants talked about and what Mike talked about as well, we want to direct people, if they are coming down the highway, we want to catch them right there, we felt there is nothing between there yet and I agree I don’t think we want anything to look like Texoma Parkway in the future and that short little span between Park and Highway 56 where we are inundated with billboards; we don’t want to accomplish that anymore. We don’t have a complete plan of the six acre tract and to be able to negotiate less signs here or more signs there or whatever, one thing is this sign is going to be a sign that is going to be an offsite sign and Dr. Nechamkins’ sign for his building; he is not going to go up with another large sign on that separate tract, he is going to have a monument sign; we are not going to have two large obstructive signs. As far as being obstructive to the property next to us, we are 5’ further back and we are not going to be as high or be obstructive there. We are trying to work within certain things, and billboards are part of what we have done, we can eliminate them all together or we can work within the ordinances that are in place today and that is what we are trying to comply with; what is in place today.

Commission Member Morgan explained “when Jason was Chairman of the Planning and Zoning Commission, we had a lot of sign request, I know Commission Member Jacobs has a lot of issues with signs, it is a shame he is not here today, I know we have talked about having a committee or consultant, where are with that.”



Chairman Davis explained when he was first appointed to the P&Z, “we had some issues with freestanding signs, I was appointed on a subcommittee with Jim Jacobs and a couple of others, I don’t recall ever meeting, I think the Comprehensive Plan was getting started, so we decided to wait and see what they did to address it, it just kind of got put on the back burner and never did get addressed.”

Chairman Davis explained his personal feeling towards billboards, “I’m kind of ambivalent, no one wants to see Texoma Parkway, I guess that was back in the old days, you could just put up anything you wanted to, I think there is a place for them to some extent, I don’t know how close they have to be or what all we need to do to work them out; but if businesses need them to direct traffic and they serve businesses of Sherman, then I’m not just completely against them.”

Commission Member Morgan explained he was not against the first part, “I think it is a great spot for a billboard, if I was a person that wanted to buy a billboard, that is a great location coming right into Sherman, but before we take that step, I think what Mike said is really prudent where we need to have perimeters set for the next guy that comes and makes that request, we did say, well Dr. Nechamkin, we gave him this so we have to go and do that for everybody. I think it would really be prudent on our part to have perimeters set up before we get to running down this road.”

Mr. Sofey felt they have perimeters set up, “we have ordinances in place that we have had in place. What we are here today, is to look what we have in place today, that’s all we are asking for, base a decision on what is in place today for when we apply.”

Commission Member Morgan explained “what we have in place today may not be appropriate.”

Mr. Sofey asked “is the Planning and Zoning Commission Meeting the appropriate place to make that decision, on when and where to change the ordinance, or are we deciding on ordinances here in place today.”

Mr. Shadden explained “you have to go on the ordinances that are adopted.”

Commission Member Hicks explained “you sound like you know there are three billboards there now and probably have done some measurements too. If we allow this billboard, going north where is 1,000 feet, where could the next one be, how far is it to FM 691.”

Mr. Sofey did not have those measurements to FM 691 but “part of that is going to be based on the topography of the

land, there is a lot of issues on both sides of the highway with the land, more so on the east side than the west side, on the ability of where to place because there are a lot of low lying areas that is going to kill some spacing. Do I think there should be one every 1,000 feet up and down that stretch? Can I tell you what it is going to look like, well it is going to look like it does up and down Highway 75 to Park Street; because that is roughly what you have there. There is a need to look at the where the placement of those are, but currently today there is not one within a half mile, and there is only one that's there. There is one across the highway about a half mile down that is already in place, so we have crossed that bridge, now we are trying to decide what we have in place today."

Commission Member Hicks asked if the 1,000 feet was in any direction.

Mr. Shadden explained "it is on the same side of the highway."

Commission Member Barton asked "when they annexed that, is that effectively what ordinance is in place until we change it."

Mr. Shadden explained "the ordinances change from time to time, when you make an application you are under the ordinance that is in place."

Chairman Davis explained "someone can't have a plan and then you change the ordinance after they have their plan and you turn them down, you can't change the law after they have applied for something."

Mr. Sofey explained "the location they are asking for, I understand about a couple of points they made, the pole sits back, as far as it being obstructive view, but it sits so far back because of the elevation of the sign and the pole is not on the outer edge of the sign, the pole is further. We tried to take into consideration, actually Dr. Nechamkin visited about this a couple of years ago, even talking about the billboard, without coming in with a development plan and trying to develop something and move forward, making some progress out there didn't feel comfortable moving forward at that time, now he is prepared to make a rather large investment and hoping others will follow suit."

Chairman Davis explained "some cities may have an ordinance that requires a developed building before you can have a plan."

Mr. Sofey explained "a lot of times you have billboards that are out in undeveloped properties and they can look like an eyesore when they are out there by themselves, but when they are tucked in, I had to drive up and down the highway twice to even notice the one in front of Whataburger, there

are so many businesses in there and it is the only one in that entire stretch.”

Commission Member Hicks asked Mr. Shadden “if they developed this for doctor’s offices or whatever they plan to put there, they can have one sign, just no billboards.”

Mr. Shadden explained “they can have one sign per development lot, there will be three lots; the sign can be a maximum 300 square feet.”

Commission Member Hicks explained “so they could do that and would not have to come before the board for a Specific Use Permit, they could put a sign up, get a permit from the City and put a sign up.”

Mr. Shadden explained “the board could put a condition since they are asking for a Specific Use Permit, that they not put a freestanding pole sign on that lot.”

Mr. Sofey explained “their preliminary site plan is to have a monument sign on his lot; they are not going to have two large signs cancelling each other out.”

Commission Member Hicks asked “how large the monument sign would be.”

Mr. Sofey explained “you can put a stipulation on the monument sign as well, it will conform to what the Overlay District is, 32 square foot. We would be fine with a stipulation saying we could only put a sign with 32 square foot of surface on it, so if the next person came along they could not change it if it ever sold.”

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

**ACTION TAKEN.**

***PLANNING AND ZONING COMMISSION***

**PRELIMINARY & FINAL PLAT APPROVAL OF WESTGATE HILL ADDITION**

**Motion by Commission Member Morgan to approve the Preliminary and Final Plats subject to the Staff Review Letter. Second by Commission Member Barton.**

**VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, TANKERSLEY, MORGAN AND BARTON.**

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**ACTION TAKEN.**

**PLANNING AND ZONING COMMISSION  
SITE PLAN AND ZONE CHANGE FROM R-1 (ONE FAMILY  
RESIDENTIAL) DISTRICT TO C-1 (RETAIL BUSINESS)  
DISTRICT FOR A MEDICAL OFFICE**

Commission Member Morgan felt “the zone change should be tabled until this committee can get together and discuss it in greater detail to make sure we do it right. I think the sign is a good idea but it is a big step, I personally would like to see it tabled.”

Chairman Davis explained this is to change the zoning on the lot to a C-1 (Retail Business) District.

Motion by Commission Member Morgan to approve the conceptual site plan and zone change from R-1 (One Family Residential) District to C-1 (Retail Business) District subject to the Staff Review Letter. Second by Commission Member Hicks.

VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, TANKERSLEY, MORGAN AND BARTON.

VOTING NAY: NONE

MOTION CARRIED

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

**ACTION TAKEN.**

**PLANNING AND ZONING COMMISSION  
SITE PLAN AND ZONE CHANGE FROM R-1 (ONE FAMILY  
RESIDENTIAL) DISTRICT TO C-2 (GENERAL  
COMMERCIAL) DISTRICT AND SPECIFIC USE PERMIT FOR  
A BILLBOARD**

Chairman Davis explained he agreed with Mr. Wynn, they should have had their subcommittee look at signs four or five years ago, but it kind of got put off and this is what happens. “I agreed with the LED signs, it is a different world, we probably need to be very careful, look into that and see what all that is, driver inattention and all those other things.”

Commission Member Hicks asked Mr. Shadden if it is approved and they decided to do an LED, “would they have to come back.”

Mr. Shadden explained “if it is approved, it is a billboard; they would not have to come back for approval for LED.”

Mr. Sofey explained “the LED is not what they are asking for, they are preparing themselves, it is an option but that is not what they are asking for today.”

Commission Member Morgan felt it was a good spot for a billboard, but he just wanted to make sure it is done right, follow the right perimeters.

Mr. Sofey explained he was really confused, “because it sounds like the consensus is there is not a problem with the sign being there and the ordinance that is in place today, as long as we are asking for the proper stuff, I know we are asking for a variance, I’ve explained the process of the variance, we keep referring back to the Comprehensive Plan, we have used that as our out or our in making decisions; it didn’t directly address the billboard ordinance, we did talk about it in those meetings; there is going to be billboards in certain directions; that is why it is not addressed directly in that book. The facts are, there are going to be some billboards and we haven’t changed the ordinance, what’s in place, we are grasping for the proper channels and the only thing we are doing different is the variance, but once again if you refer to the Master Plan, that is C-1 (Retail Business) District, it is just up to the land owner to change that, when they get to that point.”

Mr. Wynn explained “Jason hit on it earlier, he doesn’t really think billboards every 1,000 feet is a good idea for that area, there lies the problem, somebody can come in the next meeting with the same request and here you go, so what I am saying is, it is a very slippery slope where we are about to go down and I just think it is prudent, it is the responsible thing to do to take a step back, do whatever studies need to be done and let’s do it the right way and if it comes back and that’s the place to have it, then great, but I am not an expert on land use, I don’t know how many we have in the room, but I just think that is the wise thing to do.”

Commission Member Tankersley explained “when we had that Master Plan presented to us and the things that were in there, they looked at all our ordinances, that was not a recommendation that we needed to expand to 2,000 foot, 1,000 foot, whatever it is, I don’t see it as big of an issue here, because you are asking for experts, the experts did come in, they did look at our ordinances, they did not give us a recommendation to make those changes, that’s why we didn’t make those changes, that’s the way I look at it, that was done a couple of years ago when I first got on the board.”

Dr. Nechamkin explained “it is the first one, if ya’ll did have a meeting and changed an ordinance and made it 3,000 feet, it would be 3,000 feet from the signs; it’s the first one. I’m not going to do anything that is going to make this look ugly, I want it to look good too; I’m going to put my office right next to it.”

Commission Member Hicks asked “if we wanted to change an ordinance; what is the process for that.”

Mr. Shadden explained “we are not in the ordinance changing business here; the City Council is the place to

change ordinances.”

Commission Member Plyler asked Mr. Sofey, if he heard him right, “the land owner could put in three separate signs just as large as the billboard without any approval.”

Mr. Sofey explained “that is correct, if the way the current sign ordinance is for the Overlay District for Highway 75, each parcel has the ability to put up a sign that is 50’ in height as long as it meets the setbacks, and it can be 300 square foot in size. If the billboard doesn’t go through, we can build as big of sign, taller and move it closer to the right of way without asking for any exceptions or anything and we can do each three parcels. We are not making any guarantees today, but where Dr. Nechamkin is building his office, he wants that to be a very visible sign, so any type of signage we do, we would like that to be a very uniform look, we can’t make any guarantees on that, but that is what we would like to see happen.”

Chairman Davis asked Mr. Shadden if there was anything on the application if we agree to this small C-2 (General Commercial) District and billboard, “is there anything that keeps anyone from putting another sign on the lot where the medical building is located.”

Mr. Shadden explained “you can put that condition in the motion.”

Mr. Sofey explained they would be ok with that condition.

Commission Plyler’s concern “I don’t want not to approve something and then have three more from what we didn’t want.”

Mr. Sofey explained “I can’t guarantee that, but what I can guarantee is on that one parcel and I would feel better if you would put it in the wording, if you voted that direction, to put it in the wording and then that way in ten years the City is protected if he sells his practice and somebody else moves in there and it keeps someone else from putting up a large sign because they could come in later on and put a sign up; but if you put it in there then they can’t do it. We are agreeable to a 32 square foot monument sign on Lot 1 or whatever the square footage is in the Overlay District on FM 1417; that is the size sign we will be looking at.”

Mr. Shadden explained “there are not sign regulations in the Highway 75 Overlay District ordinance but if you wanted to comply with the FM 1417 Overlay District signs; they are real restrictive.”

Mr. Sofey explained “they would like to only restrict signage on the lot where the medical office will be located; not the other two lots.”

Lee Terrell, 2404 San Miguel, Sherman, TX

Mr. Terrell explained they have lived in that area for 40 years and he welcomes Dr. Nechamkin's project; "it is a great addition to Sherman, it will extend the development out there and that is certainly not an issue with me. The issue with me is the billboard; Commissioner Morgan does have it right. Let me take you on a little quick trip, at the Burger King location, that's the lawyer's sign, a new fence line starts north of Kohl's, if you run the highway there, you have Fallon Drive, some kind of exposure there, then you have exposure at Blue Flame Road, and then you get in a situation where you are looking back at Marvin Springer's mirror image road for Sherman, a mirror of what's out there; he was an old Planner for Sherman in the '70's, and you look at what Denison has done at the far side of Highway 75; Denison got it right there; they had to relocate the Cigna sign back about 50' to the south and they have a major sign at a major location on the northeast corner, you go across the highway, they have a major sign at the northwest corner; those are primary locations. Now, without getting into any personal part of my business of what I do, one of the greatest pieces of land north of 380 is the southwest corner of FM 691 and Highway 75; that is a major location for a billboard, influence somewhere at Fallon Road or at Terrell Road; shot high, it matches the Denison property; it's way up there, and then if you go back down the highway, first I want to say, that's two signs we have to deal with; you got to deal with those locations, with all respect to this location, it's a secondary location, right now it is not a primary location and you are going to have to deal with those property owners at FM 691; why didn't we have a shot at our sign. That is something I really think we need to look at, if it is the best place or secondary sign down the road, that's great, but today it's not.

**ACTION TAKEN.**

***PLANNING AND ZONING COMMISSION***

**SITE PLAN AND ZONE CHANGE FROM R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO C-2 (GENERAL COMMERCIAL) DISTRICT AND SPECIFIC USE PERMIT FOR A BILLBOARD**

**Motion by Commission Member Hicks to approve the site plan and zone change from R-1 (One Family Residential) District to C-2 (General Commercial) District and Specific Use Permit for a billboard subject to the Staff Review Letter and subject to restricting the additional freestanding sign to be a monument sign with a maximum 32 square foot face on Lot 1 of the proposed Westgate Hill Addition. Second by Commission Member Tankersley.**

**VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, TANKERSLEY, MORGAN AND BARTON.**

**VOTING NAY: NONE**

**MOTION CARRIED**

**THE COMMISSION FOUND THE REQUEST CONFORMS TO**

**THE INTENT OF THE ORDINANCE.**

**ACTION TAKEN.**

**BOARD OF ADJUSTMENTS**

**EXCEPTION TO ALLOW A 5' SIDE YARD SETBACK FOR A BILLBOARD IN LIEU OF THE REQUIRED 30' FROM ANY RESIDENTIALLY ZONED PROPERTY LINE IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75&82) OVERLAY DISTRICT.**

**Motion by Commission Member Hicks to approve the exception subject to the Staff Review Letter and subject to restricting the additional freestanding sign to be a monument sign with a maximum 32 square foot face on Lot 1 of the proposed Westgate Hill Addition. Second by Commission Member Tankersley.**

**VOTING AYE: DAVIS, PLYLER, HICKS, AND TANKERSLEY.**

**VOTING NAY: MORGAN**

**MOTION CARRIED**

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

**SUP & SITE PLAN**

**THE REQUEST OF JOHN ABRAMS & ESTATE OF HELEN ABRAMS (OWNERS), JORGE ONTERVES (APPLICANT) AND MARY ANN KAUFMAN (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 2012 SOUTH TRAVIS STREET, BEING 1.023 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, AS FOLLOWS:**

***PLANNING AND ZONING COMMISSION***

**SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5) (A) TO ALLOW AUTOMOBILE REPAIR AND TIRE SALES AND SERVICE IN A C-2 (GENERAL COMMERCIAL) DISTRICT.**

**SUP & SITE PLAN –  
AUTOMOBILE REPAIR  
& TIRE SALES &  
SERVICE  
2012 S. TRAVIS  
(JOHN ABRAMS &  
ESTATE OF HELEN  
ABRAMS)**

**John Abrams, 181 Old Shawnee Trail Drive, Gordonville, TX, Jorge Onterves, 918 S. Montgomery, Sherman, TX and Mary Ann Kaufman, 354 Grigg Rd., Sherman, TX**

**Mr. Abrams, Mr. Onterves and Ms. Kaufman appeared to represent the request and answer any questions. The property is located at 2012 South Travis Street; between Wilson and Cottage Streets. Ms. Kaufman explained Mr. Onterves would like to open an automobile repair with tire sales and service at this location; he currently has a location on East Lamar, but would like to move his business to this location. They have started upgrading the exterior of the building with concrete lap siding, after they finish they will paint the siding. The parking area is asphalt. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.**

**Appearing from the audience:**

**Barbara & Stephen Carter, 2021 S. Travis, Sherman, TX**

**Mr. and Mrs. Carter explained they live directly across the street from this property. "We and our neighbors to the**



south and west of us do not want to look out and see a wrecking yard or a business with tires all over the place with water, mosquitoes, all the extra traffic flying through there; traffic is bad enough as it is.” They were concerned with traffic issues, there are no sidewalks in the area, and he was concerned with children playing and the possibility of getting hurt. “I do not see anything good coming out of this, perhaps if the building was on the other side of the property; that might make a difference, but it is right there on my front door. We are buying our house and putting a lot of money into it, we are trying to make it nice and we don’t want a big mess in front of our house.”

Chairman Davis asked Mr. Shadden the fencing requirements for a business like that.

Mr. Shadden explained it was not required near the street side across from residential, adjoining residential they are required a 6’ screening. They are not allowed to have any outside storage of vehicles or parts.

Mrs. Kaufman explained Mr. Onterves has had a tire shop on East Lamar for a year and she had receipts where he deposits his tires at Bi-Lo in Denison every week for them to be destroyed. He never stores up more than twenty tires at a time and he does go every week.

Mr. Shadden explained “he needs to not store those outside.”

Mrs. Kaufman explained there is a storage building in the back and that’s where they would be stored. As far as mechanics, he will only be doing oil changing and changing mufflers; he will not be taking motors out or any dismantled cars there; it is like a one day thing, no body work.

Mrs. Carter explained he has already moved some tires in there.

Mrs. Kaufman explained those tires were already there. He does have tires inside the shop; the tires that were outside were the ones that were left there; like fifteen tires out there. He has been working like three weeks now on this siding; he has put a lot of money into the siding. He is also a family man, he is not going to be in there like 7 or 8 o’clock at night; he wants to close at 6 o’clock and go home to his family.

Mrs. Carter explained she will be home all day long, I don’t want the traffic, I’m a mother, a grandmother, an aunt, there are a lot of kids in the neighborhood right there by it and there is going to be some traffic there. There are issues there now with kids playing, kids are not responsible for watching out; I don’t want to wake up, I don’t want to sit in my front yard, drink my coffee, read my

paper and look across at tires or auto parts in that area.

Commission Member Barber asked if he would be using the front door.

Mrs. Kaufman explained he would be using the back door on the west side of the building; he is not going to open the front door on the east side of the building; they will be coming in on the busy Travis side street.

Commission Member Barber asked if they would be required to put up a fence on the back side of the property across the street from these houses.

Mr. Shadden explained he thought the building was sitting right on the property line.

Commission Member Barber explained it is sitting 2 or 3 foot from the street; but I know where they are talking about between the house that is next to the cemetery; that's just a chain link fence and it is small so when they look out their window they can look across Travis through the property all the way to the other Travis Street.

Mr. Shadden explained if the house to the south is zoned residential, they would be required to have a 6' screen.

Chairman Davis explained "some of these issues you bring up are very legitimate about mosquitoes and unsafe areas; some of these are code enforcement issues are not really before us tonight; we are only here to hear the request for the Specific Use Permit; you may need to contact the City for some of those issues to have them corrected."

John Arizola, address unknown

Mr. Arizola asked if that was considered to be a gateway into the City of Sherman.

Chairman Davis explained it is not the gateway most people use to get to Sherman; I would say that is on Highway 75.

Commission Member Morgan explained they did not consider that to be the main gateway to Sherman anymore, that is Highway 75 now with the "Welcome to Sherman" sign, one identified as Highway 56 going east and west and also on the north side of Sherman; it use to be a gateway but I don't think that is the case anymore.

Commission Member Tankersley explained he voiced concerns last month because of the tire shops coming around a lot of residential areas and park areas, here's a cemetery/residential areas; I know the property is zoned C-2 (General Commercial) District but it is really right in the middle of neighborhood. The property owner has the right to get a business in there that can thrive too.

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

A letter was received from Robyn & David Raggio, 112 E. Cottage, Sherman, TX

Mr. & Mrs. Raggio were opposed to the request. “The majority (over 90%) of the neighborhood is residential. The noise, particulate pollution and impact on traffic due to customer parking are very undesirable.”

**ACTION TAKEN.**

Motion by Commission Member Morgan to approve the Specific Use Permit and site plan subject to the Staff Review Letter and the requirement to use the main entrance off of Travis Street and install fencing on the east property line. Second by Commission Member Barber.

**VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, MORGAN AND BARTON.**

**VOTING NAY: TANKERSLEY**

**MOTION CARRIED**

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

**SITE PLAN**

THE REQUEST OF MB SHERMAN TOWN CENTER LP (OWNERS), PANERA BREAD RESTAURANT (TENANT), PATRICK BENNETT, CORE STATES GROUP (ENGINEERS) AND LAW/KINGDOM INC. (ARCHITECTS/ENGINEERS-PLANNERS) CONCERNING THE PROPERTY LOCATED AT 4040 U.S. HIGHWAY 75 NORTH, BEING LOT 1A, BLOCK 3, SHERMAN TOWN CENTER, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

**SITE PLAN APPROVAL FOR A DRIVE THRU ADDITION FOR PANERA BREAD RESTAURANT.**

**SITE PLAN – DRIVE THRU PANERA BREAD 4040 HWY 75 N. (MB SHERMAN TOWN CENTER, LP)**

Tony DiSanza, Panera Bread, 823 Barbara Ann, St. Louis, MO

Mr. DiSanza appeared to represent the request and answer any questions. The property is located at 4040 U.S. Highway 75 North in Sherman Town Center, Panera Bread Restaurant is the tenant. The owners would like to construct a drive thru for their restaurant; ten stacking spaces and 38 parking spaces will be provided. The exterior will match the existing building. They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Hicks asked about the trash enclosure; can it take over parking spaces.

Mr. Shadden explained as long as they are in the building area of the lot and still have enough parking; they have their required parking.

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

**ACTION TAKEN.**

Motion by Commission Member Morgan to approve the site plan subject to the Staff Review Letter. Second by Commission Member Barton.

**VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, TANKERSLEY, MORGAN AND BARTON.**

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**REPLAT**

THE REQUEST OF 75-82 SHERMAN CROSSING, LTD (OWNERS), DAVID WALLENSTEIN (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 3200 BLOCK OF U.S. HIGHWAY 75 NORTH, BEING A PART OF THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 AND A PART OF LOT 1, BLOCK 1 OF THE REPLAT OF SHERMAN SHOPPING CENTER, FOR A TOTAL OF 8.633 ACRES, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

REPLAT APPROVAL OF SHERMAN CROSSING ADDITION, A REPLAT OF A PORTION OF LOT 1, BLOCK 1, SHERMAN SHOPPING CENTER ADDITION.

REPLAT SHERMAN CROSSING ADDITION, A REPLT OF A PORTION OF LOT 1, BLK. 1, SHERMAN SHOPPING CENTER ADDN. 3200 BLK. HWY. 75 N. (75-82 SHERMAN CROSSING, LTD)

**Bob Maret, Underwood Drafting and Surveying, 3404 Interurban Rd., Denison, TX**

Mr. Maret appeared to represent the request and answer any questions. The property is located in the 3200 Block of U.S. Highway 75 North; the northeast corner of Highway 75/82. The owners would like to Replat the property into two lots for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

**ACTION TAKEN.**

Motion by Commission Member Barton to approve the Replat subject to the Staff Review Letter. Second by Commission Member Hicks.

**VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, TANKERSLEY, MORGAN AND BARTON.**

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**SITE PLAN**

**SITE PLAN – JIMMY**

THE REQUEST OF 75-82 SHERMAN CROSSING, LTD (OWNERS), BILL PERMAN, CROSS ENGINEERING CONSULTANTS (REPRESENTATIVE) AND ARCHITECTURE ARIZADO DESIGN (ARCHITECT) AND RINGLEY & ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3209 U.S. HIGHWAY 75 NORTH, BEING A PART OF THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 AND A PART OF LOT 1, BLOCK 1 OF THE REPLAT OF SHERMAN SHOPPING CENTER, FOR A TOTAL OF 0.493 ACRES AS FOLLOWS:

**PLANNING AND ZONING COMMISSION**

**SITE PLAN APPROVAL FOR JIMMY JOHN'S GOURMET SANDWICH RESTAURANT**

**JOHN'S GOURMET SANDWICH RESTAURANT**

**3209 HWY. 75 N.  
(75-82 SHERMAN CROSSING, LTD)**

Bill Perman, Cross Engineering, 106 W. Louisiana St., McKinney, TX

Mr. Perman appeared to represent the request and answer any questions. The property is located at 3209 U.S. Highway 75 North; the northeast corner of Highway 75/82. The owners would like to construct a 1,700 square foot Jimmy John's Gourmet Sandwich Restaurant with drive thru at this location. The exterior will be masonry and EIFS; 24 parking spaces will be provided and eight stacking spaces for the drive thru. They had seen the Staff Review Letter and would abide by the Recommendations.

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

**ACTION TAKEN.**

Motion by Commission Member Morgan to approve the site plan subject to the Staff Review Letter. Second by Commission Member Barber.

VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, TANKERSLEY, MORGAN AND BARTON.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF AUSTIN COLLEGE (OWNERS), HEIDI ELLIS (AUSTIN COLLEGE REPRESENTATIVE), TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC (DEVELOPER/ APPLICANT) AND MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES (ENGINEERS) CONCERNING THE PROPERTY AT 916 EAST BROCKETT STREET, BEING LOT 1, BLOCK 1, BROCKETT SW ADDITION, AS FOLLOWS:

**PLANNING AND ZONING COMMISSION**

**VARIANCE UNDER ORDINANCE NO. 2684, SECTION 12 (F) TO NOT REQUIRE SIDEWALKS IN AN R-2 (MULTI-FAMILY RESIDENTIAL)/COLLEGE PARK OVERLAY DISTRICT.**

**VARIANCE –  
SIDEWALKS  
916 E. BROCKETT  
(AUSTIN COLLEGE)**

Matt Cain, Cain Consulting and Engineering Services, 6136

**Frisco Square Blvd., Ste. 400, Frisco, TX**

Mr. Cain appeared to represent the request and answer any questions. The property is located at 916 East Brockett Street. The owners were granted site plan approval for a three story dormitory apartment at the June 22, 2010, Planning and Zoning Commission Meeting. They have placed a sidewalk along Porter and Brockett Streets. They are requesting to not provide sidewalks along Pacific and Willow Streets. Mr. Cain explained the ordinance allows an exception not to build sidewalks if you are adjacent to developed property without sidewalks; the property to the east is developed property, to the south is the old Sherman Wire property, to the west is some residential property; currently there are no sidewalks along any of those corridors; the main sidewalk is on Brockett Street, there is a small portion of a sidewalk in front of one house on Willow Street. We don't feel sidewalks would greatly improve the aesthetics of the area as well there are safety concerns. The school's main concern is to get people around different areas of the City; they want people to go straight from the apartments to the college; that's what this housing is there for. The sidewalks go nowhere, we redirected traffic to go to a dead end intersection which would be at the corner of Pacific and Willow Street which dead ends to an empty lot and railroad; so we would be promoting traffic to go down to that area, we have already talked about vagrants and that sort of thing and we don't want any of that happening south of the overall campus. We want to make sure all our students are going to school. There are safety concerns, it happens all over the place, there are people walking across driveways but if we cannot have that condition, we would push for that along Pacific Street to the south there is a driveway and along Willow Street to the west, there is a driveway and dumpster enclosure that comes directly off of Willow Street; if we could not have people crossing those, it would be best. They had seen the Staff Review Letter.

Commission Member Morgan asked if Austin College had any plans of moving towards the west and towards the south and taking that property.

Mr. Cain explained he knew the college is interested in purchasing a lot of the property; they have no master plan specific of what they are going to do with the area but as they acquire property, they are going to be developing it at such a future.

Commission Member Morgan's concern if they did then they would need to add sidewalks for the purpose of getting to school.

Mr. Cain explained this is of no means we don't want sidewalks ever, we don't think they are appropriate for the actual development that is going on right now. In the future, when it gets developed, yes, we are going to need

pedestrian access here and there, if they want to get around campus for whatever they develop.

Chairman Davis asked about the Willow Street side, it looks like there are a series of stairs, is that where people come out; is that connected to Brockett.

Mr. Cain explained those are actually ramps; we have to provide ADA access down to the dumpster enclosures; those are a series of ramps to get you down there and back up into the building; they are not meant for public access to the right-of-way.

Commission Member Hicks asked if they were only asking to not put sidewalks on Willow and Pacific Streets.

Mr. Cain explained Brockett Street already has sidewalks and they will put them on Porter Street to draw people to the campus as quickly as possible.

Commission Member Barton asked what the plan was for Willow Street; were they planning any type of barrier there or was it just going to be open to the street; there's a grassy area where the sidewalk would go, will it just be left as green space.

Mr. Cain explained that area will be left as a vegetative grassy spot.

Heidi Ellis, Austin College Representative

Ms. Ellis explained Austin College owns the property across the street on Pacific Street where the old Sherman Wire use to be; there are no plans at this time to develop the property.

Mr. Cain explained if Austin College develops the property to the south; they will have to put sidewalks in at that time.

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

Commission Member Hicks explained he had heard all their arguments and there is not that much more sidewalks to comply, so he asked "why do you need to not put them in, he understood it leads to nowhere but twenty years from now may not be the case, we don't really know what is going to happen there"

Mr. Cain explained at some point they may need to be there, at this point we don't feel they would be appropriate because you are directing pedestrian traffic to a non-developed area or getting people hanging out across the street causing problems down the railroad tracks; they go nowhere so it doesn't make any sense developing them as this point.

Commission Member Hicks explained if it is approved; we

can't force you to develop them later.

Commission Member Barton asked Mr. Cain to help him understand the number one reason you don't want sidewalks there.

Mr. Cain explained the number one reason is to get kids coming out of the apartment building going straight into the campus; the sidewalk layout was based on that when they developed the layout of the building and parking lot; we don't want kids going other places or off-campus.

Commission Member Barton explained they could walk in the street or on the grass to get where they want to go.

Commission Member Plyler asked Ms. Ellis, "if the students need sidewalks along Willow Street in the future, would the college put them in."

Ms. Ellis responded "absolutely".

Chairman Davis explained he is a big fan of sidewalks, "this may be some leap of faith for Austin College, but it seems like to me they have every interest in having sidewalks, it makes sense to them in the future day although we can't require them to do it, I don't think they are not doing just to save money, if they did develop either one of the tracts if a sidewalk made sense they would put it in; that's just a leap of faith on my part."

**ACTION TAKEN.**

Motion by Commission Member Morgan to approve the variance subject to the Staff Review Letter. Second by Commission Member Plyler.

VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, TANKERSLEY, MORGAN AND BARTON.

VOTING NAY: NONE

MOTION CARRIED

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

**ZONE CHANGE & SITE PLAN**

THE REQUEST OF WESTFIELD ESTATES, LP (OWNER), JOHN SZABUNIEWICZ (REPRESENTATIVES), ROGER ALLRED (GENERAL CONTRACTOR) AND HARLAN LAND SURVEYING, INC. (SURVEYORS) CONCERNING THE PROPERTY IN THE 200 BLOCKS OF SHADY OAKS LANE, BEING 20.722 ACRES IN THE JAMES H. VADEN SURVEY, ABSTRACT NO. 1288, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

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

**ZONE CHANGE – R-1  
TO R-2  
SITE PLAN –  
APARTMENTS  
200 BLK. SHADY  
OAKS LANE  
(WESTFIELD  
ESTATES, LP)**

**(DENIED)**



Dr. John Szabuniewicz, 6750 Locke Ave., Ste. 301, Ft. Worth, TX

Dr. Szabuniewicz appeared to represent the request and answer any questions. The property is located in the 200 Block of Shady Oaks Lane off of West Lamberth Road; the property was formerly the County Farm, which was annexed into the City in 2003. Dr. Szabuniewicz explained they are asking for rezoning of 20 acres to multi-family residential; the 20 acres is part of a 111 acre tract of land. Canyon Creek Drive will be extended through their property and will eventually end up at Lamberth Road to the west. They are proposing an upscale townhome development similar in quality to the O’Hanlon Ranch Estates housing addition. They are aware of the situation with the market where more and more people are wanting to get out of the larger homes into a smaller residential setting; they feel some upscale townhomes would be a good market for this property as well as allowing residents the ability to walk to Pecan Grove Park adjacent to the property. They will come back with a more definitive site plan and platting of the property. They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Morgan asked if this project would be in the S&S School District.

Dr. Szabuniewicz explained, yes, he thought it would be.

Chairman Davis asked about the plan for ingress and egress for the development.

Dr. Szabuniewicz explained they plan at least two ways to access the development off of Canyon Creek Drive for fire safety.

Commission Member Morgan explained he received several calls about the development and one of the calls was about school buses going up and down Shady Oaks Lane, which is a very narrow street; it is not prepared to handle any more traffic.

Dr. Szabuniewicz explained one the requirements are to dedicate some additional right-of-way for Shady Oaks Lane so that it would be able to handle the traffic.

Chairman Davis explained there are all single family residents all around this property; there is going to be some opposition to putting apartments at this location.

Dr. Szabuniewicz explained these won’t be typical apartments, they are going to be upscale townhomes; they just require this kind of zoning, lumped in as apartments, but we are not doing a typical apartment complex.

Chairman Davis explained part of their problem is when the zoning is changed; you are not stuck with the preliminary

plan; that is an issue we have to consider.

Dr. Szabuniewicz explained they will come back with a final site plan and pull a building permit so the City has plenty of time to review all our plans; we will adhere to whatever the City dictates.

Commission Member Hicks asked if the proposed site was built, how many units and the density of people, how much traffic and things like that; that's going to be a really big issue.

Dr. Szabuniewicz explained there will be about 152 units, not more than 160, we have a 20 acre site, about 8 units per acre, which is considered low density.

**Appearing from the audience:**

**Jazz Freels, 109 Spring Valley, Denison, TX**

Mr. Freels explained he is representing the family that owns the property to the north of this tract. They were opposed to the zone change with a proposal to do something but there is nothing in concrete; no actual plans. The change should be reserved until they bring the change with the plan for construction and actual density in relation to the number of units. Once you change it from R-1 (One Family Residential) District to R-2 (Multi-Family Residential) District you can put any type of buildings or uses in there which don't comply with what was referred to as 152 units or a similar type of apartment and/or a duplex type of entity which the plan indicates. It doesn't comply with the overall utilization of the property adjacent to and contiguous to it for the east side of Shady Oaks, you have a number of homes leading to Canyon Creek Drive East; those are single family residential and I would assume that you would continue the development of Canyon Creek west of Shady Oaks would contain the same type of development. To the south of this tract, the lots are all single family residences, so there is no need to change it to R-2 (Multi-Family Residential) District and then have the feasibility issue "we may change our mind here or there". "I would request you deny the change in use until they bring the actual final plans and other aspects with cement terms, conditions and requirements so that it can be looked at and approved at that time." The way the plans are laid out today, I am against the request. They have a retention pool of approximately three acres to the east of the development, they do not have any indication of what type of protection are they going to bring all the water off the eaves of the buildings in/or the streets, then you have a hazardous issue there for children or other parties to fall into. There is no indication whether or not it is going to be fenced or protected in any way. Then you have an issue over the topography of the land, if you have ever been out there on the old County Farm, really the retention pool if it was going to be properly designed, it would be on the south boundary of the property and not on the east

boundary of the property where it is going to Shady Oaks Lane. Ingress and egress is another issue with all the residents in the area to gain access to Canyon Creek Drive; you are going to need a greater thoroughfare through there than the normal 30' or 40' right-of-way because if you have more than 152 units in there and things correlate properly; that would be 152 units times at least two to the unit, so you are looking at probably 300 or more automobiles and if those units have teenagers then you multiply that by another 50 or 60 percent as far as vehicles coming and going and if you try to reserve all those cars going to Canyon Creek west of Shady Oaks Lane, then you are not going to be able to handle the traffic; it will be very hazardous.

Jim Govro, 3001 Canyon Creek Drive, Sherman, TX

Mr. Govro explained he is the last house going up to the park. If you drive around to any of the multi-family developments that are developed around FM 1417, they were developed with direct access to FM 1417. We are concerned about living in a very nice upscale subdivision is having 300 plus cars plus visitors coming down our lane. When the developer developed the subdivision he developed it to an end where the City picked up and put concrete streets up to Pecan Grove Park; we've already had issues with our street being a median road base setting with a blacktop and concrete aprons. We are going to have more issues with that without it being an egress and Shady Oaks becoming larger and continuing out to Highway 82 frontage road. We developed and spent a ton of money on our homes and keep adding to our homes every single day to become our dream homes, not to have an R-2 (Multi-Family Residential) District not in concrete, no elevations given, there are no pictorials drawn right for me to say to you, I cannot because once we zone it and change it, that is in stone and now anything can happen.

Tom Bolin, 2608 Silverado, Sherman, TX

Mr. Bolin explained the runoff concerns him, there is a pond behind his house and last year during the heavy rains, it got to the top of the dam. An increase in the runoff, increase in the traffic through that area, I don't feel comfortable with that because I plan on living there for quite a while. Also, having a sketch of what could be because it could change.

John McCampbell, 2941 Overland Trail, Sherman, TX

Mr. McCampbell explained Overland Trail is another access point to Shady Oaks Lane, during the time Lamberth Road was closed for construction, everyone coming from that south side even though they were suppose to go down Canyon Creek started coming down Overland Trail to the point that several of the neighbors and children were just about hit by the onslaught of cars. I had to contact Lt. Bob Fair to have patrol brought in to help slow them down and he saw in that very short period of time of two weeks an

increase in traffic flow. Shady Oaks Lane is a very narrow road and people do not want to drive it; they take alternative routes. We have invested a tremendous amount of dollars, we did this in one of the highest tax brackets in the area and we do this because we want this rural area. There are half-dozen apartments right now down FM 1417 that are not full, look at their signs, they are asking and begging people to come rent.

Martin Emmor, 2705 Silverado, Sherman, TX

Mr. Emmor explained he has lived in the O'Hanlon Ranch Estates subdivision for the last three years. Since they extended Canyon Creek westward, the amount of traffic has increased ten-fold and the people coming down Canyon Creek to go out to FM 1417 don't know the speed limits. We have a lot of children playing and people walking their dogs; I hate to see the volume of traffic if this is approved.

James Fry, 72 Shady Oaks Circle, Sherman, TX

Mr. Fry explained he agreed with every comment that everyone else said. The traffic situation is already getting quite bad. I would suggest we deny this request because once it goes through they could build apartments, we know what happens with apartments and residential areas in Sherman, eventually they deteriorate and we have a City Park next to it. He understood in the Master Plan there are areas that are set aside to encourage people to put multi-family facilities, let them put that in one of those places and keep what we have now as a single-family residential development.

Dr. Szabuniewicz explained Canyon Creek Drive will be a 37' wide collector street and we will keep that same width throughout our development and should handle the traffic; the park will generate more cars than ours will generate. We have a three acre buffer zone on in our detention area between the Shady Oaks Lane homes; we feel that is enough of a buffer, we will keep it landscaped with trees to create a buffer adjoining residences. If our plan changes we will come back and have it reviewed again; we are going with the plan that we have, there may be just minor revisions, if there are major revisions you will look at it again.

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

Letters in opposition of the request were received from:

April & Bill Potts, 2905 Canyon Creek Dr.

Jennifer & Andrew Bossen, 2809 Goodnight Circle

David Sprowl, 2603 Silverado Trail

Dean Gilbert, Jr., DGR Development Group, 801 E. Taylor

Sara & Philip Macha, 2422 Westhaven Ct.

Jim Taylor, 2909 Canyon Creek Dr.

Stephen & Melissa Sandoval, 2906 Butterfield Trail

Philip & Sara Macha, 2422 Westhaven Ct.  
Dean Gilbert, 801 E. Taylor  
Maurine Maggi, 2915 Canyon Creek Dr.

Chairman Davis was concerned with compatibility with the single family homes in the area, traffic is an issue, Shady Oaks Lane is a small lane which makes it very difficult area for apartment complex.

Commission Member Tankersley was concerned with the way their development plan is set up, going out there in that direction, it is designed to keep R-1 (One Family Residential) District homes and a few apartment houses restricting two acre lots so that would be totally against what is built and what is laid out for us; we need to stay in that perimeter.

**ACTION TAKEN.**

Motion by Commission Member Hicks to deny the request for the zone change. Second by Commission Member Tankersley.

VOTING AYE: DAVIS, PLYLER, HICKS, BARBER, TANKERSLEY, MORGAN AND BARTON.

VOTING NAY: NONE

MOTION CARRIED

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

**OTHER BUSINESS**

No other business came before the board.

**OTHER BUSINESS**

**ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 7:06 p.m.

**ADJOURNMENT**

CHAIRMAN \_\_\_\_\_

\_\_\_\_\_  
SECRETARY