

STATE OF TEXAS

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May 17, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on May 17, 2011.

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

MEMBERS ABSENT: NONE

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 April 19, 2011 Meeting. Motion by Commission Member Jacobs to approve the Minutes as written. Second by Commission Member Barber. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

BOARD OF ADJUSTMENT

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

BOARD OF
ADJUSTMENTS

EXCEPTION & VARIANCE

THE REQUEST OF JAVIER GARCIA (OWNER) AND JUAN GARCIA (REPRESENTATIVE) CONCERNING THE PROPERTY AT 108 NORTH CLEVELAND AVENUE, BEING LOT 11, BLOCK 36, COLLEGE PARK ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 4 AND SECTION 6.4, SUBSECTION (1) TO ADD AN ATTACHED PORCH TO AN EXISTING NONCONFORMING DWELLING, TO PROVIDE A 15' FRONT SETBACK IN LIEU OF THE REQUIRED 25' IN A C-1 (RETAIL BUSINESS) DISTRICT.

EXCEPTION &
VARIANCE –
ADDITION TO
NONCONFORMING
DWELLING & FRONT
SETBACK
108 N. CLEVELAND
(JAVIER GARCIA)

Javier & Juan Garcia, 108 N. Cleveland, Sherman, TX

Mr. Javier Garcia & Mr. Juan Garcia appeared to represent the request and answer any questions. The property is located at 108 North Cleveland Avenue; between Houston and Chaffin Streets. The owner has constructed a 16'x16' attached front porch to the residence, 15' from the front property line, unaware a permit was required. The dwelling is located in a C-1 (Retail Business) District which creates an existing nonconforming use.

Commission Member Barton asked Mr. Shadden if there were any long term issues with the porch being that close to the property line.

Scott Shadden, Director Developmental Services explained there probably are some building code issues to address if it were to be approved.

William Johnson, 115 N. Cleveland, Sherman, TX

Mr. Johnson explained the Garcia's have been very good neighbors for a long time; they help people in the neighborhood. The porch was put up with an architectural design; which is not an eye sore. It is shelter for their children to play when it is hot and to protect them from rain and bad weather. "They were not aware of the details of obtaining a permit; but we all learn from our mistakes. I have no objections to the request."

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

A letter was received from Lynn & Rita Smith, 1602 E. Houston, Sherman, TX

They had no complaints about the matter.

ACTION TAKEN.

BOARD OF ADJUSTMENTS

Motion by Commission Member Morgan to approve the exception and variance. Second by Commission Member Jacobs.

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

VOTING NAY: NONE

MOTION CARRIED

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

TEMPORARY USE PERMIT

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

BOARD OF ADJUSTMENTS

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

**(RENEW) TUP – SNOW
CONE STAND
1330 W. TAYLOR
(SHAWN DAVIS)**

Shawn Davis, 915 Western Hills, Sherman, TX

Mr. Davis appeared to represent the request and answer any questions. The property is located at 1330 West Taylor Street across from Fairview Park. In December 2010, the property was rezoned to a C-1 (Retail Business) District, but it is still being used as residential, which requires approval for a Temporary Use Permit. This is a renewal for the snow cone stand which has been in operation at this location since 1999.

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

ACTION TAKEN.

Motion by Commission Member Tankersley to approve the Renewal of the Temporary Use Permit. Second by Commission Member Jacobs.

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

VOTING NAY: NONE

MOTION CARRIED

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

MOBILE FOOD VENDOR PERMIT

THE REQUEST OF CRISTOBAL & FAVIAN MADRID (OWNERS) AND MARIA MADRID (APPLICANT) CONCERNING THE PROPERTY LOCATED AT 1905 EAST LAMAR STREET, BEING LOTS 5 & 7, BLOCK 17, CHRISTIAN COLLEGE ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

SITE PLAN APPROVAL AND PERMIT FOR A MOBILE FOOD VENDOR UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4.1)(A)(4) IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

MOBILE FOOD
VENDOR PERMIT
1905 E. LAMAR
(CRISTOBAL &
FAVIAN MADRID)

Elizabeth Garza, 432 CR 2515, Bonham, TX, Cristobal & Maria Madrid, 908 S. Montgomery, Sherman, TX

Ms. Garza, Cristobal and Maria Madrid appeared to represent the request and answer any questions. The property is located at 1905 East Lamar Street; the northeast corner of Lamar and Burdette Streets. The property was granted a zone change to a C-2 (General Commercial) District with a Specific Use Permit to allow automotive repair in 2009. Ms. Garza explained the Madrid's are proposing to operate as a mobile food vendor at this location. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Member Jacobs asked Mr. Shadden what the duration of the permit would be if it was approved.

Mr. Shadden explained it would be permanent for this trailer at this location; if this trailer closes down, the use goes away; someone else would have to apply for a mobile food vendor permit if they wanted to operate at this location. They would have to comply with the mobile food vendor's ordinance. Access to restrooms will be through the existing business and they can only operate the same hours as the business on the lot.

No other citizens appeared before the Planning and Zoning Commission to discuss the site plan and permit for a mobile food vendor.

A letter was received from Mary Ortez Nelson, 118 S. Andrews, Sherman, TX

They wrote “Please see that trash is picked up at the end of the day (in alley and Hollywood Hair lot). We have to pick up trash now before we mow (cartons for oil filters and spark plugs, grease rags, coke cups and cans).

ACTION TAKEN.

Motion by Commission Member Morgan to approve the site plan and permit for a mobile food vendor subject to the Staff Review Letter. Second by Commission Member Jacobs.

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

MOTION CARRIED

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

VARIANCES, SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF AMERISTATE BANK (OWNER) AND SHER-DEN HOSPITALITY, LLC, RAJ PATEL (PROSPECTIVE BUYER), RICHARD HUMISTON (ARCHITECT) AND DIRK THIBODAU, GRAY ROCK CONSULTING (LANDSCAPE ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 4344 LOY LAKE ROAD, BEING LOT 2, BLOCK 1, AMERISTATE PLAZA, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- (A) VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.4, SUBSECTION (5)(C) TO ALLOW A FIVE (5) STORY, 62’ TALL HOTEL IN LIEU OF THE 45 FOOT, THREE (3) STORY PERMITTED IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.**
- (B) VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (5)(B)(3) TO ALLOW A 28’ REAR SETBACK AND A 37’ SIDE SETBACK IN LIEU OF 100’ (TWICE THE HEIGHT OF THE BUILDING OR A MAXIMUM 100’) REQUIRED FROM RESIDENTIALLY ZONED PROPERTY IN A C-1 (RETAIL BUSINESS) 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 MARRIOTT COURTYARD HOTEL IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

Dirk Thibodaux, Gray Rock Consulting, 5208 Village Parkway, Ste. 10, Rogers, AR

Mr. Thibodaux appeared to represent the request and answer any questions. The property is located at 4344 Loy Lake Road; north of Sherman Town Center, in front of Central Freight. The prospective buyer is proposing a five story, 62’ high, 127-room Marriott Courtyard Hotel on the lot; adequate parking will be provided. Mr. Thibodaux

VARIANCE – HEIGHT

VARIANCE – SIDE & REAR SETBACK

SUP & SITE PLAN – MARRIOTT COURTYARD HOTEL

4344 LOY LAKE RD. (AMERISTATE BANK & SHER-DEN HOSPITALITY, LLC)

explained the reason for the setback exception is because of the property to the south and west (Central Freight); it was annexed into the City as an R-1 (One Family Residential) District, if the property was zoned commercial they would not need the variance. Screening and a landscaped area will be provided. They had seen the Staff Review Letter and amended Staff Review Letter and would abide by the Staff Review Recommendations.

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

ACTION TAKEN.

BOARD OF ADJUSTMENTS

VARIANCE TO ALLOW A FIVE (5) STORY, 62' TALL HOTEL IN LIEU OF THE 45 FOOT, THREE (3) STORY PERMITTED IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT & VARIANCE TO ALLOW A 28' REAR SETBACK AND A 37' SIDE SETBACK IN LIEU OF 100' (TWICE THE HEIGHT OF THE BUILDING OR A MAXIMUM 100') REQUIRED FROM RESIDENTIALLY ZONED PROPERTY IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

Motion by Commission Member Morgan to approve the variances. Second by Commission Member Jacobs.

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

VOTING NAY: NONE

MOTION CARRIED

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

ACTION TAKEN.

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL TO ALLOW A MARRIOTT COURTYARD HOTEL IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

Motion by Commission Member Barber to approve the Specific Use Permit and site plan subject to the Staff Review Letter. Second by Commission Member Hicks.

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

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN

THE REQUEST OF SHERMAN BIBLE CHURCH (OWNERS) AND LESTER TERRELL (REPRESENTATIVE)

**SITE PLAN –
ADDITION FOR
TRAINING ROOM**

CONCERNING THE PROPERTY LOCATED AT 2515 WEST LAMBERTH ROAD, BEING LOT 9R, BLOCK 1, O'HANLON RANCH ADDITION, PHASE 2, REPLAT LOTS 9 & 10, BLOCK 3, AS FOLLOWS:

2515 W. LAMBERTH
(SHERMAN BIBLE
CHURCH)

PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR AN ADDITION TO THE EXISTING CHURCH FOR A TRAINING ROOM.

Lester Terrell, Sherman Bible Church, 1820 W. Terrell Road, Sherman, TX

Mr. Terrell appeared to represent the request and answer any questions. The property is located at 2515 West Lamberth Road; west of F.M. 1417. In 2008, the owners were granted: a Specific Use Permit and site plan approval to allow a church in an R-1 (One Family Residential) District, a variance to allow a 75' building height in lieu of the permitted 35'; an exception to not provide screening between the church and R-1 (One Family Residential) District; and variances/exceptions for signs. Sherman Bible Church would like to construct an addition to the church for a 5th & 6th Grade Class/Adult Training Room behind the existing church; the exterior will match the existing building. 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, MORGAN BARTON, TANKERSLEY AND JACOBS

VOTING NAY: NONE

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST CONFORMS 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 5:26 p.m.

ADJOURNMENT

CHAIRMAN _____

SECRETARY