

STATE OF TEXAS

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January 18, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on January 18, 2011.

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

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 November 16, 2010 Meeting. Motion by Commission Member Jacobs to approve the Minutes as written. Second by Commission Member Atherton. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

BOARD OF ADJUSTMENT

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

BOARD OF
ADJUSTMENTS

REPLAT, ZONE CHANGE, SITE PLAN & VARIANCE

THE REQUEST OF GRAYSON COUNTY (OWNERS), WIGINTON, HOOKER, JEFFRY, P.C. (ARCHITECTS), DONALD F. OLSON (REPRESENTATIVE) AND SARTIN & ASSOCIATES (SURVEYOR) CONCERNING THE PROPERTY AT 200 SOUTH CROCKETT AND 207 WEST CHERRY STREETS, BEING 3.87 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, BEING ALL OF BLOCK 6 AND PART OF BLOCK 9 OF THE ORIGINAL TOWN PLAT, TOGETHER WITH THAT PORTION OF JONES STREET LYING BETWEEN SAID BLOCKS 6 AND 9, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL – GRAYSON COUNTY JUSTICE CENTER, A REPLAT OF BLOCK 6 & PART OF BLOCK 9 OF ORIGINAL TOWN PLAT TOGETHER WITH THAT PORTION OF JONES STREET LYING BETWEEN BLOCKS 6&9.

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL FOR A DETENTION FACILITY AND COURTHOUSE EXPANSION UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AND C-2 (GENERAL COMMERCIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5) (A) TO ALLOW A DETENTION FACILITY

REPLAT – GRAYSON COUNTY JUSTICE CENTER, A REPLAT OF BLK. 6 & PT. BLK. 9, OTP

ZONE CHANGE – R-2 & C-2 TO C-1

SITE PLAN – DETENTION FACILITY & COURTHOUSE EXPANSION

VARIANCE – DETENTION FACILITY ON 3.87 AC.

200 S. CROCKETT & 207 W. CHERRY (GRAYSON COUNTY)

ON A SITE 3.87 ACRES IN LIEU OF THE REQUIRED 15 ACRES IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

Don Olson, Wiginton Hooker Jeffry P.C., 500 N. Central Expressway, Ste. 300, Plano, TX

Mr. Olson appeared to represent the request and answer any questions. The property is located at 200 South Crockett and 207 West Cherry Streets; the southwest corner of East Lamar and South Crockett Streets. The Grayson County Justice Center was built on this site during the 1980's and expanded in the 1990's south, closing Jones between Crockett and Elm Streets. Growth in the County inmate population has driven the need to expand the detention center capacity once again. This expansion is planned for the south end of the existing detention facility; there are two buildings on the site, a maintenance building and a temporary low risk detention facility, they will both be demolished to allow construction of a 96 bed addition to the existing site. During the planning and design phase it was determined that the site never was formally zoned as a single classification nor platted as a single lot. They believe they are in compliance with the setback requirements, they have provided the parking requirements, but they do not think it is a very good idea to plant trees and shrubs alongside the detention facility for operations security issues to abide by the landscaping ordinance.

Commission Member Jacobs asked Mr. Olson if they reviewed the Staff Review Letter.

Mr. Olson explained they did and sent a response back to Scott Shadden. He did not know if there were any items on the letter that they are not in compliance with except maybe the landscaping. He felt they were in compliant with the existing building being landscaped; the area around the addition may not be in compliance.

Commission Member Jacobs explained they are not asking for any variances from the Staff Review Letter.

Mr. Olson explained they haven't because they did not know they need one. "We are really just asking for approval as we designed it and as submitted."

Commission Member Atherton explained on the Staff Review Letter it basically asks for compliance of the landscaping ordinance.

Chairman Davis explained "if there is an issue with security or safety because of landscaping you would have to come back before the board for approval of variances or exceptions to change the general landscaping requirement."

Mr. Shadden explained if it comes out that way, where there are not enough trees or greenery, they would need to come back before the board before they receive their Certificate of Occupancy Permit; they would allow them to get started on the construction.

Commission Member Atherton asked about fire lanes, drive approaches and sidewalks.

Mr. Olson explained the fire lanes were reviewed by Nathan Huffman, Fire Marshal; it is his understanding they were good to go. They have eliminated one of the drives near the maintenance building, they will not be asking for any drive approaches on a major thoroughfare or highway.

Steve Keller, 1901 Skaggs Road, Sherman, TX

Mr. Keller was there on behalf of St. Stephens Episcopal Church which owns the parking lot at the southwest corner of Crockett and Cherry Streets. Mr. Keller wanted to know if their property was involved in this request.

Mr. Olson explained to Mr. Keller the request did not include the church's property.

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

ACTION TAKEN.

BOARD OF ADJUSTMENTS

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

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

VOTING NAY: NONE

MOTION CARRIED

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

ACTION TAKEN.

PLANNING & ZONING COMMISSION

Motion by Commission Member Morgan to approve the Replat, zone change and site plan subject to the Staff Review Letter. Second by Commission Member Jacobs.

VOTING AYE: DAVIS, PLYLER, ATHERTON, JACOBS, 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 –

THE REQUEST OF CHUONG HON HA (OWNERS), FUZZY'S TACO SHOP (TENANT) AND DAVID HENDRIX (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1707 TEXOMA PARKWAY, BEING 0.48 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR OUTDOOR DINING AT FUZZY'S TACO SHOP

OUTDOOR DINING
1707 TEXOMA PKWY.
(FUZZY'S TACO SHOP)

David Hendrix, PO Box 323, Ponder, TX

Mr. Hendrix appeared to represent the request and answer any questions. The property is located at 1707 Texoma Parkway, just north of Broughton Street; Fuzzy's Taco Shop is the tenant. The property is zoned a C-2 (General Commercial) District. They are proposing an outdoor dining area for 14 seats, surrounded by a 4' wrought iron fence on the existing sidewalk. They have reviewed the parking requirements and can provide 35 parking spaces. They currently have 53 seats inside and would like to add 12-14 seats outside for patio dining. He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Atherton asked Mr. Hendrix if he would be in compliance with the items on the Staff Review Letter.

Mr. Hendrix felt they would be in compliance; he was unsure about the landscaping requirements; they currently do not have landscaping, they are located in the middle of a concrete parking lot, they really did not want to dig up the parking lot, they only thing they could really do would be container landscaping.

Scott Shadden, Director of Developmental Services explained Mr. Hendrix could meet with Staff to get a copy of the ordinance and come up with a plan to comply with the landscaping requirements.

Commission Member Atherton asked Scott Shadden for guidance as she looked through the Planning and Zoning materials for the landscaping requirements.

Commission Member Hicks asked where the additional 12 parking spaces would be located on the site plan.

Mr. Hendrix explained the site plan they have shows the current parking; a revised site plan with the added parking will be submitted to the Developmental Services Department before the outdoor dining is provided. They will be adding parking near the property line closest to Nautilus, the drive-thru that was there previously is not going to be used, so parking can be added there as well. Each parking space will be 9x20 for a total of 35 spaces.

Mr. Shadden explained if they could not get enough parking they could reduce the number of chairs to be in

compliance.

Mr. Hendrix explained they have a small inside dining area; they have had a lot of requests for outside dining and all the Fuzzy’s Tacos have outdoor dining.

Chairman Davis asked Mr. Hendrix if he felt comfortable that he could provide the required parking and landscaping requirements; if not, he would have to come back before the board for approval of any variances or exceptions.

Mr. Hendrix explained he understood and was confident there would not be a problem.

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

ACTION TAKEN.

Motion by Commission Member Jacobs to approve the site plan subject to the Staff Review Letter. Second by Commission Member Hicks.

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

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 LAZY L. ENTERPRISES (OWNER) AND ROBERT E. RICHARDSON (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1908 EAST LAMAR STREET, BEING LOT 1, BLOCK 1, EASTSIDE BUSINESS PARK, 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 SALES IN A C-1 (RETAIL BUSINESS) DISTRICT.

SUP & SITE PLAN –
AUTOMOBILE SALES
1908 E. LAMAR
(LAZY L.
ENTERPRISES)

Bob Brands, 1803 Forest Hills, McKinney, TX

Mr. Brands appeared to represent the request and answer any questions. The property is located at 1908 East Lamar between Dewey Avenue and Wanda Street. The property is zoned a C-1 (Retail Business) District. He explained they are requesting a Specific Use Permit to sell automobiles at this location. “In 2008, they bought four buildings in this area from 1905-1914 East Lamar Street; they were abandoned and dilapidated. They have remodeled the buildings and have put 3 of the 4 buildings into use with thriving businesses; this is the last building. The building has been occupied and used as a nail salon, in its prior life it was an A&W Root Beer Stand. They took all the awnings out and cleaned the parking lot up and the building significantly, leased it to a nail salon, which was not the

highest best use for the building and it subsequently failed. The adjoining businesses are tire centers, automotive service centers, detail shops and such; we feel an automotive sales center is ideal for this location. It is a 700 square foot concrete block building, sits on a 7,650 square foot lot, 75' frontage, tremendous amount of parking with a small building." They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Member Jacobs explained they are very sensitive about disabled vehicles being outside, not in a screened area, even outside period, the Staff Review Letter says no outside parking of disabled vehicles and he wanted to make sure that is what he envisioned.

Mr. Brands explained they envision absolutely no disabled vehicles on the parking lot. They would like to install a pipe and rope fence around the parking lot. They will not be doing any automobile maintenance on the lot; it will be done next door or across the street, but not on this lot.

Chairman Davis explained they received a letter from the Margaret Ortez Estate, 118 S. Andrews concerned about blocking the driveway from the alley.

Mr. Brands explained they have researched the lot she is referring to and they believe her concern is with the service station across the street; there is not an alley along this property. They have tried to contact her but they have not been successful.

Commission Member Jacobs asked Mr. Shadden if the Specific Use Permit is approved, does it go with the land and can it expire.

Mr. Shadden explained a Specific Use Permit goes with the land; it can expire if the use ceases for 60 days.

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

One letter was received from the Margaret Ortez Estate, 118 S. Andrews, Sherman, TX

Mary Nelson wrote: Please don't block driveway to property from alley.

ACTION TAKEN.

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

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

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 TEXOMA S&D PROPERTIES (OWNER) AND KURT HIMMELREICH (REPRESENTATIVE) CONCERNING THE PROPERTY AT 438 WEST HOUSTON STREET, BEING 0.271 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, 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 SALES IN A C-1 (RETAIL BUSINESS) DISTRICT.

**SUP & SITE PLAN –
AUTOMOBILE SALES
438 W. HOUSTON
(TEXOMA S&D
PROPERTIES)**

Dale and Kurt Himmelreich, PO Box 1438, Sherman, TX

Dale and Kurt Himmelreich appeared to represent the request and answer any questions. The property is located at 438 West Houston Street between Rusk Street and Sam Rayburn Freeway. Dale Himmelreich explained he has 30 years experience as a used car salesman and they would like to sell automobiles at this location as Texoma Auto Sales. Kurt Himmelreich explained the building is formally Loc Doc; the structure is approximately 1,100 square feet for office and the parking lot was formally used by a General Motors Dealer. The parking area is approximately 6,500 square feet, it is paved, and he felt they could place 21 cars on the parking lot where it doesn't have a crowded look. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Member Jacobs asked the Himmelreich's about disabled vehicles on the lot; "did they anticipate having a problem with the requirements of the Staff Review Letter not allowing disabled vehicles on the lot."

Dale Himmelreich explained "off-site is the only way to go for repairs to the vehicles. There is not a structure onsite for maintenance or repair of the vehicles."

Commission Member Atherton asked if the building met the masonry façade requirements. She also asked about landscaping the lot to meet the ordinance.

Kurt Himmelreich explained everything on the building is brick except the glass front.

Commission Member Atherton asked if they had reviewed the Staff Review Letter and understood the requirements.

Kurt Himmelreich explained they believe they could comply with the Staff Review Letter.

Commission Member Barton asked if they plan on improving the parking lot, the picture in front of the

building shows a patch of asphalt on the parking lot.

Dale Himmelreich explained he thought that would be a necessity because there are several areas that needed repair.

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

ACTION TAKEN.

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

VOTING AYE: DAVIS, PLYLER, ATHERTON, JACOBS, 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 & EXCEPTION

THE REQUEST OF FISHER CONTROLS (OWNERS) AND ALAN MCKELVA (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 4725 U.S. HIGHWAY 75 SOUTH, BEING 33 ACRES IN THE SHEROD DUNMAN SURVEY, ABSTRACT NO. 329, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

(a) SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2) (J) FOR A SMOKERS SHELTER AND AWNING IN THE BLALOCK INDUSTRIAL PARK.

(b) EXCEPTION TO ORDINANCE NO. 2252 ARTICLE IV, SECTION 410 (2) (M) TO ALLOW PAINTED “R” TYPE PANELS ON A SMOKER’S SHELTER AND AWNING IN LIEU OF THE PERMITTED BUILDING FACING AND CONSTRUCTION MATERIALS IN THE BLALOCK INDUSTRIAL PARK.

**SITE PLAN –
SMOKER’S SHELTER
& AWNING**

**EXCEPTION –
EXTERIOR FINISHES**

**4725 HWY. 75 SOUTH
(FISHER CONTROLS)**

Alan McKelva, 4725 U.S. Highway 75 South, Sherman, TX

Mr. McKelva appeared to represent the request and answer any questions. The property is located at 4725 U.S. Highway 75 South; Fisher Controls is the tenant. They would like to construct a metal smoker’s shelter and awning for their employees. He explained right now the smoker’s area is on a patio, it is adjacent to a break room area, when the doors open, the smoke goes into the break room, then the fight starts, so they would like to move the smoking area farther away from the building. The shelter will be located on the south side of the plant, it is a prefabricated shelter enclosed with glass with a covered walkway leading to it. He had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Atherton asked if they would need an

exception for the awning covering the sidewalk.

Mr. McKelva explained the exception includes the smokers' shelter and awning.

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

ACTION TAKEN.

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

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

VOTING NAY: NONE

MOTION CARRIED

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

FINAL PLAT

THE REQUEST OF ONE GANESHA LTD (OWNERS) AND WINKELMANN & ASSOCIATES, INC. (ENGINEERS/SURVEYORS) CONCERNING THE PROPERTY LOCATED IN THE 6000-6100 BLOCKS OF U.S. HIGHWAY 75 NORTH AND THE 1500-1600 BLOCKS OF F.M. 691 EAST, BEING 16.084 ACRES IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875 AND THE DAVID HARRISON SURVEY, ABSTRACT NO. 587, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL - DR. SWAMY ADDITION, PHASE 1, LOTS 1-9, BLOCK A

FINAL PLAT – DR.
SWAMY ADDITION,
PHASE 1
6000-6100 BLKS HWY
75 N. & 1500-1600
BLKS F.M. 691 E. (ONE
GANESHA, LTD)

Michael Clark, Winkelmann & Associates, Inc., 6750

Hillcrest Plaza Dr. #325, Dallas, TX

Mr. Clark appeared to represent the request and answer any questions. The property is located in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East. They would like to plat the property into nine lots for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

ACTION TAKEN.

Motion by Commission Member Morgan to approve the Final Plat subject to the Staff Review Letter. Second by Commission Member Jacobs.

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

VOTING NAY: NONE

ABSTAIN: ATHERTON

MOTION CARRIED

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

PLANNING & ZONING COMMISSION MINUTES – JANUARY 18, 2011

OTHER BUSINESS

No other business came before the board.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:44 p.m.

OTHER BUSINESS

ADJOURNMENT

CHAIRMAN _____

SECRETARY